

LATVIAN NATIONAL HUMAN RIGHTS OFFICE

REPORT 1997

The Latvian National Human Rights Office is an independent State institution promoting the observance of the basic rights and freedoms of the individual and the citizen in the Republic of Latvia in accordance with the Constitution and international documents binding to Latvia in the human rights area, as well as the Constitutional Law “Rights and Obligations of the Individual and the Citizen”.

The Office is a legal person with its own budget. It is independent in its decision making and performance of its duties.

The Office is obligated to submit not less than once a year a written report to the Saeima and the Cabinet of Ministers on the activities of the Office.

(From the Law “On the Latvian Human Rights Office”)

Index

A Look at Achievements

Olafs Brūvers, Director, LNHRO
Kaija Gertnere, Deputy Director, LNHRO

Analysis, Studies and Opinions

Rights of Vulnerable Groups of Society

Children's Rights
Rights of the Physically or Mentally Disabled
Rights of Prisoners and Ex-prisoners
Rights of Asylum Seekers

Rights of Other Groups of Society

Rights of National Minorities
Patients' rights
Rights of Homosexuals
Rights of Prostitutes

General Human Rights Issues

Part II of the Constitution
Religious Freedom
Official Language
Citizenship
Freedom of Assembly
The Right to a Just Court
Registration of Residence
Discrimination in the Labour Market
State Administration
Property Rights
Social Rights

Information and Education

Rights of Vulnerable Groups of Society
Rights of Other Groups of Society
General Human Rights Issues
Office Field Trips
Informative Publications
Information and Documentation Centre

Investigation of Complaints

Appendixes

Law on the Latvian National Human Rights Office
Founding Law of Consultative Council on Rights
Founding Law of Working Group on Rights of the Disabled
Calendar of Events
Alphabetical Index

The Office is headed by a Director, appointed by the Saeima for a four year term upon recommendation of the Cabinet of Ministers.

(From the Law "On the Latvian Human Rights Office")

The Office may form its own consultative councils as well as working groups for the preparation of specific projects.

Founding Laws of consultative councils and duties of working groups are approved by the Director of the Office. He also approves the membership of consultative councils and working groups.

(From the Law "On the Latvian Human Rights Office")

In order to determine actual circumstances and facts, the Director of the Office hears arguments of the Parties and explanations of other persons, expert opinions, and examines other types of information necessary for the investigation of complaints on their merits.

(From the Law "On the Latvian Human Rights Office")

A Look at Achievements

I was appointed Director of the Latvian National Human Rights Office (LNHRO) by the Saeima at the end of May 1997. Until confirmation of the Director, since July 1995 these duties were carried out by Kaija Gertnere, now Deputy Director. Due to her efforts and the staff of the Office, the Latvian National Human Rights Office has achieved considerable international authority and respect. And it is for this reason that at the present Deputy Director Kaija Gertnere has been entrusted with the duty and responsibility to ensure the allocated international financing for projects carried out by the Office.

Knowing that the Office is well known outside the borders of our country, I believed on taking office that special attention must be paid to Latvia. It is still my opinion that considerable effort must be put into the improvement of the effectiveness of the Office in our country. Thus during my time in office since June 1997 changes have taken place both in the style of management of the Office and the performance of various work and projects. I wish to mention here only a few things which in my opinion are the most important.

By order of the Director, a LNHRO consultative council on rights was established, in which lawyers participate who are well known in Latvia and outside it (see Founding Law of the Council in Appendix No.1). The purpose of this Council is to promote work of the Office in reviewing various laws and drafts from the viewpoint of observance of human rights, as well as to assist the Office in reviewing the legal aspects of various matters. The Council is headed by judge Egils Levits of the European Human Rights Court in Strasbourg.

In co-operation with the Office as well as on the initiative of the Office other consultative councils have been established, involving both staff of the Office and the Director. In order to study activities of various religious movements, sects and cults in Latvia, and to consider issues concerning their registration in accordance with the legislation, a consultative council was established under the Ministry of Justice. The Office takes active part on the Council established by the Department of Citizenship and Immigration of the Ministry of Interior, in order to provide their opinions and recommendations towards resolving issues involving people without Latvian citizenship.

The National Council of the Disabled operates at the Ministry of Welfare, and the CM Commission for the Protection of Children, headed by the Ministry of Education and Science, and representatives of the Office participate in all of these.

In addition to the councils the Office staff also work in various working groups as part of their daily duties. Similarly, we regularly participate at meetings of the Saeima Human Rights and other Commissions, providing recommendations, objections and instructions concerning the observance and ensuring of human rights. I believe that it is important to mention it, because we have seldom reported on these activities to the media and the public, considering it to be our daily work.

Since taking office I have adopted a different attitude to people, namely, I regularly personally see visitors to the Office. This helps the Director to better understand the general situation and problems in society and provides an opportunity for people to personally meet the Director of the Office.

In order to promote observance of human rights and assist in the work of the Office, I have, as Director of the Office, shown my initiative to meet with Government officials at all levels. I can express my satisfaction and appreciation of the constructive and excellent co-operation, which without question has helped to resolve more than one problem. I consider such initiative very important, and wish to continue it in the future.

Between June 1997 and the end of the year I have visited practically all prisons in Latvia. Prison administration and management has never denied the Office staff access to the prisons and see the true situation in this area. During the process of investigating complaints Office staff has always had the opportunity to meet with the prisoners. It is good to know that instructions and recommendations of the Office have been taken into consideration. Office staff are presently working on rehabilitation issues of persons released from prison.

I consider a very important way of popularizing the Office by regular monthly visits to a town or village in Latvia. These visits have persuaded me that utmost effort must be made to make the name of the Office known to a wider audience in Latvia. The experience which I and my colleagues have gained prove that people do not have sufficient information of our work. Visits to the population of Latvia at different locations to inform them of human rights issues must be continued at all costs.

Another problem must be mentioned, too, namely financing for the Office. National budget funds which we have received for the salaries of Office staff and administration of the Office, are not sufficient. Thus I, as the Director, and all of us together, shall put in a lot of effort to achieve the needed results.

Talking of the 1997 activities of the Office, it must be noted that each member of the staff individually and all of us together have performed important work. Each of you will be able to confirm this by reading the following pages of this Report. For myself I can say that I am used to being on the move, and therefore it gives me pleasure to become personally involved in various projects and take on duties. Thus I am less often seen sitting at my desk in a white shirt and tie.

I wish to thank all my colleagues for their performance and ideas, for their idealism in their work and support, without which my work would not be possible. I take advantage of this opportunity to thank international institutions and supporters of our Office for their help to carry out the much needed informative and educational work. A special thanks goes to the UNDP office in Latvia for the support that we have received.

I trust that in the future the Latvian National Human Rights Office will gain ever greater and truer trust and respect of the population of Latvia.

Olafs Brūvers
Director, Latvian National Human Rights Office

“Act so that the maxim of your will can at all times be used as a principle of general legislation.”
Immanuel Kant

A Look at Achievements and International Co-operation of the LNHRO

International partners have made an important contribution to the successful development of the Latvian National Human Rights Office since 1995, especially UNDP and the office of UN High Commissioner on Human Rights.

The Latvian National Human Rights Office is a State institution whose basic budget is guaranteed by the State. Being aware of the limited financial resources of Latvia, which at the present guarantee only minimal performance of functions of the Office, international funding provides the opportunity for the Office to fully develop and carry out the duties provided in the law “On the Latvian National Human Rights Office”.

At the beginning of 1996 under an international project UNDP¹ and the Office of the UN High Commissioner on Human Rights² granted funding to the Office in the amount of 1,7 million US Dollars over a period of four

¹UNDP contribution - \$240,000.00US, Sweden - \$400,000.00US, the Netherlands - \$350,000.00US, Finland \$150,000.00US.

²Contribution by the Office of the UN High Commissioner for Human Rights - \$628,000.00US.

years. These funds are allocated with a view to develop the Office as an advisor to the Government on human rights issues, studies and analysis in various areas of human rights, educating and informing the public on human rights issues, improving investigation of complaints, co-operation with interested organizations and institutions, involving local and international experts and provision of office equipment.

The UNDP international project is unique also because it provides an opportunity for the Office to make its own decisions and administer the allocated funds for the purposes determined by the project. In this way the main responsibility for the project is placed on the performer, at the same time providing for considerable freedom of action in making decisions in accordance with the needs.

A large part of Office activities are carried out with the help of international funding. I would emphasize some of the more significant activities in 1997.

Working with the Naturalization Department and Soros Fund Latvia the Office started a joint project "Towards a Civil Society", aimed at obtaining objective and neutral information on issues of citizenship and identity, as well as finding out the reasons for the slow pace of the naturalization process. Respondents in the study were both citizens and permanent residents, in order to more fully determine public attitude to important issues in the development of our country in relation to integration. Responses to the basic questions asked by the study on the attitude and understanding of the population of Latvia towards their country, citizenship, language, and other nationalities, will help in the work of the Office and hopefully will serve as an objective source of information for Government officials and the legislators in adopting decisions which would promote social integration.

The Office television programme "The Individual and his/her Rights" is the most popular and valued activity of the Office.³ This programme deals with current human rights issues and provides information to the public on rights of the individual, as well as trying to promote a tolerant attitude to questions on which there is little information available in Latvia at the present time, and to which there exists a conflicting attitude. The audience of the programme "The Individual and his/her Rights" has doubled since its beginnings, the programme is watched by an average of 240,000 people.

In 1997 premises of the Office were made accessible to the disabled in wheelchairs. A new lift was built in the Office building and a special lifting device outside. The international UNDP project provided funds for this improvement in order to make the Office premises accessible to every member of the population, also to people with limited movement ability.

Suggestions, Recommendations

1997 marks an important period of time in ensuring international commitments of Latvia in the human rights area. The Saeima passed a law on refugee status and ratified the UN Refugee Convention. The Office prepared and submitted to the Government working group recommendations for the preparation of a draft law and participated in discussing it. The Office made use of advice from international experts in formulating its recommendations, in order that the recommendations would conform to EU requirements.

In December 1996 the Office distributed an Opinion on differences in the rights of citizens and persons without citizenship of the Republic of Latvia, where the Office had found several restrictions of rights which were in conflict with the international commitments of Latvia in the area of human rights. In 1997 the Saeima eliminated the restriction that only citizens may work as fire fighters. The Amnesty Law, too, which is passed every year, in 1997 no longer provides the restriction to apply amnesty to citizens of the Republic of Latvia only. The Office continues discussions with the Saeima and the Government to attain elimination of remaining restrictions, namely the right to work as private detectives, employees of armed security, airline crews, sworn advocates and assistant advocates and be elected to elected bodies of religious organizations.

In June the Saeima ratified the European Human Rights Convention, thus recognizing as binding the standards of democracy and human rights provided therein, as well as the jurisdiction of the European Human Rights

³ According to information of the Latvijas Datu Nams 1997 poll "Human Rights"

Court. Working with the Council of Europe the Office organized educational seminars for representatives of the legal professions on the significance of the Convention and its application in practice, and prepared and distributed informative material on the rights provided by the Convention.

International Events

In June UNDP in co-operation with the Office organized an international regional conference in Rīga “Establishing Democracy - from Theory to Practice” One of the objectives of the conference was to share the experience of member countries on mechanisms of a national level in ensuring protection of human rights. Participants at the conference had the opportunity to examine the Latvian model - the process and activities of establishing the Latvian National Human Rights Office.

In August the Baltic and Nordic conference on gender equality “Women and Men in Dialogue” took place in Valmiera, so far the largest project the Office had co-organized. The four day conference, the largest project of the Nordic Council of Ministers in 1997, had an attendance of almost 2,000 interested parties, volunteers, participants in cultural programmes and reporters. The purpose of the conference was to draw attention of the Governments, Parliaments and public of the Baltic countries to the issue of equality of the genders as one of the basic conditions of a country’s social development, and promote a dialogue of the genders on popular stereotypes and problems related to the equal application of rights of women and men.

International Recognition

In April the Office was visited by the EU High Commissioner Hans van den Broeck, to examine the work of the Office. He evaluated our achievements very positively and called the Office a “Super Ombud” The Commissioner admitted that the Office is a more suitable structure for the improvement of human rights in Europe than the traditional European ombud⁴ institutions. He expressed the interest of the EU Commission to support the work of the Office in the area of information and education by providing funding for this purpose in 1998.

In June the Office had a visit from the Deputy Secretary General of UN, R. Ahmed and Director of UNDP Regional Office for Central and Eastern Europe, H. Kruiderink to see for themselves one of the financially largest projects of UNDP. The UN officials mentioned as an additional role of the Office under the UNDP international Project being a model for other countries in this and other regions of the world, considering the Office as an example for a successful solution in the promotion of protection of human rights on a national level.

Evaluation

For the second year running a sociological poll of the population of Latvia, “Human Rights” is carried out at the request of the Office to determine public attitude to various human rights questions and evaluate the activities of the Office. The Office makes use of the poll to find out public opinion of the more important human rights issues, how satisfied people are with the observance of their rights and opportunities to defend same, how priorities of the population are reflected in the work of the Office and plan future work, taking the results of the poll into consideration. Comparing the results of the 1996 and 1997 polls, a positive indicator is the fact that during the past year the number of the population of Latvia who are aware of the work of the Office has increased by 20% (a total of more than half of the population of Latvia).

In the Spring of 1997 UNDP carried out an independent audit of funds of the international project used by the Office during the first year. The opinion of the audit in assessing results of the audit was positive.

One of the requirements of international donors under the UNDP international project is the actions of the Latvian Government in gradually and reasonably increasing the allocation of the national budget to the Office in

⁴ O,mbud - protector of the people, is usually an official appointed by Parliament who functions are provided by the Constitution or a special Law. The basic functions of ombud is to monitor the compliance of State administration with the law, this is usually done by written complaints of the population.

order that by January 2000, when the international financing will cease, the Office would be able to properly carry out all the duties provided by the law.

Kaija Gertnere
Deputy Director
Latvian National Human Rights Office

Analysis, Studies and Opinions

“ It is a function of the Office to study the situation of observance of human rights in the country and perform an analysis of Latvian legal norms in order to determine their compliance with international agreements binding to Latvia in the area of human rights.”

(From the Law “On the Latvian National Human Rights Office”)

Interested persons may obtain texts of analysis, studies and opinions discussed in this Section from the Information and Documentation Centre of the Office.

Last year the Market and Social Studies Centre “Baltijas Datu Nams” carried out a public poll to find out whether human rights are observed in Latvia, in which areas these are violated most, what are the main reasons for violation of human rights, how aware is the public of the activities of the Latvian National Human Rights Office, how are the activities of the Office considered as a whole and in specific areas.

1,023 persons (respondents) were polled, between the ages of 15 to 74, at 104 selected points.

The majority of respondents considered the most serious problem in the area of observance of human rights to be observance of rights of the elderly - 51.2% of the respondents. Citizenship issues had second place, these appeared to be of most concern to other nationals, but just as important appeared to be the right to education, children’s rights and the right to a just Court. Latvians, more so than other nationals, are concerned regarding violence in the family, children’s rights and the right to a just Court.

22.6% were of the opinion that their human rights were violated only following the independence of Latvia. It is interesting that, as the level of education increases, the number of respondents increased who believed that their human rights were violated.

Comparing the data of this poll to that of September 1996, it must be concluded that most problems have not lost their currency. People are concerned with problems such as children’s rights, the right to a just Court and the right to equal social guarantees even more now than a year ago. Observance of tenants’ rights, attitude to which was not studied by last year’s poll, is one of the most serious problems in the opinion of the respondents.

The majority of those polled consider rather critically the situation in the area of observance of human rights in Latvia. Almost two thirds of the respondents believed that problems are being resolved with difficulty, or that human rights are badly observed. The attitude to observance of human rights in Latvia has not changed significantly since 1996. Most of the respondents who thought that their human rights had been violated feel discriminated against in employment relations. About a third named living conditions and the right to citizenship as an area of violations of human rights.

The main reasons for violating human rights were mentioned language, nationality and age. Compared to the data of the 1996 poll, the number of respondents who believe that their human rights have been violated because of age, had increased. If in the previous poll this factor was mentioned mostly by the older generation, then last year’s poll shows that youths, too, suffer from age discrimination.

The number of respondents who believe that their human rights were violated because of nationality, has decreased significantly. Nationality and age as reasons for violations of human rights were mentioned mostly by other nationals, especially non-citizens. Latvians, on the other hand, feel discriminated against because of age, their political opinions or other reasons.

Compared to the results of the previous poll, evaluation of activities of the Office as a whole has not changed.

Rights of Vulnerable Groups of Society

Children's Rights

The Office considered the situation in the area of children's rights to be unsatisfactory. Based on complaints received by the Office and consultations with public organizations, the Office has selected several areas of protection of children's rights where special problems appear:

- for many families with children their level of social welfare is insufficient to take care of the primary needs of children, and conditions precedent to ensuring individual development of children are not met;
- since no proper system for care and rehabilitation has yet been established in the country, problems of roving, truant children and juvenile delinquents are not being resolved as a whole;
- children, victims of violence, do not receive proper assistance from the Government, staff of law enforcing agencies are not trained in contact with these children, and norms of Latvian legislation do not limit the number of investigations of children, victims of violence;
- there are special problems in the area of integrating handicapped children because comprehensive schools are not prepared to accept these children, but special schools do not have the facilities for the needs of the general development of the children;
- similar problems affect orphans and abandoned children. Although the children are under State care and are socially secure, the existing system fails to ensure their proper development and preparation for an independent life.

Following this assessment, the Office prepared and submitted recommendations for a national programme for protection of children's rights for 1998 - 2000, which is being drafted by the Commission for the Protection of Children's Rights of the Cabinet of Ministers.

Office recommendations include several important issues - integration of handicapped children into society, access to information by children, parents and persons interested in children's rights and their implementation; matters of education and co-operation of staff of institutions for the protection of children's rights, etc.

In co-operation with the Prosecutor's Office, the Children's Fund and the Department of Pedagogy and Psychology of the University of Latvia, the Office has established a working group to prepare a training programme on abuse of children for the use of prosecutors and investigators. The programme will include development of professional skills in contact with children, victims of violence, investigating techniques and interpretation of legal norms.

At the training organized by the Office for inspectors of the State Police juvenile cases and inspectors of juvenile matters of municipal policy on observance of children's rights in Police work, participants prepared a document drawing the attention of officials to the critical situation in the area of juvenile delinquency and insufficient Police resources, and suggested to consider Police work with juveniles a priority. The prepared recommendations were submitted to the Ministry of Interior. The training included lecturers from the Police Institute of the Netherlands.

The Office supported in principle the draft law on children's rights prepared by the Saeima, but prepared its recommendations. In the recommendations the Office directed attention to the following areas:

- * it is essential that an institution be established which would be responsible on a national level for the protection of children's rights and would co-ordinate the work of Ministries and municipalities in this area;
- * certain norms contained in the draft law are in conflict with a woman's right to inviolability of private life, which in fact means the artificial termination of pregnancy. Recognition of the embryo's absolute right to life conflicts with the aims and purposes of the European Human Rights Convention;
- * to comply with the UN Convention on Children's Rights, the draft law must include a general principle of non-discrimination, which would provide that within their rights children are equally independent of differences among them.

The Office participated in the working groups discussing this draft law in the Saeima. It is planned to adopt the law on protection of children's rights in 1998.

The Office considers unacceptable the attitude of a part of the public that it is necessary to introduce paid intermediate education in the country. The Office prepared an opinion on a child's right to free compulsory

education, including not introducing payment for teaching aids. This is provided in the international commitments of Latvia and a limitation of these rights cannot be permitted. The opinion was distributed to officials and the public.

In order to avoid a situation where orphans and abandoned children whose parents of record on their birth certificates are not citizens of Latvia, are unable to obtain Latvian citizenship, the Office prepared recommendations and submitted these to the Saeima Commission on Human Rights and Public Affairs. The recommendations provide for granting of citizenship of the Republic of Latvia to all orphaned and abandoned children born in Latvia and brought up in State or municipal orphanages and homes regardless of the citizenship of their parents.

The Office prepared and submitted to the Centre for Support of Pedagogues recommendations for work in schools and other institutions related to the upbringing of children.

Rights of the physically and mentally disabled

The Office believes that integration of the physically or mentally disabled into society is still difficult. Reforms in this area must be directed not to ensuring complete general and medical care, but to the use of the maximum social abilities of the disabled and bringing them into maximal contact with activities of healthy people. In Latvia the disabled, depending on the seriousness of their handicap, are divided into three groups of disability. In the opinion of the Office this does not fully reflect the specifics of the illness and interferes with individual approach in the area of rehabilitation.

For this reason the Office participated in working groups of the Ministry of Welfare, preparing a concept of integration of the disabled, "Equal Opportunity for all", especially emphasizing the inclusion of provisions of UN Model Regulations on providing equal opportunities for the disabled in this national concept.

Studying the situation of rights of this group in the country, the Office found that the disabled are not well informed of their rights. Therefore, taking into consideration recommendations of public organizations, a series of lectures was organized on the rights of the disabled, which included several subjects - obtaining disabled status, medical care and purchase of medical technical equipment, education, professional orientation, trade education, employment, social and legal assistance, etc.

Existing Cabinet of Ministers Regulations provide that the hearing handicapped are not registered under the unemployed status without a document certifying their proficiency in the official language. Such a norm restricts the rights of the hearing disabled, and we recommended that these Regulations be supplemented with a norm providing that the visually, hearing and speech disabled obtain unemployed status. The visually, hearing and speech disabled are already excused from the official language test in obtaining Latvian citizenship by naturalization.

An especially vulnerable group are the mentally disabled. These people often lack the ability to defend their rights. The Office therefore supported the establishing of a public organization targeted to the mentally ill and their families, which is the first organization of such a profile in Latvia.

The Office believes that the rights of the deaf and hearing disabled are not sufficiently implemented. Government institutions do not provide opportunity for the deaf to be heard and understood because there is no mechanism to provide them with an interpreter, although in these cases it would be the responsibility of the Government and municipalities. The second equally important area is education. In this area the Office sees two serious problems - the place and quality of education. It is important that children with defective hearing have the opportunity to receive education in any part of Latvia, because that would ensure the right of child to grow up in his/her family.

In order to discuss possibilities for improving conditions of the disabled, the Office organized a discussion "Equal Rights for the Disabled", attended by representatives of public organizations, legislators and State administration. As a result of the discussion representatives of the Saeima agreed to see that laws adopted in future would comply with the UN Model Regulations on equal opportunities for the disabled, and it was decided to establish at the Office in 1998 a permanent working group on the rights of the disabled. The purpose of this working group is to assess the situation of observance of rights of the disabled in the country and prepare recommendations to eliminate the problems found and promote the rights of the disabled (see the founding law

of the working group on rights of the disabled in Appendix No.2). The most current problem in the area of rights of the disabled mentioned was access to the environment, education and employment as well as public attitude to the disabled.

Rights of Prisoners and Ex-prisoners

In 1997 the Office received 60 complaints from ex-prisoners. Each month some 200 people are released from Latvian prisons. On October 14th a public discussion took place at the Office, "Rehabilitation and Integration into Society of Ex-prisoners"

Upon investigation of complaints by prisoners and ex-prisoners the Office found the following problems:

- * there is no common concept of social rehabilitation for persons who have served their term of sentence;
- * upon release from prison these people lack information where to look for help to solve their problems regarding social issues;
- * there is no special rehabilitation service with whose help the ex-prisoners could integrate into society.

Rights of Asylum Seekers

On June 19, 1997 the Saeima adopted the law "On the July 28, 1951 Convention on Refugee Status and its January 31, 1967 Protocol on Refugee Status" and the law "On Asylum Seekers and Refugees in the Republic of Latvia", in the preparation of which a representative of the Office took part.

The Office supported the actions of the Saeima in forming a legal basis for granting asylum, which relates to one of the most essential issues of human rights - the right to seek and obtain asylum from persecution.. However, at first Latvia wanted to apply both the Geneva Convention and the Law to residents of European countries only. Since other Latvian laws do not provide for legalization of persons because they face danger in their countries of origin, the Office believed that the minimum criteria in observing and ensuring basic human rights must be equal both in the attitude to residents of our country as well as attitude to refugees and asylum seekers. It should be noted that the Republic of Latvia has recognized the General Declaration of Human Rights to be binding, which provides that all persons are entitled to seek asylum from persecution in another, safer country. Residents of Latvia are not denied these rights in other countries.

Therefore the Office recommended to amend the law "On the July 28, 1951 Convention on Refugee Status and its January 31, 1967 Protocol on Refugee Status" and again discuss the version of the first reading which provided for the principle that the right to seek asylum and obtain refugee status must be considered rights of the individual rather than rights that originate in belonging to a specific group of society (in this case - asylum seekers from Europe).

Rights of Other Social Groups

Rights of National Minorities

In preparing a report on rights of national minorities in the area of education, the more important conclusions of the Office are as follows:

- looking at the question of language in the area of education, a difference must be made between the general right to the mother tongue and the opportunity to obtain education at different levels. Both the Latvian "Language Law" and the "Law on Education" provide that "In Latvia the right to obtain education in the official language is guaranteed. The right to obtain education in the language of birth is provided also to other nationals residing in the country." At present it is possible to obtain elementary and intermediate education in Latvia in the language of birth of the national minority, since there are operating Russian, Estonian, Romany, Ukrainian, Jewish, Lithuanian and other schools. It should also be noted that any person belonging to a national minority may establish a school at its own cost in its own national language. It can therefore be said with certainty that the rights of national minorities in the area of education have not decreased;
- the rights of national minorities to education are closely tied to the right to use and study one's native language, because a language has a special place in the preservation and development of ethnic identity. The right of national minorities to establish and manage educational facilities are provided by international rights,

but it is the responsibility of Governments to enable the establishing of these educational facilities by promoting, for example, foreign funding;

- the active participation of national minorities in determining educational policies is essential, therefore, when preparing it, the interests and needs of national minorities must be taken into account by involving them in the decision making process.

The international commitments of the Republic of Latvia in the area of education of national minorities are not in conflict with national legislation. However, considering the importance which international documents place on the rights of national minorities in the area of education, Latvia must as far as it is able, support and extend the wishes and needs of national minorities.

Patients' Rights

The Office has started analyzing patients' rights from just one, but a very important, aspect - the right to confidentiality of information concerning a patient's care, diagnosis of the specific illness and prognosis, etc. The confidentiality provided by Latvian normative acts concern all illnesses without difference, including information on any person contracting sexually transmitted diseases. AIDS and infection with the HIV. However, a violation of the patient's rights occurs if there is an opportunity to disclose this information. Information may be given with the consent of the Head of the medical facility upon written request of the Health and Employment Expert Doctors Commission, Police, the Prosecutor's Office and Courts regarding a specific patient if it concerns interests of the patient's health, the public or the State. These regulations do not provide that Heads of the aforesaid institutions must state their reasons for which such information will be used.

Rights of Homosexuals

There still exists a strong bias in society against people of different sexual orientation, and discrimination of such people can often be observed.

For this reason the Office, working with the Homosexuality Information Centre, began a project to provide information to both gays and lesbians and the public in general regarding issues concerning rights of homosexuals and their problems. The purpose of the project is to determine whether social and legal discrimination exist in this area and if so, then how to eliminate it.

Rights of Prostitutes

A situation has arisen in Latvia, where prostitution finds itself in a half-legalized situation - people engaged in prostitution presently belong to a category socially and legally unprotected because prostitution is forbidden by law, but representatives of this profession are not criminally prosecuted. Being aware of this situation, persons engaged in prostitution do not come to the Police in cases of violence and other violations.

The Health Promotion Centre has organized a working group for the prevention of prostitution and sexually transmitted diseases, made up of doctors, morals police, a representative of the Office, representatives of Government and non-governmental organizations and persons engaged in prostitution. The main work of this group is directed to improving legislation on questions of prostitution.

General Issues of Human Rights

Part II of the Constitution

An important event at the end of last year was the discussion of Part II of the Constitution, "On Human Rights", by the Saeima. The Office is of the opinion that adoption of this Part would significantly strengthen the basic rights of the individual, because it would guarantee the most complete protection of these rights, which is the main responsibility of the Government. By adopting Part II of the Constitution, the hierarchy of legal norms would be clearly defined, the present lack of which seriously hinders applying legal norms in conflict cases.

The Office believes that the adoption of a new part of the basic law of the country is an important event in the life of the State and the public, and therefore the draft should be discussed not only among professional lawyers and experts in human rights, but by as much of the public as possible.

This draft omitted many essential basic human rights, freedoms and basic obligations, the existence of which the Office considers self-evident:

- a person's right to a just, open and timely hearing of his/her case by a competent, independent and objective Court;
- rights which guarantee a fair attitude if a person is accused or arrested because of suspicion of having committed a crime; the right to receive information concerning such accusation, and defence, the principle that a law is not retroactive and that criminal liability may only be individual;
- the principle that no person may be forced to disclose his/her religious or political opinions. The political and religious opinions of a person are his/her personal choice which need not necessarily be disclosed unless the person wishes to do so;
- the general principle of non-expulsion which provides that no one may be expelled from Latvia to a country where his/her life or freedom is endangered. The inclusion of this principle in the Constitution is an essential guarantee that the State recognizes the rights of asylum seekers and international principles in the area of protection for asylum seekers and refugees;
- protection of the minimal rights of jailed and arrested persons, which is an essential part of human rights, because these persons are considered one of the vulnerable groups of society;
- the responsibility of parents to ensure their children's education; the responsibility of the individual to pay taxes, observe the law, respect the traditions and customs of the Latvian nation and ethnic and national groups residing in Latvia.

The recommendations listed in this section are more applicable to personal responsibility; it must be remembered, however, that there exist not only the right of one party and the obligation of the other. Every individual has obligations towards the State, thus creating a mutual balance in the relationship between the individual and the State.

Religious Freedom

The Office watches out that no person in Latvia is denied the right to individually or with others express their religious opinions, and that a person is not persecuted because of his/her opinion, etc. The Office therefore gave a negative opinion on the draft law prepared by members of the Saeima "Amendments to the Code of Administrative Violations in Latvia", which provided for charging founders of unregistered religious congregations, heads of religious organizations or authorized representatives in cases of starting activities prior to registration of the congregation as well as continuance of such activities after termination of registration of a religious organization by Court Order. We believe that by adopting such a provision, human rights in the area of religion, guaranteed by the State, would be violated, the freedom to preach would be denied as well as the opportunity to assemble with other members of one's faith and follow religious cults and perform other religious activities.

The State must guarantee the right of every individual to express his/her religious persuasion, also in cases when a person wishes to do so in a group which has not obtained the status of a religious organization. This conclusion conforms to Clause 9 of the Human Rights Convention of Europe and, as is evidenced by the interpretation of Article 9 by the European Human Rights Court, the State is not obligated to find the most suitable way for a religious organization to find its place in the legal structure of the country, because members of this organization may equally well preach their opinions outside legal structures.

Registration of Religious Organizations

In reacting to complaints received from Jehova Witnesses and other religious organizations and which showed problems in obtaining legal status, the Office prepared an opinion on the relationship between the institute of registration and human rights.

Application for registration of a religious organization and the decision to register or refuse to register relate to an area of rights of the State, but it is equally important for the private rights of the organization in question, which are considerably more extensive for an organization that has obtained legal status. However, failure to obtain legal status may not be tied to violation of human rights if the State guarantees everyone's right to

“individually or with others” preach religious opinions in a group which is not registered as a religious organization.

In such cases the Office believes that legal norms must be applied in a way that a person’s basic rights are not affected depending on belonging to a registered or unregistered religious organization. The institute of registration as such should not be interpreted beyond the aims of national statistics, as well as from the viewpoint of the religious groups themselves, to make them legally able, i.e. obtain the status of a legal entity which facilitates their operations within a country’s legal system.

At present there is much public discussion that according to basic principles of democracy and human rights, all religious organizations should be granted equal rights, of course, taking into account the legality of their activities in accordance with a country’s legal system. On the other hand, looking at it from another aspect, it is the responsibility of a democratic country to protect not only minorities but also its own identity and cultural environment. Therefore there must be a differentiated attitude, especially in the public rights of religious organizations such as marriage, education, etc.

Representatives of the Office have participated in several meetings of the Saeima Commission on Human Rights and Public Affairs where issues in the area of religious freedom were discussed, good co-operation has been established with the Department of Public and Religious Affairs of the Ministry of Justice, dealing with the national policy in resolving religious issues. As a result of this co-operation a Council for the study of new religious movements was established, in which representatives of the Office take active part.

Official Language

The Office supported the necessity for a new official language law, because, although the Latvian language, too, has been given the status of official language, the previously effective language law of the Republic of Latvia regulates the use and protection of not only the Latvian but also other languages.

There is a need for a special legal regulation of the use and protection of the official language also in order to extend the functioning of the Latvian language.

However, since regulating the use of the official language touches also on the private sphere and thus the individual rights of people, the Office reacted to and gave recommendations for the draft law on the official language in matters concerning human rights. It should be noted that since the language question differs from country to country, international documents in the area of protecting human rights and protection of minorities contain only general guidelines for language policy and permits member countries to evaluate the suitability of many norms themselves.

The Office suggested:

- Determine spheres to which the draft law will not apply. For example, the draft law need not regulate the language used in the practice of religious organizations as well as the use of language by national and ethnic groups.
- Not provide that documents issued after May 5, 1992 and submitted to Saeima and institutions of State administration and municipalities, all instances and civil departments, companies and organizations, must have a notarized translation in the official language attached, because this provision is tied to costs.
- A division must be observed between private and public sectors.
- Not restrict the use of language in events such as meetings, peaceful demonstrations, etc.
- Determine mechanisms for the protection and promotion of the Liv language, and special funding for the protection and development of this language, it being the language of the only original minority.

In evaluating Regulations of the Cabinet of Ministers which provided for a requirement of certification of proficiency in the official language in order to obtain unemployed status, the Office considered this norm discriminating and not conforming to the Constitutional Law of the Republic of Latvia “Rights and Obligations of the Individual and the Citizen”, as well as the Language Law. Article 4 of the Language Law of the Republic of Latvia does not at present include all specialities and trades for which proficiency in Latvian is required, therefore providing for such requirements for people looking for work has no grounds. According to the aforesaid Article, mandatory proficiency in Latvian is required only for those employees working in State administration, institutions, instances, companies and organizations.

Citizenship

The Office has found that there exist seven restrictions of rights in the area of employment for persons who are not citizens of the Republic of Latvia and which are in conflict with international commitments of Latvia and should be eliminated.

Since by the end of 1997 only one restriction of human rights was eliminated (persons without citizenship of the Republic of Latvia may be employed as fire fighters and rescue workers), the Office invited representatives of Saeima factions to a discussion in order to consider opportunities for eliminating these issues. During the meeting the Office especially emphasized the fact that, from the human rights viewpoint, a division must be strictly observed between the public sphere which may be regulated by the State, and the private sphere, where State regulations may be permitted in special cases only. The existing restrictions mainly involve the private sector, because business in a market economy belongs to the rights of private sector - the right to work as a private detective, airline crew, obtain licence for a pharmacy or veterinary pharmacy. The Office also considers those legal norms which restrict persons without Latvian citizenship from holding elected office in institutions of religious organizations discriminatory.

The Right to Assembly

In evaluating the law "On Meetings, Demonstrations and Pickets" from the aspect of its conformity to international human rights norms, the Office objects to several formulations in it. The law provides that if an event conforms to requirements of the law, permission from State and municipal institutions is not required, but at the same time it provides that "an event may not be organized if the organizer has not received a certificate confirming that the municipality has no objection to the event being staged." Therefore it must be concluded that a permit, which the law calls a certificate, is needed after all.

The prohibitions contained in this law are also too generally worded. It is forbidden to have on one's person items which may be used to incur bodily harm. However, a fountain pen and paper knife, umbrella and other items, too, may cause bodily harm, therefore, having these items on one's person may be considered a violation of this law.

Similar objections apply to the prohibition to carry out activities which are a violation of virtue and morals. The demand of homosexuals for equal rights based on sexual orientation, may infringe on the moral sense of society, and as a result a municipality may unreasonably refuse permission for events staged by homosexuals.

Right to a Just Court

The Office found that a conflict had occurred between the Latvian legislation and international commitments regarding every individual's right to a timely, just and open hearing of a case by an independent and objective Court. This conflict had occurred in relation to the term "timely" because Latvian legal norms, specifically the Latvian Criminal Code, fails to provide for a deadline by which the Court must reach a final - condemning or acquitting - verdict.

Judging by the complaints received at the Office, we find that the State sometimes fails to ensure legal protection for its citizens and residents.

When addressing disputes between tenants and landlords (managers), the Parties are forced to use the Courts. Although the Court is an instance which by law has been granted authority to resolve disputes, in this case the usefulness of this kind of resolving of an issue is doubtful, because of the following arguments:

the application to file is a complicated form;

there is the State fee;

special knowledge - in civil disputes the presence of advocates is not mandatory, but in reviewing a dispute between the manager of a building and a pensioner, it is an emotional experience for the latter and the level of his/her knowledge in housing legislation does not compare to that of the building manager;

deadlines for hearing the case - for example, if a person has filed a claim in Court concerning the legality of calculating communal payments, or regulations for changing apartments, the judicial process may take several months. Even supposing the results are in favour of the tenant, it may lose its importance because of the length of the judicial process.

The Office suggests that disputes concerning amounts or calculations of communal payments, provision of information, regulations for exchange of apartments, registration of residence, etc., be resolved by the pre-trial

process. It would be useful to establish a special institution whose functions would be similar to those of an arbitration Court in resolving these and similar disputes.

Registration of Residence

In reaction to the many complaints received, the Office prepared an opinion on the necessity of registration of residence within the Latvian legal system .

The Office found that although today many countries pay only minimal attention to registration of residence, within the Latvian legal system the requirement to advise State administration of a change of address (registration at the place of residence) is justified and necessary. However, considering that Latvia has recognized a person's right to freely choose one's domicile, a person's right to leave his/her previous residence and choose another may not be subject to the consent of a State or municipal institution. The laws and other legal norms of the Republic of Latvia are not in conflict with this principle, except for Article 45 of the law on compulsory military service, which is in gross conflict with this principle (it is forbidden to register or delete from registration Latvian citizens (men aged between 18 and 45 years) who have not completed documents relating to registration for compulsory military service).

The Office considered that the registration process itself does not conform to the spirit of a democratic country and human rights, because it may restrict a person's basic rights.

It was therefore recommended:

- to supplement the law "On Rent of Residential Premises" with a section providing specific deadlines and form in which municipalities are advised of change of residence if the lease agreement is signed for that purpose;
- revoke the presently effective regulations for registration and de-registration of residents;
- revoke the requirement to stamp passports indicating registration of residence. If this requirement is retained, the institution responsible for such registration may not refuse to make this notation;
- co-ordinate legislative acts with the definition of residence provided by the Civil Law, according to which residence (domicile) is the place where a person is voluntarily living by directly or tacitly expressed wish to permanently reside or operate there. One person may have more than one place of residence. Temporary stay does not create legal consequences of a residence and these are considered not according to length of stay but intent.;
- delete Article 45 of the law on Compulsory Military Service.

Discrimination in the Labour Market

In April students of the Vidzeme University were seconding at the Office in order to carry out a study of discrimination in the labour market. Compiling employment vacancies in the larger newspapers between April 15 - 21, it was found that out of 79 advertisements 33 were in breach of Article 15 of the Labour Code, placing requirements on respondents not related to qualifications necessary for the work in question.

The study permitted us to reach certain conclusions. When placing employment advertisements, only recently any attention is paid to discrimination. Employers are not sufficiently informed regarding placing tolerant employment advertisements and are often guided by certain stereotypes. Government institutions have not been able to find a practical solution for the problem, the only thing that can be done, for example, by the National Labour Inspection, is to advise responsible institutions to avoid them being in breach of the law.

The students involved in the study prepared several models of tolerant employment advertisements. Taking into consideration the specifics of the job in question, the determining factors must be the employee's education, qualifications, experience, language proficiency, and not such factors as age, gender and exterior measurements, which may not be indicated in the advertisement.

State Administration

The Office has found that institutions of State administration violate the rights of residents in their work in the following areas:

- providing information and attitude towards the public;
- reviewing applications;
- making decisions.

The Office has received especially many complaints regarding the Department of Citizenship and Immigration of the Ministry of Interior. In order to improve the situation, the Office arranged for a meeting with the Department heads with a view to establishing an institution which would prepare and investigate cases. These meetings are regular, and as a result a special Council was established on which staff of the Department, the Office and the Prosecutor's Office were represented. The Council reviews all complicated cases relating to residence permits.

Property Rights

At the end of last year a special issue of property rights came to attention, and studying this we reached the conclusion that in addressing matters of expropriation of real property, a balance has not been reached between the interests of the State and society and the basic rights of the individual.

Property is the most important and of the largest scope of rights of things, characterized by the direct and legal power of the holder of property rights over an item, in addition to which the relationship between the person and the item is a social relationship, because it places responsibility on all other persons, including the State, to respect this right of the owner and to refrain from actions which might harm the implementation of these rights. This principle was taken as the basis when in 1990 the Supreme Council and Government of the Republic of Latvia re-instated private property. Unfortunately, in analyzing the law "On Expropriation of Landed Property for national needs within the territory of the national airport company "Rīga" and its application, we find that the State, by expropriating property for public use, has failed to determine appropriate compensation, as provided in the Latvian Constitutional Law "Rights and Obligations of the Individual and Citizen", as well as international documents in the area of human rights binding to Latvia; even in case of appeals the maximum amount of compensation is limited.

Social Rights

The Office pays ever more attention to the observance of social rights of the population. The right to a life of human dignity, employment and social security are human rights which at present are of concern to the majority of the population of Latvia. The International Covenant on economic, social and cultural rights, which is binding to Latvia, provides that all member countries of the Covenant must guarantee the rights of every individual to a standard of living appropriate for him/her and his/her family, including proper food, clothing and housing.

One of the priorities of the Office is a study of social rights. The first phase of the study was completed at the end of December. The purpose of the study is to analyze the situation how the social assistance system in the country ensures and provides assistance to different social groups, what allocation is there in the 1998 budget earmarked for social purposes, how municipalities are involved in extending social assistance. By this study the Office intends to draw public attention, especially the attention of representatives of Government institutions and legislators to how social issues are addressed in our country.

Education and Information

It is the function of the Office to provide all-round information to the public on human rights, as well as promote the recognition and understanding of these rights; react immediately to any violations of human rights, as well as on its own initiative investigate circumstances which might lead to such violations; study the situation of observance of human rights in the country, especially in areas concerning vulnerable groups of society.

(From the law "On the Latvian Human Rights Office")

In carrying out the public poll "Human Rights" public awareness of activities of the Office was determined. About half of the population of Latvia (52%) are aware of the Office. In Rīga 61% of the population have heard of it, but in Latgale and Zemgale only a little over a third of the population know about the Office. Since 1996 the number of people who know or have heard about the Office, has increased by 18%.

The main source of information is Television, followed by the Press. In Rīga and Latgale the Press was named as a source of information more often than elsewhere. Managers and leading specialists, farmers, civil servants

and labourers more often claim that they obtain information about the Office in the Press. The significance of sources of information has not changed since 1996.

**Rights of Vulnerable Groups of Society
Children's Rights
Seminar on Ensuring Children's Rights**

In January Orphans Courts opened in all towns and *pagasts* of Latvia. This is a novelty for both the residents as well as the staff of other structures for protection of children's rights. In order to advise specialists of changes in the structure for protection of children's rights in municipalities, and consider how to effectively address problems, and co-operate with various institutions, the Office, in co-operation with the Centre for Protection of Children's Rights, organized a seminar on ensuring children's rights in municipalities, which took place on January 13th and 14th in Madona. The seminar was attended by representatives of all responsible institutions.

A Seminar for Police Inspectors of Juvenile Delinquency

In order to promote observance of human rights by the Police in contact with juveniles and learn of the experience of the Netherlands Police, the Office organized a seminar on February 17 - 19 for Chiefs of the Police Inspectorate of Juvenile Delinquency and Police inspectors of Juvenile Delinquency of the Rīga municipal police, "Police Work with Juveniles", where representatives of the Netherlands Police Institute were invited to lecture. In compiling the ideas expressed at the seminar, a document was prepared, which emphasized the fact that Police structures pay little attention to problems of juvenile crimes. It included a call to determine working with juveniles a political priority of Police work.

School Educational Programmes

The Office school educational programmes include two directions - human rights as a subject in social studies and human rights in upbringing, shaping the school and class environment.

Within this programme, a course took place in Rīga January 3 - 4 for teachers of Latvian elementary schools. Its purpose was to introduce teachers to important human rights documents and create an understanding how to implement norms of human rights in elementary schools. Workshops placed emphasizes on a child's individuality, inviolability of private life, self respect and tolerance. Lectures were augmented by practical workshops during which specific Articles of the UN Convention on Children's Rights were emphasized. Latvian teachers were introduced to a previously little known method of teaching. This method helps to create better class environment and teaching atmosphere.

The next course, which took place on March 26 - 27, analyzed problem situations in Latvian schools in lectures and workshops from a human rights viewpoint. The main subjects related to integration of the disabled in a normal school environment, attitude to the disabled, cases of psychological and emotional violence among students, questions of gender equality in upbringing, forming tolerance among people of different ages. The teachers were introduced to issues of refugee rights presently current in Latvia. February 6 - 10 saw a course for home-room teachers in Rīga where a representative of the Office gave a lecture on the UN Convention of Children's Rights as one of the main documents by which a home-room teacher could be guided in his/her work in bringing up children.

Conference "The Child in an Endangered Social Environment"

The Office participated as a co-organizer in the June 3 - 4 Baltic conference "The Child in an Endangered Social Environment", the purpose of which was to create a discussion forum for responsible institutions and non-governmental organizations whose work involves implementation of children's rights on a daily basis.

The main subject of the conference related to a negative social environment to which children are subjected - children's health as security, the security of a child's mental development, socio-economic security, protection of children against crime and a system of protection of children's rights in the country. The existing situation in

the Baltic countries was analyzed, a system of protection of children's rights was structured and a look at improving the social environment was provided.

Conference "Forming an Understanding of Human Rights in Elementary Schools"

In order to promote an understanding of human rights in elementary schools, find out if meanings and norms of human rights are included in the teaching process and the attitude of teachers, students and parents to it, a conference took place on December 10 - 11, organized jointly by the Office and the Council of Europe. It was attended by educational staff, authors of text books, doctors and parents from Latvia, Lithuania and Estonia as well as representatives of the Human Rights Directorate of the Council of Europe and the Danish Centre for Human Rights. The main subjects of the conference were: the school as a model of open society; teaching content and human rights; teaching methods and school environment.

Participants at the conference decided:

- to establish a consultative working group which would work under supervision of the Office and prepare recommendations, monitor the situation in observing human rights in schools and related environment, promote exchange of information on these issues;
- establish a group of experts for the evaluation of teaching aids and text books from the aspects of human rights;
- develop co-operation between the Office and pedagogical universities in the area of human rights;
- enable translation of appropriate literature into Latvian, prepare and publish a dictionary of pedagogical terms, including terms of human rights.

Persons with Physical and Mental Disorders Seminar "Human Rights and the Disabled"

In order to support the work of public and State organizations, in order to more effectively ensure the observance of rights of the disabled and discuss international experience and the ability of local resources, the Office organized a seminar on September 15 - 16, "Human Rights and the Disabled". The Office believes that in the area of rights of the disabled in Latvia international standards must be implemented more effectively.

These standards are provided in the UN Model Regulations on equal rights for the disabled, based on the principle that the State must guarantee that all those disabled may enjoy the same rights and fulfil the same obligations as other members of society.

The seminar was attended by lecturers from the Finnish League of Human Rights and more than a hundred participants from all over Latvia, including representatives of public organizations of the disabled, Ministries and the Saeima.

The Disabled Information Day

In order to introduce the public to information available at the Office on rights of the disabled, the Office organized on September 19th the disabled information day. Several books dealing with issues related to accessibility to public transport for the disabled, adaptation of public lifts for the needs of the disabled created special interest. There are also books available at the Information and Documentation Centre of the Office emphasizing the needs of the mentally handicapped, international norms and legislation.

A discussion "Equal Rights for the Disabled" also took place on that day.

A Forum of the Latvian Association of the Deaf

In order to inform the public of the problems, mechanisms for protection of rights and Latvian legal norms concerning the deaf and hearing impaired, representatives of the Office participated on October 9 - 10 at the forum of the Latvian Association of the Deaf. At the forum the Office told those present of the various mechanisms for protection of rights and explained Latvian legal norms.

Lectures "The Disabled and their Rights"

In order to advise the disabled of their rights, social assistance, employment, integration into society, education and other issues of interest from the viewpoint of Latvian and international legislation, the Office organizes lectures "The Disabled and their Rights" during its field trips. These lectures are organized in co-operation with the associations of the disabled at the towns in question.

Rights of other Social Groups

National Minorities

The Office considers it an important duty to promote a dialogue between representatives of different nationalities living in Latvia. On April 5th the Office organized a seminar in Rīga, "Basic Principles in Education of National Minorities: Problems and Perspectives in Latvia". The purpose of the seminar was to introduce educational staff to internationally determined standards for the education of minorities and human rights documents binding to Latvia in this area. Reviewing international commitments of the Republic of Latvia in the area of education of national minorities, the Office compared these to laws and normative acts effective in Latvia. It was found that national minorities in Latvia are ensured of their right to education. However, considering the fact that international documents place considerable importance on the rights of minorities in the area of education, the State must extend as much as possible the wishes and needs in this area.

Persons Providing Intimate Services

Representatives of the Office participate in a working group under a project "Information and Support Centre for People Providing Intimate Services", started by the non-governmental organization *Latvian Centre for Sex Problems*. The main reason for the participation of the Office in these working groups is to popularize the Office's possibilities in avoiding violations of human rights, applying this protection also to such marginal groups as prostitutes. Several persons engaged in prostitution have already come to the Office, looking for legal consultations - what to do in a situation when private persons or representatives of law enforcement ignore their human rights. Due to co-operation within this project, prostitutes, who are traditionally considered *a hard to reach group*, may obtain information material concerning human rights prepared by the Office.

Training of Civil Servants

The Office continues to pay attention to the training of civil servants. On June 3rd a seminar took place in Rīga for municipal lawyers concerning human rights in municipal work. Specific examples were given from the experience of the Complaints Department. These were considered both from the viewpoint of Latvian legislation and international rights.

Patients' Rights

A representative of the Office gave a report on patients' rights to doctors at the P. Stradiņš clinical hospital.

Training of Crisis Telephone Staff

With the support of the Office, the Soros Fund and the NGO Centre, a crisis telephone line is operating since April 1997, where people may talk to qualified psychologists and social workers, providing assistance in various crisis situations. In order to achieve that this assistance is available to the public without discrimination, it is necessary to provide information in both Latvian and Russian. Therefore specialists were invited to come to Latvia from the Institute of Psychotherapy and Consultations "Harmonija" who have been training staff of crisis telephones for several years in St. Petersburg and more than a hundred other towns of Russia.

The training was attended by staff of the crisis telephone as well as representatives of the hot-line of the Rīga Centre for Protection of Children's Rights, the Christian hot-line of the Diocese of the Latvian Evangelist Lutheran Church and the Psychology and Education Centre of Jelgava region schools, who, after completing the course, will act as volunteers providing telephone assistance in crisis situations.

Gender Equality

Conference of Baltic and Nordic Countries "Women and Men in Dialogue"

In order to draw public attention to issues of gender equality as one of the basic provisions of social development, and in order to promote a dialogue between both genders concerning popular stereotypes and problems relating to equal implementation of rights of women and men, the conference of Baltic and Nordic countries on gender equality "Women and Men in Dialogue" took place in Valmiera August 7 - 10.

For the Latvian part the conference was organized by the Office, Nordic Information Centre in Rīga, Council of Co-operation Among Women's Organizations, Regional Council of Valmiera and the Vidzeme University.

The conference was attended by 1,348 officially registered participants, about 200 volunteers, 250 artists in the cultural programme, and 250 residents of Valmiera. This means that almost 2,000 people had an opportunity to exchange experience and ideas, problems and ways of resolving these, as well as improve their knowledge and understanding of questions concerning gender equality. The number of officially registered participants by countries was as follows: the Aland Islands - 7, Greenland - 10, the Faeroe Islands - 12, CIS countries - 12, Iceland - 51, Norway - 58, Denmark - 61, Sweden - 63, Finland - 110, Lithuania- 143, Estonia - 188 and Latvia - 626. 17% of the the participants were men.. This is a high indicator, considering that issues of gender equality is a novel subject in the Baltic countries.

The conference addressed eight main subjects - education, the family, health, legislation, mass media, politics, violence and the workplace. These subjects were discussed at eight plenary sessions, addressed by 34 lecturers. The conference was organized in 79 working groups.

The Valmiera conference was preceded by two introductory conferences in Estonia and Lithuania. The Estonian conference took place in Tallinn April 10 - 12, and its subjects included gender equality in education, culture, politics and the workplace. The introductory conference in Lithuania took place in Druskininki May 30 - June 1. On this occasion gender equality in the workplace, the family, education, the media, politics and problems of violence and prostitution were discussed.

Within the preparatory work of the conference "Women and Men in Dialogue" ten Latvian reporters went to Stockholm to see a model country where policy of gender equality is implemented. They were introduced to the mechanisms and practical application forms in State and public sectors as well as the media. The trip was organized by the Conference Secretariat in co-operation with the Swedish Institute.

For the majority of those attending the conference the benefits were twofold. Firstly, the conference provided an impetus for professional work (EU legislation on issues of gender equality, sex education in schools, work with families, etc.) Secondly, there were many formal and informal discussions on the roles and duties of women and men. Those attending the conference considered one of the most important events a panel discussion by 8 officials at the ministerial level.

Conference participants - men - emphasized the idea that a person's social status is more and more determined by his/her competence rather than his/her gender. However, the women emphasized that inequality of genders is not yet eliminated. Therefore, regardless of the results achieved, the role of women in society must be strengthened.

Participants had many ideas following the conference, firstly that many women are prepared to change their own lifestyle and that of others. Next, the role of traditions in the changing and rapid world, and lastly, will the model of the Nordic countries in the area of equality endure through the next generations.

A Course for Reporters

During preparations for the conference "Women and Men in Dialogue" an additional project was carried out aimed at educating and informing the media on questions of gender equality. Within this project, a two day course for the media was held on March 7 - 8 in Vaivari (Latvia), where experienced and popular lecturers presented their subjects. The basic idea of the course was to provide a brief and concise general look at issues of gender equality. This seminar could be considered a significant event in the area of educating reporters. The knowledge so obtained helped them report objectively on the work of the Conference of Baltic and Nordic countries and information related to matters of gender equality.

In order to see a national model where a policy of gender equality is applied, a training visit to Stockholm was organized for ten Latvian reporters on April 20 - 26 in preparation for the conference "Women and Men in Dialogue". During the visit the reporters saw mechanisms for implementing policy of gender equality and its

practical application in State and private sectors as well as the media. The trip was arranged by the Conference Secretariat in co-operation with the Swedish Institute.

Rights of Prisoners and Ex-prisoners

In order to reduce the lack of information among ex-prisoners, the Office in co-operation with the Prison Administration of the Ministry of Interior prepared informative leaflets "A guide to completing formalities after release from prison". These compiled information on institutions where ex-prisoners may look for assistance. The leaflets in Russian and Latvian were distributed in prisons and are available at the Office.

General Human Rights Issues

Seminar "Practical Application of the European Human Rights Convention"

In order to introduce lawyers to preparation and submission of claims and hearings of the European Human Rights Court, a seminar was organized in Rīga on May 29 - 30 by the Office and the Human Rights Institute of the University of Latvia Faculty of Law. Lecturers were from the Finnish Human Rights League.

Work at the seminar was organized in lectures and practical workshops. It specifically addressed the following subjects: the right to private and family life, prohibition of discrimination, torture, brutality and abuse and the right to a just Court.

International Conference

"Shaping Democracy - from Theory to Practice"

In order to analyze the place for ombud and human rights institutions in a democratic society, their specific role and functions, their role in educating the public, relations between the Government and the Parliament as well as the international aspects of human rights, the third International UNDP conference on ombud and human rights protection institutions was held in Rīga in June. The conference was organized within the UNDP regional programme for promotion of democracy and participation by the Government and the public in Central and Eastern Europe and CIS countries. The first such conference was held in Moscow in 1994, the second in Kishinev in 1996.

A Forum of Non-Governmental Organizations

In order to provide a review of available mechanisms for the protection of human rights in Latvia and international institutions, on the administrative process and how to best and correctly write a complaint for submission to the Office, the Office participated at the Forum of Latvian Non-governmental Organizations on September 27th.

At the forum staff of the Office gave information to the working groups of interested parties on the specifics of work of the Saeima Human Rights and Public Affairs Commission and opportunities for submitting recommendations to it.

TV Programme

"The Individual and his/her Rights"

The Office has prepared a bi-weekly programme "The Individual and his/her Rights", which is broadcast on Channel LNT on Mondays at 18.35 (repeated in Russian at the same time the following week). This is an educational and informative broadcast, discussing human rights issues, and informing a wider audience on current aspects and priorities of the work of the Office and the rights and obligations of the individual and the State.

Subjects of 1997 broadcasts:

"Differences in the rights of citizens and persons without Latvian citizenship"

"Discrimination in the labour market due to age and gender"

"Police work with juveniles"

"Tolerance and bias towards minorities"

“The right to information”
“Organizations for the protection and monitoring of human rights in Latvia”
“Equal rights to education”
“The right to a just Court”
“A national state and human rights”
“Rights of the disabled”
“The right to physical integrity and safety”
“Charity and human rights”

The rating of the programme “The Individual and his/her Rights” among educational and informative programmes is relatively high - the programme prepared by the Office takes 3rd place. According to information obtained during the public poll “Human Rights” in Latvia, the programme “The Individual and his/her Rights” was given the highest evaluation by respondents among the 1997 activities of the Office.

Field Trips by the LNHRO

In order to introduce the population of Latvia to the work of the Office and current human rights issues, and to hear complaints by residents concerning possible violations of human rights, the Office regularly organizes field trips to various places in Latvia.

Césis

In May representatives of the Office visited the Césis reformatory for juveniles, children’s home “Gaujas Līči” and the *Dome* of the City of Césis, where they met with deputies and listened to complaints by residents. The Césis reformatory houses juveniles who have committed various violations of the law. Representatives of the Office met with the juveniles and administration of the institution. The administration mentioned that the inmates have difficulty entering higher educational facilities. Although the inmates have been sentenced to jail, they may not be denied their right to education - that would be considered a violation of human rights. It is also a problem for the inmates to meet with their parents, because the existing regulations of the reformatory provide for only monthly visits. The administration of the institution admitted that it is necessary to change these regulations and, taking into consideration the fact that the inmates are minors, they must be permitted to meet more often with their parents.

Rézekne

In July staff of the Office visited the *Dome* of the City of Rézekne and the orphanage, met with municipal deputies and staff of municipal services as well as staff and children of the orphanage, listened to complaints by residents and gave consultations on human rights issues. Altogether, 20 residents of Rézekne submitted their complaints.

The Office agrees that the Rézekne orphanage, financially supported by the Rézekne municipality, provides a successful solution to the problem of vagrant children and juveniles. Students at the orphanage attend school, there are artistic workshops, the children may work on local farms.

Deputies of the Rézekne municipality expressed a wish to establish a human rights commission as a separate structure within the municipality, whose functions could be similar to those of the Office - investigate complaints of residents on possible violations of human rights.

During the visit a lecture was given “The Disabled and their Rights” to representatives of city and regional associations of the disabled.

Liepāja

In October Office staff visited the *Dome* of the City of Liepāja, met with municipal deputies and staff of the Liepāja Department of Citizenship and Migration, and heard complaints of residents.

Representatives of the Office also visited the City jail, met with its administration, and discussed the work and problems of the Liepāja jail and heard complaints of the prisoners. Several problems came to light during this visit.

The Office found that prisoners do not always receive necessary medical care and the Liepāja criminal police is rude and brutal in handling the allegedly accused. In addressing these problems, the Office decided to determine and continue to consider questions of prison reforms during further discussions with the prison administration. The Office is analyzing the question of increasing their budget by attracting funding for the extension of the prison.

During the visit Office staff also visited the first private orphanage in Liepāja, “Bāciņa”, where work is done with children from disadvantaged homes, beggars, substance abusers and prostitutes. The purpose of the orphanage is to provide a home, food, education and social rehabilitation.

Daugavpils

In order to examine the human rights situation in this City and inform of the functions of the Office, in October Office staff met with representatives of municipalities and reporters in Daugavpils. The Office also visited the Grīva prison. At this prison a large number of inmates suffer from tuberculosis and they are not always provided with appropriate medical care. The Office found that for so large a prison a psychologist is necessary

The prison must also resolve the question of employment for prisoners and ensure opportunities for education and training. These problems are current at all the Latgale prisons.

While in Daugavpils, representatives of the Office also visited the Daugavpils Police Preventive Centre for Juveniles, where about 20 juveniles aged up to 14 years who have come into conflict with the law are housed under jail conditions. At the time of the visit the Centre had no heat because the previous year’s debt had not been paid. Following interference by Office staff the problem was resolved within a day. This Centre has a school class which receives no funds from the School Board. However, these children do not attend school elsewhere and they are entitled to receive Government assistance in obtaining education.

Representatives of the Office also visited the Daugavpils Pedagogical University and met with the Rector and Department Heads. During the meetings a possibility of establishing a working group, which would prepare a general teaching programme for teaching human rights at all Latvian universities was discussed. All interested Latvian pedagogical universities should participate in this working group.

INFORMATIVE PUBLICATIONS OF THE LATVIAN NATIONAL HUMAN RIGHTS OFFICE

Information on the Latvian National Human Rights Office and its Operations

A Brochure on the Office

In publishing this brochure, the Office tells the public about the status, duties, responsibilities and purpose of the Office as provided in the law “On the Latvian National Human Rights Office” and provides information on the operations of the Office. The publication explains what are human rights and what mechanisms for the protection of human rights are operating in Latvia.

The brochure is available in Latvian, English and Russian.

“The Human Rights News”

Once a quarter the Office publishes a quarterly report “Human Rights News” in order to report on the most current issues of human rights in Latvia.

The publication is available in Latvian, English and Russian.

“The 1996 Report of the Latvian National Human Rights Office”

In order to inform the Latvian public of the current operations of the Office in 1996, the Annual Report on the most current human rights issues in Latvia was published, providing a review of the activities of the Office in this year.

“Things to Remember before you become a Soldier”

In order to inform of the recruiting regulations for compulsory military service and the main principles to remember while in the service, the Office published a brochure "Things to Remember before you become a Soldier".

All Latvian citizens - men must complete military service as provided by the law on Compulsory Military Service. Women - Latvian citizens - may serve in the Armed Forces voluntarily. The media sometimes report of accidents that have occurred while on compulsory military service. The reason for these misunderstandings and violations is often insufficient knowledge of the rights and obligations of soldiers. The brochure is intended for Grade 12 High School students.

The brochure is available in Latvian.

"Child Abuse"

In order to draw public attention to issues related to child abuse, and to understand the causes, expression and devastating consequences of such abuse, the Office published a brochure "Child Abuse".

The publication is intended for all specialists concerned with issues of children's rights, and pedagogues. By examining this information, teachers will be able to better understand the causes, symptoms and consequences of child abuse, as well as obtain an idea of the characteristics in contacting victims of child abuse.

The brochure is available in Latvian and Russian.

"Violence in the Family. Do not Accept it!"

In order to provide information on violence in the family, especially emphasizing violence against women, as well as provide practical advice how to help a friend who is a victim of a violent relationship, how to act in the event of a situation of violence, where to go for help, the Office has published for the third time running a brochure "Violence in the Family. Do not Accept it."

We recommend that this information be discussed by senior grade students.

The brochure is available in Latvian and Russian.

"How to File a Complaint, Application or Recommendation with a State or Municipal Institution"

Meeting people who are not lawyers, the Office finds that they find it difficult to make use of the right granted to them by law to file complaints, recommendations, appeal decisions of officials in higher instances. In order to make it easier for people to apply these rights, the Office published a brochure "How to File a Complaint, Application or Recommendation with a State or Municipal Institution".

The brochure is available in Latvian.

"Notes of a Disabled Person"

The Office has found that the disabled have insufficient information regarding their rights and how to apply same. This brochure tells the disabled of their rights in different areas of life and responsibility of the State to implement these. The publication also lists organizations where to obtain necessary information on medical, rehabilitation, educational and sports and social organizations. The brochure is available in Latvian and Russian.

"Application in Practice of the European Human Rights Convention"

The volume compiles lectures presented at the conference "Application in Practice of the European Human Rights Convention".

The publication is intended for the judiciary, advocates, prosecutors as well as students - future lawyers, politologists, specialists of international relations.

Office Advertising Cards

In co-operation with the Swedish Agency for International Development and Co-operation, the Office published in 1997 an advertising card which was distributed in bars and clubs in Rīga. According to information of the advertising agency *Citrus Media*, this advertising card was in high demand in December of 1997 and January 1998 - visitors to night-clubs, restaurants and bars were taking this card from the stands most often.

A printing of 25,000

It is the duty of the Office to provide versatile information to the public on human rights, guarantees and obligations provided in Latvian normative acts, analyze the Latvian legal norms and determine their compliance to international commitments binding to Latvia in the area of human rights.

(From the law "On the Latvian National Human Rights Office")

Information and Documentation Centre

At the beginning of 1997 a new department was established at the Latvian National Human Rights Office - Information and Documentation Centre (IDC). At present it houses more than 500 various material in Latvian, English, German and Russian, related to human rights:

- * international human rights documents -

Conventions prepared by UNO, Council of Europe, Organization for European Security and Co-operation, decisions of the Human Rights Commission of the Council of Europe and verdicts of the European Human Rights Court.

- * Legislative acts of the Republic of Latvia related to human rights;

- * Material on the history of human rights;

- * Interpretative Dictionary of human rights terms;

- * information on the rights of different social groups;

- * information on activities of Latvian and international and non-governmental organizations in the human rights area;

- * periodicals published in Latvia and other countries relating to human rights;

- * booklets and reports published by the Office

Video information is also available at the Information and Documentation Centre.

- * video material of various international human rights organizations;

- * tapes of the TV programme "The Individual and his/her Rights"

The IDC has a regular exchange of information with the Documentation Centre of the Council of Europe in Riga.

In order to efficiently show the latest happenings in the international legal and human rights area, the IDC subscribes to international periodicals related to these issues.

The IDC has close contact with publishing houses specializing in publishing human rights and legal literature.

- *A publishing house in the Netherlands "Kluwer Law"

- *A publishing house in Great Britain "Blackwell's"

- *The Canadian publishers "Butterworths"

- * German publishers "Carl Heymanns Verlag" and "Peter Engel Verlag".

The IDC is connected to the international human rights information computer network HURIDOCS. This facilitates receiving all types of information.

In 1997 the Information and Documentation Centre was visited mostly by students of the Police Academy, Christian Academy, and Aviation University, who are looking for text books at the Centre and university pedagogues, civil servants, representatives of non-governmental organizations who are mostly interested in normative acts and international legal documents.

Information is available at the Latvian National Human Rights Office to all interested persons. Elizabetes iela 65 - 12, weekdays from 10.00 to 17.00. Telephone 7288065.

Investigation of Complaints

It is the duty of the Office to investigate any complaint concerning a violation of human rights.

(From the Law "On the Latvian National Human Rights Office")

In 1997 the Office received a total of 3,161 complaints and submissions (616 written and 2,545 verbal). Compared to 1996, the number of complaints and submissions has doubled (in 1996 the Office received 1,642 complaints). The number of visitors and telephone calls has increased especially.

Most of the complaints concerned housing questions (883), Department of Citizenship and Migration (482), employment relations and unemployment (255), 128 complaints were received concerning the granting of different social benefits. The Office received 64 complaints from prisons and 53 from ex-prisoners. 184 complaints concerned the Courts, 91 - the Police, 31 - the Prosecutors Office. Other areas in which visitors to the Office looked for help were property rights (127), granting and calculation of pensions (114), politically repressed status (63).

Of the written complaints the Office has resolved 100, 129 cases were dismissed with a recommendation, in 212 cases assistance was denied because the case did not come within the competence of the Office.

Compared to 1996, the more current subjects of complaints and submissions were similar, eviction from apartments, disputes with building owners, communal payments, registration of residence, receiving residence permits, expulsion orders, disputes between employer and employee. In comparison the number of complaints concerning the Courts, the Police and prisons has increased

Recently a tendency has emerged to push political issues in the background, but social problems have become more acute, which is borne out by the statistics of complaints at the Office; more than half of the written complaints received by the Office and almost two thirds of verbal consultations are related to the social sphere - unemployment, housing problems, pensions, benefits, labour relations. But it should be noted that all these issues are interrelated and grow out of each other, because rental arrears depend on his/her salary, retirement security depends on social tax payments, etc. This should be taken into account when drafting new laws and adopting nationally important and individual decisions.

In the area of labour relations the Office receives different complaints from employees (5% of written and 12% of verbal complaints) These problems also show up in the poll carried out by the BDN, indicating that people believe that their human rights are mostly violated in the labour market.

The present situation in the labour market, considering the high level of unemployment, is more favourable to the employer, thus it is the employees who come to the Office for help, complaining of employers' arbitrariness and their vulnerability in labour legal relations, especially in the private sector.

The Office receives most complaints regarding unjustified dismissals, failure to pay salaries and social tax, vacations, failure to grant guarantees and compensation, refusal to sign employment contracts, non-observance of their provisions or arbitrary change of same.

The question of discrimination in labour relations, too, is current, which is not permissible according to Latvian legislation and international human rights documents. However, as is borne out by individual complaints, it surfaces directly or indirectly. For the most part people feel discriminated against in labour relations because of age or gender, but this is hard to prove, because it is never mentioned in written rejections. For example, when a person comes in and says, I am a woman, 49 years old and I am unable to find work - this is not sufficient, because she cannot indicate a specific employer who has discriminated against her. Legislation in this area is incomplete, too. Recently political persuasion has become one of the reasons for discrimination.

The Office is of the opinion that the doubling of the number of complaints does not prove an increase in violations of human rights, but rather that the Latvian public is better informed of their rights and obligations.

COMPLAINTS STATISTICS

Prisons

Police

Prosecutor's Office

Labour Relations, Unemployment

Housing, including communal payments

Politically repressed status

Medical personnel, diagnosis

Legal assistance

Miscellaneous

The Process of Investigating Complaints (Examples)

1. On October 23 the Office received a submission from A. that he was forced to leave his Police job because of his sexual orientation.

In September the Bauska regional newspaper had published an interview with A. during which he had admitted to being a homosexual and saying that there are several homosexuals at the Bauska Police. Following this publication, the Bauska Police called in an attestation commission which decided to advise the Personnel Inspectorate of the Ministry of Interior of this fact, and a new employee was hired to replace A.

In talks with the Bauska Police administration the applicant was reproached for giving the State Police a bad name, threatening remarks were made and pressure exerted to name the other homosexual Police employees. This is borne out by the tape recording made by A. during the talks. Following the report to the Ministry of Interior A. received a refusal for a transfer to the Police of Public Order of the City of Rīga, which had previously been approved by all the necessary instances. As a result A. was forced to write a letter of resignation, although he did not wish to leave Police work.

In submitting his complaint to the Office, A. was not asking to be re-instated in his job, but he wanted to receive a public apology from the Police.

The Office expressed its opinion and recommendations to the administration of the Bauska Police branch. Unfortunately, it did not admit to a violation of human rights and did not admit to an intolerant and negative attitude towards A. The Office contacted the Ministry of Interior, advised of the violation and a discriminating attitude and asked for an official policy statement in the case.

The Office is of the opinion that discrimination of any person because of his/her sexual orientation is a violation of the basic principles and laws of Latvia as a lawful and democratic country. The general principle of non-discrimination which Latvia admits to be binding, does not permit discrimination because of race, gender, age, language, religious, political or other opinions or social origin, financial status, birth or other circumstances. One of these circumstances, according to binding regulations of European lawyers, is sexual orientation. This is further established by recommendations of Europarlament on equal attitude to all people regardless of their sexual orientation.

2. On December 4 the Office received a submission from B., writing of a conflict of tenants with the management of an agricultural company concerning management of a residential house and disconnection of hot water.

When the agricultural company was privatized, the housing was transferred to the privatized company. Because management of the agricultural company and the housing are very different things, in this case no attention was paid to the technical condition of the buildings. The rental did not completely cover the costs, but the tenants refused to pay a higher rent. The technical condition of the building worsened, a conflict arose between the tenants and management of the company. In the Winter of 1997 hot water and heating were disconnected because of accrued debts.

Repairs were needed to transfer the building to the municipality. The company management was financially unable to do this, but the municipality was not willing to invest funds and refused to take over the building. Both parties were unable to agree on transfer of the building, and a new conflict arose between the company management and the municipality.

At the time when the Office started to investigate this submission, all interested parties were entrenched in battle positions. The Office intermediated together with the Department of municipal affairs and achieved an agreement with the municipality and company management on the procedure for this house and buildings in a similar condition to be transferred to a new owner.

The Office is of the opinion that Latvian legislation does not ensure tenants' rights, because the Government has not established a specific mechanism for tenants to defend their interests. In this particular case none of the parties was in breach of existing legislation, no one was responsible, and therefore tenants were unable to resolve the matter even through the Courts. This time the problem was resolved through intervention of the Office, but it must be admitted that in most cases no resolution is found for such cases.

3. C. submitted a complaint to the Office concerning a problem with registration of residence.

At the end of 1992 the Department of Citizenship and Migration refused to include her in the residents list because she was not registered. In 1997 her mother-in-law agreed to have her registered in her living space, but the DCM demanded C's Russian passport so that she could be legalized in Latvia. C. has been living in Latvia since the eighties.

The Office prepared her case for the Consultative Council of the DCM who then decided to include C. in the register of residents of the Republic of Latvia and issue her with a non-citizen's passport.

A p p e n d i x e s

Law on the Latvian National Human Rights Office

Founding Law of the Consultative Council of Rights

Founding Law of the Working Group for Rights of the Disabled

1997 CALENDAR OF EVENTS

- January 3 - 4** Rīga - A course for primary school teachers within the framework of the Office's educational programme for schools (Part I)
- January 13 - 14** Madona - Seminar on ensuring children's rights by municipalities.
- January 20 - 22** Copenhagen - Second meeting of European National Institutions for the protection of human rights
- January 29 - 30** Rīga - Seminar for lawyers in Ministries and municipalities "Interpretation of norms of rights and implementation of international norms in the work of the Government and municipalities".
- February 6 - 10** Rīga - A course for Room teachers on human rights in the work of upbringing in schools.
- February 10 - 12** visit to Latvia and the Office by Brian Burdekin, Special Advisor to the UN High Commissioner on Human Rights
- February 17 - 19** Kauguri - Seminar "Police Work with Juveniles" for Heads of Inspectorate of Juvenile Cases of the Police Department, and inspectors of the Rīga Municipal Police youth cases.
- March 7 - 8** Jūrmala - A course on gender equity for reporters in preparation of the Baltic - Nordic Conference "Women and Men in a Dialogue".
- March 10** Opening of the Office IDC.
- March 21** Rīga - Methodology workshop for primary school teachers of the Kurzeme District of the City of Rīga as part of the Office's educational programme for schools.
- March 26 - 27** Rīga - A course for primary school teachers as part of the Office's educational programme for schools (Part II).
- April 3** Visit by Hans van den Broeck, Commissioner of EU
- April 5** Rīga - Seminar "Basic Principles in Education of National Minorities: Problems and Perspectives in Latvia".
- April 7 - 8** Jūrmala - Seminar for non-governmental organizations assisting persons with physical and mental disorders.
- April 10 - 12** Tallinn pre-conference for "Women and Men in a Dialogue".
- April 18 - 19** Rīga - Seminar on implementing refugee legislation.
- April 14 - 25** Students of the Valmiera university seconding at the Office.
- April 21 - 25** Training trip for reporters to Sweden on issues of gender equality
- April 25** Rézekne - Methodology workshop for primary school teachers of the Ludza region as part of the Office's educational programme for schools.
- April 27** Saldus - Methodology workshop for primary school teachers of the Liepāja region as part of the Office's educational programme for schools.
- April 29** Visit by Ole Espersen, Commissioner of the council of Baltic Sea Countries on Democratic Institutions and Human Rights Affairs.
- May 11 - 15** Oslo - Conference on protecting the rights of persons with mental disorders.
- May 11 - 16** Strasbourg conference of member countries of the Council of Europe on implementing the Social Charta.
- May 14 - 16** Vilnius - Seminar on Refugee and Migration issues.
- May 16** Rīga - Seminar on human rights for deputies of municipalities of Byelorussia.
- May 26 - 28** Moscow - Seminar for representatives and Governmental and non-governmental organizations on promoting participation
- May 27** Rīga - Scientific/practical seminar "The Child on the Street"
- May 28** The Saeima appoints Olafs Brūvers Director of the Office
- May 29** Office visit to Cēsis
- May 29 - 30** Rīga - Seminar for lawyers "Implementing the European Human Rights Convention in practice:.

May 29 Rīga - public lecture “The UN human rights system. Comparison of the work of the Human Rights Committee to materials of the European Convention of Human Rights”.

May 30 - June 1 Druskininki pre-conference “Women and Men in a Dialogue”.

June 3 Rīga - Seminar for municipal lawyers on human rights in municipal work.

June 3 - 4 Rīga - Conference of Baltic States “The Child in an endangered Social Environment”.

June 9 - 11 Rīga - Third international UNDP conference on activities of ombudsmen and national institutions for the protection of human rights.

June 20 - 21 Rīga - Conference “The European Union and the Baltic States - Security of Democracy and Human Rights”.

July 3 - 4 Seminar on operations of the Constitutional Court of the Republic of Latvia

July 10 - 11 Seminar on the Social Charter of Europe and the amended Social Charter of Europe

July 14 - 16 A visit to the Office by Moldova delegation

August 20 Meeting of the Cabinet of Ministers Commission for the Protection of Children’s Rights

August 21 - 27 Copenhagen - Seminar “Preparing a Manual of Children’s Rights”

August 26 International youth human rights Summer camp

August 28 Office field trip to Liepāja

August 29 Office visit to OSCE in Warsaw

September 1 Seminar “National minority problems in Latvia”

September 2 Delegation of UNDP Board at the Office

September 5 - 6 Conference of Presidents in Vilnius

September 7 - 13 Training of crisis telephone staff in Russian

September 9 - 11 Conference of European Ombudsmen in Israel

September 13 Conference on the Constitutional Court and human rights

September 13 - 14 Representatives of the Office attended the elections in Bosnia and Herzegovina as observers

September 15 - 16 Seminar “Human Rights and the Disabled”

September 19 The Disabled information day at the Office

September 24 - 25 Seminar “Registration of School Age Children by Municipalities”

September 27 Forum of non-governmental organizations

September 29 Rīga - Seminar of national Women’s League

October 10 Meeting with the disabled and pensioners in Ogre.

October 11 - 14 5th Conference of Ethnic Minorities and Migrants in Oslo, dedicated to AIDS problems.

October 14 Public discussion on rehabilitation of ex-prisoners at the Office.

October 15 Discussion on social rights at the Office.

October 16 Office field trip to Daugavpils

October 17 Visit of the Head of the Human Rights Office of the Department of European and International Affairs of the Ministry of Justice of France A. Boucher

October 19 - 22 6th European Congress “Abuse of the Child”

October 22 - 26 International conference on criminal policy in Stockholm, Sweden

October 24 Rīga - Conference “The UN System in Latvia”

October 28 Meeting with representatives of Saeima factions to talk about removing restrictions of rights of persons without Latvian citizenship.

October 29 OESD High Commissioner on National Minorities Max van der Stoel visits the Office

October 29 - 30 Rīga - Seminar “Future Steps of Social Assistance, Non-Governmental Organizations and Local Government”

November 3 Working group “Training for Police Personnel in Human Rights” is established.

November 4 - 8 Conference “Minorities in Countries of Central Europe” in Cologne.

November 10 Meeting of the working group of Centre for Information and Support to Persons Engaged in Providing Intimate Services

November 10 - 17 Copenhagen - I Management Conference of the Danish Human Rights Centre

November 27 - 29 4th International Conference of Ombudsmen on National and Human Rights” in Merida, Mexico.

November 28 - 29 International seminar on migration issues in Helsinki.

November 29 - December 3 International conference on national minorities in Brod, Slovenia.

December 1 - 4 Conference “Interdisciplinary Co-operation in Case of Abuse of Children” in Budapest.

December 2 A group of students of the Eau - Claire University in Wisconsin visits the Office.

December 3 International Day of the Disabled.

December 7 Association of the Disabled and Friends “Apeirons” holds a press conference at the Office.

December 8 Lecture for teachers in Dobeles on abuse of children.

December 10 49th Anniversary of Adoption of UN General Human Rights Declaration.

December 10 - 11 Rīga - Seminar of the Baltic countries “Forming an Understanding of Human Rights in Elementary Schools”

December 10 - 12 Seminar “The Police and Human Rights 1997 - 2000” in Strasbourg.

Alphabetical Index

A Look at Achievements
Analysis, Studies and Opinions
Annual Calendar of Events
Children's Rights
Citizenship
Discrimination in the Labour Market
Founding Law of Consultative Council on Rights
Founding Law of Working Group on Rights of the Disabled
Freedom of Assembly
General Human Rights Issues
Information and Documentation Centre
Information and Education
Informative Publications
Investigation of Complaints
Law on the Latvian Human Rights Office
Office Field Trips
Official Language
Part II of the Constitution
Patients' Rights
Property Rights
Registration of Residence
Religious Freedom
Rights of Asylum Seekers
Rights of Homosexuals
Rights of National Minorities
Rights of Other Groups of Society
Rights of Prisoners and Ex-prisoners
Rights of Prostitutes
Rights of the Physically or Mentally Disabled
Rights of Vulnerable Groups of Society
Social Rights
State Administration
The Right to a Just Court

Founding Law of the Consultative Council of Rights of the Latvian National Human Rights Office

I Establishment and Structure of the Consultative Council of Rights

1. The Consultative Council of Rights of the Latvian National Human Rights Office is an advisory institution, operating in accordance with the objectives provided in the Law “On the Latvian National Human Rights Office”.
2. Members of the Consultative Council of Rights elect a Chairperson and Deputy Chairperson from their midst, who are then approved by the Director of the Latvian National Human Rights Office.
3. Members of the Consultative Council of Rights perform their duties voluntarily and receive no remuneration.
4. The Consultative Council of Rights operates until an Order of the Director of the Latvian National Human Rights Office is received to disband it. Members of the Consultative Council of Rights may resign from office at any time, notifying the Chairperson of the Council one month in advance.

II Duties of the Consultative Council of Rights and its Members

5. The Consultative Council of Rights may upon request of the Director of the Latvian National Human Rights Office, his Deputy, or its Chairperson, or upon its own decision, express its opinion on all issues which come within the competence of the Latvian National Human Rights Office pursuant to Article 2 of the Law “On the Latvian National Human Rights Office”.
6. The opinion of the Consultative Council of Rights is presented in the form of a report to the Director of the Latvian National Human Rights Office. The report contains:
 - a) the facts found;
 - b) a legal analysis and evaluation of the facts;
 - c) if necessary, a recommendation (several alternative suggestions) to the Director of the Latvian National Human Rights Office.
7. The writing of the report is organized by the Chairperson of the Consultative Council of Rights. He may charge other members of the Council with individual duties necessary for the writing of the report.
7. The report is approved by a meeting of the Council. Members of the Consultative Council of Rights voting against the resolution accepted by the majority may formulate their individual opinions, which are then attached to the report.
9. The Director of the Latvian National Human Rights Office may advise persons involved and interested in the case of the report, and publish it.
10. The Director of the Latvian National Human Rights Office may request the Consultative Council of Rights or individual members to perform specific tasks, especially perform legal analysis and provide an assessment of specific issues which come within the competence of the Office in accordance with Article 2 of the Law “On the Latvian National Human Rights Office”.
11. The Consultative Council of Rights, co-ordinating with the Director of the Latvian National Human Rights Office, may perform other duties to promote attaining the objectives provided in Article 1 of the Law “On the Latvian National Human Rights Office”, specifically, publish publications, organize meetings, lectures, and similar projects.

III Operation of the Consultative Council of Rights

12. The Consultative Council of Rights adopts its resolutions at a meeting attended by at least one half of the members of the Council, including the Chairperson or his/her Deputy. Resolutions are adopted by majority vote, by open ballot. In the event of a tie, the Chairperson's vote is decisive. Minutes are taken at all meetings of the Council.

13. If necessary, a resolution may be adopted by telephone, E-mail or by other communication with each member of the Council. Minutes are taken of absentee meetings, and the Minutes are approved at the next meeting attended by the membership.

14. The Latvian National Human Rights Office, to its best ability, provides its support to the Consultative Council of Rights and its members, especially regarding gathering of information.

January 5, 1998

Objectives and Duties of the Working Group on Rights of the Disabled (hereafter “the Working Group”)

1. The objective of the Working Group is to assess the situation of observance of rights of the disabled in the country and prepare recommendations to eliminate the problems found and promote the rights of the disabled.
 2. The Working Group performs the following functions in order to attain the above objectives:
 - 2.1 prepare recommendations to improve the situation and promote observance of rights and adopt decisions to divide responsibility to implement the aforesaid recommendation;
 - 2.2 discuss and evaluate projects prepared by the Office;
 - 2.3 assess the situation of rights of the disabled in the country, report on same to the Office.
- Preparation of reports is organized by the Head of the Working Group. He/she may ask other members of the group to perform certain necessary tasks for the preparation of the reports.
Reports are submitted to the Director of the Office as needed but not less than once every quarter.

Membership and Operation of the Working Group

3. The Working Group consists of representatives of the Government, municipalities and public organizations. A representative of the Office is included in the Working Group. Members and Head of the Working Group are approved by the Director of the Office.
4. The Working Group meets once every two months. The Head of the Working Group may call meetings at his/her discretion between the regular meetings.
5. The Head of the Working Group prepares an Agenda of the meetings and forwards same to members of the Working Group not later than two weeks before the regular meeting.
6. The Head and members of the Working Group receive no remuneration for their work in the Working Group. The Office may allocate funds to the Working Group for the performance of more extensive studies.
7. Administration costs necessary to ensure operations of the Working Group are paid by the Office.

Status of the Working Group

8. The Working Group on Rights of the Disabled is established in accordance with Article 4 of the Law “On the Latvian National Human Rights Office”.
9. In its relations with the Office the Working Group has advisory status. Its resolutions are not binding to the Office.

October 7, 1997

Olafs Brūvers
Director, Latvian National Human Rights Office