

Human Rights in Latvia

1 January 2001 – 30 June 2001

Latvian Centre for Human Rights and Ethnic Studies

a member of the International Helsinki Federation for Human Rights

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Elections and Referenda

On March 11 municipal elections took place throughout Latvia. While voter turnout was high (62% of eligible voters took part), election officials and independent observers recorded serious irregularities in a number of electoral precincts. In the fourth Majori electoral district in Jurmala voters' lists disappeared the night of the elections, though a subsequent investigation found that no falsification took place. More serious problems were discovered in Preili district, Viestura parish near Bauska and Ilukste where allegations of vote buying and other irregularities led the courts to annul election results and schedule repeat elections in these locales for 8 July.

Members of Latvia's large non-citizen community (see below under Citizenship) were not eligible to vote or run for office in the elections. During a visit to Riga in early May, Council of Europe General Secretary Walter Schwimmer urged Latvia to grant non-citizens voting rights in local elections. Previously, the European Commission and the Council of the Baltic Sea States Commissioner have made similar calls on Democratic Institutions and Human Rights.

A controversial norm in the election law requiring candidates to have third (highest) level Latvian language proficiency remained in force for these elections. Following the elections, officials from the State Language Centre questioned the Latvian language proficiency of newly elected mayor of Daugavpils Rihards Eigims and six deputies in the Riga City Council. While Eigims agreed to demonstrate his language proficiency by taking a new test, the six Riga City Council deputies refused. In the first half of 2001, two cases challenging the language restrictions as discriminatory continued to make their way through international human rights bodies. The European Court of Human Rights is scheduled to rule in the autumn on a case involving a former candidate for parliament who was barred from running for office in 1998 because of insufficient language proficiency. A similar case involving a former candidate who was barred from running for office in municipal elections in 1997 is pending before the United Nations Human Rights Committee. The issue is likely to become heated in the second half of 2001, as one of the preconditions for closing the OSCE Mission to Latvia (an important milestone on the road to EU and NATO membership) contained in guidelines drafted by the Austrian chairmanship of the OSCE on 24 November 2000 is "removal of language requirements to stand for elected office."

Judicial System and Domestic Safeguards

On June 13 the Saeima (parliament) voted to reappoint Olafs Bruvers to another four-year term as director of the National Human Rights Office (NHRO), Latvia's ombudsman-type government body. Bruvers received the necessary votes (47 – a majority of those present) by garnering support not only from the governing nationalist right party Fatherland and Freedom/LNNK, but also from the opposition Social Democrats and minority-oriented "For Human Rights in a United Latvia." The latter justified their support by saying that an alternative candidate "could be worse." The governing People's Party was the only one whose members all voted against Bruvers, arguing that he is incapable of improving the work of the NHRO. Weak support for Bruvers came after a first term of office marked by a management crisis in 1998 and criticism from local and international human rights experts for inconsistent stances, conflicts of interest, an inability to work with international donors and a reactive approach to fulfilling the office's mandate.

In the first half of 2001, public debate erupted about the need to create an ombudsman office or to expand the mandate of the NHRO beyond human rights to include maladministration. A working group convened by the president's chancery created a concept paper calling for the creation of an ombudsman office on the basis of the NHRO. In response to this paper, the United Nations Development Programme and the OSCE Mission to Latvia created an expert review mission to review the human rights machinery in Latvia and draft recommendations for strengthening the NHRO and developing ombudsman functions. The mission, which consisted of the Finnish parliamentary ombudsman, the general secretary of the Canadian Human Rights Commission, the director of the Latvian Centre for Human rights and Ethnic Studies, and a representative of the Latvian government, submitted its report to the president on 31 May 2001.

In order to strengthen the NHRO, the report recommended instituting a broader, more public search for candidates for the post of director – a suggestion overtaken by events. The experts also recommended the following: requiring the director to present a strategic plan with priorities beyond investigating individual cases, creating specialised sub-divisions within the office on children's rights and equality issues, improving coordination and reducing overlap with other complaints bodies in Latvia, diverting housing-related complaints to another body, developing additional promotional materials, and improving cooperation with regional NGOs and law programmes. After the NHRO is strengthened and civil service reform and the Law on Administrative Procedure are implemented, the experts recommended developing ombudsman functions by expanding the mandate of the NHRO without diluting its focus on human rights or its mandate to engage in proactive monitoring, education and information. These recommendations should be seen in light of the guidelines for closure of the OSCE Mission to Latvia, which state that "the Chairmanship would welcome the establishment of such an office [an Ombudsman] or the development of an existing institution, e.g. the National Human Rights Office, in order to enhance its possibilities to fulfil the functions of an Ombudsman institution."

As judges are prohibited from striking, on 1 March judges from the Riga Regional Court conducted an "anti-strike" to draw attention to problems in the judicial system. They arrived to work on a Saturday and requested a meeting with Justice Ministry officials to address the problems of a shortage of judges and premises, which have resulted in huge backlogs and a growing number of complaints to the European Court of Human Rights. Ministry officials have promised to seek additional funds in the 2002 budget to improve working conditions for Riga judges and ensure legal defence in criminal cases.

In April, to protest insufficient pay, 16 sworn advocates in the city of Liepaja refused to ensure state guaranteed legal defence to clients. In violation of the law, police interrogated a number of minors without having an advocate present. Every year the state gives 145,000 lats (~USD 225,000) to the Council of Sworn Advocates to ensure legal defence for indigent clients. According to estimates made by the Council, at least 200,000 lats would be required for such services.

Torture, Ill-Treatment and Misconduct by Law Enforcement Officials

At a 12 February annual meeting of senior prosecutors, General Prosecutor Janis Maizitis announced that in the year 2000, his office had initiated 30 disciplinary cases against prosecutors for various violations and that 12 had been punished. Two

were fired, two were demoted, while the others received other forms of punishment. Maizitis noted that “an analysis suggests that prosecutors know poorly the criminal procedure code and civil law, as well as prepare documents imprecisely.”

Rights of Conscripts

On 26 April an army conscript in the Special Task Unit Vladimirs Gromovs died as result of hazing. An investigation concluded that he had died of heart failure after an “initiation ceremony” involving powerful blows to the chest. On 27 April prosecutors began a criminal investigation and the Defence Minister fired the unit’s commander Harijs Arnicans. On 11 May the prosecutor’s office announced that 12 soldiers were being charged with hazing, while 28 were victims. An internal investigation concluded that internal order and military discipline in the unit’s headquarters were unsatisfactory and recommended punishing four other officers.

The incident, the first of its kind in several years, prompted the Defence Ministry to halt conscription of soldiers into the Special Task Unit, which is to become a professional unit. The Defence Ministry also drafted a programme to eliminate hazing and proposed barring from conscription persons with a criminal record and those without an elementary education. Another initiative, begun at the start of the year but accelerated after the incident, was the establishment of an ombudsman-type post - persons chosen by the soldiers from within their ranks to review complaints within each unit containing conscripts.

Conditions in Prisons and Detention Facilities

In the first half of 2001 the large number of prisoners in remand prisons (43.6% of all prisoners) continued to evoke concern, as did long pre-trial investigation periods, especially for appeals. At the end of February 6 prisoners in Matisa Prison began a hunger strike against slow criminal investigation of their cases. On 31 January the Justice Ministry decreed that the maximum capacity in prisons was 5822. At the beginning of the year Latvia’s prisons contained 4967 persons, meaning occupancy was 85.3% of capacity. The maximum capacity of remand prisons was 3495, but they held 3964 persons (110.6%) at the beginning of the year. According to the Penal Code the living space for each person is 2.5 square metres.

On 14 May “Temporary Regulations Governing the Procedure for Holding Suspected, Accused, Indicted and Tried Persons in Remand Prisons” entered into force. These regulations replace old regulations from 1995 when prisons were under the supervision of the Ministry of Interior. The regulations contain provisions aimed at liberalising contacts with the outside world for remand prisoner, though much will depend on implementation.

At the same time, the new regulations forbid the delivery of food parcels to convicted and remand prisoners from outside the prison. The Prison Administration claimed that the supplementary food deliveries were a relic from the war years and justified the new restrictions by pointing to the growing problem of illicit drugs being smuggled into prisons along with food. On 1 April, when the new restrictions entered into force for regular prisons, 800 prisoners began a hunger strike, demanding a renewal of food parcels. After the regulations entered into force in remand prisons on 14 May, almost 1500 prisoners refused food in Central Prison and Brasas Prison on 25 May. In some cases, the action lasted until 31 May. The prisoners justified their demands by pointing to the high prices in prison stores, the inability of poor relatives

to help prisoners, as well as insufficient food provisions in prisons. Information about the controversy was contradictory. While authorities claimed that prisoners continued to avail themselves of food bought in the prison store, prisoners claimed to be carrying out a hunger strike.

In the first half of 2001, progress was made towards renovating decrepit detention facilities. At the end of April the newly renovated second division of the Central Prison was opened. It had not been renovated since 1905. On 28 February the prosecutor's office ordered the closing of the Dobele short-term police detention centre. The facility had completely unsatisfactory conditions and was near collapse. Authorities began to construct a new detention centre four years ago, but have not completed it due to resource constraints. At the beginning of April, the National police allocated 170,000 lats (~USD 265,000) to complete construction.

Protection of Minorities

Language policy continued to be a topical issue affecting the rights of minorities in the first half of 2001. On 14 June the parliament amended the Administrative Violations Code to envisage fines for eleven different violations related to language policy: signing a work contract with an employee whose Latvian proficiency is insufficient for performing his/her professional duties; failure to use the state language on the level necessary to perform one's professional duties; failure to provide translations in meetings if the law so requires; failure to ensure the use of Latvian in office records; failure to use the state language in contracts on the provision of medical treatment, health care, public safety and other public services; refusal to accept documents written in the state language; failure to ensure translation in events if the law requires translation; failure to ensure translation of radio and TV programmes and films if the law provides for translation; failure to create titles and names in the state language; failure to create the texts of stamps, seals and letterheads in the state language if the law provides for creating these texts in the state language; failure to observe the regulations on providing information to the public; and "disrespect towards the state language."

Many of the provisions are subject to the limiting clause contained in the State Language Law ("when there is a legitimate public interest"), but much will depend on implementation. Several of the provisions are problematic. For example, the provision making an employer liable for hiring someone with insufficient language skills unjustifiably involves businesses in enforcing the language law. Some provisions are vague and therefore open to varying interpretations. For example, the precise meaning of demonstrating "disrespect towards the state language" is unclear and is left up to the courts to interpret. For several of the violations, the size of the fines is disproportionately high – up to 250 lats (~ USD 400).

The National Programme for Latvian Language Training, an ambitious, multi-year effort to assist minorities to acquire the Latvian language, was brought under the Ministry of Education at the beginning of the year. While the Programme was initially funded almost solely by foreign donors such as the United Nations Development Programme, the European Union and bilateral partners, in 2001 the government itself became an active funder of the programme, allocating it Ls 428,000 (~USD 680,000).

On March 8 another effort by the parliamentary opposition to push ratification of the Council of Europe's Framework Convention for the Protection of National

Minorities failed, as 17 members of parliament voted for ratification, 19 voted against and 46 abstained. Latvia signed the convention in 1995, but has yet to ratify it.

After several years of delays, on 6 February the government finally adopted the National Programme for the Integration of Society in Latvia, a policy framework which lays out the goals and means for minority policy and promoting social cohesion in realms such as civic participation, education and culture. By mid-year, little had been done to implement the programme. On June 21 parliament reviewed the second reading of a draft law on creating a Social Integration Fund. A third and final reading is scheduled for an extraordinary session of parliament on 5 July. The law is to create a mechanism through which government and donor money is to be channelled to support integration-related projects.

Citizenship

In the first six months of 2001, the Naturalisation Board received only 3,862 applications for citizenship, a decline compared to the same period one year ago, when 5,898 applied in the first six months. On 1 January 2001 the number of stateless “non-citizens” stood at 551,064. At the end of 2000, there had been some speculation that the planned imposition by the Russian Federation of a visa requirement for non-citizens would facilitate acquisition of Russian or Latvian citizenship by removing one of the few advantages enjoyed by non-citizens – visa-free travel to Russia and the CIS countries. However, as the visas for non-citizens are cheap, long-term and multiple entry, the change did not have a significant impact.

On June 5 the government adopted two changes to facilitate naturalisation – it reduced the naturalisation fee and rationalised the examination procedure. According to the results of a recent sociological survey commissioned by the Naturalisation Board, of those non-citizens not planning to naturalise in the next year, 47% mentioned a lack of money for the basic fee, which for most categories of applicants has been 30 lats (~ USD 50). This should be seen in the context of a minimum monthly wage of 60 lats and average wage of 150 lats in 2000. The new regulations reduce the basic fee to 20 lats and even lower for a number of other categories – 10 lats for pensioners, partially disabled persons, and students; 3 lats for the unemployed, families with more than three children and those whose income does not exceed the state set subsistence level. Politically repressed persons, first category disabled, orphans and those under state or municipal social care are exempt from the fee.

Another change, long discussed in Latvia, exempts students who have passed the centralised Latvian examination within the previous two years from taking the language examination for naturalisation. This rationalisation of the procedure eliminates the need for students to take multiple examinations.

In cooperation with the OSCE Mission to Latvia, the Naturalisation Board began plans to implement a major advertising campaign aimed at non-citizens. The survey mentioned above found that 20% of those who do not plan to apply lack information on the procedure. A budget of more than USD 250,000 has been amassed from donors and a tender to local advertising and public relations firms concluded in June. The information campaign is to be implemented in the second half of 2001.

Intolerance, Xenophobia, Racial Discrimination and Hate Speech

In the first half of 2001, the courts ruled on a number of cases involving racist extremists. On 12 January a court in Liepaja found Guntars Landmanis, the editor of a

violently anti-Semitic and racist newsletter called “Patriots,” guilty of incitement of national hatred and sentenced him to 8 months in prison. Landmanis subsequently appealed the verdict. The Liepaja city prosecutor protested the verdict as well, urging a penalty of one year in prison based on the fact that Landmanis committed the crime when he was on probation for a previous offence. Meeting on 17 April to review the appeal, the Kurzeme Regional Court decided to postpone a sitting until mid-summer pending further evidence.

On 16 January the High Court rescinded an earlier sentence levied upon some members of the neo-Nazi Thundercross group requiring them to pay a civil penalty of over 20,000 lats (~USD 35,000) for damaging the Victory Monument in an explosion in 1997. The decision was based on the lack of any documentation for the sum provided by the proposed beneficiary, the Riga City Council. The High Court also reduced the sentences of several of the defendants (the maximum sentence had been three years in prison), ruling that the lower court had made mistakes in its indictments.

Russian extremists also ran afoul of the law in early 2001. In late February four members of a neo-Nazi group called Russian National Unity (RNU) were arrested and charged for armed robbery and assault and battery in Liepaja. Police discovered an enormous arsenal of weapons linked to the suspects, including machine guns, pistols with silencers and a cross-bow with RNU insignia. In early 2001 the Latvian Regional Organisation of RNU published two issues of an underground newsletter, the second of which contains some anti-Semitic innuendo: “it is no secret that Jews have the most influence in the leadership of the parties in the bloc ‘For Human Rights in a United Latvia.’” The same article notes that there is a “struggle under way between the Latvian bourgeoisie and Jewish finance capital.” In the municipal elections in March, RNU cooperated closely with the Russian Party in Liepaja, which received 333 votes out of 23,705 cast in the city, but won no seats.

A number of members of Russia’s National Bolshevik Party (NBP) who had entered Latvia illegally in November 2000, barricaded themselves in St. Peter’s Church in Riga and threatened to blow themselves up with a fake grenade faced trial in the first half of 2001. On 30 April the Riga Regional Court found three members of Russia’s NBP guilty of illegal border crossing and terrorism, sentencing two members to 15 years in prison and a third (a minor) to 5 years. Compared with the sentences levied on members of Thundercross, the sentences levied against NBP activists are excessive. A local NBP activist was sentenced to one year probation for abetting the activists from Russia. The three from Russia appealed the decision, but no hearing date was set as of mid-2001. On 6 June a court in Rezekne tried four other NBP activists from Russia who had also entered the country illegally in November, but who had been immediately apprehended. The court sentenced them to 7 months prison (the time they had been held in detention) and ordered them to be deported to Russia.

A fringe right-wing publishing house called “Vieda” created controversy in March by organising an essay contest for youth on themes such as “Latvia’s liberation from 700,000 colonists is task number 1,” “the European Union – a contemporary tower of Babel,” and “is the Russian language press a disseminator of Great Russian chauvinism or fascistic ideas in Latvia?” In the presence of two members of parliament from the governing Fatherland and Freedom/LNNK party, on 13 June the publishers launched a book entitled “We Don’t Give Latvia to Anyone” containing about 75 essays. While the newspaper “Chas” urged the authorities to bring charges of

incitement against the publisher, the Constitutional Protection Bureau, the national security agency, has ruled that nothing in the book crosses the line of incitement.

While the book contains sentimental nationalist poetry, calls to give national partisans and legionnaires due respect, and suggests ways of promoting the “voluntary repatriation” of Russian speakers, it also contains statements of a more militant nature. In the preface, the publisher Aivars Garda calls “colonists” a “cancer” and calls for a “struggle against internal and external enemies”. Certain essays end with the inter-war fascist greeting “Hail in the Struggle!” Others speak of “blood purity,” “the twisted Russian language, alcohol, destruction, polluted environment that are inalienable attributes of Russian pseudo-culture,” and the Russian community’s “murderer, destroyer, provocateur stance, which has been nurtured for centuries.” While such statements are not prosecutable as hate speech according to Latvian jurisprudence, much controversy could have been stemmed if the Latvian government had condemned the intolerance in a timely manner and the two deputies had avoided the launch.

A new Labour Law adopted by parliament on June 20 (see also below under Women’s Rights) contains a number of important anti-discrimination provisions, prohibiting direct or indirect discrimination in the right to work, safe working conditions, and equal pay on grounds of race, skin colour, national origin and other grounds. In line with recent EU directives, in some cases, the burden of proof shifts to the employer, who must demonstrate non-discrimination.

Protection of Asylum Seekers and Refugees

On 2 April 2001 a subcommittee of the Cabinet of Ministers adopted a draft Law on Asylum which will broaden the notion of a refugee by introducing temporary protection and alternative protection. Thus, the draft law determines the legal protection of those asylum seekers who do not fall under the criteria of the 1951 UN Geneva Convention or the 1967 Protocol on the Status of a Refugee. The draft law also envisages the possibility to review an asylum application at the border (so-called short procedure) without having the person enter the country, as well as criteria for recognising a country as a safe country, which will replace the list of safe countries currently in force.

On 5 June the parliamentary standing commission on human rights and social affairs supported the first reading of amendments to the law “On Civil Status Acts” which will lay out the procedure for registering the marriage of a person granted refugee status.

War Crimes and Crimes Against Humanity

On May 29 an Australian court ruled in favour of extraditing alleged Nazi war criminal Konrads Kalejs to Latvia to stand trial on genocide charges. Kalejs is alleged to have been an officer in the Arajs Kommando death squad and guard at the Salaspils labour camp during World War II. Kalejs’ lawyers, who appealed the decision, claim that he is too old and sick to be tried. Karlis Ozols, another former member of the Arajs Kommando and target of Nazi war crimes investigation, died in Australia in March.

The first steps were taken in the retrial of former Red partisan Vasilijš Kononovs for genocide for his part in the 1944 slaying of nine people. In 2000 the Riga Regional Court convicted Kononovs of genocide charges and sentenced him to

six years in prison, but the High Court subsequently ruled that the case required supplementary investigation. In January 2001 prosecutors announced the conclusion of their investigation and charged Kononovs with the same war crimes. In late May Kononovs had concluded his review of the charges and submitted his evidence to prosecutors. A new court date had not been set as of mid-year.

Women's Rights

On 20 June the parliament adopted a new Labour Law containing a number of important anti-discrimination clauses. Article 7 enshrines the principle of equal rights and the prohibition of discrimination on the basis of gender and other grounds. Article 29 enshrines the prohibition of differential treatment based on gender "in creating a labour contract, during the operation of a labour contract, in particular in promoting an employee, determining working conditions, pay for work or professional training, as well as ending a labour contract." If the employee indicates conditions that may serve as the basis for direct or indirect discrimination, the burden of proof shifts and the employer must demonstrate that differential treatment is based on objective circumstances. Indirect discrimination is said to exist if ostensibly neutral conditions, criteria or practices create disadvantageous circumstances for a large majority of one gender. The new law forbids job advertisements aimed at only one gender or setting age restrictions. Article 33 holds that "during a job interview questions that are unrelated to fulfilling the work are impermissible, as are questions that are directly or indirectly discriminatory, such as those regarding pregnancy, family or marriage conditions." Article 60 creates the responsibility for employers to set equal wages for men and women for the same work. The law will enter into force on 1 June 2002.

On 19 May the Ministry of Welfare presented to the public a Framework Document for Gender Equality, the first policy document in this sphere. The document analyses the current situation and suggests possible policy measures, including a "powerful institutional mechanism for coordinating implementation of gender equality policy... with powerful influence at all levels of policy." The document also suggests either creating a new ombudsman institution to review complaints in the sphere of gender equality or entrusting this function to the National Human Rights Office (see also Judicial System and Domestic Safeguards). The document envisages the adoption of a state strategy for implementing gender equality in the year 2002.

Rights of the Child

In early April President Vaira Vike-Freiberga visited Brasas prison and harshly criticised long pre-trial detention of minors, calling detention periods "abnormally long." The regime applied to minors was characterised as similar to that of "animals in a cage, who are permitted for one or two hours a day to stroll in another cage." In early April Brasas Prison contained 192 minors of whom 36 had been held in pre-trial detention for less than 6 months, 68 from 6 months to a year, 57 from one to two years, and 31 persons more than two years.

After her visit, the President submitted proposals to the parliament on amending the Criminal Code and Criminal Procedure Code. The amendments, which were adopted on 20 June, envisage applying speedy trial (20 days) to cases involving minors for serious crimes not linked to violence or serious consequences. Previously, speedy trial could only be applied to crimes for which the penalty was deprivation of

liberty of up to 4 years. Most minors awaiting trial face charges of violating Article 175, Paragraph 2 of the Criminal Code (theft exceeding 50 lats committed by a group or repeatedly), but the penalty for this crime can be a maximum of 6 years.

The norm that calls for extending pre-trial detention beyond two months only as an exception has been preserved. However, the judge will be able to extend detention for a maximum of only two months each time. The amendments set the maximum time as six months between receipt of the case in court until the end of the review at the first instance court. If the court does not review the case in six months, pre-trial detention is rescinded and the minor must be released. In cases concerning particularly serious crimes linked to violence, the Senate of the High Court can extend pre-trial detention beyond six months. The amendments also envisage that for lesser crimes not linked to violence or serious consequences, deprivation of liberty cannot exceed 5 years. Previously, the maximum had been 10 years.

In early June the criminal case against a former staff member at the Aleksandrova children's home was sent to the Kraslava district court. The staff member, Olegs Lisjonoks, is accused of cruel and violent treatment of minors, who were physically and morally dependent upon him. The charges cover 1997 through November 2000, during which the accused is alleged to have systematically beaten, humiliated and tortured pupils at the school. As Kraslava District Prosecutor Malda Kristovska noted, the 23 children aged 8 through 15 were victims and the indictment includes 33 episodes about which both children and other staff have testified. Criminal investigations have been initiated against three other staff members at the facility, including the former director.

On 26 January the United Nations Committee on the Rights of the Child adopted its concluding observations (CRC/C/15/Add. 142) on Latvia. The Committee made a number of recommendations addressing issues such as protecting children who have been victims of violence from having to testify repeatedly, long pre-trial detention periods for minors, and the need for rehabilitation programmes for children dependent on alcohol or narcotics. The Committee "reiterates the recommendation of the Committee on the Elimination of Racial Discrimination to reconsider the requirement to record ethnic origin in passports."

The Rights of the Mentally III

In early February the NGO "Save the Children" made allegations of long-term, systematic human rights abuses in the Vegi social care home for children with mental disabilities. "Save the Children" chose to air the allegations via the media without verifying them in detail or consulting with the relevant bodies in the Welfare Ministry. On 26 February the Talsu district prosecutor initiated criminal proceedings for cruel or violent treatment of children, but by mid-year had brought no charges. Before this incident erupted, a review by the Welfare Ministry's Social Assistance Department begun in 2000 found that procedures for dealing with possible cases of violence in the facility were not in place, that there was no documentation on conflicts within the centre, and that the facility did not have a psychologist. As these shortcomings had not been addressed in a year, the Ministry fired the facility's director on 14 February. On 14 June the Minister of Welfare reported that the Ministry had taken a number of steps to reduce the risk of problems in the facility and that a psychologist specially trained for work with victims of violence began work with both children and staff as of 1 April.

By mid-year, public debate about Vegi had died down. However, the incident and the tactics chosen by “Save the Children” had repercussions in similar facilities, where staff complained about problems with clients, a tense atmosphere and concerns about their rights against unsubstantiated allegations of wrongdoing. Such complaints suggest the lack of an effective system for regular staff meetings with psychologists. The scandal has complicated the work of others attempting to monitor human rights in closed institutions and generated public debate about the professionalism of NGOs.

Throughout the first half of 2001, the Ministry of Welfare had not yet made a decision about whether the state would compensate expenses for medicine for disabled persons, an issue which affects, among others, around 2000 persons of first and second group disability suffering from depression. After learning she was no longer entitled to state funded anti-depressants, a woman attempted to commit suicide and entered Riga Mental Hospital on 11 January. Patients with depression spend between 8 and 40 lats for medicine a month. Given the low level of social support for persons with disabilities, the majority of patients are unable to purchase medicine.

Patient's Rights

On 7 February the High Court reviewed the case of Edijs Filipsons, who became disabled after an unsuccessful back operation in 1997 and sued the State Hospital of Traumatology and Orthopedics and operating surgeon Egils Strauss. In a landmark ruling, the court found in favour of Filipsons and required the hospital to pay 32,741 lats (~USD 51,160) in compensation and pay for missed work from 1997 through 2003. The hospital decided not to appeal to the Senate of the High Court, but planned to review contracts carefully with patients before each operation.

In early 2001, a number of incidents involving access by patients to information about their case history came to the attention of the LCHRES. For example, one case involved dentistry and false information in the patient's case history. According to the current law on medical treatment, a case history is the property of the medical facility and is not to be given to the patient. A patient can only receive a brief summary, and only other medical facilities or medical personnel may receive the full case history. Thus, patients encounter difficulties in proving the falsification of data. In March 2001 the Welfare Ministry prepared amendments to a new draft law on health protection envisaging the patient's right to become acquainted with his/her case history and to read it, but the amendments have yet to be approved by the Cabinet and the parliament.

The growing number of persons with HIV/AIDS has given rise to a number of patient's rights issues. In early 2001, the head doctor of Rezekne Hospital Jazeps Korsaks suggested that staff should have the right to test a patient for HIV without the patient's permission. Medical professionals and human rights experts harshly criticised this suggestion, pointing to its incompatibility with a Welfare Ministry order as well as numerous international standards (the International Covenant on Civil and Political Rights, the European Convention on Human Rights and Biomedicine). In April the media reported on a homosexual person who had turned to the NHRO with a complaint that he had been barred from donating blood on the grounds that homosexuals are a high risk group. These two incidents point to the widespread ignorance about HIV/AIDS, as well as to the need to work with medical personnel to combat prejudices.

LCHRES Legal Aid by Issue Area, 1 January 2001– 30 June 2001

Issues	Oral Complaints	Written Complaints	Total
1. Right to liberty and security of the person A. In Police Institutions B. In the Prosecutor's Office	2		2
2. Right to a fair and public trial within a reasonable time	3	1	4
3. Right to humane treatment and respect for human dignity A. In places of detention B. In mental hospitals		2	2
4. Freedom from torture	1		1
5. Legal status of the person A. Legalisation of non-citizen's status	1		1
6. Right to housing A. Eviction B. Conflicts with landlords C. Resident's registration D. Other	2 7 4		2 7 1 4
7. Right to social welfare A. Pension or social assistance B. Social guarantees C. Ex-prisoners	1 1 4		1 1 6
8. Right to have one's complaint reviewed and to receive a response from a state institution A. National Human Rights Office B. Dept. of Citizenship and Migration C. Municipalities	6		6
9. Rights of the Child	2		2
10. Various	13	11	24
TOTAL	47	14	61

Activities of the LCHRES, 1 January 2001- 30 June 2001

In 2001, the staff of the LCHRES expanded with the addition of office manager Sanita Shumane, Soros Foundation- Latvia (SFL) funded policy fellows Artis Pabriks and Ilze Brands Kehris, and two short-term interns Arnis Daiga and Martins Panke. Cooperation with the SFL expanded in other realms: the SFL delegated to LCHRES deputy director Ieva Leimane the management of a multi-year programme for the Promotion of the Rights of the Mentally Ill and to LCHRES director Nils Muiznieks the management of its Human Rights and Tolerance Programme. Senior Researcher Anhelita Kamenska continued to run the SFL Prison and Police Reform Programme. The SFL also provides accounting services and office space to the LCHRES. Staff lawyer Sandra Garsvane will be leaving the LCHRES in September to pursue a master's degree in human rights at the University of Padua.

Publications

The LCHRES published its trilingual (Latvian, English, Russian) report "Human Rights in Latvia in 2000," which was reprinted in the International Helsinki Federation for Human Rights annual report "Human Rights in the OSCE Region: Report 2001."

Nils Muiznieks, "Minderheitenrechte in der Gesetzgebung Lettlands" in Minderheitenschutz in Mittel-und Osteuropa, ed. Gerrit Manssen un Boguslaw Banaszak, pp. 95-100. Frankfurt am main: Peter Lang, 2001.

Nils Muiznieks, letter to the editor in the 9 June edition of the newspaper *Lauku Avize* about discrimination.

Nils Muiznieks, letter to the editor in the 23 June edition of the newspaper *Vesti segodnia* about discrimination.

Artis Pabriks, "Does Latvia Have Ethnic Discrimination?" (Vai Latvija ir etniska diskriminacija?), *Diena* 5 March 2001.

Artis Pabriks, "New Citizens' Treason or Old Parties' Inactivity?" ("Jaunpilsonu nodeviba vai vecpartiju neizdariba?"), *Diena* 31 March 2001.

Artis Pabriks, "Civic Integration in a Multicultural Society," (Pilsoniska integracija multikulturala sabiedriba), *Diena* 11 June 2001.

Artis Pabriks, "June 14 – A Shadow Over Latvian Society," (14. junijs – ena par Latvijas sabiedribu), *Diena* 15 June 2001.

Community Outreach, Lectures, Presentations

2 February, Nils Muiznieks moderated a discussion organised by the American Chamber of Commerce with representatives of 7 party lists to the Riga City Council.

9 February, Nils Muiznieks moderated a discussion organised by the NGO Centre on the role of NGOs in decision-making at the national and municipal level attended by NGO leaders, state officials and media figures.

7 March-7 April and 28 May-21 June, Sandra Garsvane gave lecture courses on “Fundamentals of Law,” “International Human Rights,” and “Human Rights and Social Work” at the Attistiba School of Social Work and Social Pedagogy.

March through June, Sandra Garsvane led a series of activities within the “Street Law” Programme of the Soros Foundation – Latvia at the Ilguciems Women’s Prison and the Skirotava Prison.

8 March, Nils Muiznieks gave a presentation at the inaugural symposium of the Riga Graduate School of Law entitled “Discrimination in Latvia: Evidence from Surveys and Practitioners.”

9 March, Nils Muiznieks gave a lecture on social integration and Latvian politics to a delegation of Norwegian election observers.

12-13 March, Angelita Kamenska participated in the International Organization for Migration workshop on “Trafficking in Women in the Baltic States: Challenges and Remedies.”

22 March, Ieva Leimane gave a presentation on the rights of the mentally ill at a seminar organised by the Riga Zemgale district Red Cross.

28 March, Artis Pabriks gave a presentation on civic integration at a conference on civic integration organised by the Naturalisation Board.

30 March, Ilze Brands Kehris hosted a media roundtable discussion with Otto Lacis, renowned economist from Russia.

3 April, Ieva Leimane gave a talk on human rights in Latvia to a group of students from Tuebingen University in Germany.

10 April, Ieva Leimane gave a presentation on the rights of the mentally ill at a seminar for Vidzeme region municipal workers at Strenci Mental Hospital.

16 April, Nils Muiznieks participated in a roundtable and live radio broadcast devoted to the role of men in reproductive health organised by the Latvian section of Planned Parenthood.

27 April, Nils Muiznieks gave a lecture on human rights at a seminar for high school students in Līgatne organised by the Naturalisation Board for finalists in a civics essay competition.

3 May, Nils Muiznieks gave a lecture to the staff of United Nations House on human rights and ombudsman functions in Latvia.

7 May, Artis Pabriks and Nils Muiznieks ran panels at a conference on the European Convention on Nationality organised by the Naturalisation Board, the Institute of Human Rights and the Council of Europe Information and Documentation Centre.

11 May, Nils Muiznieks was a panellist at a national conference in preparation for the World Conference Against Racism organised by the Ministry of Justice.

17 May, Nils Muiznieks gave a lecture on minorities and integration in Latvia to a French delegation organised by the newspaper “Le Monde.”

18 May, Sandra Garsvane gave lecture courses on “Fundamentals of Law,” “International Human Rights,” and “Human Rights and Social Work” at the Kraslava affiliate of the Attistiba School of Social Work and Social Pedagogy.

23 May, Nils Muiznieks gave a presentation on human rights to pupils at the Jurmala Alternative School.

24 May, Ieva Leimane and Nils Muiznieks gave presentations on human rights in Latvia to a delegation of students from the University of Twente, Netherlands.

1 June, Nils Muiznieks participated in the jury of a youth essay contest organised by the Russian-language newspaper “Chas” entitled ‘Why I love Latvia and consider her my homeland.’

2 June, Nils Muiznieks gave a presentation on the conclusions of the expert mission to review the National Human Rights Office and Ombudsman functions at an international conference on ombudsmen organised by the President’s chancery.

8 June, Nils Muiznieks gave a presentation on “Minority Rights and Social Integration: Current Trends in Europe” at the Hanza Days international conference in Riga.

18 June, Ieva Leimane gave a lecture on the rights of the mentally ill and mentally disabled at the Attistiba School of Social Work and Social Pedagogy.

28 June, Ieva Leimane met with the relatives support group for mentally ill patients “Gaismas stars” and gave a presentation on the rights of the mentally ill.

28 June, Artis Pabriks led a panel at an evaluation conference convened by the National Programme for Latvian Language Training.

30 June, Sandra Garsvane gave a lecture on prisoner’s rights at the Cesu juvenile correctional facility.

Work with the Media

25 April, Ieva Leimane was the person of the day in the daily newspaper *Diena*.

26 April, Ieva Leimane and Nils Muiznieks gave a 20-minute interview on Latvian Radio on the LCHRES annual report on human rights.

27 April, Nils Muiznieks was interviewed by the newspaper “Chas” on hate speech and freedom of expression.

17 May, Ieva Leimane and Nils Muiznieks were interviewed on Latvian television in the programme “1+1” on the LCHRES annual report.

30 May, Nils Muiznieks was interviewed in the newspaper *Vesti segodnia*.

1 June, Nils Muiznieks met with a delegation of 15 Scandinavian journalists and gave a presentation on human rights and ethnic relations.

2 June, Nils Muiznieks was interviewed in the newspaper *Rigas Balss*.

8 June, Nils Muiznieks was a guest on the TV news magazine “Crossfire” to discuss the proposal to establish an ombudsman’s office in Latvia.

15 June, Nils Muiznieks was the featured guest on the Russian language TV news magazine “From a Position of Power.”

19 June, Nils Muiznieks was interviewed in the newspaper *Lauku Avize*.

19 June, Nils Muiznieks was the featured guest for an internet forum organised by the Russian-language newspaper “Chas.”

Over the first six months of 2001, the largest daily newspaper *Diena* cited Nils Muiznieks 19 times, Artis Pabriks 11 times, Angelita Kamenska twice, and Ieva Leimane once, the second largest daily *Neatkarīga Rita Avize* cited Nils Muiznieks 6 times and Artis Pabriks 3 times, the largest circulation non-daily newspaper *Lauku Avize* cited Nils Muiznieks 7 times and Artis Pabriks 4 times, and *The Baltic Times* cited Nils Muiznieks 8 times and Angelita Kamenska once.

Participation in International Events

29-30 January, Nils Muiznieks was one of two NGO representatives included in the Latvian state delegation to a conference entitled “Combating Intolerance” organised by the government of Sweden in Stockholm.

21-24 February, Ieva Leimane attended a meeting of Soros-related policy centres in Sofia, Bulgaria, organised by the Local Government and Public Policy Institute.

6-9 March, Angelita Kamenska participated in the 44th plenary of the European Committee for the Prevention of Torture in Strasbourg.

22-25 March, Nils Muiznieks participated in an international conference on privacy organised by Central European University and the journal “Social Research” and gave a presentation entitled “Private and Public Prejudice.”

1-8 April, Aris Pabriks went on a study visit to Brussels to get acquainted with EU activities in the realm of anti-discrimination.

5-7 April, Ilze Brands Kehris attended the Association for the Study of Nationalities annual conference in New York.

17-18 April, Artis Pabriks participated in a symposium on identity organised by the Council of Europe in Strasbourg.

13-18 May, Angelita Kamenska was a member of a European Committee for the Prevention of Torture delegation to Malta.

28-9 May, Ieva Leimane took part in the First Baltic Sea Area NGO Forum organised by the Council of the Baltic Sea States in Lubeck, Germany.

30-1 May, Ieva Leimane took part in a seminar on EU Justice and Home Affairs organised by the Robert Schuman Centre and the European Commission in Brussels.

Legal Assistance, Advocacy, Consultancy

1 January – 30 June, Sandra Garsvane provided legal assistance and advice to 61 clients (see table above).

Ieva Leimane provided legal advice to 4 clients on matters related to mental health (admittance to special social care homes for the mentally ill, involuntary commitment, and diminished capacity).

January – February, Angelita Kamenska worked as a consultant to the International Organization for Migration and wrote a research paper on “Trafficking in Women – Legislation in Latvia for the IOM project “Trafficking in Women in the Baltic States: the Legal Module.

Ieva Leimane participated in a working group convened by the Ministry of Welfare’s Social Assistance Foundation to prepare amendments to legislation affecting the mentally ill and conditions in social care homes for the mentally disabled.

3-11 April, Nils Muiznieks was one of four experts in a UNDP/OSCE sponsored “Expert Review Mission on the Latvian National Human Rights Office and Ombudsman Functions in Latvia.” He subsequently took an active part in publicising the results of the Mission in the media and in meetings with politicians, including the president.

25 April, the LCHRES organised the launch of its report “Human Rights in Latvia in 2000” to which it invited the media and diplomatic corps. Media coverage of the launch was extensive.

2 May, Nils Muiznieks was invited by the parliamentary commission on Human Rights and Social Affairs to present and discuss the LCHRES report “Human Rights in Latvia in 2000.”