



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

Distr.  
GENERAL

CERD/C/398/Add.2  
6 June 2002

Original: ENGLISH

---

COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 9 OF THE CONVENTION**

**Fifth periodic reports of States parties due in 2001**

**Addendum**

**LATVIA\***

[5 April 2002]

---

\* This document contains the fourth and fifth periodic reports of Latvia, due on 14 May 1999 and 2001 respectively, submitted in one document. For the initial, second and third periodic reports of Latvia submitted in one document and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/309/Add.1 and CERD/C/SR.1348, 1349, 1367.

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Introduction .....	1 - 3	3
Article 1 .....	4 - 10	3
Article 2 .....	11 - 18	4
Article 3 .....	19 - 20	6
Article 4 .....	21 - 32	6
Article 5 .....	33 - 136	8
Article 6 .....	137 - 144	28
Article 7 .....	145 - 157	30

## **Introduction**

1. The initial report of Latvia on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (hereafter - the Convention), binding upon Latvia since 14 May 1992, was examined during the fifty-fifth session of the United Nations Committee for the Elimination of Racial Discrimination on 11 and 12 August 1999.
2. The present periodic report on the implementation of the Convention in Latvia provides information on the period since the submission of the initial report, as well as information on what has been achieved in implementing the suggestions and recommendations adopted by the Committee on 23 August 1999 (A/54/18, paras. 384-414). The report was prepared pursuant to the guidelines adopted by the Committee in 1980 and revised in 1993, and taking into account the general recommendations of the Committee in interpreting articles of the Convention.
3. A special working group was established to draft this report, representing the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Education and Science, the Ministry of Culture, the Ministry of Welfare and the Ministry of Justice, and headed by a representative duly authorized by the Cabinet of Ministers pursuant to the Regulations on Representing the Cabinet of Ministers at International Human Rights Institutions of 17 March 1998. Comments on the report prepared by the working group were given by the National Human Rights Office, the Human Rights Institute of the Faculty of Law of the University of Latvia, as well as by the Latvian Human Rights and Ethnic Studies Centre. The improved report was then reviewed and accepted by the Cabinet of Ministers on 26 March 2002.

## **Article 1**

4. Article 89 of the Constitution of Latvia provides that “the State recognizes and protects basic human rights in accordance with this Constitution, the laws and international agreements binding to Latvia”. Furthermore, article 91 includes both the principle of non-discrimination and the principle of equality. This article provides that “everyone in Latvia is equal before the law and the courts. Human rights shall be enjoyed without any discrimination”. Article 1 of the Law “On the Unrestricted Development and Right to Cultural Autonomy of Latvia’s Nationalities and Ethnic Groups” states that “the inhabitants of the Republic of Latvia are guaranteed, regardless of their nationality, equal human rights which correspond to international standards”, while article 16 of the said Law provides that “any activity directed towards national discrimination or the propagation of national superiority or national hatred is punishable in accordance with existing laws”.
5. Interpretation of the meaning of “racial discrimination” is provided in the Latvian Criminal Law, which came into effect on 1 April 1999. Article 78 of the Criminal Law (“Violation of national or racial equality, restriction of human rights”) recognizes any action manifesting itself as “a deliberate direct or indirect restriction of economic, political or social rights of a person or the direct or indirect granting of advantages to a person because of his/her race or nationality” is criminally punishable. As pointed out by the Human Rights Institute of the Faculty of Law of the University of Latvia (hereafter - the Human Rights Institute), article 78

of the Criminal Law fails to mention that discrimination in the realization of civil rights is also punishable. The aforesaid article mentions a person's race or nationality as grounds for discrimination, but lacks reference to other grounds which are mentioned in article 1 of the Convention. However, the Human Rights Institute believes that these discrepancies may be eliminated through interpretation.

6. The Human Rights Institute also points out that article 78 of the Criminal Law restricts discrimination to deliberate action, while article 1 of the Convention relates discrimination to actions whose goals or consequences are to reduce or eliminate human rights and basic rights. It must be admitted that this legal nuance has not yet been discussed.

7. The new Labour Law defines indirect discrimination. According to paragraph 4 of article 29 of this Law, "indirect discrimination may occur when obviously neutral regulations, criteria or practice cause unfavourable impact on a considerably larger number of persons of one gender, except in cases when such regulations, criteria or practice is applicable and necessary and may be justified by objective circumstances unrelated to gender". Paragraph 5 of article 29 of the said Law relates the definition of indirect discrimination also to actions performed based on, among other things, a person's race, colour or national origin.

8. The aforesaid definitions of discrimination as a whole correspond to the definition of "racial discrimination" provided in paragraph 1 of article 1 of the Convention, and thus Latvia is of the opinion that paragraph 1 of Part E of the recommendations of the Committee of 23 August 1999, has been observed.

9. With respect to paragraphs 2 and 3 of article 1 of the Convention, Latvia is prepared to provide the Committee during the review of this report with all information of interest to the Committee concerning the differences in the rights of citizens and non-citizens, even though the Convention does not require it.

10. Paragraph 8 of the initial report provides information concerning implementation of paragraph 4 of article 1 of the Convention.

## **Article 2**

11. With respect to the period since the submission of the initial report, a number of significant events must be mentioned which have helped to strengthen the protection of human rights in this country and have enhanced public understanding of human rights.

12. On 15 October 1998, amendments to the Latvian Constitution were adopted, supplementing it with a new chapter 8, "Human Rights", thus securing protection of human rights on a constitutional level.

13. On 6 February 2001, the Cabinet of Ministers approved the State programme "Social Integration in Latvia". This programme was developed over a number of years, analysing and studying the processes of formation of civil society and involving in debates both the public and

non-governmental organizations, as well as government institutions. The aim of the Social Integration Programme is to establish a democratic, united civil society based on common basic values.

14. On 20 June 2001, Saeima (the Parliament) adopted the Labour Law, which provides a definition of indirect discrimination (see paragraph 7 above). In addition, the Labour Law fixes the prohibition on putting discriminatory questions during job interviews, provides for the right to ask for compensation for non-pecuniary damages in case of violation of the prohibition on displaying a differentiating attitude during the hiring process, employment or discharge.

15. Since 1998 Latvia has signed or ratified a number of international agreements in the human rights area, the most important of which is the Protocol No. 12 to the European Convention on Human Rights, which Latvia signed on 4 November 2000. This protocol provides for the prohibition of discrimination as an independent right, thus significantly broadening the scope of rights previously protected by the European Convention and its Protocols. On 22 April 1999, Latvia signed the Rome Statute of the International Criminal Court, and currently the necessary legislation is being drafted to ratify it.

16. The initial report (para. 17) mentioned that the National Human Rights Office functions in Latvia. This is an independent State institution, established pursuant to the final document of the 1993 Vienna World Conference on Human Rights and which promotes observance of basic human rights and freedoms in Latvia in accordance with the Constitution and international agreements binding upon Latvia in the human rights area.

17. The main duties of the Office are to provide the public with general information on human rights, as well as to promote recognition and understanding of these rights; examine any complaints of violations of human rights; react to facts of violation of human rights, as well as on its initiative to establish circumstances which may cause such violations; draft programmes for the promotion of the observance of human rights, as well as coordinate implementation of programmes prepared by other government and municipal institutions and working groups in the human rights area. Also, the National Human Rights Office provides the Saeima, Cabinet of Ministers and other institutions with regular reports on current human rights issues. It should be emphasized that international experts, who evaluated the work of the National Human Rights Office, concluded that the Office is a full-fledged human rights protection ombudsman. Moreover, the Office also is a member of the International Ombudsman Institute.

18. Towards the end of 2000 the President's Office established a working group whose task was to study the need to establish an ombudsman institution in Latvia, as well as to draft a concept for such an institution. As the working group indicates in its report, public trust in the civil service, law enforcement agencies and the courts is low; therefore, the resolving of conflicts between the public and the Government or municipal institutions is not effective. The working group provided a number of options for the resolving of the problem, including the possibility of forming five different ombudsmen offices, establishing the ombudsman institution on the basis of the existing National Human Rights Office, and others. As public debate on these issues continues, none of the recommendations of the working group has been implemented yet.

### **Article 3**

19. As indicated in the initial report, apartheid does not exist in Latvia. There are no legal acts providing for segregation in any form. Quite the opposite, article 78 of the Latvian Criminal Law provides for liability for acts which are directly aimed at causing national or racial hatred or discord.

20. Also, the initial report provided information that during the period 1948-1991, when such racist regimes existed in South Africa, foreign policy of the occupied Latvia was implemented by the ex-USSR, and Latvia does not consider itself successor to that policy.

### **Article 4**

#### **Prohibition to disseminate ideas based on racial superiority or hatred, prohibition to incite racial discrimination**

21. Article 78 of the Criminal Law provides for liability for acts knowingly directed towards: instigating national or racial hatred or enmity; restricting, directly or indirectly, economic, political, or social rights of individuals; or creating, directly or indirectly, privileges for individuals based on their racial or national origin. The penalty for such acts is imprisonment for a period of up to three years or a fine of up to 60 minimum monthly salaries. Furthermore, a sentence of imprisonment for a period of up to 10 years may be imposed on persons guilty of the aforesaid acts if they are linked to violence, fraud or threats, or if such acts were perpetrated by a group of persons, or a government official, or an authorized member of the staff of a company or organization.

22. Article 71 of the Criminal Law provides for a sentence of life imprisonment or imprisonment for a period of 3-20 years for genocide, i.e. intentional acts for purposes of the destruction, in whole or in part, of any group of people identifiable as such by nationality, ethnic origin, race, social class or a defined collective belief or faith, by killing members of the group, inflicting upon them physical injuries hazardous to life or health or causing them to become mentally ill, intentionally causing conditions of life for such people as result in their physical destruction in whole or in part, utilizing measures the purpose of which is to prevent the birth of children in such group, or transferring children on a compulsory basis from one group of people to another.

23. As indicated by the Human Rights Institute, the provisions of article 156 of the Criminal Law, "On Insult", article 157 "On Libel" and article 158 "On Insult and Libel in Mass Media", may be applied to indict a person who has deliberately insulted a person's national feelings. It must be admitted that so far there is no court praxis in the application of the aforesaid articles in this aspect.

24. Article 7 of the Law "On the Press and other Forms of Mass Media" provides that "it is forbidden to publish information which is a State secret or another secret especially protected by law, which calls for violence and overthrow of the existing power, promotes war, cruelty, racial,

national or religious superiority and intolerance, incites to commit a crime". Article 17 of the Radio and TV Law states that "a programme may not include instigation to national, racial, gender or religious hatred, or insult". According to the Law, advertisements also may not include "any racial, gender or national discrimination".

25. The Law "On Meetings, Parades and Pickets" in article 10 provides that "during the aforesaid events [meetings, parades and pickets] it is forbidden to turn against the independence of the Republic of Latvia, express suggestions to violently change the regime of the Latvian State, instigate to disobey the law, preach violence, national and racial hatred, open fascist or communist ideology, carry out war propaganda, as well as glorify or call to commit crimes and other violations of the law".

26. Latvia has also expressed its attitude as to the unacceptability of the expression of ideas based on racial superiority or hatred and inciting racial discrimination in article 11 of the Citizenship Law which provides that "Latvian citizenship shall not be granted to persons who have, after 4 May 1990, expressed fascism, chauvinism, national socialism, communism or other totalitarian ideas or have incited to national or racial hatred or discord, if established by court verdict."

27. In 1999, five criminal cases were initiated - four cases were filed based on paragraph 1 of article 68.1 (genocide) of the then effective Criminal Code, and one case on the basis of paragraph 1 of article 69 of the Criminal Code (inciting national discord). In 2000 four criminal cases were filed - one on the basis of article 71 of the Criminal Law (genocide), and three on the basis of paragraph 1 of article 78 of the Criminal Law (actions deliberately intended to cause national hatred or discord). In 2001 two criminal cases were initiated under article 71 of the Criminal Law and one case under article 78 of the Criminal Law.

### **Prohibition of organizations propagating racial discrimination**

28. Article 13 of the Law "On Public Organizations and their Associations" provides that public organizations and their associations may not be registered if their submitted statutes or programme documents show that the objectives or activities of the public organizations or associations of public organizations are in conflict with the Constitution, the law or international agreements binding on Latvia. The Law also provides (art. 9) that abbreviations of names of public organizations or their associations or their symbols that show a positive attitude towards violence or crime are forbidden.

29. According to article 34 of the said Law, operation of a public organization or an association of public organizations may be suspended or terminated by the court. Operation of a public organization may be suspended for a period of up to six months, if such public organization continues its illegal activities after receiving a warning to discontinue such activities, or within a year from the day it had received a warning to discontinue its illegal activities, if it persists in repeatedly violating the Constitution, the law or other normative acts.

30. A court may order the operation of a public organization terminated if such public organization or its territorial structural unit commits the following violations of the law:

(a) Fails to obey a court decision to suspend activities or fails to correct within the deadline set by the court a violation of the law because of which its operations were suspended;

(b) Deliberately permits the perpetration of criminal offences;

(c) Calls on the population of Latvia or its members to disobey (violate) the law or other normative acts or commit criminal offences;

(d) Uses names, abbreviations of names or symbols mentioned in article 9 of this Law;

(e) Preaches ideas of racial, national or religious hatred, glorifies and abets criminal offences or expresses a positive attitude towards such, in public places, the press or other printed matter intended for public distribution, other forms of mass media or at public meetings.

31. Until now, the activities of no public organization have been suspended or terminated in Latvia on the basis that the public organization has preached racial hatred.

### **Prohibition for government institutions to support racial discrimination**

32. The principle of equality defined in the Constitution and prohibition of discrimination are equally applicable at all levels of government administration. According to paragraph 2 of article 78 of the Criminal Law the fact that a government official has committed acts of causing national or racial hatred or discord is punishable more severely, is considered an aggravating condition and a more severe penalty is imposed.

## **Article 5**

### **The right to equality before the courts**

33. The equality of all residents of Latvia before the courts is guaranteed by the legal acts in effect in Latvia, which provide for both the non-discrimination principle and the principle of equality. Article 91 of the Constitution provides that “all persons in Latvia are equal before the law and the courts. Human rights are enjoyed without any discrimination”. Identical provisions are included also in the Law “On Judicial Power”, where article 4 provides that “(1) All persons are equal before the law and the courts, they have the same right to protection of the law.

(2) The court decides cases regardless of a person’s origins, social or financial standing, race or nationality, gender, education, language, attitude to religion, nature or form of employment, place of residence, political or other views.”



34. Article 13 of the Code of Criminal Procedure “Court decisions based on the equality of persons before the law and the courts” provides that “In criminal cases, such cases are examined on the basis of equality of the parties before the law and the courts regardless of their origins, social or financial standing, race or nationality, gender, education, language, attitude to religion, nature or form of employment, place of residence or other circumstances.”

35. Article 1 of the Law of Civil Procedure “A person’s right to protection of the court” guarantees to all natural and legal persons the right to protection by the court of their injured or disputed civil rights or interests protected by law. Article 9 of this Law provides that in a civil process, the parties have equal procedural rights, and the court provides equal opportunity for the parties to make use of their rights to protect their interests.

### **The right to personal safety and protection against violence**

36. The right of any person to personal safety and protection against violence is guaranteed, firstly, by the Constitution. Article 93 of the Constitution provides that “Everyone’s right to life is protected by the law.” Article 94 provides that “Everyone has the right to freedom and personal inviolability. No one may be deprived of his/her freedom or have his/her freedom restricted other than by law.” Furthermore, article 95 provides that “The State protects a person’s honour and dignity. Torture, other cruel or degrading treatment of a person is prohibited. No one may be subjected to cruel or degrading penalties.”

37. Article 5 of the Law “On the Police” provides that “the Police shall protect the rights and lawful interests of persons regardless of their citizenship, financial or other standing, race and nationality, gender and age, education and language, attitude to religion, political or other persuasion”.

38. Article 317 of the Criminal Law provides liability in case of exceeding authority, i.e. actions committed by a government official which obviously exceed the rights and authority granted to him/her by law or duties entrusted to him/her, if such actions have caused significant harm to the authority of the State or administration or a person’s rights and interests protected by law. The second paragraph of the aforesaid article provides a more severe penalty for the same actions if they have caused serious consequences or involved violence or the threat of violence, or if committed for gain.

39. Furthermore, article 318 of the Criminal Law provides for liability in case of malicious use of authority, i.e. the deliberate actions of a government official maliciously using his/her authority, if such actions have caused significant harm to the authority of the State or Administration or a person’s rights and interests protected by law. The second paragraph of the aforesaid article provides a more severe penalty for the same actions if they have caused serious consequences or were committed for gain.

40. Articles 317 and 318 of the Criminal Law also apply to criminal offences committed by the staff of the State Police - illegal use of physical force, inhuman behaviour, sneering, and other actions violating human rights. The State Police has registered cases when members of the

Police staff have behaved violently towards several individuals, but there is no information that in any of these cases the violent behaviour related to the racial or ethnic origin of the individual. Any person has the right to submit to the State Police an application concerning violation of his/her rights. All such cases are investigated and if it is found as a result of such investigation that a member of the Police has exceeded his/her authority, criminal charges are brought against him/her according to the legal acts in force (information concerning registered and detected crimes provided for in articles 317 and 318 is shown in the table below).

Article of the Criminal Law	1999		2000		2001	
	Registered	Detected	Registered	Detected	Registered	Detected
Article 317	48	10	42	8	42	11
Article 318	52	28	54	29	56	32

41. The right to self-defence is provided in chapter III of the Criminal Law, which discusses circumstances excluding criminal liability. Acts corresponding to elements of a criminal offence as provided in the Criminal Law, but committed under circumstances excluding criminal liability, are considered to be: necessary defence; arrest causing harm to the person; extreme necessity; justified professional risk and execution of a criminal command or a criminal order. Necessary self-defence is an act which is committed in defence of the interests of the State or the public, or the rights of oneself or another person, as well as in defence of a person against assault, or threats of assault, in such a manner that harm is caused to the assailant. A person has the right to necessary self-defence, irrespective of the possibilities of avoiding the assault or turning to other persons for help. According to the Criminal Law, criminal liability for this act applies if the limits of necessary self-defence have been exceeded, i.e. where there is an obvious disproportion of defence compared with the nature and the danger of the assault.

42. Arrest causing personal harm is an act which is directed against a person who is committing or has committed a criminal offence. Limits of arrest are exceeded if there is obvious disparity in the nature of the offence or resistance.

43. An act of extreme necessity is an act which a person commits to prevent harm which threatens the interests of the State or the public, the rights of the person or another person, or the person or another person if in the actual circumstances it has not been possible to prevent the relevant harm by other means and if the harm caused is less than that which was prevented.

44. Justified professional risk is harm done by a professional action which has the constituent elements of a criminal offence, if the action was committed in order to achieve a socially useful goal which could not have been achieved by other means. Professional risk is justified if the person had done everything to prevent harm to legally protected interests.

45. In the case of execution of a criminal command or a criminal order, a person is not criminally liable if he/she was not aware of the criminal nature of the command or order and it was not obvious. However, criminal liability applies if a crime against humanity and peace was committed, or war crimes or genocide.

## **The right to vote**

46. Article 6 of the Constitution provides, “The Saeima is elected in general, equal, direct, secret and proportional elections.” According to article 8 of the Constitution, all citizens of Latvia who have reached the age of 18 on the day of the elections are entitled to vote. Article 9 of the Constitution provides that any full-fledged citizen of Latvia who has reached the age of 21 years on the day of the election, may be elected to the Saeima.

47. The initial report (paras. 43-48) provided information on legal acts in effect regulating the implementation of voting rights.

48. Article 90 of the Criminal Law provides liability for deliberate interference with a person’s right to vote and be elected by using violence, fraud, threat, bribery or other illegal means. The penalty for such acts is imprisonment for a period of up to three years or a fine of up to 60 minimum monthly salaries.

49. On 15 August 2000, the Constitutional Court examined the case concerning compliance of the Law on the Elections to Saeima and the Law on the Elections to the City Council and Parish Council with the Constitution, the European Convention on Human Rights and the International Covenant on Civil and Political Rights. According to the applicants, the requirements of the above-mentioned laws prohibiting from standing as candidates persons who are or have been staff employees of the State security, intelligence or counter-intelligence services of the former USSR, Soviet Latvia or foreign countries, or who have participated after 13 January 1991 in the activities of the Communist Party of the Soviet Union and in those of the following organizations: the International Front of the Working People of the Latvian SSR, the United Council of the Working Collectives, the Organization of the War and Work Veterans, the Pan-Latvian Salvation Committee, are discriminatory and thus contrary to the Constitution and the Covenant, as well as to the European Convention.

50. In its judgement the Constitutional Court recalled that the right to vote and to be elected “are not absolute”, since they may be enjoyed “in a manner prescribed by law”. The Constitutional Court also recalled that “article 25 of the Covenant, although it envisages inadmissibility of discrimination with regard to implementation of the above right, also acknowledges the possibility of limiting the right, stressing that ‘every citizen shall have the right and the opportunity, without ... unreasonable restrictions [to vote and be elected, etc.]’. Thus, determination of reasonable restrictions with regard to the rights incorporated in article 25 of the Covenant is admissible”. After evaluating whether the restrictions are (1) determined by the law, adopted under due procedure; (2) justified with a legitimate aim; and (3) necessary in a democratic society, the Constitutional Court concluded that these conditions had been met. The Constitutional Court further concluded that the disputable norms are directed against only those who, after 13 January 1991, in the presence of the occupying army, had actively attempted to restore the previous regime, but are not directed against persons with different political opinions. Finally, the Constitutional Court concluded that the disputed norms correspond to the Constitution, the European Convention on Human Rights, as well as article 25 of the Covenant.

51. On 25 July 2001, the United Nations Human Rights Committee examined a communication from a Latvian citizen who believed her rights enshrined in article 25 of the International Covenant on Civil and Political Rights had been violated. As alleged by the author of the communication, her rights were violated when the Central Election Commission decided to strike her off the list of candidates for local elections owing to insufficient proficiency in the State language. In examining the merits of this communication, the Human Rights Committee noted that the Central Election Commission had based its decision on a review of the candidate's proficiency undertaken a few days before the elections by a single language examiner who determined that she was not proficient despite having been awarded a State certificate of proficiency several years earlier. The Human Rights Committee concluded that the annulment of the author's candidacy owing to insufficient proficiency in the State language was not compatible with the requirements of article 25 of the Covenant since the second review of the author's language proficiency conducted by a single inspector was not based on objective criteria and was not proved to be procedurally correct.

52. In order to implement the Views of the Human Rights Committee, the Cabinet of Ministers, on 6 November 2001, accepted amendments to the Statutes of the State Language Centre and Regulations on the Degree of Proficiency in the State Language Required for the Performance of Duties relating to the Exercise of Professions and Positions and on the Procedure for Language Proficiency Tests. According to these amendments, an additional examination of a person's language proficiency may only be conducted at the person's request, while the State Language Centre may examine the authenticity of the State language proficiency certificate. Thus, the amendments eliminate the problem identified by the Committee and secure the principle of legal certainty - a person can be sure that once he/she has passed the language proficiency test and has been issued a certificate, another examination would be possible only upon his/her request.

53. There is a current ongoing public debate concerning the need to retain in the laws regulating the enjoyment of the right to vote, the requirement that candidates must be proficient in the State language to the highest level. Supporters of this requirement believe that this protects the Latvian language and promotes the use of the language in government institutions. On the other hand, those opposed to the requirement are of the opinion that the protection and use of the language are regulated by other legislation - the National Language Law, the Parliamentary Procedure Law, the Code of Administrative Violations - and thus this requirement in the election laws is unjustified. At the end of 2001 the President of Latvia asked a group of experts to assess the legal aspects of this issue and provide recommendations for possible further action. At the same time, linguists were asked to give their opinion on how to ensure most effectively the protection of the national language and promotion of its use.

#### **The right to equal involvement in government administration and equal opportunity to work in the public service**

54. Article 101 of the Constitution provides that "Any citizen of Latvia may participate in government and municipal activities as provided by law, as well as work in government service." Furthermore, the National Civil Service Law provides the legal status of the civil service, the mandatory requirements for a civil servant and the legal status of a civil servant in his/her relationship to the Government.

55. None of the requirements for civil servants provided in article 7 of the National Civil Service Law is linked to the person's race or nationality.

**The right to freedom of movement and residence, the right to leave and return**

56. Article 97 of the Constitution provides that "Anyone legally residing in Latvia has the right to move freely and choose his/her place of residence." According to article 98 of the Constitution, "Anyone has the right to leave Latvia. Anyone holding a Latvian passport is under State protection while outside Latvia and has the right to freely return to Latvia."

57. Pursuant to currently effective legislation, a person, upon choosing a place of residence, is required to register. This "registration system" should be considered outdated, especially since, according to the Civil Law, a person may have more than one place of residence. For this reason, a Law on Declaration of Residence has been drafted and is presently being reviewed by the Saeima. According to this Law, a person will be required to declare his/her place of residence so that he/she may be reached for legal relations with the Government. The Governmental Regulations "Temporary Order for Registration and Signing Out" that entered into force on 1 February 2002 provide a new basis for registration. The Regulations are based on the presumption that a person may have several places of residence, in one of which, chosen by the person, he/she has the obligation to register, thus securing implementation of the right to freely choose one's place of residence until the entry into force of the Law on Declaration of Residence is made considerably easier.

58. Pursuant to the Law of 27 August 1998 on the Register of Residents, there are four types of persons who may receive identity and travel documents issued by Latvia: a Latvian citizen, a non-citizen, a stateless person and a refugee. Pursuant to the Constitution, the Citizenship Law of 22 July 1994, the Law of 12 April 1995 "On the Status of those Citizens of Ex-USSR who do not hold Latvian or another country's citizenship", the 19 June 1997 Law "On Asylum-Seekers and Refugees in the Republic of Latvia" and the 18 February 1999 Law "On the Status of the Stateless in the Republic of Latvia", Latvia issued the aforesaid categories of persons with identity documents and guarantees the right to leave and return to the country at any time.

59. The procedure for issuing passports for non-citizens is regulated by Cabinet of Ministers Regulations No. 42 of 30 January 2001, "Regulations on Passports of Latvian Non-Citizens". As of 1 January 2002, 590,274 passports were issued to non-citizens in Latvia (1997 - 78,448, 1998 - 252,465, 1999 - 174,612, 2000 - 62,204 and 2001 - 22,545). Non-citizens' passports contain more information than citizens' passports: they also state the colour of the person's eyes and his/her height; furthermore, they are machine-readable, which makes them safer.

60. The Law "On the Status of the Stateless in the Republic of Latvia" regulates the status of stateless persons and their right to receive an identity document. The Law particularly emphasizes that a stateless person may leave Latvia freely and return. The procedure for a stateless person to receive an identity document is regulated by the Governmental Regulations No. 297 of 24 August 1999, "On the Specimen Identity Document for a Stateless Person and the Procedure for the Issuing and Handing Over of the Identity Document to a Stateless Person". As of 1 January 2002 there were 80 stateless persons in Latvia.

61. At present there are eight refugees in Latvia, who have been granted the right to become naturalized citizens under general regulations pursuant to the Citizenship Law. The rights of refugees to choose their place of residence are provided in the Cabinet of Ministers Regulations No. 19 of 20 January 1998, "The procedure governing how refugees may choose their place of residence in Latvia." A refugee may choose his/her place of residence in Latvia from a list of the Municipal Affairs Service of the Ministry for the Protection of the Environment and Regional Development, compiled in accordance with information provided by municipalities on vacant living space at their disposal. In the event a refugee chooses a place of residence which is not on this list, he/she must obtain the consent of the Centre for Refugee Affairs of the Department of Citizenship and Migration. Administration of the Reception Centre for Asylum-Seekers provides the refugee with the aforesaid list within three days of receiving it. The refugee shall then, within seven days, choose his/her place of residence and agree in writing to reside at that location. Payment for rent and communal services or residence in special boarding schools or homes is guaranteed by the government subsidy granted to the refugees. The Centre for Refugee Affairs may grant permission to the refugee to reside at the Reception Centre for Asylum-Seekers until such time as he/she chooses a place of residence from the list.

62. Latvia would advise the Committee that at present new legislation is being considered by the Parliament at third reading - the Asylum Law, which would provide for an alternative status to be granted to persons who are not persecuted because of their views or group membership, but who may not be expelled in accordance with the principle of non-refoulement since there is a danger that in their resident State they may be subjected to torture or cruel or degrading treatment.

63. With reference to paragraph 407 of the Committee's concluding observations, wherein the Committee suggested that Latvia reconsider the need to retain the requirement to enter ethnic origin in passports, Latvia would advise the Committee that at present new Latvian passports are being printed which do not show ethnic origin, and thus when the new passports come into use (planned for the middle of 2002), the recommendation of the Committee will be fully implemented.

### **The right to citizenship**

64. Obtaining citizenship is regulated by the Citizenship Law, adopted in 1994 and revised in 1998 after a referendum. According to this Law, the conditions and restrictions that apply to obtaining citizenship are not based on ethnic grounds but rather the domicile principle.

65. The Citizenship Law provides the following ways of obtaining citizenship: naturalization, recognition of citizenship, registration of citizen's status and renewal of citizenship.

66. Any person who has reached the age of 15 years may apply for citizenship, observing the following conditions:

(a) On the day of application for naturalization the applicant's permanent domicile is Latvia and has been for at least five years;

(b) The applicant speaks Latvian, knows the basic provisions of the Constitution of the Republic of Latvia, the words to the national anthem and Latvian history (the applicant for citizenship must pass the relevant test);

(c) The applicant or his/her guardian has a legal source of income;

(d) The applicant is not subject to restrictions of naturalization - Latvian citizenship may not be granted to persons who have, by unconstitutional methods, acted against the independence of the Republic of Latvia, the democratic parliamentary structure of the State or the existing State power in Latvia, if such has been established by a judgment of a court; after 4 May 1990, have propagated fascist, chauvinist, national socialist, communist or other totalitarian ideas or incited ethnic or racial hatred or discord, if such has been established by a judgment of a court; are officials of State power, administration or law-enforcement institutions of a foreign State; serve in the armed forces, internal military forces, security service or police (militia) of a foreign State; after 17 June 1940, have chosen the Republic of Latvia as their place of residence directly after demobilization from the armed forces of the USSR (Russia) or the internal military forces of the USSR (Russia), and who did not, on the day of their conscription into service or enlistment, permanently reside in Latvia; have been employees, informers, agents or safe-house keepers of the USSR (LSSR [Latvian Soviet Socialist Republic]), KGB [*Komitet Gosudarstvennoi Bezopasnosti* (Committee of State Security)], or of the security service, intelligence service or other special service of another foreign State, if this fact has been established in accordance with the procedures prescribed by law; have been punished in Latvia or some other State for committing an offence which is also a crime in Latvia at the moment the Citizenship Law entered into force; after 13 January 1991, have worked against the Republic of Latvia in the CPSU [Communist Party of the Soviet Union] (LCP [Latvian Communist Party]), the Working People's International Front of the Latvian SSR, the United Council of Labour Collectives, the Organization of War and Labour Veterans, the All-Latvia Salvation of Society Committee or their regional committees or the Union of Communists of Latvia.

67. If an adult person is granted Latvian citizenship by naturalization, any minor children of this person under the age of 15 years and permanently residing in Latvia automatically acquire Latvian citizenship at the same time.

68. A child born in Latvia after 21 August 1991 is recognized as a Latvian citizen, provided:

(a) His/her permanent place of residence is Latvia;

(b) He/she has not been imprisoned in Latvia or any other country for more than five years for having committed a crime;

(c) He/she is a stateless person or a non-citizen.

69. Pursuant to article 2 of the Citizenship Law, Latvian citizens (persons who gain the status of a Latvian citizen by registration) are:

(a) Persons who were Latvian citizens on 17 June 1940, and their descendants who have registered in accordance with the procedures set out in law, except persons who have acquired the citizenship (nationality) of another State after 4 May 1990;

(b) Latvians and Livs whose permanent place of residence is Latvia and who do not have citizenship (nationality);

(c) Women whose permanent place of residence is Latvia and who, in accordance with section 7 of the Law on Nationality of the Republic of Latvia of 23 August 1919, had lost their Latvian citizenship (nationality), and their descendants, if these persons have registered in accordance with the procedures set out in law, except for persons who have acquired the citizenship (nationality) of another State after 4 May 1990;

(d) Persons whose permanent place of residence is Latvia and who have completed a full education programme at a general education school with Latvian as a language of instruction or at a general education two-stream school, in the Latvian stream, obtaining primary or secondary education at such a school, provided they do not hold citizenship of another country. If an adult person registers citizen's status in accordance with this provision, citizenship is also granted to his/her minor children under the age of 15 years and permanently resident in Latvia;

(e) Children found in the territory of Latvia and whose parents are not known;

(f) Children without parents and who reside in Latvia at a children's home or a special boarding school;

(g) Children born of parents both of whom were citizens of Latvia at the time of such birth, irrespective of the place of birth of such children.

70. Article 25 of the Citizenship Law provides that Latvian citizenship may be restored to persons who have lost their Latvian citizenship as a result of the choice made by his or her parents or adopters, legal error, or an illegal revocation of citizenship.

71. Taking into account paragraph 404 of the Committee's concluding observations, Latvia would like to provide additional information on implementation of the Citizenship Law and the naturalization process in Latvia.

72. Implementation of the Citizenship Law and a successful naturalization process is one of the priorities of Latvia. The competent Latvian authorities have always been ready to cooperate with international organizations in the identification of possible obstacles to naturalization. Latvia has demonstrated its good will in complying with recommendations of these organizations, including guidelines of the mission of the Organization for Security and Co-operation in Europe in Latvia: the State fee for naturalization has been reduced, and the centralized Latvian language examination in secondary schools has been unified with the State language proficiency examination for naturalization.



73. Officials of institutions of both the European Union and the OSCE have repeatedly emphasized that the present version of the Citizenship Law (as revised in 1998) satisfies both the EU and the OSCE. Naturalization criteria comply with international standards and are not discriminatory. Thus, for example, the OSCE High Commissioner on Minorities publicly announced on 11 January 1999, that he was gratified by the present situation in Latvia in the citizenship area and no further recommendations were to be expected. It should be particularly emphasized that OSCE acknowledged the fulfilment of the guidelines of the OSCE mission in Latvia and this mission has been closed since the end of 2001.

74. Following the abolishment of the naturalization “windows”, the rate of naturalization has increased significantly compared to 1995-1997.

75. As shown by the results of an opinion poll carried out by the Naturalization Service, the main factors determining the present rate of naturalization are the following:

- (a) Insufficient proficiency in Latvian;
- (b) The State fee, in the case of certain groups of the population who are unable to obtain poor person’s status according to the legislation;
- (c) Lack of motivation (minimal differences in the rights of citizens and non-citizens).

76. It should be emphasized that the international public and international organizations and institutions have had no complaints concerning the work of the Naturalization Board. There are no queues in submitting applications or in passing naturalization tests; applications are processed within a shorter period of time than that provided by law. In June 2001 the Governmental Regulations “On the State fee for submitting an application for naturalization” were repeatedly revised, as a result of which the category of persons entitled to pay only 50 per cent of the State fee, as well as those exempted from the fee, has been widened. Also in June 2001 the Regulations “On the examination of proficiency in the State language, knowledge of the basic provisions of the Constitution of the Republic of Latvia, words to the national anthem and history of Latvia for persons wishing to acquire Latvian citizenship through naturalization” were amended. According to the amendments, secondary school graduates who are members of national minorities taking centralized Latvian language and literature examinations and wishing to become naturalized, may combine the State language proficiency test for naturalization with the centralized examination.

77. The Naturalization Board has organized a number of informative and educational events aiming at providing the public with the most complete information on the significance of and opportunities for obtaining citizenship. In order to inform and educate the public on citizenship and social integration issues, an Information Centre was established in the Naturalization Board in 1999. In November 2001 a wide “Campaign for public information and for enhancing understanding of citizenship issues” was launched with as its main task informing the public on

opportunities to acquire Latvian citizenship and to motivate the non-citizens to opt for Latvian citizenship. Within the framework of the campaign informative advertisements were broadcast on TV and radio, placed on the Internet and in regional newspapers, non-citizens were approached personally through the post, information days concerning citizenship issues were organized, and an Internet page in Russian created.

78. Since the establishment of the Naturalization Board, information on opportunities for obtaining Latvian citizenship has been regularly prepared and distributed to citizenship applicants. Thus, for example, a brochure "Latvian Citizenship" has been regularly published (1995, 1997 and 1999), providing information on all the ways of obtaining citizenship, indicating the documents to be submitted and contact information for regional offices of the Service. In 1999 the brochure was published in 150,000 copies in Latvian and 150,000 in Russian, and was distributed to the public. Under the EU PHARE project "Social Integration by Means of Information and Education", the Naturalization Board has prepared and published various informative materials - the monthly "Naturalization Boards News" and the quarterly "Citizenship - participation and integration", both in Latvian and Russian, as well as the booklet "Citizenship: in Latvia and in the European Union" (also in Latvian and in Russian). A video in Latvian for schools concerning citizenship, naturalization and integration in Latvian and Russian has also been prepared.

79. Since the beginning of the naturalization process, methodical recommendations are also regularly published for citizenship applicants preparing for the tests on Latvian language proficiency, basic provisions of the Constitution of the Republic of Latvia, the text of the national anthem and knowledge of Latvian history. The methodical recommendations introduce the applicant to the contents and procedures of the tests and help them to prepare for them.

80. Much attention has been paid to educational activities and promotion of public involvement. For the fifth consecutive year the Naturalization Board, working with other organizations, organizes a competition for schoolchildren, "On the way to a civil society". While preparing for the competition, the children not only further their knowledge of Latvian history, the Constitution, citizenship issues and opportunities for obtaining citizenship, but also participate in the formation of a civil and integrated society by elaborating and implementing projects aimed at the promotion of integration in Latvia.

81. The staff of the regional offices of the Naturalization Board regularly hold information days, meetings and other informative events for schools, municipalities and NGOs in order to explain the different ways of obtaining citizenship, including the recognition of children born after 21 August 1991 as Latvian citizens. For example, on 6 December 2000 an "open house" information day was organized at the offices of the Naturalization Board in Riga when about 300 people visited and received information. On 15 January 2001 a similar information day was held in Jelgava, and on 24 February in Zilupe, Ludza region. Members of the staff of regional offices regularly visit educational institutions, providing information on questions within the competence of the Board.

82. In cooperation with a number of other institutions, social studies were carried out in order to determine the public attitude to the Latvian State, citizenship, the Latvian language and other issues. During 1997-1998 a study and action programme, "On the way to a civil society", was organized, during which group discussions were organized, a public opinion poll was carried out across the country, content of the media was analysed, and four regional and one international conference were organized to assess the results of the study. As a result of the study valuable information was obtained concerning public motivation to obtain Latvian citizenship and obstacles in the process of obtaining citizenship.

83. During 2000-2001 a repeat study, "On the way to a civil society - 2000", was carried out in order to determine the dynamics of public attitudes since the previous study, as well as to further the study of issues relating to social integration. In addition to the public opinion poll and analysis of the content of the media, a poll of naturalized citizens was also carried out, during which answers were obtained to such questions as whether the obtaining of Latvian citizenship justified the hopes placed on it. The Naturalization Board uses the information obtained during the study in developing the strategy for its work and public information.

84. The Naturalization Board has established a language proficiency test model corresponding to European standards. Testing proficiency of the State language was established as an important part of the naturalization process on 22 July 1994, at the time the Citizenship Law was passed. However, at that time there was no ready-to-use example available on how to perform the test. Upon commencing the naturalization process, the first model of the language proficiency test was developed, following the provisions of article 20 of the Citizenship Law which strictly regulates the content, and in part also the form, of the language proficiency test. With the assistance of experts of the Council of Europe - the Test Material Development Institute of the Netherlands (CITO) and the Cambridge University Local Language Examination Syndicate (UCLES) - preliminary knowledge was obtained concerning the theoretical basis and practical work of language testing, as a result of which the second and third models for testing language skills were developed. During a further process of cooperation, the UCLES experts analysed the third model and suggested certain corrections. UCLES and Goethe Institute experts considered that a language skill test model had been developed that corresponded to European standards, where all exercises had a practical value in day-to-day life, which was structurally and methodically balanced, and which completely complied with the requirements of the Citizenship Law. The level of the national language skill test for naturalization purposes is defined as Threshold level, equal to the third level of language skill and the ALTE 2 level developed by the Council of Europe.

85. Thus, the level of the language skill test for the purposes of naturalization has been established and coordinated with the ALTE and language skill levels of the Council of Europe. The Threshold level is well known and scientifically based. The level of language skills is such that any person residing in Latvia, facing an every-day language environment, would be able to learn it. It is not too low, since it allows a person to communicate and perform the functions required by citizenship. The clearly and understandably defined level of skills and correctly developed content and process of the Latvian language proficiency examination allow the objectivity of the examinations to be substantiated.

86. Noting the aforesaid, Latvia believes that there are no reasons for the concerns expressed in the Committee's suggestions and recommendations with respect to the slow pace of the naturalization process and excessively high requirements for citizenship applicants.

### **The right to marry and to choose one's spouse**

87. Article 110 of the Constitution provides that "the State protects and supports marriage, family, the rights of the child and parents".

88. The Civil Law provides the general principles of marriage - the free will of both parties, equal rights, monogamy. The obstacles to marriage provided in the Civil Law are in no way related to a person's race or national origin and relate only to the person's age and legal status as concerns the intended spouse.

89. The Civil Law permits marriage from the age of 18, but in exceptional cases with the consent of parents or guardians a person may marry having reached the age of 16, if the marriage partner is an adult. If the parents or guardians refuse consent without good reason, permission may be granted by the Orphans' Court at the place of residence of the parents or guardians. Marriage is forbidden for persons declared incompetent by the court because of a mental disorder or mental deficiency. Marriage is also forbidden between relatives in a direct line, siblings, and stepbrothers and stepsisters. Marriage is forbidden between persons of the same sex. Marriage may be performed at the Registrar's Office or a church if the marriage partners are members of the Evangelical, Lutheran, Catholic, Orthodox, Old Believers, Methodist, Baptist, Seventh Day Adventist or Jewish confessions.

### **The right to own property, the right to inherit**

90. Article 105 of the Constitution provides that "all persons have the right to own property. Such ownership may not be used against public interests. Ownership rights may be restricted only in accordance with the law. Forcible expropriation of property for public use may be permitted in exceptional cases only by provision of a special law and for a fair consideration". Furthermore, article 385 of the Civil Law provides, "anyone who has the right to obtain property also has the right to inherit it or a part of it".

### **The right to freedom of thought, conscience and religion**

91. The Constitution guarantees the right to freedom of thought and conscience to all persons in article 99: "Anyone has the right to freedom of thought, conscience and religious affiliation. The Church is separated from the State". Furthermore, article 150 of the Criminal Law provides liability for the direct or indirect restriction of a person's rights, or giving any advantage to a person on the basis of the person's attitude to religion. Similarly article 151 of the Criminal Law provides liability for the deliberate interference with religious ritual, provided such rituals do not violate the law and do not involve encroachment on a person's rights. Information on the provisions of the 1995 Law on Religious Organizations was given in the initial report (paras. 65-70).

92. As of 31 August 2001, 1,093 religious organizations were registered in Latvia (1,077 congregations, 13 religious associations and 3 dioceses), as well as 24 institutions of religious organizations (14 institutions, 9 convents and 1 membership). None of these organizations has been struck off the register of religious organizations. Registration of religious organizations has been refused only because of non-compliance of the submitted documents to the Law on Religious Organizations.

93. It must be admitted that at present certain aspects of religious freedoms do not have legal regulation. In order to resolve this situation, a number of inter-ministerial working groups have been established whose task it is to draft the necessary legal acts.

94. On 1 November 2000, the Minister of Justice ordered a working group to be formed whose task it was to draft regulations for chaplains' services. At present draft governmental regulations have been submitted to the Government.

95. On 18 October 2000, the Cabinet of Ministers ordered a working group to be formed to draft the necessary legislation for the introduction of alternative service. The working group has drafted and submitted to the Cabinet of Ministers both a draft Alternative Service Law and a number of amendments to other legislation related to this Law (for example, amendments are needed to the Latvian Administrative Violations Code, the Criminal Law and the Law on Compulsory Military Service). According to this draft, the aim of the Alternative Service Law is to regulate the procedure for performing alternative service and to guarantee a person's right to freedom of thought, conscience and religion, linking these to a citizen's obligations towards the State.

96. The discussion of requests by certain confessions to grant national holidays on important religious holidays of these confessions, as well as the need to simplify registration of religious associations, are still under way.

### **The right to freedom of opinion and the right to freely express one's opinions**

97. Article 100 of the Constitution provides that "all persons have the right to freedom of speech, which includes the right to freely obtain, keep and disperse information, express his/her opinions. Censorship is forbidden".

98. Article 1 of the Law "On the Press and other Forms of Mass Media" provides that any person, group of persons, institution of Government and any type of company and organization has the right to freely express opinions, place notices in the press and other forms of mass media, obtain information assistance on any issue of interest to themselves or the public. The same article also provides that censorship of the press or other forms of mass media is forbidden, and monopolization of the press or any other form of mass media is not permitted.

99. Article 7 of the aforesaid Law provides that "it is forbidden to publish information representing State secrets or other secrets protected by law; information which calls for violence and overthrowing the present regime; promotes war, cruelty, racial, national or religious superiority and intolerance; incites to crime".

100. In 1998 the Freedom of Information Law was adopted, aimed at ensuring public access to information at the disposal of government administrative and municipal institutions for the performance of functions provided in normative acts. According to the principles included in this Law, information is available to the public at all times unless the law provides differently. Article 5 of this Law defines as information of restricted access, information on company secrets, a person's private life, examinations, attestations and competitions, as well as information intended for the internal use of an institution and information to which restricted access is provided by law (for example, information containing State secrets, as provided in the Law "On State Secrets").

### **The right to freedom of assembly and association**

101. Article 108 of the Constitution provides, "everyone has the right to join organizations, political parties and other public organizations". Article 103 provides, "the Government protects the freedom of previously announced peaceful meetings and parades, as well as pickets".

102. The Law "On Public Organizations and their Associations" provides the procedure for establishing public organizations, the status of these organizations, as well as the principles of their activities. This Law also provides the cases in which a public organization may not be registered, or its activities suspended (see paras. 28-31 above).

103. Since 1993 the number of new public organizations has increased sharply. In 2000, 897 new public organizations were registered in Latvia, and 551 in the first half of 2001.

104. Article 3 of the Law "On Meetings, Parades, Pickets" provides that "every person has the right to organize peaceful meetings, parades and pickets and take part in such, as provided by this Law". This same article also provides that "the use of these rights may not be subjected to any restrictions except those provided by law and necessary in a democratic society in order to protect the security of the State and public interests, prevent disorders or crimes, protect public health and morals, as well as the rights and freedoms of other people. The State not only ensures opportunities to assemble but also ensures that such meetings are not disturbed".

### **The right to work, the right to protection in case of unemployment**

105. According to article 106 of the Constitution, everyone has the right to freely choose his/her profession and place of employment according to his/her ability and qualifications. Forced employment is prohibited, however, involvement in the elimination of crises and emergency situations and their consequences and employment pursuant to court order are not considered forced employment.

106. According to article 107 of the Constitution, everyone has the right to receive remuneration in accordance with the work performed, which may not be less than the minimum wage established by the Government, as well as the right to weekly holidays and paid annual

holidays. Furthermore, article 108 of the Constitution provides that workers have the right to a collective agreement as well as the right to strike. This same article provides that the Government protects the freedom of trade unions.

107. On 20 June 2001, the Saeima adopted the new Labour Law, which will enter into force on 1 June 2002. With this Law requirements of the EU Directives with respect to application of equal treatment of men and women in the area of access to employment, remuneration, as well as other significant issues of labour legal relations, will be implemented in Latvia. The Labour Law provides equal rights to employment, fair, safe and healthy working conditions, as well as fair pay. These rights are to be ensured without any direct or indirect discrimination - regardless of a person's race, colour, gender, age, religious, political or other affiliation, national or social origin and financial situation. The Law also forbids differentiation by gender, race, colour, age, religious, political or other affiliation, national or social origin and financial situation when hiring and during employment and especially in case of promotion, determining working conditions, remuneration or professional training, as well as discharge.

108. Article 109 of the Constitution guarantees the right to social security in cases of old age, unemployment and other situations provided by law. The Law "On Employment" provides requirements for a person to be considered as "unemployed". According to article 6 of this Law, "unemployed" is an employable Latvian citizen or foreigner (stateless person) holding a permanent residence permit or whose passport contains the Residents Register stamp with a personal code and who is unemployed, is of employable age, is not self-employed, is searching for work, is registered with the National Employment Service at his/her place of residence and registers with the Service at least once a month. None of these criteria is related to a person's racial or national origin. The draft Law "On support for the unemployed and those searching for work" also does not contain provisions providing for a differentiated approach to persons because of their racial or national origin.

### **The right to establish and join trade unions**

109. Pursuant to article 108 of the Constitution, workers have the right to a collective agreement and the right to strike. This same article provides that the Government protects the freedoms of trade unions. The Labour Law guarantees the right to organize in trade unions - workers as well as employers have the right to freely associate in organizations and join them in order to protect their social, economic and professional rights and interests. Workers' membership in a trade union or their wish to join one may not be grounds for refusal to hire, fire or otherwise restrict a worker's rights.

110. Workers' trade organizations operate pursuant to the Law "On Trade Unions", described in the initial report (paras. 94 -97).

### **The right to shelter**

111. As already mentioned in the initial report, anyone may implement his/her right to shelter by entering into a rental agreement or purchasing a suitable apartment or residential house.

However, the question of providing the population with suitable shelter and the housing issue as a whole is part of Latvia's social security policy and under this policy persons have access to government and municipal support.

112. The system of government and municipal assistance in the housing area in Latvia is regulated by the Law "On State and municipal assistance in resolving the housing issue" (the provisions of this Law are described in paragraphs 103 and 104 of the initial report) and the Law "On Social Apartments and Social Residential Houses" adopted in 1997. The purpose of this Law is to determine the legal status of social apartments and social residential houses, the principles for establishing and financing them, the persons entitled to rent social apartments, as well as the procedure for municipal assistance in renting social apartments.

113. In providing assistance in resolving the housing issue for the poor, local governments pay apartment benefits to cover rental costs and communal services, as well as moving persons unable to pay for their apartments to social apartments (individual apartment with a lower rental in an ordinary municipally owned apartment house or especially established social residential house) by covering a part of the rent and communal payment. In 1999 in Latvia, 2,707 persons resided in 1,466 social apartments.

114. Service apartments have been reserved for adults having difficulties caring for themselves, as a halfway arrangement between social care institutions and home care. In 1999 there were 156 service apartments in Latvia.

115. Notwithstanding these implemented projects - establishing a social housing sector and improving the social assistance system - the housing needs of all indigent persons are not met. Homes are being organized for persons who have for some reason become homeless.

### **The right to health care and medical assistance, the right to social security**

116. Article 111 of the Constitution provides, "The State protects human health and guarantees minimal medical assistance for everyone."

117. Public relations in medicine are regulated in the Medical Law the aim of which is to ensure proper preventive care and diagnosis in cases of disease or traumas, as well as qualified treatment and rehabilitation; its provisions are described in paragraphs 106-112 of the initial report. At present, a draft Health Care Law has been elaborated, which provides equal rights for everyone to receive health care depending on available personnel, technical and financial resources.

118. More and more attention is being paid to environmental health issues, linked to reducing the harmful effect on human health and health care of environmental risk factors and targeted to the public as a whole. Regardless of differences in race, colour, or national or ethnic origin, the right to a healthy environment is ensured by:

(a) The Epidemiological Safety Law, which regulates epidemiological safety and determines the rights and obligations of government institutions, municipalities, and physical and legal persons in the area of epidemiological safety, and provides liability in cases of violation;



(b) The Food Circulation Supervision Law, aimed at ensuring good quality food that is safe for human health and the environment, preventing risks, promoting the market and protecting consumer interests.

119. Article 109 of the Constitution guarantees that, “Everyone has the right to social security in cases of old age, invalidity, unemployment and other cases provided by law.”

120. Social insurance is a totality of measures taken by the Government in order to insure the risk of a person or persons under his/her care of losing income due to the insured person’s illness, maternity, unemployment, old age, accident at work or industrial disease. The principles of social insurance completely exclude any kind of racial discrimination. The only condition is the social insurance payments, which give the right to receive social insurance services. The law guarantees the right to social insurance to everyone. A person insured by a social insurance agency is entitled to receive the necessary support to protect, improve and rehabilitate his/her health and employability and is entitled to receive financial benefits in case of illness, maternity, disability, old age and unemployment. Paragraphs 119-127 of Latvia’s initial report described the effective legislation in the area of social insurance.

121. Pension insurance is one of the social insurance services. According to the Law “On State Pensions”, any socially insured person is entitled to receive old age pension, provided all social insurance payments have been made for not less than 10 years. The retirement age provided in law is 62 years. The amount of pension depends solely on the accumulated pension capital and retirement age. Pension in case of loss of supporter also is directly linked to calculation of old age pension. The socially insured person is entitled to receive disability pension if the period of insurance is not less than three years. The amount of the disability pension depends on the degree of loss of employability (disability group), the amount of the person’s salary and length of time social insurance has been paid.

122. The Law “On Social Assistance” describes persons entitled to receive State social assistance. They are: Latvian citizens, non-citizens and the stateless persons who have obtained a personal code, except persons who have received temporary residence permits. All these persons, regardless of their race or national origin, are entitled to receive assistance for families with children (family State benefit with additional benefit for a disabled child, child birth benefit, childcare benefit), if the child has been given a personal code. The right to receive social assistance services does not depend on social payments made by the person, since social assistance is based on assessment of the situation and income of the specific person. The State-granted social benefits are described in paragraph 177 of the initial report.

123. In order to achieve a situation where the municipal social assistance system is targeted at assisting the poorest residents of the municipality, and preventing social segregation, social rejection and hereditary poverty in future generations, in 1999 work was commenced in order to change the municipal social assistance system. A concept, “On Ensuring the Guaranteed Minimum Income Level for the Indigent Population”, was elaborated and approved on 8 February 2000, providing only one municipal social assistance benefit, based on an income

test, ensuring a guaranteed minimum income of Ls 21 for every person. At present 21 municipalities were running a test project for six months to guarantee a minimum level of income.

124. The social assistance system is rapidly developing in Latvia and new kinds of services are emerging - day centres, service apartments, etc., and new providers of services are entering the service market - the traditional State and municipal care institutions are joined by non-governmental organizations, offering good services. Social care services financed from both the State budget and municipal funds assist persons to meet, completely or in part, their basic needs which they are unable to meet for themselves. Social care includes care in institutions and alternative forms of care. The Cabinet of Ministers has approved a unified national procedure for receiving social assistance services and ensuring services corresponding to a person's individual needs.

### **The right to education and training**

125. Article 112 of the Constitution provides, "Everyone has the right to education. The State provides opportunities to obtain free primary and secondary education. Primary education is compulsory."

126. Latvia's initial report (para. 128-132) provides information on the historic aspects of the development of Latvia's educational system. The most significant events since submitting the initial report are the adoption of the Education Law on 29 October 1998 and the General Education Law on 10 June 1999.

127. The purpose of the General Education Law is to regulate the functions as well as the rights and obligations of State education establishments, municipal education establishments and other persons involved in the process of providing general education, while the Education Law states that its purpose is "to ensure every inhabitant of Latvia the opportunities to develop his/her mental and physical potential in order to become an independent and well-adjusted person, a member of a democratic Latvian State and society".

128. Article 3 of the Education Law provides, "Every citizen of the Republic of Latvia and every person entitled to receive a non-citizen's passport issued by the Republic of Latvia, every person granted permanent residence permit, as well as citizens of European Union member States granted temporary residence permit, and their children, have equal rights to obtain education regardless of their financial and social standing, race, nationality, gender, religious and political affiliation, health condition, employment and place of residence". Furthermore, article 17 of the Law provides that every municipality is obliged to ensure an opportunity for children residing in their administrative territory to obtain pre-school and primary education at an educational establishment nearest to the child's place of residence, ensure young people the opportunity to obtain secondary education, as well as ensure an opportunity to obtain interest-based education and support extra-curricular projects as well as children's camps.

129. According to article 9 of the Education Law, "Education at State and municipal education establishments is obtained in the State language. In other languages education may be obtained at:

"(1) private education establishments;

"(2) State and municipal education establishments where minority education programmes are implemented. The Ministry of Education and Science determines the subjects of these education programmes which must be taught in the national language;

"(3) other education establishments as provided by law."

130. At present there are more than 200 minority schools in Latvia - 179 Russian schools, 6 Polish schools, 2 Jewish schools, 1 Ukrainian, 1 Estonian, 1 Lithuanian and 1 Belorussian school, as well as Roma/Gypsy classes in several schools. It should be noted that during the past 10 years an increase has been observed in the demand for education in the Latvian language, and as a result the demand for education in the Russian language has decreased.

131. Taking into account the Committee's suggestions and recommendations in this regard (A/54/18, para. 409), Latvia would like to draw the Committee's attention to the fact that even after 1 September 2004, when, according to the Education Law, education in State and municipal education establishments will be provided only in Latvian, the opportunity to continue education in minority education programmes will remain guaranteed. Part 2 of article 42 of the General Education Law provides, "the general secondary education programme may be combined ... with the minority education programme by including the minority's native language, and teaching content related to the minority's identity and integration in Latvian society". The Ministry of Education and Science determines the subjects for study in minority education programmes, which are to be taught in the State language. The Ministry has elaborated four model minority education programmes, which differ by the suggested proportion of classes held in the minority language and in Latvian. Thus, minority education programmes ensure the opportunity for persons belonging to minorities to learn the Latvian language and culture without losing awareness of their national identity.

132. Latvia would also advise the Committee that in February 2001 the Minority Education Consultative Council was established under the auspices of the Ministry of Education and Science. This Council consists of representatives of State institutions, local governments, minority organizations, parents' organizations, etc., 21 members altogether. Its main areas of activity are to refine the minority education programmes, to elaborate a realistic transition by secondary schools to teaching primarily in Latvian in 2004, and to submit projects within the Social Integration Programme.

### **The right to take part in cultural events**

133. None of the legal acts currently in force in Latvia restricts in any way the right of persons to take part in cultural events. Article 114 of the Constitution particularly states, "Persons

belonging to national minorities have the right to retain and develop their language, [and] ethnic and cultural originality.” Similarly, the Constitution provides that the State recognizes freedom of scientific, artistic and other creative endeavours and protects copyright and patent rights.

134. As already mentioned in the initial report (para. 152), in 1995 the Saeima accepted “Main Cultural Policy Postulates of Latvia”, which define the basic principles of culture policy - cultural coexistence and cultural autonomy based on mutual respect and tolerance and implemented by the many cultural organizations. The national programme “Social Integration in Latvia” also includes a section on culture, and the Plan of Action for its implementation foresees the publication of books in the native languages of the different minorities residing in Latvia and the promotion of public understanding on the significance of cultural diversity with the help of the mass media, and various other informative projects.

135. Since the examination of the initial report, the principles of funding culture have changed significantly. In 1998 the Culture Capital Fund commenced its work. Its funds are distributed following a competition. Four times a year any person may enter a competition by submitting a project proposal, which is evaluated by a democratically formed commission of independent experts. Many of the projects supported by the Culture Capital Fund promote cultural identity as a factor encouraging mutual understanding as well as further awareness and promotion of the cultural legacy of different ethnic groups. In 2001 the Society Integration Fund became operational - another State-established fund from which minority cultural organizations as well as individuals may receive financial support for cultural projects following a competition.

136. Everyone’s opportunity to take part in cultural life is also ensured by the State- and municipally-financed cultural education available at all levels of education throughout Latvia. The State has established and maintains the Academy of Culture, the Academy of Fine Arts, and other education institutions.

### **Article 6**

137. Article 92 of the Constitution provides, “Everyone may protect his/her rights and legal interests in a just court.” The same article provides, “every person in the case of unjustified injury of his/her rights is entitled to appropriate compensation”. Information on the Latvian judicial system was provided in the initial report (para. 153). Information on the Latvian legal praxis since 1998 in protecting the rights guaranteed by the Convention is provided in paragraph 27 above.

138. The adoption of amendments to the Law on the Constitutional Court on 30 November 2000 should be considered as the most important event since the submission of the initial report in 1998. According to these amendments, beginning on 1 July 2001 persons may file applications with the Constitutional Court to initiate a case on the compliance of a law and Latvia’s international agreements with the Constitution, the compliance of normative acts or parts thereof with the legislative acts of a higher legal force, as well as the compliance of Latvian national legislation with those international agreements signed

by Latvia which are not in conflict with the Constitution. Constitutional claims (applications) to the Constitutional Court may be submitted by any person who believes that his/her rights provided by the Constitution are infringed by a legislative act which does not comply with a norm of a higher legal force.

139. Since its establishment in 1996, the Constitutional Court has heard several cases on the compliance of Latvian legislation with Latvia's international commitments in the area of human rights, and in a number of decisions the Constitutional Court has made reference to international human rights instruments. As of 1 January 2002, the Constitutional Court had received 13 individual applications and issued judgements on 3 of them.

140. As already mentioned in the initial report (para. 156), the National Human Rights Office also reviews applications concerning possible human rights violations. It should be emphasized that the NHRO receives few complaints of discrimination. In 2000 only 1 written complaint was received and 60 verbal consultations were given on this issue, while the total number of written complaints received in 2000 was 816, with 4,347 verbal consultations. In 2001 the NHRO received 2 written claims of alleged discrimination due to nationality or language, and 10 verbal consultations were provided (in total the NHRO received 969 written claims in 2001).

141. The current major problem of the court system in Latvia - overload of the courts due to the lack of sufficient premises and judges, as well as the necessity of working according to the Criminal Procedure Code of the Latvian SSR adopted in 1961, which has been significantly amended and its title changed to the Latvian Criminal Procedure Code - and the consequences of this problem have an equally negative effect on all persons involved in court proceedings, regardless of their race or ethnic origin.

142. Latvia has adopted various measures in order to tackle this problem. New premises for the courts are being built (for example, since 2000 the Riga Regional Court has been working in new premises, new buildings are under construction for the Riga District Court as well as for the Riga city Latgale region court). A new Criminal Procedure Law is being elaborated, correcting all shortcomings of the current Criminal Procedure Code and supplying a mechanism for ensuring the completion of court proceedings within a reasonable time.

143. In January 2002 the United Nations Resident Coordinator in Latvia, the Minister of Justice, the Chairman of the Supreme Court and the Chairman of the Constitutional Court signed an agreement on the implementation of the project "Support for the Latvian system of justice". The project envisages promoting the judiciary's independence and legal qualifications, as well as possibilities for the poor to receive legal aid. In order to achieve these aims, it is planned to elaborate a new law on judicial power and a strategy for managing the development of qualifications of the legal staff, as well as to provide assistance for the Training Centre for Judges to provide education and training for judges and other court employees. It is also envisaged to enter into a dialogue with private providers of legal assistance in order to guarantee free-of-charge legal aid for members of vulnerable groups of Latvian society.

144. Within the programme US\$ 260,000 have been allocated to support the system of justice. The project will be implemented by UNDP in cooperation with the Ministry of Justice, the Supreme Court, the Constitutional Court and the Training Centre for Judges.

## Article 7

### Education and culture

145. Since 1999 the Latvian Training Centre for Judges has organized training in order to prepare a group of judges who would subsequently train other judges on issues concerning human rights.

146. The Human Rights Institute offers a basic course in human rights to students of any faculty of the University of Latvia, as well as a Human Rights Internet Course for fourth-year students of the Faculty of Law (in cooperation with the Åbo Academy, Human Rights Institute, Finland). Both these courses include separate lectures on the Convention.

147. A national programme, "Culture", has been drawn up and approved, each of whose 10 subprogrammes (one in every sector of culture) includes a section "Social Integration", envisaging a group of events promoting the cultural legacy of ethnic groups living in Latvia, thus promoting mutual understanding and social integration as a whole.

148. Since its establishment in 1998, the Culture Capital Fund has financially supported several events promoting social integration: several prose works of current Latvian authors have been translated into Russian, poems of Latvian authors have been translated into Ukrainian, books have been published in Liv, Estonian, Lithuanian, German, Polish and Belarusian languages. The State has partially financed several projects of cultural centres. The literary magazines published in Russian, Daugava, Ēpiņi and Orbita, are regularly supported.

149. State support is also granted to the Song Festival, where groups of minorities participate with a separate programme. Every second year the minority cultural festival "the Latvian Crown" is held, with about 600 foreign and Latvian participants - groups of Uzbeks, Greeks, Moldovans, Russians, Ukrainians, Bashkirs, as well as collectives of Latvian minority cultural associations. Twice a year a festival for minority schools, "Golden Clew", is organized, where dancers, choirs, and vocal and folklore ensembles of minorities participate, and thus children can preserve and foster their national identity.

150. There are around 150 minority cultural associations in Latvia; 18 periodicals are published in Russian, 2 in Belarusian, 2 in Lithuanian and 1 in Hebrew, Estonian, Liv and Polish.

151. The State permanently supports the Riga Russian Drama Theatre, as well as Russian troupes of the Daugavpils Theatre and the State Puppet Theatre. Besides theatres having permanent support from the State budget, there are independent private theatres and theatre troupes which stage performances in Russian, for example, the Russian Youth Theatre. Such theatres and troupes have the right and possibility to receive financial support from State funds. There are drama ensembles in minority schools, and every year a school theatre festival, "Russian Classic", is held and financially supported by the Culture Capital Fund.

152. Libraries in Latvia have traditionally tried to include in their collections books and other publications in languages of Latvia's minorities. Historically it has developed after literature published in Latvian, the greatest number are publications in Russian, which currently make

up 40-45 per cent of the total volume of library collections. Libraries near the Lithuanian border offer more books in Lithuanian, with a near the Estonian border corresponding situation and near the Russian border. Publications in various languages are offered to the residents of Riga by specialized public libraries - the Foreign Language Library at the House of Congress, and the Nordic Literature Library. Books in Hebrew are concentrated at the Riga Jewish Library. Books in other languages (English, German, French, Swedish, Danish, etc.) make up about 10 per cent of the total collections of libraries.

153. Latvia would like to draw the attention of the Committee to the Commission of Historians of Latvia established at the end of 1998. This Commission was formed following the initiative of the then President of the State Guntis Ulmanis and its aim is to promote a study of Latvia's history of the twentieth century, with particular attention to the occupation of Latvia by two totalitarian States - communist USSR and national socialist Germany - and the crimes against humanity committed by these two States, as well as encourage the dissemination of the study's results both to the inhabitants of Latvia and international society. In order to ensure a thorough study of the theme "Crimes against Humanity Committed in the Territory of Latvia under Two Occupations, 1940-1956", four independent working groups have been created, each of them dealing with one of the following sub-themes: "Crimes against Humanity in the Territory of Latvia in 1940-1941", "The Holocaust in Latvia in 1941-1944", "Crimes against Humanity in the Territory of Latvia during the Nazi Occupation in 1941-1944" and "Crimes against Humanity in the Territory of Latvia during the Soviet Occupation from 1944-1956".

154. The Commission of Historians of Latvia has established successful cooperation both with Latvian institutions and foreign States. Thus, for example, in 2000 a seminar, "Teaching controversial issues of the history of the Second World War at school", was held, thereby promoting the reflection of the latest theoretical conclusions and researchers' conceptions in the real-life methods of teaching history. Also in 2000, members of the Commission participated in the conference "The Holocaust: Commemoration, Education, Research" organized by the Government of Sweden. With the support of the Swedish Government a book has been published, "Tell your children about it ..." dealing with the history of the Holocaust. Several conferences have taken place - "The Issues of Holocaust Research in Latvia", "Latvia in World War II" and others.

### **Information**

155. On 8 March 2001, during the inauguration of the Riga Graduate School of Law, an international seminar "Discrimination: the latest tendencies in the European legal environment", took place, which at present is the only public event dedicated directly to issues of racial discrimination.

156. An Information and Documentation Centre operates at the National Human Rights Office, where interested persons may, free of charge, acquaint themselves with instruments of international organizations, publications on the rights of various social groups, periodicals in the area of human rights, and the activities of various organizations in the area of human rights.

The Centre also has available video material and electronic information. Furthermore, the NHRO Internet homepage provides regular reports on current questions of human rights in Latvia, as well as information on the rights of specific social groups (rights of ethnic groups, children's rights, etc.).

157. As already mentioned in this report, an Information Centre is also operating at the Naturalization Board, whose main objective is to provide information to the public on the work of the Naturalization Centre, citizenship, and minority and social integration issues in Latvia and the world. On the Naturalization Board Internet homepage interested persons may find publications of the Naturalization Board, studies and other information, as well as information on material available at the Naturalization Board.

-----