



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Consideration of reports submitted by States  
parties under article 40 of the Covenant**

**Third periodic reports of States parties**

**Latvia<sup>\*\*\*</sup>**

[23 May 2012]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

\*\* Annexes can be consulted in the files of the Secretariat.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
List of abbreviations .....		3
I. Introduction.....	1-4	4
II. General information on the implementation of the Covenant .....	5-630	5
Article 1– .....	5	5
Article 2– .....	6-91	6
Article 3– .....	92-150	20
Article 4– .....	151	30
Article 5– .....	152	30
Article 6– .....	153-157	30
Article 7– .....	158-219	31
Article 8– .....	220-231	40
Article 9– .....	232-257	41
Article 10–.....	258-338	45
Article 11–.....	339	59
Article 12–.....	340-359	59
Article 13–.....	360-372	63
Article 14–.....	373-408	65
Article 15–.....	409	71
Article 16–.....	410	71
Article 17–.....	411-451	71
Article 18–.....	452-459	78
Article 19–.....	460-469	79
Article 20–.....	470-476	81
Article 21–.....	477-480	81
Article 22–.....	481-488	82
Article 23–.....	489-501	84
Article 24–.....	502-533	86
Article 25–.....	534-547	90
Article 26–.....	548-585	93
Article 27–.....	586-630	98

**List of abbreviations**

Administration - Legal Aid Administration  
CM - the Cabinet of Ministers  
CoE – Council of Europe  
Covenant – UN 1966 International Covenant on Civil and Political Rights  
EC – European Commission  
ECHR – European Court of Human Rights  
EU – European Union  
Fund – Child Maintenance Guarantee Fund  
ISO SP - Internal Security Office of the State Police  
LED I – Latvia – equal in diversity I  
LED II – Latvia – equal in diversity II  
LES – Law on the Enforcement of Sentences  
LJTC - Latvian Judicial Training Center  
LNHRO - Latvian National Human Right Office  
LSIF - Latvian Society Integration Foundation  
MCFA – Ministry of Children and Family Affairs  
MES – Ministry of Education and Science  
MoC – Ministry of Culture  
MoD – Ministry of Defence  
MoJ – Ministry of Justice  
MoH – Ministry of Health  
MoI – Ministry of Interior  
MoW – Ministry of Welfare  
NALLT - National Agency for Latvian Language Training  
NB - Naturalization Board  
NGO – Non-governmental organization  
NPPT – National Programme for Promotion of Tolerance  
OCMA - Office of Citizenship and Migration Affairs of the Republic of Latvia  
RAD – Refugee Affairs Department  
Report - Third periodic report on the implementation of the Covenant in Latvia  
SEA – State Employment Agency  
SSAMSI –Secretariat of the Special Assignments Minister for Social Integration  
SCCF - State Culture Capital Foundation  
SFRS - State Fire and Rescue Service  
SIPCR - State Inspectorate for Protection of the Children’s Rights  
SLLC - State Limited Liability Company  
SPS - State Probation Service  
USSR – Union of the Soviet Socialist Republics

## I. Introduction

1. The 1966 International Covenant on Civil and Political Rights (Covenant) was ratified by Latvian Parliament, the Saeima, on 14 July, 1992. In accordance with article 40 of the Covenant and within the date required by the Human Rights Committee (Committee) the State party undertakes to submit a report providing information on the enjoyment of the right and the fulfilment of its obligations recognized herein. The second periodic report of Latvia on the implementation of the Covenant in 1995-2002, was considered by the Committee on 28-29 November 2003.

2. The third periodic report on the implementation of the Covenant in Latvia (report) provides information for the time period from 2004 to 30 June 2008, as well as information on measures adopted to give effect to the observations and recommendations of the Committee (CCPR/CO/79/LVA). The present report has been prepared in general conformity with the consolidated guidelines for State reports under the Covenant, as well as taking into consideration the general comments on the interpretation of the Covenant prepared by the Committee.

3. A special working group has been established for the preparation of the present report.<sup>1</sup> In accordance with the Cabinet of Ministers' (CM) Regulation No 92 of 17 March 1998 "On representation of the Cabinet of Ministers at international human rights institutions" an authorized representative of the CM chaired the above-mentioned working group. The Ombudsman's Office was involved in the drafting process of the present report. The Latvian Centre for Human Rights, the Center of Public Policy PROVIDUS, the Human Rights' Institute of the University of Latvia, the Latvian Civic Alliance, the Latvian Red Cross and the Society "Shelter "Safe House"" were invited to present their comments on the report. The present report was also published for the purpose of holding public discussion at the home page of the Ministry of Foreign Affairs and other ministries.

4. During the reporting period from 2004 to 2008, a number of legislative acts have been adopted touching upon the issues of the criminal proceedings, administrative proceedings, the implementation of effective legal remedies and the principle of the rule of law.

- The Petitions Law entered into force on 1 January 2008, (adopted on 27 September 2007) that prescribes the order of submission and examination of complaints, petitions, proposals or questions addressed to the public institutions within the scope of their competence, as well as the procedure of rendering the response to the applicant and envisages the visiting procedures of institutions (for details see paragraphs 183, 320, 416 and 465).
- The Ombudsman's Law was adopted on 6 April 2006, and entered into force on 1 January 2007. The Ombudsman's Office is a successor of the Latvian National Human Right Office (LNHRO). One of the Ombudsman's functions is to ensure that the principle of equal treatment is observed and discrimination is prevented. The Ombudsman has the right to apply to court in cases of violation of the principle of equal treatment (for details see paragraphs 52, 55, 66, 67, 69, 74-82,

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<sup>1</sup> The working group consists of representatives of the Ministry of Defense, the Ministry of Foreign Affairs, the Ministry of Child and Family Affairs, the Ministry of Economics, the Ministry of Interior Affairs, the Ministry of Education and Science, The Secretariat of the Special Assignments Minister for Social Integration, the Ministry of Culture, the Ministry of Welfare, the Ministry of Regional Development and Local Government, the Ministry of Justice, The Ministry of Health, the Prosecutor General's Office.

138, 146, 147, 185, 186, 189, 281, 282, 294, 303, 336, 387, 441, 522 and 624 and annexes 2 and 8).

- The Law on State Compensation to Victims entered into force on 20 June 2006, with the aim to ensure to an individual, who has been recognized a victim in accordance with the Criminal Procedure Law, the right to receive a state compensation (for details see paragraphs 87, 196 and annex 3).
- The Law on State Ensured Legal Aid entered into force on 1 June 2005, with the aim to promote the right of an individual to a fair judicial protection by ensuring State guaranteed financial support for the receipt of legal aid. The above-mentioned Law specifies individuals enjoying the right to legal aid, scope of legal aid in civil, administrative and criminal matters, the list of legal aid providers as well as the functions of the competent authority ( for details see paragraphs 85, 86, 211 and 382 and annex 3).
- The Criminal Procedure Law entered into force on 1 October 2005, with the aim to create an opportunity for the Latvian law enforcement authorities to carry out their tasks in accordance with the modern principles of criminal justice developed by the Council of Europe (CoE) and the European Union (EU), and to take advantage of a more progressive criminal procedure standards that are being used worldwide, to prevent the filing up of cases not examined by the institutions of pretrial investigation and courts, as well as to shorten the lengthy trial procedures and to decrease the number of complaints brought by individuals concerning the alleged violations of human right (for details see paragraphs 91, 97, 120, 122, 159, 170, 171, 176, 177, 232-234, 237, 238, 241, 244-248, 286, 368-370, 374, 375, 377, 380, 381, 383-386, 388, 389, 391, 392, 395, 397, 399, 401, 422-424, 440, 517, 585 and annexes 3, 4, 5, 6, 8 and 12).
- The Administrative Procedure Law entered into force on 1 February 2004 (adopted on 25 October 2001). One of the objectives of the Administrative Procedure Law is to ensure the observance of the basic principles of a democratic state, the rule of law, in particular human right, in specific public legal relations between the State and a private person (for details see paragraphs 70, 73, 373, 378, 415, 519 and 582).
- The Asylum Law was adopted on 7 March 2002 and entered into force on 1 September 2002. In accordance with generally recognized principles of international human right the Asylum Law foresees the right of individuals to receive asylum, refugee or alternative status or temporary protection in the Republic of Latvia (for details see paragraphs 201, 202, 206-208, 210, 212, 214, 342 and 343 and annexes 5 and 8).

## **II General information on the implementation of the Covenant**

### **Article 1**

5. The Republic of Latvia would like to inform that there have been no changes concerning the information on article 1 of the Covenant presented to the Committee in the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 7-10).

**Article 2****Reply to the recommendations contained in paragraph 16 of the concluding observations (CCPR/CO/79/LVA)**

6. Since the submission of the second periodic report to the Committee in 2003 and the submission of the additional report on the implementation of recommendation No 16, a number of legislative amendments and various new legislatives acts have been adopted in relation to naturalization process. The current Latvian citizenship policy is directed, by means of public campaigns, direct links or legislative initiatives, to facilitate the naturalization process, to encourage non-citizens to obtain Latvian citizenship and to appeal for granting the citizenship to their children.

7. In April 2006, the OSCE High Commissioner on National Minorities Rolf Ekeus recognized that Latvia's experience in the area of social integration may be useful as a model for other countries. Experts from Latvia are already successfully participating in OSCE projects in a number of countries. The OSCE High Commissioner on National Minorities also stated that Latvia has fulfilled all the OSCE recommendations with respect to citizenship issue.

8. The analysis of statistical data about the proportion of non-citizens towards the total population number during the time period from 2004 to 2008, shows that, as a result of the implementation the national citizenship policy, the proportion of Latvian citizens in 2004 has increased from 77.8 per cent to 81.6 per cent while the proportion of Latvian non-citizens has decreased from 20.8 per cent in 2004 to 16.4 per cent in 2008 (for further statistical information, see annex 1).

9. It should be stated that during the time period from 2002 to 2005, the rate of naturalization has increased to a considerable extent, thereby confirming the interest of non-citizens in obtaining Latvian citizenship before the Latvia's accession to European Union and immediately after it. According to the statistics, the naturalization process has demonstrated a drop during the next three years, i.e. 2006-2008 (for statistical data about the figures of applications' for naturalization in 2002-2008, see annex 1). The present tendency is explained by both, internal and external factors. As regards the internal factors, social and political passivity as well as lack of interest by a significant number of seniors, as well as a wide range of guaranteed right granted to the non-citizens ensuring their active participation in social life processes have to be pointed out.

10. As to the external factors that indirectly affect the naturalization process, its time limits and individuals' motivation, it has to be noted that pursuant to the European Commission (EC) Regulation No 1932/2006 from 19 January 2007, Latvian non-citizens are exempted from the visa requirement in almost all EU countries. In general, non-citizens are allowed to visit approximately 30 world countries without obtaining a visa. What is more, on 17 June 2008, the president of Russian Federation issued a decree abolishing visa regime for non-citizens residing in Latvia.

11. In 2007-2008, the Secretariat of the Special Assignments Minister for Social Integration (SSAMSI) conducted a survey „Quantitative and qualitative survey about actual aspects of social integration and citizenship”, which touched upon the issues on non-citizens' attitude and opinions in relation to obtaining Latvian citizenship. In accordance with the outcome of the survey in 2007, a majority (86 per cent) of respondents – non-citizens wished that their children obtained Latvian citizenship. In comparison to the survey conducted in 2000, it has to be noted that:

- The number of non-citizens wishing to obtain Latvian citizenship has increased and the number of non-citizens having negative attitude towards citizenship policy has significantly decreased;

- The negative feelings regarding the non-citizen's status have reduced, as well as citizens became more tolerant towards Latvian non-citizens;
- There are no disagreements among people of a different ethnic background in a social life, and generally favourable and tolerant attitude towards the representatives of other ethnic groups living in Latvia prevails.

12. Considering the naturalization process, it is evident that for the few years to come there are no prerequisites for the rapid increase in figures of applications for naturalization submitted by Latvian non-citizens. Having evaluated data on the number of temporary residence permits (see annex 1) issued by the Office of Citizenship and Migration Affairs of the Republic of Latvia (OCMA), it is envisaged that during the following few years the aforesaid increase will be observed among foreigners.

13. Overall, the Citizenship Law foresees that the procedure of granting citizenship by means of naturalization takes one year, though in practice, the completion of the whole procedure does not extend the period of three-six months.

14. The Republic of Latvia would like to present statistical data on Latvia's population by ethnicity and nationality criteria as at 1 January 2008 (see annex 1).

#### **Latvia's national legislative acts**

15. Since the submission of the second periodic report and while keeping the Citizenship Law provisions unchanged, numerous legislative amendments touching upon the issue of the practical organization of naturalization procedure have been adopted.

16. On 3 February 2004, the CM adopted Regulation No 56 "Amendments to the Cabinet of Ministers' Regulation No 34 of 2 February 1999 "The procedure of submission and examination of applications for naturalization"". The above-mentioned amendments concern the issue of establishing individual's permanent residence in Latvia, abolishing the requirement of residence's registration for individual submitting the application for naturalization, as well as resolve an issue concerning personal identification documents. That is, the applicant, when submitting an application for naturalization, is allowed to show either passport or any other identification document. The amendments also foresee the right of the applicant to indicate his or her ethnicity only if he or she wishes so. Besides, according to the present amendments an individual has the right to submit the application for naturalization in any regional department of the Naturalization Board (NB), therefore allowing the applicant to choose the most comfortable place for accomplishing the aforesaid task. The analogical amendments have been adopted to the CM Regulation No 57 of 3 February 2004 "Amendments to the Cabinet of Ministers' Regulation No 32 of 2 February 1999 "The procedure of submission and examination of application for recognition of a child as a citizen of Latvia" prescribing the procedure of submission and examination of an application for recognition of a child as a citizen of Latvia.

17. With the aim to simplify the procedure of passing the naturalization tests on 29 May 2007 the CM adopted Regulation No 353 "On tests of the Latvian language proficiency, and on basic provisions of the Constitution of the Republic of Latvia, the text of the national anthem and the knowledge of the history of Latvia required by Citizenship Law". The above-mentioned regulation envisages that persons, who acquire national minority educational programme at general educational institutions and initiate the naturalization process, have the right to submit to the NB the certificate issued by the Ministry of Education and Science (MES) confirming the evaluation of their Latvian language proficiency. Thus, that group of adolescents are exempted from additional verification of Latvian language proficiency performed by the NB. Besides, according to the regulation the list of individuals with disabilities has been expanded in order to determine the granting of privileges in passing the tests specified in the Citizenship Law. In particular, the privileges

are granted to persons with disability group I, disability group II suffering from progressive mental illnesses, persons with disability group II and III suffering from double-sided deafness or deaf-mute persons as well blind persons. On 29 May 2007, the CM adopted the amendments to Regulation No 32 of 2 February 1999, “The procedure of submission and examination of application for recognition of a child as a citizen of Latvia” that determines a possibility for adolescents up to the age of 15, who have the right from 21 August 2006, to obtain Latvian citizenship, to submit to the NB a certificate issued by the MES containing evaluation of the Latvian language proficiency. The regulation prescribes a list of documents adolescents with disabilities have to submit, if they wish to pass the Latvian language proficiency test according to the specified preferential procedure.

18. In order to expedite the admittance to citizenship of children, whose parents have obtained citizenship, and to diminish the number of occasions when parents, who have obtained citizenship through naturalization process, did not request the simultaneous granting of citizenship to their children, amendments of 23 August 2005 to the CM Regulation No 34 of 2 February 1999, “The procedure of submission and examination of applications for naturalization” have been introduced by supplementing the mentioned regulation with article 5<sup>1</sup>. It foresees that a person, who have obtained citizenship through naturalization, by filling in a special application form, may apply for granting citizenship to the child under the age of 15. It is a legal ground for obtaining Latvian citizenship for children (for additional information see paragraphs 502-509).

#### **Latvia’s policy initiatives**

19. The SSAMSI has updated the State programme “Strengthening Civic Society 2008-2012”, that is one of the policy planning documents and its implementation will pursue the social integration related goals. The main aim of the State programme is to reach such level of development of civic society when citizens’ groups<sup>2</sup> have a motivation and lack of obstacles to co-operate in solving their own and socially important questions, therefore promoting public and state development. The sub-aim thereof is to increase the proportion of individuals, who, both by formal and informal cooperation in their own and public interests, heighten social capital; to increase efficiency of involvement by informal citizens’ groups and non-governmental organizations (NGO) in political processes held at local, central government and EU level; to develop an environment for sustainable and result oriented NGO activity.

20. In order to provide an effective monitoring of the State programme “Strengthening Civic Society 2008-2012” on 18 May 2005, the SSAMSI issued a decree No 05-03/28 on establishing the Civic Society Board and adopted its statutes. The Civil Society Board is a consultative body that is established to provide consultations while taking strategically important decisions and for monitoring the implementation of the State programme. The composition of the Civic Society Board includes the representatives of state administration institutions, cooperation partners and NGO.

#### **State administrative measures in the field of naturalization**

21. The Republic of Latvia refers to the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 30-34) and Additional report, and additionally states that, during the time period from 2004 to 2008, in order to increase the level of public awareness regarding the importance and the procedure of obtaining citizenship, the NB, as an authority responsible for the implementation of the naturalization process, in cooperation with the SSAMSI continued to organize various informational and educational events. The

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<sup>2</sup> In this context the term “citizens’ groups” refers to the civic nature of the groups, not to the citizenship of their participants.



NB information centres, its regional branches and departments provide information on the scope of the NB's competence. The informational projects of the NB are implemented in close cooperation with mass media, local governments, educational institutions and NGO.

22. In accordance with the project „The importance of regional aspects in addressing citizenship issues” implemented by the NB in 2003, i.e., before the accession to EU, the reasons why non-citizens do not obtain Latvian citizenship, although they are entitled to do so were determined as follows: devaluation of general feeling of affiliation and patriotism in the society; possible simplification of the naturalization process in future; public discussions about possible admissibility of multiple citizenship; the Russian Federation and other states' citizens' pension issue (non-citizens choose the Russian Federation citizenship in order to receive the larger pension); lack of motivation to obtain Latvian citizenship that is related to various factors, for example, the facilitation of travel regime to the Member States of the Commonwealth of Independent States, visa-free regime to EU Member States; financial difficulties of the applicant; lack of time, etc. (for additional information on the outcome of the inquiry, see annex 1). It has to be noted that the number of non-citizens, who mentioned as the main reason lack of knowledge of the Latvian language and history, has significantly decreased.

23. During the time period from May 2007, to December 2007, the NB regional branches have organized a public survey which covered persons interested in obtaining citizenship in order to clarify their reasoning for and the overall evaluation of the naturalization process. As a result, more than 500 survey forms have been collected. Among the motivation factors, the emotional ones prevail: a person's wish to belong to Latvia, as well as a wish to be affiliated to the State and to feel like a full-fledged member of society. Among the pragmatical ones, the most motivating factor turned to be the facilitation of travel regime and the possibility to obtain EU citizenship.

24. During the second half of 2005, and the first part of 2006, the NB conducted a survey among the students of educational institutions throughout Latvia (in total, 957 survey forms have been collected). The survey covered young people undergoing the naturalization process, who are still studying at an educational institution (elementary, secondary, higher education) with the aim to determine whether the knowledge gained at the educational institution is sufficient to pass the naturalization tests. The survey outcome has demonstrated that educational institutions prepare young people at a corresponding level meeting the naturalization requirements. Almost a half – 48.7 per cent of young people, wishing to obtain Latvian citizenship through naturalization process, submit a centralized examination's certificate. 11.9 per cent of applicants for naturalization failed in passing the Latvian language proficiency test. In general, young people more frequently pass the tests of the knowledge of the history of Latvia, the provisions of the Constitution of the Republic of Latvia (*Satversme*) and the national anthem successfully, gaining the maximum or close-to-maximum points (it relates almost to a half of all applicants). 10.4 per cent of young people failed in passing one of the above-mentioned tests.

25. At the end of 2007, the NB started the implementation of the Latvian Society Integration Foundation's (LSIF) project “Citizenship is my responsibility, right and possibilities”. The project has been implemented within the framework of the programme “The facilitation of social integration in Latvia” supported by EU and Latvian Government. The total amount of grants allocated for the project is 32,252 EUR and 3,264 EUR of this amount is a sum co-financed by the NB. The aim of the project is to strengthen the prestige of Latvian citizenship and expedite the process of obtaining citizenship, raising the level of public awareness and understanding of the citizenship issues. The project served as a basis for various events envisaged to be organized in 2008. In order to focus its informational activities the NB involved 45 municipalities with a large percentage of non-citizens residing therein in the implementation of the project. Within the framework of the project the informative materials on possibilities of obtaining citizenship as well as two posters of

patriotic nature with children's drawings were published. The municipalities chosen for the project held seminars during which approximately 260 persons were trained as tutors for further work with non-citizens. During the Leader's school organized for the youth, pupils of the 10th grade gained knowledge on citizenship, asylum and integration issues. 14 young people from 22 educational institutions were trained as tutors on civic society and the facilitation of social integration issues within the borders of their administrative territories, in particular at educational institutions.

26. In 2005, the travelling exhibition "Citizenship in Latvia and EU" was renewed and supplemented. Till the end of 2006, it was shown at local government institutions, libraries and educational facilities throughout Latvia. The NB has also elaborated the project "Citizenship is my responsibility, right and possibilities" that envisages the organization of social integration events, publication of informative materials, as well as the organization of the competitions for pupils. Within the framework of the project "Citizenship is my responsibility, right and possibilities" in 2008, a new traveling exhibition „Citizenship. Law provisions and personalities" was launched and exposed at local government institutions, libraries and educational facilities.

27. The NB and its regional branches on regular basis participate as a partner in the implementation of the projects organized by the municipalities and civic organizations (CO) that are aimed at motivating to obtain citizenship and facilitating the integration process. For instance, in 2004-2005, the NB being a partner of civic organization "Movement Towards Democratic Thinking" was involved in the implementation of the project "Become a citizen! Everything is ahead you!" Within the framework of the project the informative and educative material about all procedures for obtaining citizenship have been issued, as well as 20 events at schools have been organized in order to inform young people, their parents and school personnel about the possibilities to obtain citizenship.

28. Since 2002, the NB operates a free of charge telephone line to provide consultations on possibilities to obtain Latvian citizenship. Between 2004 - 30 June 2008, 30,316 interested persons have taken advantage of this service. Since 2005, each year the government allocates a total sum of 6,000 LVL to the NB for the needs of the above-mentioned service.

29. The NB web page, since its establishment in 2000, each year gradually becomes a more frequently used source of information. The web page is available in Latvian, Russian and English. Each year it is used by an average of 188,000 interested persons, i.e. it is visited, at an average, 520 times a day. The interested persons have an opportunity to address a question by means of the web page services. At an average 50-60 electronically sent questions are received each month. In April 2008, a new improved version of the web page has been launched offering a possibility for the interested persons to pre-test their knowledge and skills in a sample interactive naturalization tests.

30. The NB on a regular basis prepares and publishes the informative materials on citizenship issues to the citizenship applicants and the widest possible section of society. Since 2004, the NB itself and in cooperation with the CO published 18 different informative materials on citizenship and social integration issues. The materials on this subject are available at the NB regional branches and information centres, central and local governmental institutions, libraries, minority cultural organizations, educational institutions, etc. At the end of 2007, following the State budget amendments, the sum of 6,000 LVL was additionally allocated to the NB for the purpose of publishing the informative materials. Within the framework of the aforesaid funding four fact sheets and booklets were prepared and published as well as the renewed web page version was launched.

31. In order to ensure a direct link to citizenship applicants, NB organizes information days at educational institutions, local governments and large companies of large cities and

regions of Latvia. Regional branches also do informative work with national minority organizations. Since 2003, a total of more than 350 information days have been organized, which were attended by an average of 20 interested persons each day. Information days are also organized at private companies employing a large number of representatives of national minorities and non-citizens. For instance, in 2007, information days have been organized in 17 private companies throughout Latvia.

32. In 2004, the SSAMSI and the Ministry for Children and Family Affairs (MCFA) in cooperation with the NB has implemented a project, which aim was to inform parents of the possibility for their children to obtain Latvian citizenship. As a result, in 2004, 2,073 applications for the recognition of child as Latvian citizen were received, in 2005; this opportunity was used by parents of 1,381 children, in 2006 – 1,574 children, in 2007 – 818 children.

33. During the time period from 2005 to 2008, the SSAMSI has awarded State budget subsidies to almost 1000 projects of the national minorities' NGO, which aim is to provide support for national minorities' integration in Latvian culture, strengthening their ties with the State. Overall, almost 200 NGO have received State budget subsidies (for statistical data on State budget allocations for projects of the national minorities' NGO, the Latvian language courses, the preparatory courses for naturalization, see annex 1).

34. Various municipalities in Latvia have adopted their own integration programmes (for example, Jurmala, Ventspils, Daugavpils, Aluksne regional municipality). In 2000, the Ventspils town Council adopted a social integration programme which main task is to involve non-citizens in the process of town development.

35. An important event in raising the prestige of citizenship is organizing ceremonies, during which copies of the CM Order on granting the citizenship by naturalization are handed out. These events play a significant role, as they emphasize the importance of obtaining Latvian citizenship, the belonging of the new citizen to Latvia, and strengthen the link between new citizens and local government. These ceremonies take place regularly throughout Latvia.

#### **Possibility of Latvian language learning and the evaluation of its proficiency**

36. The possibility for adults to learn the Latvian language have been implemented within the framework of foreign funding allocation, as well as under LSIF projects (for statistical data on the Latvian language courses organized under foreign funding and LSIF projects, see annex 1). During the time period from 2004 to 2008, the Latvian language courses have been organized by means of free courses for unemployed persons. In order to promote employment, within the framework of active labour market measures and with the support of the European Social Fund, the National Employment Agency (hereinafter – NEA) provides the Latvian language courses for those unemployed, whose mother tongue is not Latvian (for statistical data on the organization of the Latvian language courses for unemployed, see annex 1).

37. Latvia would like to reiterate that the methodology of evaluating the proficiency level of the Latvian language, teaching materials as well as the legal regulation of testing the language proficiency were adopted taking into account the consultations with the experts of the CoE. The ALTE (Association of Language Testers in Europe) has positively evaluated the methodology of testing the proficiency level of the Latvian language and teaching materials supposed to be used by the persons wishing to obtain citizenship. The Module of evaluation the proficiency level of the Latvian language has been elaborated in assistance with the experts of the CoE. In 2007, after having examined the conformity of applied evaluation procedure of the proficiency of the Latvian language with the minimum standards of the requirements for the quality of the evaluation of the language proficiency,

the ALTE experts stated that the requirements for the naturalization applicants are not excessive, i.e., testing is not complicated.

38. Despite the immutable requirements of the Latvian language proficiency level, each year the number of individuals passing the relevant test gradually reduces. It is connected with the fact that majority of the naturalization applicants does not pass the language test, given that the graduates who have learned Latvian at school have passed the centralized examination on the Latvian language proficiency level and the NB accepts the results thereof. Other group of naturalization applicants is exempted from the requirement of language testing pursuant to the reasons prescribed by other legislative acts (for statistical data on the number of naturalization applicants passing the Latvian language test, see annex 1).

#### **Reply to the recommendations contained in paragraph 21 of the concluding observations**

39. During the reporting period various measures have been adopted for ensuring the representatives' of the Roma people full inclusion in society, elimination of discrimination and promotion of equal treatment in different legal fields.

40. Pursuant to amendments of 7 April 2004, article 5, paragraphs 4 and 5, of the Law on Personal Identification Documents, following the wish of an alien's or citizen's passport holder, the ethnicity of the holder may be entered therein. On 1 January 2008, according to the OCMA collected statistical data the above-mentioned possibility was used by 15,772 persons.

#### **Latvia's policy initiatives**

##### **State Programme "Gypsies (Roma people) in Latvia 2007-2009"**

41. The State programme "Gypsies (Roma people) in Latvia 2007-2009" was approved by the CM on 18 October 2006. In order to reach the Programme's aims and sub-aims effectively, the government, municipal and educational institutions, the Roma and other NGO, employers' professional unions as well as the mass media must be involved.

42. Taking into account the outcome of researches carried out in Latvia up to now, statistical data, the substantial experience of cooperation with the representatives of the Roma NGO, as well as the EU and international practice, it was established that the integration of the Roma people in Latvia should be carried out in three directions: (1) education, (2) employment, (3) human right.

43. The key goal of the State programme is to promote the integration of the Roma people in the Latvian society, by ensuring elimination of discrimination and effective implementation of equal opportunities for the Roma community in the areas of education, employment and human right that correspond to the specific needs of the community.

44. The sub-aims of the State programme in the field of education are as follows: to create special opportunities for representatives of the Roma community to raise their level of education; to improve the process of preparation of 5-6 year old Roma children for school in pre-school education and elementary educational institutions with inclusive educational practice; to raise the responsibility level of those Roma parents or guardians, who do not secure the compulsory education for their child.

45. The sub-aims of the State programme in the field of employment are as follows: to reduce the discrimination in the area of employment, to reduce the unemployment level in the Roma community, to ensure a social dialogue between the representatives of the Roma community and Latvian businessmen, as well as other parties involved in the employment process.

46. The sub-aims of the State programme in the field of human right are as follows: to promote tolerance, to reduce negative stereotypes and prejudice in the Latvian society about the Roma community, to raise public awareness of the cultural characteristics of the Roma community, to promote cultural development and to preserve the ethnic identity of the Roma community in Latvia, as well as to carry out activities for the involvement of the Latvian Roma NGO in the civic society.

47. The State programme is introduced and implemented by the SSAMSI in cooperation with the relevant public administration institutions. Once a year the SSAMSI submits to the CM the State programme's annual follow-up report. At least once a year the Roma NGOs present their position and proposals to the State programme's implementation and monitoring Council regarding the State programme's implementation progress, which are then forwarded to the CM along with the report.

48. In 2008, SSAMSI, while continuing to implement the State programme's Action plan, has defined primary State programme's components: education, human right and the promotion of civic participation of the Roma community. The State programme's Action Plan envisages the State budget allocations for the support of Roma and other interethnic NGO activities which are related to the above-mentioned State programme's components (for statistical data about the NGO projects and allocated funds in 2007-2008, see annex 2).

49. One of the State programme's implementation goal is to draw up a programme for professional training of Roma teacher's assistant, as well as to introduce the Roma assistants in the pre-school educational institutions. In 2008, the presentation of the programme "Roma as a teacher's assistant" was carried out in various Latvian municipalities (Balvi, Limbazi, Talsi). In autumn 2008, the SSAMSI in cooperation with NGO will elaborate and conduct the seminar "Roma as a teacher's assistant" (two four-day seminars).

50. Up to now twenty teacher's assistants have been prepared for work in the educational institutions. In 2009, it is anticipated to introduce the Roma assistants in the pre-school educational institutions. The relevant programme states that the wages of the teacher's assistants will be paid from the SSAMSI budgetary funds, but in future it will fall within the competence of local governments.

51. Within the framework of the State programme's Action Plan also other educational and informational events have been organized for the inclusion of the Roma people into the educational process (for statistical data, see annex 2).

52. One of the primary activities of the Ombudsman is the protection of the right of the Roma people. During the previous years the Ombudsman's Office received complaints brought by the Roma people on the alleged discrimination on the ground of ethnicity. As a result, in 2007, the Ombudsman's Office has initiated a study related to Roma experience and attitude towards police. In order to promote the development of positive communication between Roma and police authorities it is necessary to deepen the knowledge of police personnel on psychology, sociology, ethnic minorities, elimination of discrimination issues. Taking into account the recommendations elaborated on the basis of the study's outcome the above-mentioned topics were included in a training programme "The observance of human right in the police work" that has been arranged for police officers by the Ombudsman's Office in cooperation with the State Police College in October 2008, and will be also held at the beginning of 2009.

53. In addition, Latvia would like to inform about statistical data on the number of unemployed Roma (see annex 2). According to the report's statistics the proportion of unemployed Roma constitutes 4.7 per cent of the total Roma population in Latvia (in addition, see annex 1).

54. Statistical data indicates the fluctuation of the number of Roma schoolchildren during the reporting period, although after significant decrease in 2004-2005, during last

two years the dimension has changed, showing a graduate increase in the number of Roma schoolchildren attending day-time general educational institutions (see annex 2).

### **Other activities related to the elimination of discrimination**

#### **Latvia's national legislative acts**

55. Upon joining the EU Latvia has accepted its *acquis* that foresees the elimination of discrimination on the grounds of gender, race, ethnic origin, religion or belief, disability, age or sexual orientation. In order to implement EC Council Directive 2000/43/EC of 29 June 2000 (determining the principle of equal treatment between persons irrelevant of racial or ethnic origin), EC Council Directive 2000/78/EC of 27 November 2000 (establishing a general framework for equal treatment in employment and occupation), EC Council Directive 2002/73/EC of 23 September 2002, amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, and EC Council Directive 2004/113/EC of 13 December 2004, implementing the principle of equal treatment between men and women in the access to and supply of goods and services, the following legislative amendments have been made:

- On 22 April 2004, and 21 September 2006, amendments to articles 7 and 29 of the Labour Law were adopted. The amendments foresee the prohibition of direct and indirect discrimination and harassment of a person or instructions to discriminate him or her on the grounds of gender, race, skin colour, age, disability, religion, political or other convictions, ethnic or social origin, property or marital status, sexual orientation or other circumstances. In addition, the original definitions of direct, indirect discrimination and harassment of a person enshrined in the EC Council Directive were incorporated into the Labour law.
- On 1 December 2005, the Social Security Law was supplemented with the provisions defining the prohibition of differential treatment and foreseeing the protection of individual's right in relation with the prohibition of differential treatment.
- On 4 April 2006, the Ombudsman's Law was adopted (for details see paragraph 4).
- On 17 May 2007, amendments to the Latvian Administrative Offences Code (entered into force on 21 June 2007) were adopted. article 204<sup>17</sup> of the Latvian Administrative Offences Code defines liability for the violation of the prohibition of discrimination prescribed by the legislative acts (fine in the amount of up to 500 LVL). In case the offence is committed repeatedly during a year or caused a significant harm or is associated with violence, fraud or threats or is committed by a group of persons, a State official, or a responsible employee of an undertaking (company) or organization, or if it is committed using automated data processing systems, the liability is envisaged by article 149<sup>1</sup> "Violation of prohibition of discrimination" of the Criminal Law (amendments to the Criminal Law adopted on 21 June 2007, entered into force on 19 July 2007).
- On 12 October 2006, amendments to article 48 of the Criminal Law were adopted defining discrimination on the grounds of race as an aggravating circumstance.
- On 19 June 2008, amendments to the Law on Protection of Consumers' Right were adopted introducing that in case of a violation of prohibition of unequal treatment on the grounds of consumer's gender, race or ethnic origin, or prohibition of adverse consequences caused by mentioned grounds, the consumer has the right to compensation for the pecuniary and non-pecuniary damage.

Whenever a dispute arises the amount of non-pecuniary damage is determined by court.

56. In order to implement the European Parliament and Council Directive of 16 February 1998, 98/7/EC amending Directive 87/102/EEC for the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit; Council Directive 93/13/EEC of 5 April 1993, on unfair terms in consumer contracts; European Parliament and Council Directive 2000/31/EC of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market; European Parliament and Council Directive 2000/35/EC of 29 June 2000, on combating late payment in commercial transactions, on 26 January 2006, amendments to the Civil Law were adopted which entered into force on 1 March 2006. The aforementioned amendments gave effect to article 92<sup>3</sup> of Satversme in relation to cases when an individual suffered a non-pecuniary damage and therefore established legal grounds for the compensation. The Civil Law provides the definition of non-pecuniary damage, defines the right for non-pecuniary damage for those who suffered the harm. The Civil Law foresees that the amount of non-pecuniary damage is defined by court at its own discretion. Also, the Civil Law provisions establish the scope of criminal offences where victims are exempted from obligation to prove the existence of non-pecuniary damage.

#### **Declaration on respect, tolerance and cooperation on the Internet**

57. It should be mentioned that the “Declaration on respect, tolerance and co-operation on the Internet” was drafted and signed in 2006, by editors of Internet sites, representatives of associations and foundations, and representatives of government institutions. The aim thereof was to reduce and combat manifestations of intolerance and hostility on the Internet while, at the same time, respecting freedom of expression.

#### **Latvia’s policy initiatives**

58. On 24 August 2004, the CM adopted National Programme to Promote Tolerance 2005-2009 (NPPT). The aim thereof is to develop a tolerant society in Latvia, to eliminate intolerance, and to develop Latvia’s multicultural society in the circumstances of European integration and globalization.

59. The NPPT sub-aims include the improvement of Latvian legal system by amending the national legislative acts with the aim of introducing effective legal instruments to eliminate all forms of intolerance and discrimination; promoting inter-institutional cooperation to eliminate intolerance; active public participation in monitoring this process; distribution of high-quality, accessible and all-encompassing information about manifestations of intolerance and about efforts to promote tolerance.

60. The NPPT foresees to reduce intolerance and the number of human right violations. There will be preventive work to eliminate various kinds of discrimination. It also prescribes the establishment of the conditions for social integration and the competitive development of the Latvian economy in the multiethnic EU. While implementing the NPPT Latvia’s society will learn about the basic principles of intercultural communications, and develop skills in resolving ethnic, social and cultural conflicts.

61. In 2005, the following activities were implemented within the framework of the NPPT Action Plan: Internet activities ([www.dialogi.lv](http://www.dialogi.lv), [www.politika.lv](http://www.politika.lv)); conducting studies, organization of informational and educational seminars as well as information campaigns; publication of booklets; organization of discussions, exhibitions, etc.

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<sup>3</sup> „In case of unlawful interference with his/her rights, everyone has a right to adequate compensation”.

62. In 2006, the SSAMSI has granted State budget subsidies in the total amount of 19,000 LVL to the NGO' projects dedicated to the promotion of tolerance. In cooperation with EC and the Embassy of the United States of America (USA) NGO implemented various projects on the promotion of different forms of tolerance.

63. In September 2005, the EC has supported SSAMSI project "Latvia – Equal in Diversity I" (LED I). LED I is the first project launched in Latvia using the EC resources for the activities of public administration and NGO aimed at reducing discrimination, promoting tolerance and informing society about the priorities of the EU anti-discrimination policy. In 2007 and 2008, LED II and LED III were implemented (for statistical data on the allocated resources for LED projects, see annex 2).

64. In 2007, five NGO received State budget subsidies in amount of 6,667 LVL for the promotion of tolerance in Latvian society. In addition, the SSAMSI has organized a conference "For and against tolerance" and a seminar for strengthening of mutual respectful and tolerant attitude. During the above-mentioned event "the most tolerant article" in mass media was identified. In 2008, the SSAMSI, with an assistance of State budget subsidies' programme, has supported in the total amount of 8,000 LVL four projects aimed at promoting tolerance.

65. In cooperation with Latvian Government and the CO, the SSAMSI, participating in EU and national working groups, has joined the EU campaign "For diversity – against discrimination". The SSAMSI and its co-partners have organized the informational and educational events aimed at informing about the expression of intolerance against different social risks' groups and the practice of promoting tolerance. The SSAMSI has drafted and implemented particular events (seminars, conferences and experts' meetings) in cooperation with Latvian mass media to eliminate intolerance in the mass media domain. In association with Latvian research institutions the SSAMSI performs monitoring and assessment of intolerance level in Latvia.

66. At the end of 2005, the LNHRO has published a booklet „What is discrimination" and presented its comments to mass media about the discrimination issues. The Ombudsman's Office, in its turn, at the end of 2007, launched an information campaign for promoting tolerance and advertizing the Ombudsman as a mechanism of legal protection. Informative TV programmes were prepared and broadcasted, as well as postcards for youth as a target audience were printed and then disseminated in the public places of entertainment. In 2007, the informational regional seminars were organized during which members of the Ombudsman's Office personnel provided consultations and received complaints concerning alleged violations of human right.

67. On 19 March 2008, Doudou Diene, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented a report on Latvia at the seventh session of the United Nations Human Right Council. In his report Doudou Diene welcomed the fact that Latvia has adopted the necessary legislative acts and established a number of institutions with the purpose of tackling racial discrimination. Special Rapporteur also positively referred to how the Constitutional Court and the Ombudsman have contributed to fighting racial discrimination. The Special Rapporteur noted the Government's achievement in solving the issues that the Roma community faces in Latvia through the implementation of the State programme "Gypsies (Roma people) in Latvia 2007-2009".

68. During the reporting period Latvia has ratified a number of international conventions dedicated to the elimination of discrimination (for details, see annex 2).

#### **Latvia's institutional system**

69. Since the submission of the previous periodic report the administrative courts (see paragraphs 70-73), the Ombudsman's Office (see paragraphs 74-82), SSAMSI (see



paragraphs 83-84) and Legal Aid Administration (see paragraphs 85-87) have been established as a part of Latvia's institutional system.

### **Administrative courts**

70. On 1 February 2004, the Administrative Procedure Law entered into force (for details see paragraph 4), which inter alia established a system of administrative courts – the District Administrative court, the Regional Administrative court and Supreme Court Senate's Department of Administrative Cases.

71. Based on the received applications, the administrative courts control the lawfulness and validity of administrative acts issued by institutions or de facto actions of institutions and determine public legal duties or right of private persons. Any individual or legal entity whose right have been infringed upon by an institution, as a holder of state power, that adopted a decision or performed a de facto action with regard to an individual, has the right to submit an application to administrative court. A third party also have the right to apply to the court if his/her right or legal interests are restricted by a relevant administrative act or a de facto action. An administrative act or de facto action of an institution has to be challenged before a hierarchically higher institution prior to administrative court, but, if there is no such institution, it may be challenged directly before the court.

72. Unlike other courts that adjudicate cases under the rules of civil or criminal procedure, the administrative courts, in determining the factual circumstances of a matter, act in accordance with the principle of objective investigation, i.e., in case of necessity the court gathers evidence at its own motion, as well as gives instructions and recommendations to determine, within the framework of the claim, factual circumstances of a matter in order to come to the lawful and fair conclusion. Performing control over a *de facto* action, the court evaluates both the lawfulness of an action, i.e., its conformity to the legislative acts, general principles of law and other sources of law, as well as its expedience.

73. Article 92 of the Administrative Procedure Law stipulates that every person has the right to claim pecuniary and non-pecuniary damage, as well as compensation for personal injury that he or she sustained as a result of an administrative act or de facto action of the authority.

### **The Ombudsman's Office**

74. The Ombudsman Law, which was adopted on 6 April 2006, and entered into force on January 2007, established the Ombudsman's Office (in addition see paragraph 4). The Ombudsman's Office became a successor of the LNHRO. One of the functions of the Ombudsman is to ensure that the principle of equal treatment is observed and discrimination is prevented. The Ombudsman has the right to apply to court and the Constitutional Court in cases of the alleged violation of the principle of equal treatment. The Ombudsman's functions are as follows: to promote the observance of the principle of equal treatment and to prevent any form of discrimination, to identify deficiencies in observance of human right and the principle of good governance in legal provisions, as well as to remove the deficiencies in the legislative acts.

75. In the performance of its functions specified by the Ombudsman's Law, the Ombudsman shall: accept and examine the submissions, complaints and proposals brought by individuals; initiate an internal examination for the clarification of circumstances of a matter; request that institutions within the scope of their competence and within the time-limits provided for by the law clarify the necessary circumstances of a matter and inform the Ombudsman thereof; upon examining a matter or after its completion, provide state authorities with recommendations and conclusions regarding the lawfulness and expedience of their activities, as well as compliance with the principle of good governance; resolve

disputes between private individuals and state authorities, as well as disputes concerning human right between private individuals; promote friendly settlements between parties involved in disputes; in resolving situations of human right violation provide recommendations and conclusions to the private individuals regarding the prevention of further human right violations; submits to the Saeima, the CM, municipalities or other state authorities its recommendations concerning the adoption of or amendments to the legislative acts; offer oral consultations on the human right issues; conduct studies and analyze the situation in the field of observance of human rights, as well as offer its conclusions regarding the actual human right issues.

76. In the performance of the functions and tasks specified by the Ombudsman's Law, the Ombudsman has the right: to request and receive free of charge from an institution the documents necessary for a verification procedure, explanations and other information; to visit institutions in order to obtain the information necessary for a verification procedure; at any time and without a special permit to visit closed-type institutions, to move freely within the territory of the institutions, to visit all premises and to meet in private the persons held in closed-type institutions; to hear the opinion of a child without the presence of his or her parents, guardians, employees of educational or child care and educational institutions, if the child so wishes; to invite any private individual to submit documents, provide explanations and other information regarding the issues of fundamental importance in verification procedure; to initiate a verification procedure on its own initiative; to request and receive conclusions of experts; to submit an application regarding the initiation of proceedings in the Constitutional Court, if an institution that has issued an act has not eliminated the indicated deficiencies within the term specified by the Ombudsman; upon completion of a verification procedure and establishment of a violation, to defend the right and interests of a private individual in court, if it is necessary in the public interests; upon completion of a verification procedure and establishment of a violation, to apply to a court in such civil cases, where the nature of claim is related to a violation of the prohibition of unequal treatment; on the basis of the materials at its disposal, to consult other competent authorities in order to decide the issue regarding the initiation of proceedings.

77. From 2005 till the beginning of 2007, 24 employees were working in the LNHRO. By establishing the Office of the Rights' Defender in 2007, the number of employees raised to almost 50.

78. In 2007, for financing activities of the Ombudsman's Office the State budget granted an amount of 1,300,164 LVL, in 2008 – 1,303,002 LVL.

79. The Ombudsman positively refers to the fact that, along with an increase of public awareness in Latvia, the development of public thought with respect to the prohibition of discrimination is observed, expanding the notion of this principle to the area of private law. Examination of relevant complaints reveals the deficiencies in the legislative acts concerning the aforementioned issue (for statistical data, see annex 2).

80. With respect to the prevention of discrimination the Ombudsman managed to reach a number of friendly settlements, according to which one of the parties offered to pay compensation covering the non-pecuniary damage. For instance, in 2006, the LNHRO received a submission from a disabled person who, wishing to conclude a lease agreement, was not able to get into the premises of leasing company's branch in his wheelchair. In order to reach a settlement the LNHRO arranged a meeting for all the parties concerned, where the representatives of the leasing company admitted the incorrect conduct of its employees and compensated the unpaid sum that was a subject of the contract the applicant intended to conclude.

81. For additional information regarding the breakdown of complaints by grounds of discrimination in 2007, as well as statistical data about the total number of complaints and

their specific character concerning discrimination issues received in the LNHRO and the Ombudsman's Office, see annex 2.

82. During 2004 - 2008 the Ombudsman submitted nine applications to the Constitutional court (for additional statistical data, see annex 2).

#### **The Secretariat of the Special Assignments Minister for Social Integration (SSAMSI)**

83. Established in 2003, the SSAMSI is a key state administration authority in the field of social integration. Within the scope of its competence the SSAMSI elaborates and implements state policy in the field of social integration concerning the following issues: promotion of civic society, elimination of discrimination on the grounds of race and ethnicity, interinstitutional issues regarding elimination of discrimination and promotion of tolerance in Latvian society, national minorities' right, preservation of the culture and traditions of the Livs, participation in development cooperation, support to Latvian diaspora abroad as well as integration of the immigrants.

84. One of the SSAMSI tasks is to implement and co-ordinate Government's support for national minorities and their NGO. In performing this task, the SSAMSI provides the aforementioned support for the minorities' NGO aimed at preserving and developing the ethnic identity, enforcing their capacity growth and implementing study programmes, recognizing their activities. Besides, a Department of National Minority Affairs, which consists of National Minority Co-ordination division and National Minority culture and information division, has been established within the SSAMSI.

#### **Legal Aid Administration**

85. The Legal Aid Administration (Administration), an institution subordinated to the Ministry of Justice, started its activities on 1 January 2006, on the basis of the Law on State Ensured Legal Aid that was adopted on 17 March 2005, and the CM Regulation No 869 of 15 November 2005, "Statutes of Legal Aid Administration". The functions of the Administration are as follows: to manage funds envisaged for state guaranteed legal aid and compensations for victims, to conclude service agreements with the providers of state guaranteed legal aid, to provide legal aid and the payment of compensations to victims in cases specified in the Law on State Ensured Legal Aid, etc.

86. The State ensures legal aid for disadvantaged and low-income persons as well as to persons, who due to their specific situation, state of property and income level, are unable to protect their right (for example, in case of natural disasters, force majeure, or if a person is fully dependent on state social aid). The State ensures the provision of legal aid in matters of the right of dwelling, labour law, children's right or in other civil, administrative or criminal matters. The State also covers the expenses on rendering legal advice, drawing up of the documents needed for the judicial proceedings as well as on defence or representation of the interests of the person concerned. In practice, the Administration mostly provides legal aid to Latvian citizens and non-citizens, although some legal aid applications were presented by foreign nationals, for example, citizens of the Russian Federation and Lithuania.

87. Pursuant to the Law on State Compensations to Victims, starting from 16 June 2006, the Administration provides payment of compensation to individuals recognized in criminal proceedings as victims of an intentional violent criminal offence as a result of which severe or moderate bodily injuries have been caused to the victim, or resulted in the victim's death, or the criminal offence has been directed against sexual inviolability of the person (see annex 3). The aforementioned Law specifies that the victim has the right to receive compensation from the State, also if a perpetrator of a violent criminal offence or an accomplice thereof has not been identified or he or she is absolved of criminal liability pursuant to the Criminal Law.

**Effective legal remedies**

88. Pursuant to article 5, paragraph 3, of The Law on Compensation of Damages Resulting from Unlawful or Unsubstantiated Actions of Investigating Authority, Public Prosecutor's Office or Court adopted on 28 May 1999, a person is entitled to a compensation for non-pecuniary damage as a result of illegal or unjustified actions of an institution performing inquiry, a prosecutor or court.

89. Article 38 of the Radio and Television Law states that pursuant to the provisions of the Civil Law and other legislative acts the broadcasting organization shall pay both pecuniary and non-pecuniary damage caused to an individual or legal entity as a result of broadcasting the information that injures person's honour and dignity unless the organization proves that such information corresponds to the truth.

90. In order to ensure the right to fair trial enshrined in *Satversme*, on 12 February, 2004, the Civil Procedure Law was amended by excluding the provision that within the cassation proceedings an individual or a legal entity could only be represented by a sworn advocate. After the exclusion of that provision, any person himself or herself or with the assistance of a representative, having fulfilled all the procedural prerequisites and having completed relevant cassation complaint, has the right to submit the cassation complaint, if the grounds thereof exist.

91. The Criminal Procedure Law (see paragraph 4) envisages requirements which are feasible and necessary with respect to different issues (human right, public safety, economics, etc.), and foresees a fair regulation of criminal legal relationship, abstaining from unjustified interference with individual's right to privacy.

**Article 3****Reply to the recommendations contained in paragraph 12 of the concluding observations****Latvia's national legislative acts**

92. Since the restoration of its independence Latvia has undertaken international obligations in the field of combatting trafficking in persons by ratifying the following international agreements:

- The 2000 United Nations Convention against Transnational Organized Crime (Palermo Convention).
- The 1949 United Nations Convention of the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.
- An amendment to article 43, paragraph 2, of the United Nations Convention on the Right of the Child.
- On 15 September 2005, the *Saeima* has adopted a Law "On Amendments to the Convention on the Right of the Child" drafted by the Ministry of Children and Family Affairs (hereinafter –MCFA) that has ratified the amendment approved by UN General Assembly resolution No 50/511 on 21 December 1995. The Ministry of Interior (MoI), being in charge of the ratification of the Optional protocol on the sale of children, child prostitution and child pornography, drafted the relevant law which was adopted by the *Saeima* on 26 January 2006.
- The 2005 Council of Europe Convention on Action against Trafficking in Human Beings.
- The ratification law entered into force on 13 February 2008.

93. Article 154<sup>1</sup> of the Criminal Law envisages criminal liability for the trafficking in persons defined by the 1949 United Nations Convention of the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the 2000 United Nations Convention against Transnational Organized Crime.

94. On 16 December 2004, the amendments to the Criminal Law were adopted prescribing that the trafficking in persons means not only transfer abroad but also within the territory of the State. Within the framework of the above-mentioned amendments, article 165<sup>1</sup> of the Criminal Law has been altered by envisaging more severe liability for a person who commits sending of a person for sexual exploitation with his or her consent, if committal thereof is repeated or the offence is committed by an organized group and for human trafficking, if serious consequences are caused thereby or if committal thereof is against a juvenile, in addition to the basic applicable sentence - deprivation of liberty for a term of not less than ten years and not exceeding fifteen years, with confiscation of property, determining also an additional one - police supervision for a term not exceeding three years.

95. Pursuant to the aforementioned amendments to article 165<sup>1</sup>, paragraph 1, of the Criminal Law on sending of a person by a consent to a foreign state for sexual exploitation, the term of deprivation of liberty has been raised up to six years, therefore defining that criminal offence as a serious crime that ensures the right to special procedural protection envisaged for victims, witnesses, suspects, accused and convicted persons.

96. After the adoption of amendments to article 165<sup>1</sup> of the Criminal Law the number of persons engaged in prostitution, as well as minors<sup>4</sup> and juveniles<sup>5</sup> sent to foreign states decreased rapidly. Comparing to previous years, no case of trafficking in minors or juveniles or their transferral to a foreign state for sexual exploitation was reported during 2005.

97. In order to protect the right of victims, article 22 of the Criminal Procedure Law envisages that each person, who has suffered any damage caused by the criminal offence, taking into account pecuniary and non-pecuniary damage as well as physical suffering, has the right to claim and to receive compensation for them. article 26 of the Criminal Procedure Law defines conditions for paying damages caused as a result of the criminal offence (for additional information on ensured state compensation for victims see paragraphs 4 and 84-85 and annex 3).

98. On 25 January 2007, the Law on Residence of the Victims of Trafficking in Persons in the Republic of Latvia was adopted. The aim thereof is to promote the fight against trafficking in persons, by providing conditions for granting a reflection period and termination of such period to the victim of trafficking in persons, as well as the conditions related to his or her residence in the Republic of Latvia

### **Latvia's policy initiatives**

#### **State programme for the prevention of the trafficking in persons 2004 - 2008**

99. On 3 March 2004, the CM adopted the State programme for the prevention of the trafficking in persons 2004-2008. The State programme's aim is to facilitate the prevention and combatting of trafficking in persons by implementing targeted preventive, educational and support measures for the victims of trafficking in persons; to consolidate state and

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<sup>4</sup> In this context the term "minor" refers to persons under age of 14.

<sup>5</sup> In this context the term "juvenile" refers to persons under age of 18.

public efforts for eliminating trafficking in persons (for statistical data on the State budget allocations for the programme, see annex 3).

100. The co-ordination of the aforementioned programme is performed by the MoI. The Ministry of Welfare (MoW) is responsible for implementation of the related activities, provision social rehabilitation services, as well as organization of training for the specialists working with the victims of the trafficking in persons.

#### **Support measures for the victims of the trafficking in persons**

101. Social rehabilitation is aimed at ensuring inclusion of victims of trafficking in persons into society by providing coordinated inter-institutional social support services. To achieve this, on 17 June 2004, the Law on Social Services and Social Assistance was amended by specifying that the State shall guarantee social rehabilitation for victims of trafficking in persons. Thus, social rehabilitation for victims of trafficking in persons is provided since 2006 (for statistical data on the social rehabilitation for victims of trafficking in persons, see annex 3).

102. On 31 October 2006, the CM Regulation No 889 “Regulation regarding the procedures by which victims of the trafficking in persons receive social rehabilitation services, and the criteria for the recognition of a person as a victim of the trafficking in persons” were adopted. According to the aforementioned Regulation that entered into force on 1 January 2007, a new system of the provision of social rehabilitation services was established aimed at improving the possibilities of receiving services concerned. Comparing to the previous legal regulation, presently also the providers of social services are entitled to assess the applicant’s conformity with the victim’s status and decide on the necessity of the services. For that purpose, the provider shall establish a commission of experts. The commission must include a social worker, a psychologist, a lawyer, a medical practitioner, the State Police official and other experts, if needed.

103. On 21 June 2007, amendments to the Law on Support of Unemployed Persons and Persons Seeking Employment were adopted thereby defining that individuals who have obtained a temporary residence permit pursuant to granting of victim of trafficking in persons status have the right to receive services that are focused on reduction of unemployment and refer to unemployed persons, persons seeking employment and persons subjected to the unemployment risk. In addition, On 12 December 2006, amendments to the CM Regulation No 44 “Regulation on the work permits for foreigners” were adopted. The aforementioned regulation was supplemented with the provision that entitles the OCMA to issue a work permit (without the approval of employer’s invitation in the OCMA’s branch) for the period set in the temporary residence permit for foreign citizen recognized as a victim of trafficking in persons.

104. The Government of the Republic of Latvia would like to draw the Committee’s attention to the Internet web page – [www.cilvektirdznieciba.lv](http://www.cilvektirdznieciba.lv) – created by the MoI that offers the most substantive and up-to-date information in Latvian, English and Russian on State activities in the field of combatting trafficking in persons. The interactive portal provides information about researches carried out on issues concerning trafficking in persons, a list of current events implemented for resolving that problem in Latvia and worldwide, as well as a summary of national and international legislative acts related to the issue. In a foreseeable manner the web page provides advices on how to avoid becoming a victim of trafficking in persons and how to escape from a trafficker. The web page also offers assistance of specific kind for those who became victims of trafficking in persons. Besides, the web page allows to use online services and by means of e-mail or chat to contact the State Police or a social worker, ask for help, advice or report anonymously about the trafficking in persons. The web page provides information about both state authorities and NGO, which activities are related to the trafficking in persons.

105. In 2006 and 2007, NGO the Resource Center for Women “Marta” received state financing for the provision of social rehabilitation services for the victims of trafficking in persons. “Marta” is a rehabilitation centre for victims of trafficking in persons, which carries out preventive work as well as social psychological rehabilitation for victims of trafficking in persons and their social reintegration. The Center “Marta” participates in the implementation of various projects related to the aforementioned issue.

106. The Center “Marta” operates a free of charge telephone line for providing information about person’s physical security and workplace safety abroad, for recording cases of trafficking in persons and carrying out the preventive work. Started from 1 January 2008, the State financed social rehabilitation services for the victims of trafficking in persons are also provided by NGO “Safe House”.

107. For statistical data on the number of person convicted under articles 154<sup>1</sup>, 165 and 165<sup>1</sup> of the Criminal Law, number of criminal cases instituted therewith, see annex 3.

#### **Measures for improvement of institutional activities**

108. In 2005 and 2006, Second Section of the Drug Combating Bureau of the Organized Crime Combating Department of the Main Criminal Police Board of the State Police is completed, i.e., three personnel positions were formed in 2005 and five personnel positions – in 2006.

109. At present, 18 police officers of the aforementioned Division work with trafficking in persons. They are empowered to co-ordinate regional offices of the Bureau of the Organized Crime Combating Department of the State Police as well as activities of the local police officers on prevention of trafficking in persons.

110. The aim of the State Programme for the Prevention of Trafficking in Persons 2004 - 2008 is to facilitate the implementation of requirements set out in article 20 of the Law on the Protection of Children’s Right specifying that cases related to the protection of children’s right shall be examined by the experts having knowledge in the field of children’s right, who are also practically prepared for working with children. Within the framework of the programme it is envisaged to develop human resource capacity of the Juvenile Affairs Division of the State Police for the implementation of the State programme the amount of 180,072 LVL was allocated by State budget in 2004. In 2005, with the purpose of enlarging its personnel, Juvenile Affairs Division of the State Police received an additional amount of 8,784 LVL from the State budget.

111. In order to solve problems concerning the souteners’ activities, as a result of effective use of state resources the State Police obtained the possibility to establish a special group tasked with eliminating such prostitution-related activity as souteners’ activity and a group entrusted with coordination of issues related to involvement of juveniles in prostitution.

112. In 2004, a new computerized Population register and migration record system – Joint migration information system (CMIS) was created. The new system is supposed to be connected with the State Border Guard Service Bordercrossing Electronic Information System (REIS). Thus, the aforementioned systems will create a joint system aimed at storing data on different persons’ migration processes that will operate in accordance with the modern standards.

113. For the purpose of solving problems related to trafficking in persons the active cooperation is maintained by such institutions as the State Police, the State Border Guard Service, the Sanitary Border Inspection, the Security Police and OCMA.

**Educational and informational events**

114. Within the framework of the State Programme for the Prevention of Trafficking in Persons 2004-2008, various informational, educational events were organized, as well as a number of studies were carried out. With support of international organizations and foreign financial resources various NGO have implemented projects aimed at raising public awareness about the victims of trafficking in persons. State Police officials constantly inform society through mass media about individual right and instruct on how to avoid becoming a victim of trafficking in persons. Similarly, the State Police and State Border Guard officers regularly participate in different domestic and foreign seminars, trainings and conferences which contribute to their professional development and promote international cooperation in the field of trafficking in persons. Thus, on 25 April 2008, the conference "Struggle against trafficking in persons" was held in Latvia.

115. During the time period of 2005-2007, the Centre for Curriculum Development and Examinations, subordinated to the MES, within the framework of the national project "Support for capacity building in institutions, responsible for implementation of employment market and gender equality policy," drafted by the MoW, organized a number of seminars and continuing education for teachers on issues related to the trafficking in persons. The Vocational Education Health Studies programme includes educational topics on sexual violence and trafficking in persons. The aforementioned issues are examined within the framework of such school courses as "Social studies" and "Politics and Law" at general basic and secondary education level. Trafficking in persons and elimination of sexual exploitation as an academic discipline is also placed in the curriculum of the Latvian Police Academy. Moreover, further training on issues related to sexual exploitation of child and trafficking in persons is organized for the State Police officials.

116. During 2005, the MCFA has implemented project called „Training for professionals about the criteria of risk assessment in disadvantaged families”. 1,056 social workers, professionals from orphan courts, educational sector employees and State Police officials participated in the aforementioned training. Within the framework of the State Programme for the Improvement of the Status of Children and Families 2007, a training programme was elaborated concerning the establishment of family relationship, and includes methodological manuals, educational films and course information booklets. The family support centres' employees participated therein. The State Programme for the Improvement of the Status of Children and Families 2008 provided professional training for the pre-school and general educational institutions' teachers aimed at developing skills how to determine whether a child is a victim of domestic violence. More than 500 teachers throughout Latvia participated therein.

117. In 2006, with the financial support of State budget resources granted to the MoW a number of educational events were organized: seminars targeted at the professionals working with victims of trafficking in persons (in total, 60 persons participated); theoretical studies for more than 100 professionals; publication of booklets on provision of support services to victims of trafficking in persons, etc. In 2007, the MoW allocated state funds for training of 271 social workers.

118. In 2005, the Latvian Police Academy carried out a research "Trafficking in persons in the context of transnational organized crime: causes, prevention and combatting in the Baltic countries". The outcome thereof was used for the development of legal regulation and applied in the daily activities of the State Police.



**Reply to the recommendations contained in paragraph 13 of the concluding observations****Latvia's national legislative acts**

119. Domestic violence is defined as a violence against a woman and that against a child committed by parents. The information related to the occasions of domestic violence is collected by the State Police, the Municipal Police, the orphan court and municipal social services.

120. Article 7, paragraph 3, of the Criminal Procedure Law refers to article 130 of the Criminal Law (minor bodily injury), specifying that the criminal offence mentioned thereof, if it is committed in relation to domestic violence, is regarded as a public prosecution criminal proceedings, where the prosecution function is performed by the prosecutor. The criminal proceedings shall be initiated on the basis of an application of a victim, and a settlement does not constitute a basis for the compulsory termination of criminal proceedings (Article 377, paragraph 1, subparagraph 9, of the Criminal Procedure Law).

121. Article 174 of the Criminal Law envisages criminal liability for cruel or violent treatment of a minor, if physical or mental suffering has been inflicted upon him or her and if such has been inflicted by persons upon whom the victim is financially or otherwise dependent. For the commitment of such criminal offence a person is penalized by deprivation of liberty for a term not exceeding three years, or by arrest, or by forced labour (for the statistical data on the number of criminal cases brought to court and number of accused under article 174 of the Criminal Procedure Law, see annex 3).

122. Article 253 of the Criminal Law stipulates that an authority in charge of proceedings in its decision may impose restriction upon a suspect or accused to approach a relevant person closer than the distance referred to in a decision, having physical or visual contact with that person, and using any means of communication or techniques for transferring information in order to make contact with that person.

123. In addition, article 172<sup>2</sup> of the Latvian Administrative Offences Code envisages administrative liability for physical or emotional violence against a child (for the statistical data on the administrative offences under article 172<sup>2</sup>, see annex 3).

124. Article 9, paragraph 2, of the Law on the Protection of Children's Rights foresees that a child shall not be treated cruelly, tortured or physically punished, and his or her dignity and honour shall not be injured. In accordance with article 1, paragraph 11, physical violence is an intentional application of such physical force that threatens the health or life of a child. Paragraph 10 thereof defines that sexual violence is the involvement of a child in sexual activities that the child does not understand or to which the child cannot expressly give consent. Besides, paragraph 12 provides definition of emotional violence that is the infringement of the self-respect of a child or psychological coercion (threatening him or her, swearing, humiliating him or her or otherwise harming his or her emotional development).

125. According to article 51 of the Law on the Protection of Children's Rights a child, who has become a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or degrading acts, shall, in accordance with procedures prescribed by the CM, be provided with necessary assistance free of charge, in order that a child recovers physical and mental health and reintegrates into society. Such medical treatment and reintegration shall take place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child's intimate secrets. Every person has an obligation to inform the police or another competent institution about violence or any other

criminal offence directed against a child. For failing to inform persons shall be held liable as prescribed by law.

126. Pursuant to article 52 of the Law on the Protection of Children's Rights special medical institutions or sections in general medical institutions shall be established and special resources allocated in the State budget for the medical treatment and rehabilitation of a child who has suffered as a result of violence. Costs of such medical treatment and rehabilitation of the child are born by the State and lately are collected from guilty persons by means of an action for indemnity. Special medical treatment is provided for a child who has become ill with a sexually transmitted disease. The adults guilty for transmitting disease to the child shall be held liable as prescribed by law, and costs of the medical treatment are collected from them.

### **Latvia's policy's initiatives**

#### **Programme on elimination of domestic violence 2008 - 2011**

127. On 17 June 2008, the CM adopted the Programme on Elimination of Domestic Violence 2008-2011, drafted by the MCFA. The aforementioned programme is a medium-term policy planning document that for the period of four years. It refers to the following primary aims: (1) identification of domestic violence; (2) prevention of domestic violence; (3) cooperation of the institutions for providing aid and the rehabilitation services.

128. In order to achieve the aims thereof it is envisaged to use the State budget funds allocated for the implementation of State institutions' direct functions. In 2008, the total sum of 139,007 LVL is granted for the implementation of the programme. Over the next years the provision of the financial support will be continued.

#### **Support measures for the victims of domestic violence**

129. Since 2000, the State ensures provision of social rehabilitation services for children (up to 18 years) who became victims of domestic violence at home or institution. The services are financed from the budget funds of the MoW. Procedure according to which the rehabilitation services are provided to children-victims of violence is prescribed by the CM Regulation No 719 of 18 September 2008 "The procedures for the provision of necessary assistance for a child who has suffered from the illegal activities". The State budget funds ensures the provision of 30 or 60 (if the criminal proceedings are initiated in relation to domestic violence) day-long rehabilitation course in the relevant institution or 10 consultations of 45 minutes each provided to a child in his or her place of residence.

130. At present, in addition to the social rehabilitation services delivered to children-victims of domestic violence, if, found necessary be a psychologist or a social worker, a family member of the child or a person who takes care of the child stays at the social rehabilitation institution. In majority of cases the family member staying with a child is the child's mother, who is also a victim of family or domestic violence. Although these persons are not provided with a complex course of social rehabilitation, they have a possibility to stay in a secure environment and receive support rendered by social workers and other professionals (for statistical data on the implementation of the State programme in the field of provision of social rehabilitation services, see annex 3).

131. As of 1 January 2008, with an assistance of municipalities and NGO 86 crisis and family support centres were established throughout Latvia; 26 of them were established with the support of the MCFA. Family support centres provide psychological counselling and legal aid for the victims of domestic violence and the perpetrators. According to the Action Plan for the implementation of State Family Policy Concept 2004-2013, it is planned to open one regional centre every year that will provide complex assistance for persons in crisis. Taking into account the State Family Policy Concept 2004-2013 and on

the basis of the State Programme for the Improvement of the Status of Children and Families 2008, one multifunctional crisis centre is established that provides support and training to foster families, as well as motivate these families to take care of children–victims of domestic violence left without parents’ care, who received rehabilitation services and to whom living in a foster family is supposed to ensure safeguarding of the child’s best interests.

132. The MCFA financed psychological counselling throughout Latvia for families who take care of orphans and children left without parents’ care, as well as families in conflicts. These funds are used to provide not less than 250 consultations every month.

#### **Educational, informational events and supportive measures**

133. Inspectors from the State Inspectorate for Protection of Children’s Right (SIPCR) on a regular basis carry out methodological, educational and informative work for raising awareness among children, parents, teachers, social care institutions employees, municipal institutions employees about the requirements of legislative acts in the field of the protection of children’s right, inter alia, about the mechanisms targeted to prevent violence against a child.

134. In 2008, the SIPCR has launched an information campaign about the concept of applying positive methods of discipline. During 2008, it is planned to train 100 teachers, as well as to provide consultations to parents on issues of positive discipline methods of a child. That educational event is organized taking into account the United Nations World Report on Violence Against Children issued in 2006.

135. The SIPCR provides consultations and psychological support for children in crisis. On 1 February 2006, the hotline was established as a structural unit within the SIPCR. It is aimed at rendering psychological support to children and adolescents, support in crisis situations, as well as rendering an emergency aid as the hotline consultant has an immediate possibility to contact police, children’s right inspectors, the orphan court or social offices (for the statistical data regarding the number of phone calls received on hotline, see annex 3).

136. In 2007, the Ministry of Health (MoH) in cooperation with the World Health Organization has launched the report “Violence and Health” which describes the role of healthcare sector in addressing domestic violence issues. On the grounds of the above-mentioned report during the time period from 2009 to 2011, the MoH foresees to draft the guidelines for medical personnel on identifying domestic violence and working with the victims, as well as to organize trainings and seminars targeting medical personnel and related to prevention of domestic violence.

#### **Reply to the recommendations contained in paragraph 14 of the concluding observations**

137. The Republic of Latvia refers to the information provided in the second periodic report and repeatedly draws the Committee’s attention to the fact that legislative acts containing discriminating against women provisions, *inter alia*, in relation to remuneration, do not exist in Latvia. National legislative acts do not envisage any restrictions imposed on women regarding their participation in Latvia’s politics and public service, as well as in relation to their ability to fulfill public duties at all levels of public administration. During the time period from 1999 to 2007 the highest state official position, that of the State President, and at the same time the Commander-in-Chief of the armed forces of Latvia, was held by a woman – Mrs. V. Vīķe – Freiberga. Likewise, during the working period of the 8th *Saeima* from 2002 till 2006, its Speaker position was also held by a woman – Mrs. I. Ūdre. Women are also widely represented in the Latvian Government, public service, judiciary, etc.

138. During the previous years gender equality was at the centre of attention of Latvian society which brought positive results. Owing to active State policy on this issue it should be said that the awareness within the Latvian society concerning right and their protection in the field of gender equality has raised significantly. This positive tendency is also confirmed by the Ombudsman. A number of legislative acts stipulates prohibition of discrimination, as well as the various policy planning documents have been drafted to ensure compliance with the gender equality principle (for details see paragraphs 137-145).

139. For 2004-2008, statistical data on population disaggregated by profession, position and gender, remuneration criteria, candidates to the Saeima and municipal elections and the elected deputies disaggregated by gender, see annex 3.

### **Latvia's policy initiatives**

#### **Programme for the implementation of gender equality 2007-2010**

140. Latvia continues to adopt measures which are necessary for elimination of gender inequality in social life. In order to achieve the objective on 8 September 2004, the CM adopted the Programme for Implementation of Gender Equality 2005-2006. On 16 October 2007, the CM adopted Programme for Implementation of Gender Equality 2007-2010. The primary goals are as follows: (1) public awareness about gender equality; (2) providing information on gender equality for employees in State administration and other sectors; (3) improvement of gender equality policy's implementation and monitoring; (4) updating issues addressing domestic violence; (5) improvement of the possibilities for work and private life harmonization; (6) examination of health-related lifestyle habits. The total amount of 19.5 mil. LVL is granted by State budget for the implementation of the aforementioned programme.

141. One of the factors that impede the advancement of successful gender equality policy is insufficient capacity of the institutions involved in the implementation thereof, as well as lack of support for introducing an integrated approach with other sectors' policies. In order to resolve the issue, one of the goals within the Programme for the implementation of gender equality 2007-2010 is the provision of information related to gender equality to the employees of state administration and other sectors. Since 2006, all the ministries, but since 2007, also all the subordinated institutions, have nominated an official responsible for gender equality issues. At present, the MoW, as an authority responsible for the coordination of the gender equality policy, maintains communication with the officials for mutual exchange of relevant information. In future, the described procedure may provide grounds for ensuring the conformity of different sectors' policies with the principle of gender equality.

142. Since May 2008, regular meetings are held between the Department of Social Integration Policy of the MoW and NGO that operate in the field of gender equality and protection of the right of women.

143. Practical training programmes on gender equality topic are organized for the employees of human resource departments of the direct public administration institutions. Within the framework of the seminars' programme "European employment policy, labour market and gender equality" during two years more than 700 employees from 19 institutions throughout Latvia were trained on gender equality.

#### **Educational and informational events**

144. During the time period from 2004 to 2007, a project "Strengthening capacity in institutions involved in the development and implementation of employment and gender equality policy" supported by the European Social Fund was implemented. Within the framework of the project a number of events aimed at promoting gender equality in public administration, education sector and the general public were organized. The task of the

events organized for public officials as a target audience was to establish a sustainable institutional system and partnerships that would constantly and systematically coordinate the effective, integrated and coordinated resolving of issues related to the development of labour market and gender equality. The task of the events organized for education sector was the reducing of impact of gender stereotypes, paying specific attention to the content of study guides. The task of raising public awareness was to improve the understanding of gender equality. All the information prepared within the project implementation is available on the web site of the MoW (<http://www.lm.gov.lv>). The total sum allocated for the project is 1.15 mil. LVL (in addition, see annex 3).

145. During the time period from 2005 to 2007, a project “Studies by the Ministry of Welfare” was implemented. Within the framework of that project a research „Gender equality aspects in the labour market” was conducted, which provided analysis of problems related to harmonization of work and private life, as well as suggestions on the improvement of the harmonization tools.

146. The Ombudsman’s Office receives complaints about the employees’ selection procedure alleging that private companies and institutitons are violating the prohibition of discrimination by giving reference to gender of the potential employee in job announcemets. For example, in 2007, the Ombudsman initiated and examined on it’s own initiative 41 case concerning job announcements that violate the prohibition of discrimination. Likewise, complaints on alleged discrimination in the field of employment relationships on the grounds of pregnancy or maternity are received. In that context the Ombudsman addressed the relevant private sector companies and public institutitons and encouraged to take positive steps to eliminate the discriminatory practice. The recommendation and instructions given by the Ombudsman are usually observed by the respective representatives of private and public sector.

147. On 12 June 2007, the Ombudsman submitted a report “On the observance of the principle of gender equality in national legislative acts in 2006” to the CM. The aforementioned report assessed the legal provisions as regards the following issues: prohibition of discrimination in relation to self-emplyed persons; prohibition of discrimination in the area of goods and services; effective legal protection in case of discrimination; prohibition of discrimination in the area of employment; prohibition of discrimination in the area of the compulsory state social insurance. Taking into consideration the fact that the report refered to the situation in 2006, by the end of 2007 the majority of identified issues has been resolved. The MoW continues its work in relation to two problems identyfied by the report, i.e., calculation of average earnings after maternity, paternity or parental leave and the protection of woman in postnatal period.

148. In 2007, the *Saeima* female deputees group was established, unifying almost all women-parlamentarians with the aim to co-operate with the female parlamanetarians from other countries. The main activity’s directions are as follows: to broaden cooperation with women in other countries’ parliaments, to establish a dialogue with NGO and to promote the understanding of gender equality problem in the society.

#### **Practice of the courts of general jurisdiction**

149. On 5 July 2005, the Cēsis District Court satisfied the claim of the plaintiff S., a stoker in a boiler house in Straupe Parish, brought against the Council of Straupe Parish, and awarded the plaintiff with compensation for pecuniary damage in the total amount of 585 LVL, as well as compensation for non-pecuniary damage in the total amount of 1,000 LVL. The Cēsis District Court decided that S. has been discriminated against on the grounds of sex and financial status. The defendant hired a man for the position of a boiler houses’ stoker who did not possess a necessary machine-operator’s certificate, justifying its action by referring to the low-wage position previously held by the new employee.

150. On 20 June 2007, the Rīga Regional Court satisfied the claim of the plaintiff Č. brought against the joint-stock company “Falck Apsargs” and awarded the plaintiff with compensation for the unpaid wage’s difference in the total amount of 2,095 LVL, as well as compensation for non-pecuniary damage in the total amount of 1,000 LVL. In its claim Č. stated that, performing the same duties and holding the same position of the Head of Public Relations Department, the remuneration paid to her was less than the one paid to her predecessor at work – a man.

#### **Article 4**

151. The Republic of Latvia refers to the information provided in the second periodic report about the Law on State of Emergency adopted on 2 December 1992 (see CCPR/C/LVA/2002/2, paragraphs 79-83).

#### **Article 5**

152. The Republic of Latvia refers to the information provided in the second periodic report about the permissible restrictions of human right provided by article 116 of the *Satversme* (see CCPR/C/LVA/2002/2, paragraphs 84-86).

#### **Article 6**

153. The primary aim of the law enforcement institutions’ activities is to ensure lawfulness and maintain a legal order, as well as to protect individual and state interests. The institutions endowed with judicial power, i.e., city (district) courts, regional courts, the Supreme Court are operating in accordance with the Law on Judiciary of 15 December 1992; the Law on the Constitutional Court adopted on 11 September 1997, regulates the functions and activity of the Constitutional Court. The functions of the Office of the Prosecutor, an institution of judicial power, are prescribed by the Law on Public Prosecutor Office of 2 June 1996. The State Police activity, an authority which is directly connected to the management of the trial itself, is governed by the Law on Police of 6 April 1991.

154. All cases in which a person’s death occurred while staying in the law enforcement institutions, medical institutions or during military service are examined and investigated. For that purpose, for instance, special commissions are established in the hospitals that consist of the medical personnel and members of hospital administration. The participation in the mentioned commissions is prohibited to the medical practitioner who is involved in the medical treatment process of the patient. It should be noted that gerontology patients constitute a significant part of the number of psychoneurological hospitals’ patients; about 25 per cent of the total number of patients, due to social and economic reasons, have been staying in psychoneurological hospitals for several years. Therefore, cases of death of seniors by reaching old age are not usually subjected to additional investigation.

156. In accordance with the recommendations of the Council’s of Europe European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, an autopsy may be performed only with a written consent obtained from the patient’s relatives, except for violent deaths. In case the violent death is attested the public institution informs the Prosecutor’s Office which decides on initiation of criminal proceedings and appoints forensic expertise. In majority of cases the patient’s relatives address the medical institution with a request to refrain from performing further anatomical investigation. Such requests are usually satisfied and the death cause is further established on the basis of available medical records.

156. In 2008, two cases were initiated in relation to the compensation of the life-saving medicaments. Adjudication of one case has been suspended until the decision of the Constitutional court enters into force.

157. For statistical data about the number of deaths of persons occurred while staying in the law-enforcement institutions, as well as data on infant death rate and its causes, see annex 4.

## Article 7

### **Reply to the recommendations contained in paragraph 7 of the concluding observations**

158. One of the current tasks of the MoJ is to improve and promote the effectiveness of legislative standards concerning the prohibition of torture by taking into account the concluding observations of the United Nations Committee against Torture. The possibility of incorporating a definition of torture into the respective legislative acts is now being actively considered.

159. The prohibition of torture or other cruel, inhuman or degrading treatment is enshrined in article 13 of the Criminal Procedure Law and foresees as follows: (1) during criminal proceedings it is prohibited to humiliate, blackmail, torture a person or threaten a person with torture or violence, or use violence against a person; (2) if a person resists the performance of certain procedural actions, hinders the progress thereof, or refuses to duly fulfill his or her procedural duties, compulsory measures provided for in this law for the ensuring of a certain procedural action may be applied to such person; (3) in order to overcome the physical resistance of a person, a performer of procedural actions or, based on his or her invitation, the State Police officers may use physical force in exceptional cases, without unnecessary infliction of pain on such person, or degrading him or her.

160. Article 11 of the Code of Professional Ethics and Conduct of the State Police Personnel indicates that the State Police officer shall not support, allow or facilitate any act of torture or inhuman, degrading treatment perpetrated against any individual.

161. In May 2008, the new Code of Ethics of the Prison Authority was drafted (approved on 2 December 2008), which contains a list of provisions referred to basic principles of professional ethics and discipline, which rank officials and staff members of the Prison Authority shall observe. The aforementioned provisions also foresee the prohibition of torture and ill-treatment.

162. The legal basis for internal investigations on use of violence or bodily injury inflicted by state officials is prescribed by article 35, paragraph 1, of the Law on Structure of Public Administration. State officials, who were found guilty of disciplinary violations detected on the basis of internal investigations carried out until 31 October 2006, were held disciplinary liable pursuant to the procedure prescribed by the CM Regulation No 594 of 28 October 2003 "Statutes of the Ministry of Interior".

163. On 1 October 2006, the Law on Disciplinary Responsibility of the Rank Officials of the Institutions of the Ministry of the Interior and the Prison Authority entered into force. Pursuant to article 16 of this law, in order to impose disciplinary liability (a disciplinary penalty) for a disciplinary violation, certain disciplinary proceedings shall be initiated against an alleged perpetrator (a rank official). However, there is no mandatory requirement to carry out an internal investigation before the initiation of such proceedings. Therefore the relevant statistics is aggregated based on the number of the initiated disciplinary proceedings, rather than internal investigations performed.

164. Article 317, paragraph 2, of the Criminal Law provides that the criminal liability may be imposed upon any state official as a result of exceeding official authority, if it is associated with violence or threat thereupon, as well as provides a penalty – deprivation of liberty for the period of ten years or community service, or a fine not exceeding two

hundred times the minimum monthly salary, or deprivation of the right to hold certain offices for a period of not less than one year and not more than five years, or without it.

165. The police officers use physical force in compliance with the requirements prescribed by the Law on the Police. In addition, on 11 July 2008, amendments to the aforementioned law were adopted thereby specifying the procedure of use of physical force. Article 13 exhaustively lists situations when the police officer, by exercising his or her professional duties, is allowed to use physical force (for instance, to prevent an attack directed against him or her or other police officers, to free hostages, etc). When using physical force, damage caused shall be minimal, and, if necessary, emergency aid shall be provided to a victim.

166. One of the basic principles prescribed by article 4 of the Law on the Enforcement of Sentences (LES) (entered into force on 23 December 1970) provides that the enforcement of sentences shall be conducted with due respect to legal safeguards against torture and cruel, inhuman and degrading punishment towards the convicted person. It is not the aim of criminal sanctions to cause physical or moral suffering or to expel such persons from the society.

167. Article 1 of the Law on Procedure of Detention on Remand of 22 June 2006, defines as its aim ensuring a balance between the protection of human rights and the carrying out of criminal proceedings in a case of application of detention on remand as a security measure.

168. On 9 March 2006, the MoJ adopted the Procedure on Carrying Out a Bodily Search in Prisons which provides a list of occasions when prison officials are entitled to carry out a bodily search, as well as determines the rules governing the respective procedure. As provided by the mentioned procedure, the bodily search of the imprisoned person is carried out by a prison official of the same gender. A full bodily search of the imprisoned person shall be carried out in a room specifically equipped for this purpose. If necessary, the prison official may carry out the full bodily search in prison in the presence of a medical practitioner.

169. On 28 February 2007, the MoJ adopted the Supervision of the Detained and Convicted Persons in Places of Deprivation of Liberty thereby stipulating the procedure concerning the supervision of the imprisoned persons in places of deprivation of liberty, which is exercised by prison officials with the aim to fulfil the internal prison rules. Prison officials are not allowed to maintain any out-of-service relationship with the imprisoned persons and their relatives, as well as to perpetrate any other illegal acts.

170. According to article 22, paragraph 1, subparagraph 5, of the Prison Authority Law an official of the Prison Authority, when exercising his or her professional duties, within the scope of competence prescribed by article 387, paragraph 5, has the rights and obligations to carry out a pretrial investigation.

171. Article 29, paragraph 1, subparagraph 5, of the Criminal Procedure Law envisages that a pretrial investigator shall follow instructions and prescriptions received from his or her direct superior, a prosecutor who exercises an oversight over the investigator's actions, a higher-ranking prosecutor or an investigative judge. Therefore the prosecutor who exercises an oversight under article 37, paragraph 1, of the Criminal Procedure Law, ensures lawfulness and legality of the investigation performed under criminal proceedings by the investigator operating at place of deprivation of liberty.

172. In order to ensure sufficient transparency of criminal investigation at Latvian places of deprivation of liberty the legislative acts foresee that the police officers are not allowed to perform any investigatory actions therein. If necessary, the Prison Authority expressly authorizes an official to perform such actions. All the investigatory actions shall be performed in compliance with the requirements prescribed by the Law on Operative Investigatory Actions of 16 December 1993.



173. For statistical data on the final outcomes of criminal proceedings initiated under article 317 of the Criminal Law during the time period from 2004 to 2006, data on criminal procedural actions of the State Police and the Prison Authority, as well as disciplinary proceedings taken in response to complaints concerning alleged violence against individuals by the State Police officers, see annex 5.

174. During the time period of 2005 - 2007 compensation has been awarded for non-pecuniary damage in the total amount of 10,000 LVL (under the judgment of the Supreme Court of 5 December 2006). According to the judgment, the criminal proceedings were initiated on 22 June 1995, under article 162<sup>1</sup>, paragraph 2, of the Criminal Code against the Grīva Prison officer as a result of exceeding official authority that inflicted serious bodily injury to the convicted person.

#### **Criminal offences committed in military service**

175. The Criminal Law enshrines two provisions defining criminal offences committed in military service, which attain the level of torture. Namely, article 338 (violence against a military subordinate of the nature of torture or that caused physical suffering or bodily injury) and article 340 (battering or torture of a military serviceman committed by another military serviceman).

176. Criminal offences committed in military service and military units or its places of location by military servicemen, civil guards or civilians working in the military units and exercising official authority shall be investigated by the Military Police pursuant to article 12, paragraph 2 of the Law on National Armed Forces and article 387, paragraph 4, of the Criminal Procedure Law. Since abolition of compulsory military service the number of such criminal offences has decreased.

177. The Military Police examines the application submitted by military servicemen concerning alleged criminal offences under the respective procedure envisaged by the Criminal Procedure Law. They are allowed to submit both, complaints and suggestions concerning other issues to a superior officer (a commanding officer) pursuant to Chapter 16.6 of the "Statutes of structure of military service". The General Inspectorate of the Ministry of Defence (MoD) also provides necessary support to military servicemen (e.g., legal consultations on issues concerning the protection of the rights, carrying out of internal investigations within the National Armed Forces pertaining to the observance of the procedure whereupon corresponding applications are examined, etc.).

178. For statistical data on the number the criminal proceedings pertaining to the offences committed in military service, see annex 5.

#### **Reply to the recommendations contained in paragraph 8 of the concluding observations**

179. On 1 June 2003, as a result of the reorganization of the State Police, with the view to improve the work on combating criminality, the Internal Security Office of the State Police (ISO SP) was established. The main responsibilities of the ISO SP, inter alia, is to prevent and detect criminal offences committed by the officers of the structural units of the State Police; to conduct internal investigations on violations of law and discipline committed by the State Police officers, cases of violations of professional ethics standards, as well as other extraordinary cases; to make decisions under criminal procedure on the incoming information on violations committed by the State Police officers, as well as to carry out pretrial investigation in criminal cases falling within the jurisdiction of the ISO SP. The ISO SP consists of three divisions: the Operative Division, the Personnel Inspection and the Pre-trial Investigation Division. In July 2007, the new Record and Analysis Division has been established.

180. The ISO SP is directly subordinated to the Chief of the State Police and remains independent in its decision-making process of influence by any State Police authority. The mechanism under which the examination of internal complaints is considered forms an integral part of the police service and exists independently from other Latvian institutions which perform similar functions. Although the democratic system presupposes an existence of numerous ways the relevant examination is performed, the utmost importance is of whether faulty and unlawful act is being thoroughly investigated, examined and assessed by the police authority itself.<sup>6</sup> Taking into account the structure and functioning of police authority as well as the fact that the Department of Supervision of the Pre-trial Investigations of the Prosecutor's General Office exercises supervision over the criminal proceedings conducted by the ISO SP, it should be resumed that the ISO SP is an efficient and impartial remedy for the protection of the rights of the State and individuals concerning alleged physical violence and ill-treatment committed by the police officials.

181. In order to establish an independent and impartial decision-making process in cases on alleged ill-treatment committed by the police officer, in accordance with the order adopted by the Chief of the State Police on 13 June 2008, in each case of alleged physical violence claimed by an apprehended or detained person the structural units of the State Police shall be duty bound to initiate criminal proceedings immediately and appoint a forensic expertise, as well as to carry out urgent investigatory actions, and hence, to bring the criminal proceedings to the ISO SP for further investigation.

182. During the examination of applications on alleged ill-treatment several procedural actions are carried out. For instance, relevant explanations are requested from the police officer concerned, if necessary, acquaintance with the criminal or administrative case materials is ensured, witnesses are questioned, as well as other necessary information is gathered. If the examination procedure reveals disciplinary violations, a decision shall be adopted on initiation of disciplinary proceedings pursuant to the requirements stipulated in the Law on Disciplinary Responsibility of the Rank Officials of the Institutions of the Ministry of the Interior and the Prison Authority adopted on 15 June 2006 (for statistical data on physical violence and ill-treatment committed by the State police officers, see annex 5).

183. In accordance with the Petitions Law (for details see paragraph 4) an institution provides a reply on merits not later than within one month upon receiving an application. In order to ensure impartiality and independency of the applications' examination procedure, the Petitions law determines that an authority concerned, whose impartiality could be subject to reasonable doubts, shall not participate neither in examination of the application, nor in considering an official response.

184. The ISO SP takes measures to raise public awareness about the possibility to complain on violations committed by the police officers. In 2006, in assistance with the Center of Public Policy PROVIDUS, the ISO SP prepared and disseminated a brochure "How to act in case you have complaints pertaining to the conduct of the police officers?" In January 2008, on Internet site [www.vp.gov.lv](http://www.vp.gov.lv) owned by the State Police a special webpage was created under the heading "Complaints pertaining to the conduct of the police officers", which contains exhaustive information about the procedure of submission and examination of such complaints.

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<sup>6</sup> Ruķere I. Sūdzību izskatīšana un policijas atbildība [Examination of Complaints and Police Liability]. "Nordik", 2005, p.38.

**Educational and informational events**

185. Public information about generally recognized international standards on prohibition of torture and ill-treatment is being disseminated through various means. In order to provide the community with clear understanding of the mentioned issues, both, State institutions and the Ombudsman contributes significantly by organizing special trainings for officials of the law enforcement institutions and imparting relevant information throughout the State.

186. Translations of international human rights conventions binding upon Latvia are available in the Official Journal "Latvijas Vēstnesis", on its electronic version, as well as on Internet sites of competent State institutions and NGOs. A wide range of translations of international treaties are also available on the Internet site of the Ombudsman's Office. The competent State institutions, when preparing a draft law on ratification of international human rights instrument, present to mass media wide information about the respective draft and its essence.

187. Second-level professional education training "Senior prison guard", third-level professional education training "Junior prison inspector", as well as trainings contributing to the professional development, which are held at the Center for Studies of the Prison Authority, comprise the issues on prohibition of torture and ill-treatment against the imprisoned persons. During the time period from 2005 to 2007, 219 and 1,086 officers of different service ranks have completed the aforementioned second-level and third-level education trainings respectively. Once in a semester special seminars are organized for chiefs, deputy-chiefs and chiefs of structural divisions of the places of deprivation of liberty.

188. The Latvian Judicial Training Center (LJTC) was established with the aim of providing continuing legal education and training, as well as improving the level of professional knowledge and ethics for all judges, court staff, law enforcement officials and other legal professionals in order to strengthen high qualified and impartial judiciary in Latvia. The LJTC on a regular basis organizes educational seminars concerning different legal issues. For instance, during the time period from 2004 to 2007, numerous trainings were held for investigative judges, criminal judges, judges' assistants on issues concerning article 2 (right to life), article 3 (prohibition of torture), article 5 (right to liberty and security), article 6 (right to a fair trial) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, case law of the European Court of Human Rights (ECHR), human rights issues within the ambit of criminal law and administrative law. The prohibition of torture and issues related thereto forms a part of the content of the respective human rights training programmes.

189. With the aim to increase and improve the professional competence of the Prison Authority staff, as well as of the personnel of healthcare sector (i.e., personnel of psychoneurological medical treatment institutions) numerous trainings on human rights issues were organized during the reporting period. Significant support and assistance in this area has been provided by the Ombudsman, as well as by Latvian NGO - the Latvian Centre for Human Rights and Ethnic Studies. For instance, during the time period from 2004 to 2008 various seminars were held targeted at the personnel of the psychoneurological medical and State social care institutions.

190. Within the framework of other trainings organized by different institutions, criminal law experts and prosecutors were informed about the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), which is enclosed to the Resolution 2000/43 adopted by the United Nations Commission on Human Rights.

191. In order to develop professional skills and increase competence, the personnel of State institutions attend different seminars and conferences, which are organized by foreign State institutions and representatives of non-governmental sector.

#### **Protective measures for socially vulnerable groups against violations of article 7 of the Covenant**

192. The Criminal Law provides specific features of the criminal liability and punishment for juvenile offenders by stipulating provisions on the performance of special criminal procedural actions, as well as emphasizing special rules on imposing criminal penalties. On 1 January 2005, the Law on Application of Compulsory Educational Measures to Children entered into force, which focuses on the types of compulsory correctional measures and the procedure of their application. These measures are applied in order to develop and strengthen value orientation of a child that complies with public interests, to promote reintegration of children with social behaviour deviations into society, to establish their orientation on refraining from illegal actions. They may be applied to a juvenile aged 11 to 18, if he or she commits a criminal or administrative offence.

193. During the deployment in the places of deprivation of liberty, mentally handicapped prisoners are placed under supervision of a psychiatrist who provides them with the corresponding medical treatment and care in order to help avoiding the risk of being subject to ill-treatment by the personnel of the place of deprivation of liberty (for statistical data on the number of mentally handicapped persons and persons with behaviour disorders in the places of deprivation of liberty, see annex 5).

194. Pursuant to article 116 of the LES places of deprivation of liberty are duty bound to evaluate whether convicted persons who has suffered or suffer from a mental illness shall be released from the further serving of his or her sentence based on a decision of the court, i.e., released from the place of deprivation of liberty. During the time period from 2004 to 30 June 2008, six convicts were released from the places of deprivation of liberty upon the mentioned grounds.

195. Psychiatric support and the respective medical assistance is provided to victims of torture or ill-treatment in Latvian places of deprivation of liberty and Latvian prison hospital "Olaine". Five experts were employed by the Prison Authority under the EQUAL project financed by the EU. Within the framework of the aforementioned project and with the aim to facilitate reintegration and resocialization of the imprisoned persons, social rehabilitation centres were created in four Latvian places of deprivation of liberty, wherein seven social workers and nine psychologists were employed. For instance, in 2006, psychologists examined 1,142 individuals and provided consultations for the total of 4,439 hours. Upon requests of convicted persons the total of 539 hours was designated for discussions, and 154 of the total hours were devoted to the persons having tendencies to commit suicide. On the whole, psychologists provided 230 conclusions.

196. The effective legal remedy is ensured by the Law on State Compensation to Victims (for details see paragraph 4), and according to amendments to the Civil Law adopted on 26 January 2006 (for details see paragraph 56).

#### **National legislative regulation on medical and scientific experiments**

197. The Republic of Latvia refers to the information provided in the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 118-121) and additionally indicates that on 15 December 1992, the Law on the Protection of the Body of Deceased Persons and the Use of Human Tissues and Organs in Medicine entered into force. The aim of this law is to protect the body of a deceased person against degrading and illegal acts. It determines the procedure of how human tissues and organs of a deceased person or a living donor may be

used for the scientific researches and study purposes, transplantation and manufacture of medicines and bioprothesis.

198. On 27 March 2007, the CM adopted Regulation No 208 "Procedure on collection, storage and use of human tissues and organs". This regulation foresees the procedure of collecting and storing person's issues, cells and organs for the purpose of manufacturing and use of sterile medical grafts, pathological-anatomical examinations, scientific researches and for the implementation of study programmes in higher educational institutions.

199. Pursuant to the Law on Medical Treatment of 12 June 1997, the Central Medical Ethics Committee examines ethical issues of biomedical progress relating to social problems. In accordance with article 4.4 of the Statutes of the Central Medical Ethics Committee adopted on 16 January 1998, one of the main tasks thereof is to examine an application received from any individual or legal entity regarding the biomedical progress issues.

200. Article 6 of the Law on Scientific Activity adopted on 19 May 2005, envisages that the duty of a scientist is to terminate scientific research, if such, based on a scientist's opinion, may cause a threat to humanity, community or nature, and to inform the public regarding such threat. This law also prescribes the establishment of the Latvian Council of Science, which is entrusted, inter alia, with consideration of criteria for research ethics in science.

#### **Reply to the recommendations contained in paragraph 9 of the concluding observations**

201. The aim of the Asylum Law adopted on 7 March 2002, is to ensure the right of individuals to receive an asylum, a refugee, an alternative status or temporary protection in the Republic of Latvia in accordance with generally recognized principles of human rights (in addition, see paragraph 4).

202. Pursuant to article 3 of the Asylum Law an individual is deemed to be an asylum seeker if he or she applies for granting the refugee or the alternative status according to the relevant law provisions. Respectively, upon completion of the provisions thereto the individual may apply for respective status.

203. The refugee status may be granted to an individual, who is not a citizen of the Republic of Latvia, or who is subject to the Law On the Status of Those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any Other State or the Law on Stateless Persons, and who enters or resides in the territory of the Republic of Latvia based on the grounds that he or she may possibly face persecution on any ground such as religion, race, ethnicity, social origin or political opinion in the country of origin, or if he or she is a stateless person – in his or her previous country of residence, and as result of these threats he or she is not able or does not wish to enjoy legal protection of the respective country.

204. The alternative status is granted to an applicant, if it is not possible to grant the refugee status and if there are grounds to believe that: (1) the applicant is subjected to a risk of death penalty or corporal punishment, torture or cruel, inhuman or degrading treatment or punishment in the country of origin, or if the applicant is a stateless person – in his or her previous country of residence; (2) the applicant needs a protection as a result of external or internal armed conflicts and he or she is not able to return to his or her country of origin, or if the applicant is stateless person – to his or her previous country of residence.

205. However, the temporary protection means the right to reside within the territory of the Republic of Latvia granted to a group of individuals, if these applicants need protection and were forced to leave the country of origin, or if the applicants are stateless persons – their previous country of residence as a result of: (1) ethnic conflicts; (2) civil war.

206. Pursuant to the Asylum Law provisions an individual, before entering the Republic of Latvia and seeking asylum, shall submit an application to grant asylum to the State Border Guard Service at the respective border control check-point (called “the State Border proceedings”) or, if an individual is already staying within the territory of the Republic of Latvia, an application shall be submitted to the territorial unit of the State Border Guard Service (called “the ordinary proceedings”).

207. If an asylum seeker submits an application to the State Border Guard Service at the border control check-point before entering the territory of the State, such application shall be initially registered and processed by the State Border Guard Service, which, having identified the respective grounds referred to by the Asylum Law provisions, shall transfer it for further examination to the Refugee Affairs Department (RAD). Within two working days upon receipt of such application, the RAD shall decide upon granting or refusal of the refugee or the alternative status. If the application is submitted by an individual residing in the territory of the State, the RAD shall adopt a decision within the period not exceeding three months upon submission of the application. In cases specified by the Asylum Law, the time period for examination of the application, due to justified reasons, may be extended up to 12 months.

208. Giving that the respective legal requirements are fulfilled, an application submitted by an asylum seeker staying within the territory of the Republic of Latvia may be examined under the accelerated asylum proceedings. In this case, the RAD shall examine the application and all relevant case materials within five working days upon receipt of such application.

209. In examining an application submitted by an asylum seeker, it is evaluated whether the applicant in his or her country of origin, or, if he or she is a stateless person - in the previous country of residence, may possibly face a risk of torture or ill-treatment.

210. By amendments adopted to the Asylum Law on 7 June 2006, the appeal procedure within the asylum proceedings has been altered. Up to the mentioned date complaints submitted against decisions were examined by the Appeal Council for Asylum-Seeker Affairs, a state authority subordinated to the MoJ. As provided by the aforementioned amendments, decisions in asylum-related matters are subject to an appeal submitted to the District Administrative court. Therefore the decision adopted by the RAD on the application, which has been submitted under the State Border proceedings, may be challenged by the asylum seeker (or his/her representative) before the court within one working day. The decision of the RAD, which has been adopted under the ordinary proceedings, may be challenged by the asylum seeker (or his/her representative) before the court within seven working days. However, the decision of the RAD, which has been adopted under the accelerated asylum proceedings, may be challenged by the asylum seeker (or his/her representative) before the court within two working days. In 2007, 21 decisions adopted by the RAD were appealed before the Administrative court.

211. Pursuant to article 3, paragraph 1, subparagraph 7, of the Law on State Ensured Legal Aid, asylum seekers, refugees and individuals who obtained the alternative status in the Republic of Latvia are eligible to receive free legal aid. In accordance with article 23, paragraph 7, the Administration grants legal aid to the asylum seeker, if the institution entrusted with processing of asylum proceedings, specifically applies for it upon carrying out a thorough assessment of the need of such aid. Pursuant to article 3 of the transitional provisions of the Law on State Ensured Legal Aid the legal aid has been ensured since 1 January 2007.

212. As provided by amendments to the Asylum Law adopted on 25 October 2007, if a child is unaccompanied and he or she wishes to submit an application for the refugee or the alternative status himself or herself, a legal guardian or a chief of childcare institution

assigned by the Orphan court, acts on behalf of the underage applicant both in his or her personal or property relations.

213. An unaccompanied child is placed in accommodation centre for asylum seekers or remains either with a guardian, or in a childcare institution assigned by the Orphan court. The Orphan court, upon considering the issue together with the RAD, is entitled to decide on accommodation provided to the child. The respective decision is adopted with regard to the child's interests and opinion, his or her age and maturity, while observing the following: (1) the unaccompanied child is allowed to stay with his or her adult relatives; (2) siblings are kept together unless such would be contrary to the best interests of the child; (3) changes in residence for the unaccompanied child should be limited to situations when such change is in the best interests of the child.

214. Article 2 of the Asylum Law of 7 March 2002, determines a non-refoulement principle, which implies an obligation for the State to refrain from deporting or expelling a person who has been recognized as an asylum seeker, or who has obtained the alternative status in the territory of the Republic of Latvia, to the country where the applicant may possibly face persecution on any ground such as religion, race, ethnicity, social origin or political opinion, or if the applicant may possibly face a risk of death penalty or corporal punishment, torture or cruel, inhuman or degrading treatment or punishment in his or her country of origin.

215. In addition, the Republic of Latvia would like to state that with respect to both the EC Directive 2003/9/EC of 27 January 2003, and the EC Directive 2004/83/EK of 29 April 2004, the CM Regulation No 586 "Procedure of ensuring education to children of adult asylum-seekers or children being asylum-seekers" was adopted. In accordance with this regulation children of adult asylum seekers or children being asylum seekers themselves are granted an access to the State educational system.

216. The general education at Cēsis District Rāmuļi primary school in the Republic of Latvia has been provided to three asylum seekers from Somalia, whom the OCMA has previously granted a status of stateless persons, issued a personal identification document and a residence permit. The MES provided those individuals with the necessary study manuals, visual and technical equipment such as those specified by the legislative acts.

217. By a decree No 432 issued on 27 May 2008, the MES established a working group for the development of an action plan ensuring provision of general education for children of those who obtained an asylum seeker status or children of guestworkers (citizens of the third countries) and assigned State budgetary allocations for this purpose in the amount of 20,400 LVL in 2008, 24,600 LVL – in 2009, and 28,000 LVL - in 2010.

218. Within the framework of the project "Integration of young society members" financed by the European Refugee Fund on 31 May 2008, recommendations were adopted and presented to the Latvian Government targeted at enabling successful integration of refugees and persons who obtained the alternative status. The following institutions are engaged into activities on asylum-related matters: the Latvian Red Cross (by establishing a consultative council on asylum issues; promoting cooperation between State institutions, NGOs and municipalities), the International Organization of Migration (by informing the society about asylum issues; identifying and considering challenges, which impede the possibility for an asylum seeker to integrate and get involved into Latvian labour market), the Fund "Caritas Latvia" (by elaborating on interviewing techniques applied to asylum seekers and adjusting the audit procedure, which is implemented in other EU Member States, to the Latvian environment).

219. For statistical data on the number of asylum seekers during the time period from 2004 to 2008, information on granting the refugee or the alternative status in 2006 – 2008,

data on legal aid provided for asylum seekers in 2007 – 2008, as well as data on examination of applications received by the RAD, see annex 5.

#### **Article 8**

220. Criminal liability for luring persons into prostitution is prescribed by article 164 of the Criminal Law. According to the law adopted on 4 May 1990, the Republic of Latvia is bound by the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949.

221. Article 165 of the Criminal Law determines criminal liability for controlling prostitution for gain, i.e., an exploitation of a person engaged in prostitution in order to derive a material benefit. Within the scope of article 165 the “exploitation” definition comprises such prostitution-related activities as, inter alia, arrangement of sexual contacts, date and time appointments, arrangement and transfer of premises for such purposes, establishing the price for prostitution services, control over prostitutes’ activities, etc. The aforementioned criminal offence may manifest itself through intermediary services (for instance, by engaging modeling agencies or massage parlours for the prostitution-related activities).

222. Following amendments to articles 164 and 165 of the Criminal Law adopted on 13 December 2007, criminal penalty has been increased for luring persons into prostitution and controlling prostitution for gain, if such acts are committed by a group of persons, envisaging deprivation of liberty for the term from five to 15 years with or without confiscation of property, with police supervision for a term not exceeding three years.

223. Article 106 of the Satversme enshrines that every person has the right to freely choose employment and workplace according to individual skills and qualification. Forced labour is prohibited. Participation in relief of disasters and their effects, and community work applied pursuant to a court judgment is not deemed as forced labour. Pursuant to article 57 of the Labour Law an employer has the right to appoint an employee for work activities others than specified by an employment agreement. Moreover, by the judgment delivered in the case No 2003-13-0106 the Constitutional Court indicated that article 57 of the Labour Law does not establish forced labour within the meaning of article 106 of the Satversme and other international legislative acts.

224. Since 1 January 2007, the new Civil Protection Law has entered into force, which listed certain rights and duties borne by state and municipal authorities, as well as the rights and duties of individuals and legal entities in relief of disasters and their effects.

225. Upon receipt of the reference issued by a medical practitioner it is prohibited to employ pregnant women and women following childbirth for a period up to one year, but, if a woman is breastfeeding then during the whole period of breastfeeding, if it is proved that the performance of the relevant work causes a threat to the safety and health of the woman or her child. In any case, it is prohibited to employ a pregnant woman two weeks before expected childbirth and two weeks after that.

226. In accordance with article 36 of the Criminal Law community service may be applied as one of the basic criminal penalties. Various amendments to the Criminal Law were made in order to extend the list of criminal offences for which community service may be imposed. The Criminal Law stipulates that community service may not be imposed on persons with disabilities and military servicemen.

227. Community service as a criminal penalty is shown to be in active use. Each year the number of individuals, on whom community service is imposed by a court judgment is constantly increasing and achieved a proportion of 25.7 per cent from the total number of convicted persons in 2007.



228. On 1 January 2004, the State Probation Service Law entered into force (adopted on 18 December 2003), which envisages the duty of the State Probation Service (SPS) to coordinate the enforcement of community service starting from 1 January 2006. Similar amendments were introduced to the LES on 28 April 2005. Till 31 December 2005, within the several areas of the State, community service was enforced by municipal authorities. The CM Regulation No 581 "Procedure of enforcement of criminal sentence – community service - organized by the State Probation Service" of 28 August 2007 elaborates on detailed provisions on organizational procedure of the enforcement of community service.

229. According to amendments to the Criminal Law adopted on 28 September 2005, community service as a criminal penalty for a criminal offence or less serious crime may be imposed by a penal order issued by a prosecutor.

230. On 4 April 2007, amendments were made to the LES, which introduced additional provisions related to the enforcement of community service. Namely, in future, a person, on whom community service was imposed, during the time period of serving his or her sentence, is not allowed to leave the State without prior written consent of an institution in charge of the enforcement of community service, i.e., the SPS. The person is obliged to appear before such institution within the prescribed time limits. While serving community service, it is prohibited to enter the institution and to stay at the community service workplace under influence of alcohol, drugs or psychotropic substances. The number of working hours in a working day was subsequently altered and now it is prescribed that, if a person is not working or studying, he or she may be employed for up to eight hours a day. It is also determined that upon sending a request for community service to be replaced by custodial arrest, the enforcement of community service is suspended till that particular case is adjudicated in a court.

231. Since 1 July 2002, the Military Service Law has been entered into force, which elaborates on a transition from compulsory military service to the professional one. Article 19 of the Military Service Law envisages procedure of applying to professional military service, as well as article 20 thereof prescribes that professional military service is applied on the basis of the professional service agreement.

## **Article 9**

### **Reply to the recommendations contained in paragraph 10 of the concluding observations**

#### **The right to liberty and physical integrity**

232. On 21 April 2005, the Criminal Procedure Law (for details, see paragraph 4), as well as the Law on Procedure of Detention on Remand prescribes the rules related to keeping the persons in detention on remand with due respect to the proportional interests of human rights and criminal proceedings while enforcing such security measure.

233. Since 1 October 2005, criminal proceedings embrace new provisions related to an investigative judge. According to article 40 of the Criminal Procedure Law, the investigative judge office was established in order to ensure supervision over the observance of human rights in criminal proceedings under the pretrial stage.

234. Pursuant to provisions of the Criminal Procedure Law the duties of an investigative judge are as follows: (1) to determine a duration of detention on remand pertaining to the severity of a committed crime; (2) to decide whether a compulsory measure or a security measure shall be applied, as well as whether the previously applied security measures shall be altered or annulled; (3) to examine an individual claim related to the applied security measure; (4) to decide on initiation of special procedural actions; (5) to decide on claims related to unjustified violation of the right to private life during interrogation; (6) to decide

on application submitted by a person himself or herself (or a representative thereof) related to the attachment of archives files to case materials submitted to the court; (7) to decide on refusal to higher-ranking prosecutor, and entrusts one higher-level prosecution chief prosecutor to appoint other higher-ranking prosecutor; (8) to decide on the request of a person who has the right to defence to give a discharge of payment regarding the use of the assistance of a sworn attorney.

235. An investigative judge has the following rights: (1) to request additional information from an authority in charge of criminal proceedings wherein special investigatory actions are being carried out or a security measure related to deprivation of liberty is applied; (2) to apply a procedural sanction regarding the non-fulfillment of duties or the non-observance of procedure during pretrial criminal proceedings; (3) to initiate the officials authorized to carry out criminal proceedings being held liable on human rights violations perpetrated as a result of the implementation of the criminal procedural authorization.

236. In practice, the establishment of the investigative judge office contributed a lot to improving the length of examination of the criminal proceedings. In 2004, an average length of examination of the criminal proceedings was 5.1 months in a court of first instance, 5.4 months – for appeal proceedings, but in 2005 - 4.4 months in a court of first instance and 4.2 months – for appeal proceedings (for additional information, see annex 10).

237. Pursuant to article 268 of the Criminal Procedure Law an authority in charge of criminal proceedings without delay, but not later than within 48 hours, shall present an accused person before an investigative judge in order to decide on application of a security measure that is or not related to deprivation of liberty, or decide on release of the individual concerned.

238. In accordance with article 277 of the Criminal Procedure Law the maximum duration of detention on remand in particular case depends on the severity of a crime committed by a suspect or an accused person. The term of detention on remand of the person committed a criminal offence shall not exceed three months, of which he or she may be kept in pretrial detention not longer than two months; if the person committed a less serious crime - nine months of detention period may be applied, of which he or she may be kept in pretrial detention not longer than four months; if the person committed a serious crime – 12 months of detention period may be applied, of which he or she may be kept in pretrial detention not longer than six months; if the person committed an especially serious crime - 24 months of detention period may be applied, of which he or she may be kept in pretrial detention not longer than 15 months.

239. If an investigator or a prosecutor apprehends a suspect or an accused person, he or she shall be presented before an investigative judge not later than within 12 hours in order to decide on application of detention on remand. Moreover, during the apprehension period it is prohibited to perform any other investigatory actions in relation to the respective individual, except interrogation on the facts of the case.

240. Both an investigative judge during pretrial period, as well as a judge of higher-level court during adjudication process are entitled to extend a time-limit of detention on remand for three months, if an authority in charge of criminal proceedings has not permitted an unjustified delay, or if a defence lawyer has intentionally delayed the progress of criminal proceedings, or if the faster termination of proceedings has not been possible due to the particular complexity thereof. The issue regarding the extension of detention on remand period is examined by a judge of higher-level court in a closed session, providing the possibility for the individual concerned, his or her representative or a defence lawyer, as well as prosecutor to express their views.

241. The Criminal Law envisages special rules pertaining to duration of detention on remand applied to juvenile offenders. It prescribes that the time-limit for detention on remand shall not exceed a half of the maximum term possible for persons of legal age that is provided for in article 277 of this law (see paragraph 238). Furthermore, duration of detention on remand for a juvenile who is suspected or accused of committing a serious crime shall not be extended. Duration of detention on remand for a juvenile who is suspected or accused of committing especially serious crime may be extended by a judge of higher-level court for three months, if such crime caused death or it was committed using firearms or explosives.

242. A person to whom a compulsory measure related to deprivation of liberty has been applied, his or her representative or a defence lawyer, and a prosecutor within seven days upon receipt of a copy of a decision on application of such compulsory measure or refusal to apply it, may appeal against by submitting a complaint related to the decision adopted by an investigative judge. If such compulsory measure has been applied after criminal case is submitted to the court, and the impending court session is not scheduled for during the next 14 days, that person, or his or her representative or the defence lawyer, may appeal against this decision to higher-level court. A judge of higher-level court shall examine the relevant complaint at issue in a closed session within seven days upon receipt of the respective decision and complaint. The complaint is examined giving the person concerned, as well as the representative or the defence lawyer thereof, the possibility to express their views.

243. At the same time, a detained person, his or her representative or a defence lawyer at any time may submit an application to an investigative judge or a court to assess the further need of detention on remand. Moreover, if within two months' period neither the detained person, nor his or her representative or the defence lawyer has submitted such application, the respective assessment is instituted and performed by the investigative judge or the court itself.

244. Current text of the Criminal Procedure Law foresees that a judge shall adopt a well-founded decision indicating the grounds or non-existence thereof for adoption of such decision as required by this law. A copy of the decision is sent within 24 hours to an investigative judge, an authority in charge of criminal proceedings, to a person, whom the security measure being decided has been applied to, as well as to a person who submitted the respective complaint.

245. Based on article 269 of the Criminal Procedure Law an apprehended person shall be released without delay, if suspicions that this person had committed a criminal offence have not been confirmed; it has been ascertained that there are no grounds and conditions for the apprehension; the application of a security measure related to deprivation of liberty to the apprehended person is not necessary; the term of apprehension specified by law has expired; an investigative judge has not applied a security measure related to deprivation of liberty.

246. One of the security measures specified by the Criminal Procedure Law, which is related to deprivation of liberty, is house arrest. The house arrest may be applied to a suspect or an accused person before a final judgment enters into force in relevant criminal proceedings, if there are grounds for its application. An investigative judge decides on application of the house arrest in pretrial stage of the criminal proceedings, after the assessment of the respective motion brought by an authority in charge of criminal proceedings, hearing the person's view, as well as examining the case materials and elaborating on reasons of placement in such institution and grounds thereof.

247. The Criminal Procedure Law envisages also a procedural compulsory measure – placement in a medical institution for the performance of an expert-examination – which is applied to a suspect or an accused person, as well as to a person, whom proceedings have been initiated to for the determination of compulsory medical measures. An investigative

judge decides on application of such compulsory measure in pretrial investigation process, after the assessment of the respective motion brought by an authority in charge of criminal proceedings, hearing the person's view, as well as examining the case materials and elaborating on reasons of placement in such institution and grounds thereof.

248. Article 285 of the Criminal Procedure Law foresees the placement of a juvenile offender in a social correctional educational institution that is deemed as deprivation of liberty which may be imposed by a decision of an investigative judge or a court before final judgment enters into force in the respective criminal proceedings, if the keeping in detention on remand of the juvenile who is a suspect or an accused person, is not necessary, yet there is no sufficient confidence that that person will fulfill his or her procedural duties and will not commit any new criminal offence while being at liberty.

249. On 1 March 2007, amendments to the Medical Treatment Law were adopted thereby stipulating the procedure of compulsory involuntary psychiatric treatment. According to article 68 of the Medical Treatment Law compulsory involuntary psychiatric treatment is provided if a person: (1) has threatened or threatens or attempts thereto to inflict upon other persons or himself or herself bodily injuries, or has behaved violently towards other persons, a medical practitioner has ascertained that the person is suffering from mental disorder which may lead to bodily injuries inflicted upon other persons or himself or herself; (2) the patient is unable to care for himself or herself or for a person under his or her guardianship, when a medical practitioner has ascertained that the person is suffering from mental disorder which may lead to unavoidable and serious deterioration of the person's health. In providing compulsory involuntary psychiatric treatment, if possible, the need of such treatment is being explained to the patient. The patient has the right to receive information regarding his or her rights and duties.

250. If a person is suffering from mental disorder or as a result of mental illness he or she violates public order, pursuant to article 11, paragraph 3, of the Law on the Police, the police members apprehend, transfer and exercise a supervision of that person at psychiatrist's place. The mentioned provision stipulates that a police officer within the scope of his or her competence has a duty to assist medical treatment institutions and medical practitioners in forced conveyance for monitoring or treatment of persons with mental illness and danger to the public.

251. If cases when psychiatric treatment is provided and it is necessary for a person to be placed in a psychiatric medical treatment institution, the council of experts-psychiatrists shall examine the person within 72 hours upon the person's involuntary hospitalization and adopt the respective decision. If the council has found that the compulsory treatment is necessary, the respective institution shall inform in writing within 24 hours the District (City) court. Within the next 72 hours a judge shall review all submitted case materials, hear a representative of experts-psychiatrists, a representative of the patient, the patient himself or herself (if possible) and decide either to uphold the decision thereby sanctioning the compulsory treatment for a period up to two months, or not. The court decision is final and enforced immediately.

252. The patient may lodge a complaint regarding the previously taken decision with the chairperson of the court within ten days upon notification of the respective court decision. The complaint shall be examined by the chairperson of the court within ten days upon expiry of the term for the submission of such complaint.

253. Not later than within seven days before the expiry of the term of the compulsory medical treatment, the concerned person shall be repeatedly examined by the council of experts-psychiatrists, which may adopt a decision to continue that treatment for a period of up to six months. The respective decision is sent to a court, which shall decide whether to uphold it or not.

254. During the time period from 29 March 2007, when amendments to the Medical Treatment Law entered into force, to 1 June 2008, the compulsory involuntary psychiatric treatment was applied in 62 cases, and in six cases out of the total a court refused a sanction of compulsory psychiatric hospitalization.

255. As provided by amendments to the Criminal Law adopted on 13 December 2007, article 152 was supplemented by provision on strengthening criminal liability for unlawful deprivation of liberty, if such act is committed by a group of persons. It also prescribes an additional sentence – police supervision for the period of up to three years. Similar amendments were made to article 153 of the Criminal Law, which envisages criminal liability for kidnapping.

256. Article 155 of the Criminal Law foresees criminal liability for unlawful confinement to a psychiatric medical institution and introduces a sentence involving deprivation of liberty for the term not exceeding two years, or custodial arrest, or a community service, or fine not exceeding 40 times the minimum monthly salary, or deprivation of the right to hold certain offices for the period of not less than five years.

257. For statistical data on the application of security measures, challenging the decisions adopted by the courts of first and second instance during the time period from 2004 to 2008, see annex 6.

#### **Article 10**

##### **Reply to the recommendations contained in paragraph 10 of the concluding observations**

258. Article 77 of the LES and article 19 of the Law on Procedure of Detention on Remand specifically provide that the living space per inmate is as follows: not less than 2.5 square meters for men, not less than 3 square meters for women and juveniles. It may now be reported that, pursuant to the effective legislative acts, the places of deprivation of liberty are not overcrowded: as of 25 June 2008, there were 9,168 places established in places of deprivation of liberty and 6,620 individuals accommodated therein (for additional information concerning the number of women and pregnant women in the places of deprivation of liberty, see annex 8).

259. On 7 December 2007, the EC CPT delegates visited Latvia. During their stay the experts visited numerous places of deprivation of liberty and afterwards presented a report, which contains relevant recommendations.

260. On 7 November 2007, Latvia presented its report to the United Nations Committee against Torture. The Committee noted with appreciation the ongoing efforts of Latvia aimed at eliminating torture, as well as commended the Latvian authorities for the constructive and successful dialogue established between the Committee and the Government. At present, the MoJ continues its work on improving the legislative regulation related to torture taking into account the recommendations adopted by the Committee against Torture.

261. For current statistics on budgetary allocations for the activities of the Prison Authority, as well as the financial resources granted to maintain the infrastructure of places of deprivation of liberty, see annex 7.

262. Pursuant to article 36, paragraph 2, of the Criminal Law, along with the primary sentence the additional ones may be imposed, namely, a confiscation of property, expulsion from the Republic of Latvia, a fine, a limitation of the right, a police control and a prohibition to become a candidate to the *Saeima*, the European Parliament, the city dome, the district dome and the parish council elections, etc.

263. As alternative to deprivation of liberty as a primary sentence, such sentences as a fine and community service, specified by the Criminal Law, are constantly increasing. Compulsory correctional measures also constitute an alternative to the imprisonment (for statistical data, see annex 7).

264. For statistical data on sentences both, involving or not involving deprivation of liberty, see annex 7.

#### **Latvia's policy initiatives**

265. On 9 January 2009, the CM adopted the *Concept Paper on Penal Policy*. The mentioned paper focuses on conceptual proposals for changes to the system of criminal punishment that shall be taken into account while considering amendments to the Criminal Law and other legislative acts. Such amendments would facilitate the application of effective legal remedies for the achievement of the overall goals of penal policy. The *Concept Paper on Penal Policy* indicates that albeit a fine may be an effective alternative for deprivation of liberty, a capacity of that sentence has not yet been used in Latvia to its fullest extent. Also, the *Concept Paper on Penal Policy* states that the conclusions made in the research paper "Application of criminal penalty – community service – in the territory of the Republic of Latvia" are still valid: community service has not yet become an absolute alternative for deprivation of liberty, but it in most cases has replaced suspended sentence or a fine (for statistics, see annex 7).

266. In order to eliminate problems arising due to application in practice of the fine and community service sentence, as well as to strengthen the effectiveness of the overall application of the alternative sentencing, the *Concept Paper on Penal Policy* contains several proposals:

(1) in order to avoid that the replacement by the community service gives rise to the fact that the maximum duration of custodial arrest is exceeded, it shall be provided that a court may replace an unserved part of the sentence with custodial arrest to a person who intentionally escapes from serving a sentence, counting four working hours as one day of the custodial arrest;

(2) To authorize a court to decide on decreasing the number of the community service working hours after a half of the community service term has been completed, if the convicted person demonstrates an exemplary performance of community service and fulfils other duties specified by the court;

(3) In order to facilitate the achievement of the goals of penal policy, the possibility shall be provided for application of community service as an additional sentence to a person to whom suspended sentence is applied, which is served during the probationary period thereof.

(4) If a person may not pay a fine and its amount does not exceed 30 times the minimum monthly salary, it may be replaced by the custodial arrest, counting one minimum monthly salary as four days of the custodial arrest, while the total length of custodial arrest exceed three months' period. However, if the amount of the respective fine exceeds 30 times the minimum monthly salary, such may be replaced by deprivation of liberty, counting one minimum monthly salary as four days of imprisonment;

(5) Article 36 of the Criminal Law shall determine a fine as a more severe criminal sentence as compared to community service;

(6) Article 41 of the Criminal Law shall determine a fine as a primary sentence which may be imposed for criminal offences and less serious crimes only;

(7) Amendments have to be introduced in order to avoid the situation when the amount of the fine imposed for committing of a criminal offence is substantially less than such imposed for an administrative offence;

(8) Article 41 of the Criminal Law shall provide that when imposing and defining the amount of the fine, not only the financial situation of an individual and his or her ability to pay the full amount of the fine without delay, but also his or her expected earnings (salary, gains on sale of property, etc.) shall be taken into account;

(9) Article 41 of the Criminal Law shall be altered specifying that a fine as an additional sentence may be imposed together with the primary ones, namely, deprivation of liberty, custodial arrest or community service, if a court decides that it facilitates the achievement of the goals of penal policy;

(10) Article 41 of the Criminal Law shall also determine the amount of the fine when such is applied as an additional sentence. The amount of the fine shall depend on the severity of a criminal offence, namely, more severe crime shall invoke greater minimum level of the fine imposed to the person.

### **Rules and procedure of serving custodial penalties**

#### **Latvia's legislative acts**

267. In accordance with its international legal obligations, the Government of the Republic of Latvia specifically provides that the LES includes the minimum requirements stipulated by international law pertaining to the minimum standards for the rights of imprisoned persons, as well as the principles for the protection of persons who are kept in detention or imprisonment of any kind.

268. In order to improve the LES regulation, the MoJ is presently drafting several legislative amendments. During the time period from 1 January 2004, and the end of June, 2008, seven amendments to the LES were adopted thereby attributing legal provisions to persons sentenced with deprivation of liberty. Those are as follows:

- As provided by amendments adopted on 11 November 2004, the convicted person, if having registered a marriage, with a permission given by the administration of the place of deprivation of liberty may be additionally granted with a long-term meeting up to 48 hours;
- By amendments of 28 April 2005, the procedure on discharge of disciplinary penalties was specified;
- Amendments adopted on 28 September 2005, stipulated the procedure of enforcement of the penal order issued by a prosecutor;
- By amendments of 7 September 2006, the procedure of keeping and supervising convicted persons sentenced to life imprisonment was specified;
- Adopted on 4 April 2007, the respective amendments envisage as follows: placement of the convict to the particular place of deprivation of liberty presupposes that due attention shall be paid to medical, security and crime prevention issues; a list of persons whom convicted persons are allowed to meet with in order to receive free legal aid was expanded; the number of these visits is not restricted; the visits are also not included in the number of short or long-term visits provided for in the LES and are held within the working time of the particular place of deprivation of liberty; convicted persons are allowed to meet a sworn notary and a state ensured legal aid service provider under visual supervision of the respective authorities. In addition, the LES was supplemented as follows: publications and legislative acts are not deemed to be parcels or

deliveries; the detailed criteria for the promotion of convicted persons within the system of progressive enforcement of criminal penalty were elaborated; convicted persons who reached 18 years of age, based on decision adopted by the administration commission of the place of deprivation of liberty, may be kept in the correctional institution for juvenile offenders till the end of the academic year or the end of the sentence term, but not longer than till the age of 21. In exceptional cases, convicted persons who reached 21 years of age may be left in such correctional institution till the end of the academic year;

- Amendments of 13 December 2007, foresee the possibility for convicted persons to deposit his or her savings in the release fund, as well as the possibility to spend them in exceptional cases, when being imprisoned, on medical treatment services, if needed.

269. With regard to the rules and procedure of serving deprivation of liberty both, for juveniles and adults (both men and women), during the reporting period several legislative acts were amended, as well as the new ones were adopted:

- On 30 May 2006, the CM Regulation No 423 “On internal rules of place of deprivation of liberty” was adopted (entered into force on 2 June 2006). The new provisions introduce amendments, which have been made to the LES since 2002, and which are related to the enforcement of sentences involving deprivation of liberty, as well as take into account the judgment delivered by the Constitutional Court on 12 June 2002, on prohibition of limitations imposed on food parcels and deliveries. The provisions also aimed at implementing recommendations by the United Nations Committee against Torture;
- On 19 December 2006, the CM adopted Regulation No 1022 “Regulation on material provision of nutriment and household needs to convicted persons”. This regulation stipulates the norms of nutrition, detergents and items of personal hygiene, clothes, shoes and bedding for detained and convicted persons who serve deprivation of liberty;
- On 13 February 2007, the CM Regulation No 115 “Regulation on procurement of a child of a detained or convicted person in a place of deprivation of liberty” was adopted. This regulation foresees the norms for nutrition, items of personal hygiene, clothes, and childcare equipment for a child who is staying together with his or her mother in remand prison or other place of deprivation of liberty;
- On 20 March 2007, the CM Regulation No 199 “Regulation on medical care of detained and convicted persons in remand prisons and places of deprivation of liberty” was adopted, which stipulates the scope of medical treatment services provided to detained and convicted persons, as well as acknowledges the procedure of providing the mentioned services in remand prisons and places of deprivation of liberty;
- On 12 June 2007, the CM Regulation No 387 “Regulation on content and conclusion of contracts of work performance, if a detained person is employed” was adopted. The regulation prescribes the content and procedure of conclusion of the contracts for work performance, if a detained person is employed within the premises of remand prison or remand prison division of the place of deprivation of liberty;
- The CM Regulation No 800 “*On internal rules of remand prisons*” of 27 November 2007, was adopted, which stipulates the internal rules governing the operation of remand prisons, the procedure of medical examination and sanitary issues, as well as defines the procedure, according to which a detained person is allowed to participate in educational activities;



- On 21 April 2008, the CM Regulation No 292“Procedure on participation of private companies in organization of employment of convicted persons sentenced to deprivation of liberty, and procedure on concluding agreements thereof”, which stipulates the procedure according to which the private companies provide work opportunities for convicted persons, as well as prescribes the procedure of concluding the respective agreements targeted at convicted persons for employment purposes.

270. It shall be indicated that several substantial amendments to the LES are pending in relation with the *Concept on Resocialization of Convicted Persons Sentenced to Deprivation of Liberty*, which was approved by CM on 9 January 2009. The mentioned concept at first time embraces a list of issues pertaining to legal status of an employed convicted person, provides incentives for private companies to employ convicted persons, indicates a role of resocialization measures under the enforcement of sentence involving deprivation of liberty, stipulates the necessity of determination on a regular basis of resocialization needs and measures, as well as the number of personnel needed for these purposes, etc. Thus the Government takes necessary measures to facilitate the employment of convicts.

271. In preparing the *Concept on Resocialization of Convicted Persons Sentenced to Deprivation of Liberty* the respective internationally recognized requirements at issue have been thoroughly considered.

#### **Latvia’s policy initiatives**

272. On 21 February 2007, the *Basic Policy Guidelines for the Enforcement of Prison Sentences and Detention of Juveniles for 2007-2013* were adopted. In order to resolve the issues pertaining to the enforcement of juvenile imprisonment (i.e., protection of the rights of imprisoned juveniles, specific features of social care attributed to children with respect to their age and particular needs), these guidelines address the following goals: (1) to ensure the provision of care and treatment based on child’s needs and in compliance with international standards binding upon Latvia; (2) to ensure relevant resocialization measures (correction of social behavior and social rehabilitation) provided for a child deprived of liberty; (3) to ensure involvement of all institutions as well as non-governmental sector in charge of care and treatment provision for a child deprived of liberty (i.e., the MCFA, the MoW, the MES and municipalities) within the scope of their competence.

273. In addition, on 15 June 2006 the CM adopted the *Basic Policy Guidelines on the Education of Imprisoned Persons for 2006-2010*. These guidelines were prepared for ensuring the integration of imprisoned persons into state educational system, protecting their right to education and facilitating social inclusion of such persons after the sentence has been served.

274. In order to establish grounds for the future drafting of the new Law on the Enforcement of Sentences the MoJ is currently elaborating on several policy initiatives.

#### **Rules and procedure of serving imprisonment for adults**

275. As provided by article 18 of the LES and article 11 of the Law on Procedure of Detention on Remand, men and women, as well as juveniles and adults are kept separately in places of deprivation of liberty. Convicted persons whose personal qualities and previous criminal record may pose a negative impact on other inmates, are also being placed separately. In accordance with article 50<sup>4</sup> of the LES convicted persons sentenced to life imprisonment shall be kept separately from other inmates.

276. Article 13 of the CM Regulation No 423 “Internal rules of place of deprivation of liberty” foresees a special accommodation commission which shall be established by the order of the Chief of the place of deprivation of liberty. This commission shall be

authorized to accommodate convicted persons into separate divisions, units and cells within the particular place of deprivation of liberty. In pursuing this task the commission shall take into account health condition, education and psychological compatibility of convicts, as well the occupancy rate in the cells. Convicted foreigners, as far as possible, are accommodated together in order to ensure mutual communication.

277. In 2006, in order to reduce possible negative impact posed by recidivist offenders, the Prison Authority established special sections for convicted persons having no previous criminal record in the Jēkabpils Prison. In 2007, 393 convicts who have no previous criminal record were kept there, which amounts to 65.4 per cent of the total population of the Jēkabpils Prison.

278. Household conditions in places of deprivation of liberty are being gradually and consistently improved. On 1 August 2007, the Latvian Prison Hospital was finally transferred to the reconstructed Olaine Prison. The whole project requested the budgetary allocations in the total amount of 6,543,168 LVL. Within the assessment of the progress made in implementing the 2003 recommendations of the CoE Commissioner for Human Rights adopted on 16 May 2007, the Commissioner for Human Rights commended Latvian authorities for the establishment of the new section build within the new premises of the Latvian Prison Hospital for Tuberculosis and AIDS treatment. The United Nations Committee against Torture in its conclusions and recommendations considered upon the periodic report of the Republic of Latvia on the implementation of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment during the period of 1 November 2003, till 20 April 2005, welcomed the establishment of the new Olaine Prison Hospital. The Latvian Prison Hospital in the Olaine Prison is acknowledged as the best-equipped hospital in the Baltic countries.

279. Pursuant to the effective legislative acts the living space per inmate shall not be less than 2.5 square meters for men, not less than 3 square meters - for women and juveniles, and 3 m<sup>2</sup> – for detainees. The living space in a solitary confinement cell shall not be less than 1.8 x 2.5 m. In accordance with the above-mentioned provisions, presently, there are solitary cells, double-bed, triple-bed, sextuple-bed, as well as multi-bed cells.

280. In the Republic of Latvia there is both, state-performed and NGO-based monitoring of places of deprivation of liberty. Competent officials of the MoJ are authorized to examine and audit places of deprivation of liberty in accordance with article 11 of the LES. Outside of the framework of the penitentiary system, the independent monitoring is also performed by institutions under the auspices of other ministries, such as, for example, the Health Inspectorate, subordinated to the MoH, which examines adequacy and quality of medical treatment provided in places of deprivation of liberty, as well as the SIPCR is entitled, either upon a complaint, or ex officio, and, if necessary, by inviting the State Police authorities, to monitor correctional institutions wherein juveniles under 18 years of age are kept.

281. Independent monitoring is also performed by the Ombudsman. During 2005 – 2006, the Ombudsman's Office (former LNHRO) conducted regularly visits to penal closed-type institutions (for detailed information, see annex 8). For statistical data on the number of individual complaints on alleged ill-treatment in different type of places of deprivation of liberty, see annex 8.

282. Upon the results of the *in situ* visits made by the Ombudsman's Office, its staff members regularly meet with the representatives of places of deprivation of liberty in order to consult on the application of relevant legal provisions and international human rights standards. Various educational seminars were held in order to identify, address and remedy topical human rights issues within the penitentiary system. Recommendations were adopted, and, in case where violations had been found, the law enforcement institutions were informed for initiation of the respective criminal proceedings.

283. Latvian human rights NGOs, such as the Latvian Center for Human Rights ([www.humanright.org.lv](http://www.humanright.org.lv)), also actively participate in monitoring of places of deprivation of liberty.

#### **Rules and procedure of serving imprisonment for juveniles**

284. Pursuant to article 11 of the Criminal Law a person may be held criminally liable if, when committed a criminal offence, he or she has reached 14 years of age. A person who has not reached this age may not be held criminally liable. However, to a person who has reached 11 years of age a compulsory correctional measure may be applied.

285. The Criminal Law envisages specific features of criminal liability applied to juvenile offenders by prescribing separate rules governing the imposition of criminal sentence. For instance, as provided by article 66 of the Criminal Law, a court may, taking into account the particular circumstances of the committing of a criminal offence and information received regarding the personality of the guilty person, which mitigate his or her liability, release a juvenile offender from the imposed sentence by applying compulsory correctional measures specified by law.

286. The Criminal Procedure Law envisages special rules pertaining to juvenile criminal proceedings: (1) the interrogation process: duration of interrogation without a person's consent within 24 hours shall not exceed six hours; any underage person shall be interrogated at presence of an expert specially trained for the psychologist position within juvenile criminal proceedings; (2) the representation issue: during the representation of an individual within the criminal proceedings the presence of a defence lawyer is mandatory; (3) the application of security measures: pursuant to article 243 of the Criminal Procedure Law placement under supervision of parents or guardians, or in a social correctional educational institution, or in detention on remand may be applied; (4) the application of compulsory measures: the corresponding compulsory correctional measures may be applied (for statistical data on the application of compulsory correctional measures to juveniles, see annex 7).

287. With regard to the reasonable length of examination of the criminal proceedings involving a juvenile offender, a preferential treatment shall be given to such, compared to the criminal proceedings held against an adult (for statistical data, see annex 7).

288. The LES and the Law on Procedure of Detention on Remand demonstrate a set of duly incorporated international human rights standards pertaining to juveniles who committed a crime (1988 UN Minimum Rules on the Administration of Juvenile Justice). The rule of separate keeping of juveniles is also being observed (detainees and convicts, as well as female and male juveniles are kept separately). Compared to adults, the system of the enforcement of sentence presupposes a wider range of possibilities provided to juvenile offenders (with regard to, inter alia, maintaining contacts, having meetings, telephone conversations, receiving of parcels and deliveries, etc.).

289. The CM Regulation No 1022 "Regulation on material provision of nutriment and household needs to convicted persons" of 19 December 2006, prescribes nutriment norms per day to persons under 18 years of age, as well as an enlarged nutriment norm for those suffering from illnesses. Besides, the mentioned provisions include the norms of detergents and items of personal hygiene, clothes, shoes and bedding attributed to convicted juvenile offenders.

290. The provision and amount of medical care services provided to imprisoned juveniles is prescribed by the CM Regulation No 199 "On healthcare of detained and convicted persons in remand prisons and places of deprivation of liberty" adopted on 20 March 2007. In accordance with this regulation all convicted juveniles are ensured with the following free of charge medical treatment and healthcare: primary medical treatment, with an

exception of planned dental care; emergency dental care; secondary medical treatment that is provided in emergency cases, as well as secondary medical treatment provided by prison medical practitioners in accordance with their specialization; the cheapest form of the most efficient medicine that has been prescribed by the medical personnel.

291. Article 50<sup>7</sup>, paragraph 6, of the LES and article 24 of the Law on Procedure of Detention on Remand stipulates the procedure for receiving of general education for convicted juveniles. An educational process for convicted persons is based on due licensed and accredited general education curriculum. Furthermore, approximately one and the half hours per week is designated for participation in one of the resocialization programmes and 17.5 hours per week - for leisure activities and rest, as well as 21 hours per week are spent for sports activities and participation in the correctional events (i.e., individual consultation, etc.).

292. Convicted juveniles are authorized to: 12 long-term visits of close relatives of 36 to 48 hours each per year; 12 short-term visits of one and the half to two hours per year; purchase the items of personal needs in a shop operated at the place of deprivation of liberty without limitations to monetary sum; have six telephone conversations at his or her own or the addressee's expense per month; with permission of the Chief of the correctional institution for juveniles, to leave the territory of the institution for up to ten times per year, each time for the duration of up to 24 hours, as well as to leave the institution for up to five times per year due to the death or a life-threatening serious illness of a close relative, each time for the duration of up to 24 hours. The time spent outside the institution is included in the time of the sentence served.

293. Article 50<sup>7</sup> of the LES determines the procedure and rules on serving sentences imposed on juveniles. They serve their sentence in specifically established correctional institutions for juveniles till 18 years of age. Convicted persons aged 18, based on decision adopted by the administration commission of the place of deprivation of liberty, may be transferred to the place of deprivation of liberty for convicted adults or may be left in the correctional institution, but not longer than till 21 years of age.

294. In 2005, in cooperation with the Center of Public Policy PROVIDUS, a large survey "The status of convicted juveniles. Guidance for reaching international standards" was conducted, which touched upon the issues on the accommodation conditions of juvenile offenders kept in places of deprivation of liberty. During the survey it was established that places of deprivation of liberty wherein such persons are kept operate in compliance with basic principles underlying international human rights standards. On 24 December 2006, the NGO Latvian Center for Human Rights published the Monitoring report on closed-type institutions in Latvia, which also focused on assessment of the accommodation conditions of imprisoned juveniles and provided several recommendations for competent authorities regarding the improvement of the current situation. In 2007, the Ombudsman presented a report, which provided information about the visits held at places of deprivation of liberty in order to monitor the observance of international human rights standards. During the mentioned visits it was noticed that a majority of issues, which raised concern in 2005, and which the Ombudsman has drawn the Latvian Government's attention to, were resolved. In addition, the Ombudsman listed additional measures, which shall be taken to address the issues pertaining to the protection of the rights of children. The assessment of places of deprivation of liberty, as well as the recommendations elaborated on the improvement of operation of closed-type institutions were embodied in the report to the Latvian Government drawn up by the CPT, following its visit to Latvia in 2007, which was not available for public access up to now.

295. There are five locations where convicted juveniles are kept: the Cēsis Correctional Institution for Juveniles, the Matīss Prison, the Iļģuciems Prison, the Daugavpils Prison and the Liepāja Prison. In order to improve the accommodation conditions of convicts within

the amount of the granted budgetary allocations, the following issues have been addressed by the Prison Authority: facilities for the long-term meetings with relatives have been built in the Cēsis Correctional Institution for Juveniles; the living area in the Ilūciems Prison has undergone renovation; classrooms have been furnished in the Daugavpils Prison and the Matīss Prison. All imprisoned juveniles are engaged in educational activities.

296. For statistics on convicted juveniles, as well as on the number of juvenile victims disaggregated by articles of the Criminal Law during the time period of 2004 to 2008, see annex 7.

#### **Social correction measures for juveniles**

297. There are two social correctional educational institutions in Latvia: “Naukšēni” for female juveniles and “Strautiņi” for male juveniles, wherein children from 11 to 18 years of age are accommodated, who have committed a criminal offence and were exempted from criminal liability. In 2006, the SIPCR officials conducted eight reviews on observance of the rights of children at the mentioned institutions, in 2007 - ten reviews and in 2008 – two reviews were made thereof.

298. In 2007, the MES in assistance with the SIPCR and social correctional educational institutions elaborated and currently are implementing the new social correctional programme. This programme particularly focuses on individual social correction, which foresees that the individual social correction plan shall be developed by social tutor, psychologist and social care provider to address every child’s personal needs, and hence, upon systemic approach, the implementation of the mentioned plan shall be thoroughly followed. The social correctional programme envisages three stages: (1) values education and preparation for life in the society; (2) acquirement of professional skills, technologies and career education; (3) reintegration of the child. The previous social correctional programme was successfully implemented and delivered previously planned outcomes.

#### **Rules and procedure of rendering of psychiatric treatment**

299. There are six psychoneurological medical institutions where juveniles till 18 years of age are accommodated: the State Limited Liability Company (SLLC) “Children clinical university hospital”, the SLLC ““Ģintermuiža” Hospital”, the SLLC “Children psychoneurological hospital “Ainaži””, the SLLC „Daugavpils psychoneurological hospital”, the SLLC “Hospital “Piejūras””, the SLLC “Rīga psychiatric and narcological centre”. There are seven specialized psychoneurological medical institutions for adults in Latvia.

300. Regular and extraordinary inspections are carried out by the SIPCR in the concerned medical institutions, wherein children are accommodated, thereby reviewing how the living conditions are ensured and whether they facilitate child’s recovery process. During the medical treatment the access to education for a child is ensured.

301. The outcome of several inspections showed that the accommodation conditions in medical institutions do not facilitate the recovery process due to various reasons, such as, renovation works is needed for the premises, the number of children placed in one unit shall be reduced. Likewise the inspections revealed that in a number of cases children without parental care experience unproportionally long period – up to ten years – of confinement in the psychoneurological institution. Taking into account that medical institutions provide only medical services and do not fully ensure social care and rehabilitation services for persons with special needs, the mentioned situation is deemed to be a violation of the right of a child. Though, it should be pointed out, that in the majority of medical institutions the mentioned issues of concern are being addressed and solved.

302. Currently, the legislative acts of the Republic of Latvia do not stipulate the necessity of mandatory inspections carried out with the aim to review the accommodation conditions

in psychoneurological medical institutions for adults. Overall, in order to allow medical institutions to provide medical treatment services, they shall operate in compliance with mandatory requirements specified by the CM regulations, which have been specifically elaborated for such institutions and their structural units. The Health Inspectorate is in charge of examination of quality of medical treatment provided in medical institutions. The Health Inspectorate was established by the CM Regulation No 432 of 11 July 2007, by merging three inspectorates, *i.e.*, the Inspectorate for Quality Control of Medical Care and Working Capability, the State Pharmacy Inspectorate and the State Sanitary Inspectorate.

303. With regard to the accommodation conditions in psychoneurological medical institutions the Ombudsman has positively evaluated renovation works, which have been completed in several medical institutions during the reporting period. As a result, well-furnished, comfortable divisions were established for continuously ill patients, as well as the physiotherapy division and the modern division for children treatment was renovated. For instance, numerous adjustments were introduced in the SLLC "Rīga psychiatric and narcological centre" after the implementation of recommendations issued by the Ombudsman, namely, video surveillance in toilet facilities has been terminated. As an issue of concern, it should be pointed out, that a half of all patients accommodated in psychoneurological medical institutions are allowed to leave, however, due to lack of living-space, work and means of subsistence, these patients may not receive any social care or assistance, living outside the institution.

#### **Procedure of keeping apprehended persons**

304. In order to stipulate the requirements pertaining to the procedure of keeping apprehended persons, new legislative acts have been adopted during the reporting period. For instance,

- On 13 October 2005, the Law on Procedure of Keeping Apprehended Persons was adopted, which envisages the procedure of keeping apprehended persons in specifically equipped the State Police short-term detention facilities, the rights of apprehended persons, their accommodation and household conditions, the provision of medical treatment services, etc.;
- On 25 January 2006 the CM Regulation No 38 "Regulation on material norms of nutriment, detergents and items of personal hygiene for persons placed in short-term detention facility" (adopted on 10 January 2006) entered into force;
- On 21 April 2006, the CM Regulation No 289 "Regulation on a list of items allowed to be kept in short-term detention cell" entered into force, which prescribes a strictly limited list of items, types and quantity thereof, available and necessary for personal use;
- On 22 November 2006, the CM approved the Organization of Operation of the State Police Short-Term Detention Facilities.

305. In accordance with provisions of the Law on Procedure of Keeping Apprehended Persons convicted juveniles are kept separately from adults, as well as male and female are also placed separately. Besides, apprehended persons are kept separately from detainees and convicts, as well as those apprehended and arrested under administrative procedure are placed separately from others.

306. Before being placed in a short-term detention facility a person, in a language which he or she is able to understand (with an assistance of an interpreter, if needed), by a signature, shall acquaint himself or herself with the internal rules of the facility, as well as with a list of personal items, which he or she is allowed to keep in a short-term detention cell. The person placed in the short-term detention cell is ensured with the possibility to get informed about the mentioned rules at any time.

307. Before being placed in a short-term detention cell a person shall be subject to a bodily search, which is carried out by the police officer of the same gender in order to review and visually examine the items in possession of the mentioned person, as well as with the aim to detect visible bodily injuries. The delivered and removed items are kept in a short-term detention facility. This person shall be also interviewed regarding his or her health condition and asked to inform the authorities about any disease he or she is suffering from, which may be life-threatening either to the person concerned or others, or as a result of which special measures shall be implemented in the respective short-term detention facility. The person is ensured with first aid, medical assistance in case of trauma, or acute, or chronic diseases, by receiving necessary medical treatment and benefiting from epidemic preventive measures free of charge.

308. Persons placed in a short-term detention cell are entitled to three mealtimes (of which one is a hot meal), as well as to access to drinking water at any time during the short-term detention period.

309. Article 7, paragraph 3, of the Law on Procedure of Keeping Apprehended Persons emphasizes that the State Police short-term detention cell's area shall be not less than: (1) four square meters for a solitary cell; (2) seven square meters for a cell used for double-occupancy; (3) ten square meters for a cell used for triple-occupancy; (4) 12 square meters for a cell used for four-persons occupancy; (5) 15 square meters for a cell used for five-persons occupancy. Although the *Saeima* adopted amendments to the Law on Procedure of Keeping Apprehended Persons on 18 December 2008, which foresee that the requirements to the arrangement for detention cells, accommodation area and suitable equipment shall be fulfilled till 31 December 2013, presently, the cell's area in almost all short-term detention facilities correspond to that required by law.

310. As of 1 July 2008, there are 28 short-term detention facilities with official capacity of 815 places (in comparison, there were 822 places in 2004).

311. Taking into account the necessity of short-term detention facilities to undergo renovation and equipment modernization, in 2008, the planning stage for construction and repair works carried out for the administrative buildings of the State Police's structural units and short-term detention facilities in Daugavpils, Jēkabpils, Krāslava, Kuldīga, Ventspils, Rīga, Zemgale and Vidzeme regions was commenced.

312. Issues concerning physical conditions in places of deprivation of liberty are being gradually and consistently solved. Since 2004 and within the reporting period the following adjustments have been introduced:

- Capital repair works have been carried out to seven short-term detention facilities placed within the State Police's structural units;
- Due to inadequate accommodation conditions in the old detention facility in Ventspils, in 2008, a container specially furnished for the placement of 14 persons and fully conformed to the legal requirements was placed in Ventspils city and the Region Police Department.
- Appropriate bedding, detergents and items of personal hygiene are available in all short-term detention facilities.

#### **Rules and procedure of the provision of social care for persons in social care institutions**

313. There are long-term social care and social rehabilitation institutions financed both, by state and municipalities in Latvia. The mentioned institutions provide with the living-space, full care and rehabilitation services to persons incapable to care of themselves due to age or health condition, as well as to children left without parental care. Latvian

municipalities ensure such services for individuals who reached retirement age and disabled persons, if the needed social care services fall beyond the ambit of those provided in the place of residence, or daily social care and social rehabilitation institutions.

314. On 3 June 2003, the CM Regulation No 291 “Requirements for social care services providers” were adopted, which set out necessary requirements for operation of social care service providers. In meeting the clients’ needs within the respective institutions a social care service provider ensures the following: the attraction of necessary resources for provider’s work; the observance of labour safety, environmental protection and personal hygienic requirements; the protection of the client’s right to private life; the assessment of the client’s functional skills; the possibility for clients to receive first aid pursuant to the relevant legislative provisions; the assessment of social rehabilitation and social care, which is performed at least once in six months in institutions of social care service providers wherein the client is accommodated.

#### **Rules and procedure on the provision of care for children in boarding schools and out-of-family care institutions**

315. Giving that the boarding schools are not regarded as out-of-family-care institutions, the protection of the rights of a child is perplexed by the deficiencies in cooperation between the authorities of boarding schools and child’s parents or guardians, who, as a result of financial hardship or lack of parental responsibility, rarely visit the child and are not interested in his or her educational progress or behavior.

316. The outcome of the inspections carried out by the SIPCR shows that, in general, the rights and interests of a child at out-of-family care institutions are duly respected. Children are provided with appropriate living conditions and four mealtimes per day. They are also entitled to receive medical care, psychological assistance and participate in the self-government of the respective institution, etc. Children are also given the opportunity to study at educational institutions corresponding to their abilities; if necessary, a correctional class or special educational programme is ensured.

317. During the reporting period a positive tendency was observed: the number of children accommodated at the children’s homes is constantly decreasing. Safe and secure environment, as well as the opportunity to live with another family is ensured for a child. As a result, several children’s homes are being closed every year. The current trend shows that children are not living in the children’s homes from their early age till the age of 18, as previously. At present, safe environment and a family is being found as quickly as possible (for details see paragraphs 530-533 and annex 15).

#### **State administrative measures for prevention of inhuman treatment**

318. On 2 December 2008, the new Code of Ethics of the Prison Authority was approved. The key principles underlying the work of the Prison Authority personnel are as follows: professionalism, impartiality, fairness, confidentiality and responsibility. As provided by article 12 of this code of ethics, officials and staff of the Prison Authority, when fulfilling their duties or not fulfilling them, shall not support, allow and facilitate any act of torture or ill-treatment perpetrated against any individual.

319. Article 9 of the Law on the Prison Authority (adopted on 31 October 2002, entered into force on 1 January 2003) envisages professional trainings organized by the Training Center of the Prison Authority and targeted at officials and staff of the Prison Authority.

320. All applications received by the Prison Authority are examined pursuant to the legal requirements specified by the Petitions Law (for details see paragraph 4). Official replies are sent not later than within one month upon receipt (for statistical data on the figures concerning the victims’ complaints on alleged violence in places of deprivation of liberty,



see annex 5; for statistical data on the number of applications submitted to the Prison Authority on alleged ill-treatment, see annex 8).

321. With the aim to control the observance of prohibition of ill-treatment at long-term social care and social rehabilitation institutions, a person or a legal representative thereof may either submit a complaint on quality of social services and social assistance or present orally or in writing his or her suggestions to social care service provider concerning the improvement of service delivery process. Complaints submitted by an individual or legal entity are examined by the Social Service Board.

322. For statistics of the received complaints on alleged ill-treatment at social care centres, as well as on the number of complaints received by the Social Service Board, see annex 8.

#### **State administrative measures for education and resocialization of convicted persons**

323. In implementing penal policy, the Prison Authority observes the principles of lawfulness and protection of human rights. It also ensures the resocialization of convicted persons, which is envisaged as consisting of different educational activities, such as general education, vocational education, education based on person's interests, informal education, creative and cultural activities, physical activities and access to information through libraries; employment, social rehabilitation programmes and other resocialization measures (for statistical data on cooperation between various places of deprivation of liberty and educational institutions, see annex 8).

324. In 2007, within the framework of the project "Development, approbation and implementation of pedagogical correctional programmes", the Jelgava Prison, the Pārlielupe Prison, the Liepāja Prison and Grīva Prison concluded agreements of cooperation with general education institutions. Financial resources allocated for the project were granted for the necessary adjustments made in prison facilities for conducting academic studies therein; a set of textbooks was also provided for all places of deprivation of liberty.

325. During 2007, 135 convicts obtained a certificate of general education, and 358 - a certificate of vocational education. On 3 September 2007, 498 convicts commenced to acquire general education curricula, and 475 persons participated in vocational education curricula. 1,087 convicts participated in education programmes based on person's interests, which include the Latvian language and foreign language trainings, computer science, business basics, applied arts, vocational education curricula (*i.e.*, woodcraft, decorative metalwork, etc.).

326. In 2007, 1,393 convicts were employed at places of deprivation of liberty that amounts to 31.1 per cent from the total number of all convicted persons, who are able to work. 731 convicts are engaged in the domain of household services of the respective institutions, as well as 662 are engaged at workplaces established by the private companies. 18 persons concluded agreements on commercial activities within their place of deprivation of liberty.

327. The mission of chaplains at places of deprivation of liberty is to provide spiritual care and organize different religious events. There were 1,687 public worships, 132 concerts, 1,124 videos and 2,257 religious literature studies organized for convicted persons. Chaplains and volunteers also organized 7,527 meetings on pastoral issues. Convicted persons are provided with Christian magazines. Chaplains also develop and lead different religious education curriculum.

328. Pursuant to the effective legislative provisions, meetings between convicted persons and representatives of non-Christian religions are organized individually, based on a written application or an oral request submitted by an individual and with a granted permission

issued by the Chief of the Prison Authority. Meetings between detained persons and representatives of non-Christian religions are held with respect to the security policy requirements of the respective institution. Special facilities designated for such purposes were established. Chaplains are entrusted to co-ordinate the above-mentioned meetings.

#### **State post penitentiary system**

329. In Latvia, post penitentiary support for persons who have served the sentence in a place of deprivation of liberty is provided since January, 2004, when the Law on State Probation Service entered into force. The mentioned support is provided to the person released from the place of deprivation of liberty after serving the sentence and who concluded an agreement on receiving of such support with the SPS. In 2004 and 2005, post penitentiary support was provided to persons subject to pre-term suspended release, if rehabilitation services were needed. In promoting social rehabilitation and resocialization process, in 2004, cooperation between all places of deprivation of liberty, municipalities and the SEA's branches was established.

330. Since 2005, a systemic information exchange system between the SPS and places of deprivation of liberty has been operating. It keeps data on all convicted persons being prepared for release. The number of convicts subject to pre-term suspended release is gradually increasing, hence the SPS directs its personnel resources and activities for providing services for that special group of probation service clients (for statistical data on the number of persons released from places of deprivation of liberty, see annex 8).

331. The SPS organizes a meeting with every convicted person not later than four months prior to his or her release, with the aim to identify possible needs and issues of concern, as well as to offer the possibility to conclude a post penitentiary support agreement.

332. In providing post penitentiary support, the SPS pays special attention to professional development of its staff members in order to improve the quality of the activities taken to identify clients' needs and motivation for cooperation. Considering the grounds for termination of the cooperation agreements, it shall be noticed, that the number of that terminated upon fulfilling of tasks and achieving the goals of post penitentiary support plan is increasing.

333. By improving cooperation between the prison administration and the SPS structural units, the number of activities performed at places of deprivation of liberty has substantially increased. As a result, convicted persons are better informed about the SPS functions and the provided support. The mentioned cooperation has been substantially facilitated by close relationship established between the SPS and the Prison Authority on elaborating the plans concerning the events that shall take place. Moreover, lack of premises for meeting purposes constituted a serious issue of concern in 2005, and has been successfully resolved in 2007. Within the framework of the post penitentiary system, depending on type of support provided, a probation service client is allowed for assistance in resolving the issues related to housing, subsistence, employment, personal documents, health, education and professional skills. Such assistance is provided in cooperation with other competent authorities, NGOs and religious organizations.

334. In 2004, the SPS concluded the first purchase agreement on the provision of social rehabilitation services to probation service clients. In 2005, there were ten concluded agreements, thus establishing a well-arranged network of social rehabilitation service providers, that is able to ensure social rehabilitation of persons released from places of deprivation of liberty (for statistical data on social rehabilitation centres financed by the SPS during 2004 – 2007, see annex 8.)

### **Protection of the rights of convicted persons**

335. The right of convicted persons to meet with relatives and a defence lawyer are enshrined in provisions of the LES and the Law on Procedure of Detention on Remand.

336. Article 50, paragraph 2 of the LES and article 15, paragraph 2 of the Law on Procedure of Detention on Remand stipulates that the correspondence belonging to convicted persons and addressed to the UN institutions, the Human Rights and Public Affairs Commission of the *Saeima*, the Ombudsman, the Prosecutor's Office, courts, a defence lawyer, as well as the correspondence of convicted foreigners with his or her state's diplomatic or consular mission, which is authorized to represent his or her interests, shall not be subject to examination. Expenses related to the mentioned correspondence are covered from the budgetary funds allocated for the respective place of deprivation of liberty.

### **Procedure on imposition of disciplinary penalty on convicted persons**

337. Procedure on imposition of disciplinary penalties on convicted persons is prescribed by article 71 of the LES, Chapter 14 of the CM Regulation "On internal rules of place of deprivation of liberty". The same issues related to the detainees are envisaged in article 31 of the Law on Procedure of Detention on Remand and Chapter 9 of the "Internal rules of remand prisons".

338. For statistics on imprisonment regime violations perpetrated by convicted persons and applied penalties during the time period from 2004 to 2007, see annex 8.

### **Article 11**

339. The Republic of Latvia refers to the information provided in the second periodic report (see CCPR/C/LVA/2002/2, paragraph 171) and states, that none of the domestic legislative acts envisages detention on remand as a type of sentence for non-fulfillment of contractual obligations.

### **Article 12**

#### **Latvia's national legislative acts**

340. On 20 June 2002, the Law on Registration of Place of Residence was adopted (entered into force on 1 July 2003). The aim of the mentioned law is to achieve that every person is constantly within easy reach for the State and municipalities' needs for exercising his or her legal relations therewith. This law simplifies the procedure on the provision of information related to the person's place of residence. It also ensures an individual's right to have numerous places of residence, thus expanding the scope of implementation of the right to freely choose one's residence.

341. On 31 October 2002, the Saeima adopted the Immigration Law, which entered into force on 1 May 2003. This law specifies the procedure of entry, residence, transit, apprehension, keeping in detention and extradition of foreigners, for ensuring the full conformity of Latvian immigration policy with international obligations and national interests. By entering into force of this law, the Law on Entry into and Residence in the Republic of Latvia of Foreigners and Stateless Persons of 9 June 1992, was declared null and void.

342. The Asylum Law (for details see paragraph 4) comprises legislative regulation of the following issues:

- A general definition of status of an asylum seeker, rights and obligations thereof; the Council Directive 2003/9/EK of 27 January 2003, which lays down minimum

standards for the reception of asylum seekers, was successfully incorporated into the mentioned law;

- Requirements governing the granting and loss of the refugee status;
- Requirements governing the granting and loss of the alternative status;
- Procedure on granting and termination of the temporary protection. In this connection, the Asylum Law embraces the provisions introduced by the Council Directive 2001/55/EC of 20 July 2001, on Minimum Standards for Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons and on Measures Promoting a Balance of Efforts Between Member States in Receiving such Persons and Bearing the Consequences Thereof;
- Examination of asylum applications submitted by various groups of persons (*i.e.*, persons of legal age, juveniles or unaccompanied children);
- Submission of an asylum application at the State Border Guard Service checkpoint without entering the State territory; examination of an asylum application by entering the State territory; the accelerated asylum procedure;
- Accommodation conditions for asylum seekers; restrictions to freedom to choose the place of residence;
- The right to family reunification granted to a refugee or a person with the alternative status;
- A decision to grant or refuse the alternative status, loss of that status or deprivation thereof, the appeal mechanism;
- Criteria for a state to be regarded as safe wherein an asylum seeker may apply for asylum.

343. The right of an asylum seeker to freedom of movement is subject to restrictions if, pursuant to article 14, paragraph 1, of the Asylum Law, he or she is apprehended. As provided by this law, the State Border Guard Service is entitled to apprehend an asylum seeker for up to ten 24 hours' periods, if: (1) his or her identity may not be established; (2) there are grounds to believe that he or she is attempting to misuse the asylum procedure; (3) there are grounds to believe that he or she may not legally remain within the territory of the Republic of Latvia; (4) it is in the interests of national security or public order. The term of apprehension may be extended by a court decision.

344. On 29 January 2004, the Law on Stateless Persons was adopted, which determines a legal status, rights and obligations of the stateless persons in the Republic of Latvia. The legal provisions include the information on individuals covered by the mentioned law, the procedure on acknowledgement an individual as stateless, on receiving a travel document as well as the procedure on losing and deprivation of a stateless person's status. By entering into force of the Law on Stateless Persons, the Law on Stateless Person's Status in the Republic of Latvia of 18 February 1999, has been declared null and void.

345. The Republic of Latvia holds that the status of non-citizen differs from the status of stateless person. Pursuant to article 3, paragraph 2, of the Law on Stateless Persons, a person being covered by the Law on the Status of Those Former USSR Citizens Who Are Not Citizens of Latvia or Any Other State may not be deemed as stateless. The same was acknowledged by the Constitutional Court in its judgment No 2004-15-0106 rendered on 7 March 2005. The Constitutional Court stated that "a legal connection between a non-citizen and Latvia is acknowledged to a certain extent, and based on that, mutual rights and obligations have been established. It pursuents from article 98 of the Satversme, which *inter alia* determines, that every person, who obtains the passport of the Republic of Latvia, has the right to state protection and the right to freely return to Latvia."

346. Pursuant to amendments made on 7 April 2004, for the Law on Personal Identification Documents, following the wish of an alien's or citizen's passport holder, the information regarding the place of residence of the holder may be entered therein.

347. The CM Regulation No 775 "Regulation on passports" of 13 November 2007, prescribes the procedure applicable for an issue of a citizen's passport, an alien's passport, a travel document attributed to a stateless person, a refugee's travel document, a travel document attributed to a person who is subject to the alternative status, the samples thereof, the validity term of the mentioned documents, etc. A citizen, non-citizen and stateless person shall submit all respective documents and receive a passport in any territorial unit of the OCMA. This service is not bound to the person's place of residence anymore.

348. On 21 December 2007, Latvia acceded to the Schengen area. As provided by amendments adopted on 20 December 2007, to the Immigration Law, the official of the State Border Guard Service shall adopt a decision on refusal to enter the territory of the Republic of Latvia in compliance with registration and drafting provisions stipulated by the Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006, establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

349. During the time period from 2003 to 2007 the ECHR has examined nine applications submitted against Latvia<sup>7</sup> for alleged violations of article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms within the ambit of immigration matters. In one of the cases<sup>8</sup> the ECHR held that there has been a violation of article 8, three cases<sup>9</sup> were struck out of the list of cases in so far as was related to the complaint pertaining to article 8, four cases<sup>10</sup> were rejected by the ECHR as being manifestly ill-founded, as well as one case has been struck out of the list of cases as the matter giving rise to the applicants' complaint under article 8 has been already resolved.<sup>11</sup>

#### **Latvia's international treaties**

350. Since 1990, Latvia has ratified numerous international treaties prescribing travel rules for citizens and non-citizens of the State. The travel rules were also influenced by Latvia's accession to the European Union in 2004.

351. On 19 January 2007, the Council Regulation (EC) No 1932/2006 of 21 December 2006, amending Regulation (EC) No 539/2001 on listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement entered into force. Pursuant to the mentioned provisions Latvian non-citizens are exempt from visa requirements while entering the following EU Member States: Austria, Belgium, Bulgaria, the Czech Republic,

<sup>7</sup> The European Convention for the Protection of Human Rights and Fundamental Freedoms is binding upon Latvia since 4 June 1997, when the Saeima adopted the Law on the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1997, and its Protocol No 1, 2, 4, 7 and 11, published in Official Journal "Latvijas Vēstnesis" No 143/144 of 13 June 1997.

<sup>8</sup> "*Slivenko v. Latvia*", application No 48321/99, Grand Chamber judgment of 9 October 2003.

<sup>9</sup> "*Sisojeva and Others v. Latvia*", application No 60654/00, Grand Chamber judgment of 15 January 2007; "*Shevanova v. Latvia*", application No 58822/00, Grand Chamber judgment of 7 December 2007; "*Kaftailova v. Latvia*", application No 59643/00, Grand Chamber judgment of 7 December 2007.

<sup>10</sup> "*Ivanovs v. Latvia*", application No 55933/00, decision of 25 March 2004; "*Kolosovskis v. Latvia*", application No 50183/99, decision of 29 January 2004; "*Vikulov and Others v. Latvia*", application No 16870/03, decision on applicability of 31 August 2006; "*Mitina v. Latvia*", application No. 67279/01, decision of 16 November 2006.

<sup>11</sup> "*Fjodorova v. Latvia*", application No 69405/01, decision of 6 April 2006.

Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden. In addition, Latvian non-citizens may travel to Iceland without possessing a visa. Overall, non-citizens are entitled to enter 30 world countries without any visa requirements. The Council Regulation's amendments also stipulated that legally acknowledged refugees and stateless persons, who are constantly residing at one of the EU Member States and are in possession of valid travel document issued by the respective state, are also exempt from visa requirements.

352. Since 17 June 2008, Latvian non-citizens are granted the preferential entry rules in the Russian Federation (in addition, see paragraph 10). On 31 October 2007, Latvian citizens were granted a visa-free regime with Canada, but since 27 October 2008 Latvian citizens are allowed to travel to Australia without possessing a visa. Since 17 November 2008, the visa requirements for citizens were abolished for travelling to the USA.

**The right to freedom of movement, to leave any country and return to it**

353. In accordance with article 4, paragraph 1 of the Immigration Law a foreigner (a citizen of any third country) is entitled to enter and reside in the Republic of Latvia, if he or she concurrently: (1) has a valid travel document; (2) has a valid visa, a residence permit, a permanent residence permit of the European Community, a residence permit of a family member of the Union citizen, or a foreigner, who has received the new travel document in a foreign state - the previous travel document with a valid residence permit in the Republic of Latvia; (3) has a valid health insurance; (4) does not have any other obstacles for entry into the Republic of Latvia prescribed by this law or other legislative acts; (5) has sufficient means of subsistence in order to reside within the territory of the Republic of Latvia and return to its country of origin, or to depart to any third country, which he or she has the right to enter to. This law also envisages other specific provisions pertaining to travel rules.

354. In accordance with article 4, paragraph 3, of the Immigration Law, a foreigner is not entitled to enter and reside in the Republic of Latvia, if he or she is included in the list of those foreigners for whom entry into the Republic of Latvia is prohibited.

355. The State Border Guard Service officers may adopt a decision prohibiting a foreigner to enter the Republic of Latvia, if he or she does not meet the entry requirements specified by legislative provisions. A foreigner has the right to appeal against the refusal to enter the territory of the State within 30 days following the adoption of the respective decision. The appeal is examined by the Chief of the State Border Guard Service or an official authorized by him or her, and the decision adopted by such persons is not subject to further appeal.

356. In accordance with article 54, paragraph 1, the State Border Guard Service officers may apprehend a foreigner for up to ten 24 hours period: (1) if he or she has illegally crossed the State border of the Republic of Latvia or otherwise violated the procedures prescribed by the provisions for the entry into and residence of foreigners; (2) in order to expel the foreigner who is included in the list of foreigners not permitted to enter the Republic of Latvia; (3) in order to implement a decision regarding the forced expulsion of a foreigner from the State; (4) in order to enforce forced expulsion of a foreigner from the State as an additional criminal sentence. If a juvenile is apprehended, the State Border Guard Service officer acts in a way that ensures the rights and interests of such person. The foreigner has the right to appeal against the decision regarding his or her apprehension to a court. The appeal brought to a court does not suspend the enforcement of the challenged decision.

357. The State Border Guard Service officer shall present a foreigner before a District (City) court (according to the actual location of the apprehended foreigner), but not later than within 48 hours after the moment of apprehension. A judge shall without delay review

all submitted case materials and hear the representative of the State Border Guard Service, observations presented by the foreigner himself or herself or his/her representative, and shall decide upon apprehension or refusal to apprehend the foreigner concerned. A copy of the respective decision is sent to the foreigner within 24 hours upon receipt of the application submitted by the State Border Guard Service. The court's decision, which authorizes the foreigner's apprehension, may be appealed against within 48 hours following the receipt of the copy of that decision.

358. Upon apprehension, a foreigner has the right to contact consular department of his or her state of origin and to receive legal aid; to communicate in a language which he or she is able to understand, and if necessary, to use language interpretation services; personally or with an assistance of an authorized person to acquaint himself or herself with the case materials related to his or her apprehension.

359. A foreigner, after having legally resided within the Latvian territory, has no obstacles to return to the country of his or her previous residence.

### **Article 13**

360. Article 36 of the Criminal Law specifies expulsion from the Republic of Latvia as an additional sentence imposed for committing of a criminal offence. In accordance with article 43 of the Criminal Law a foreign citizen, or a person who has a permanent residence permit of the foreign State, may be expelled from the Republic of Latvia, if a court finds that, considering the circumstances of the matter and the personality of the perpetrator, it is not permissible for him or her to remain within the territory of the State. This sentence, being imposed as an additional one, determines an entry prohibition for a period from three to ten years, and shall be enforced only after the primary sentence has been served or after the pre-term suspended release has been applied in accordance with the procedure specified by that law. The period of serving of the additional sentence shall be counted from the day, when the person has been expelled from the Republic of Latvia.

361. On 13 December 2007, amendments to the LES were adopted, which provided particular time periods, i.e., 25 working days, within which a place of deprivation of liberty shall inform about the completion of the primary sentence, and three working days period is granted to inform the chairperson of the court for adopting an order on enforcing of the additional sentence. The mentioned time periods are envisaged to ensure that the relevant information will be available to the State Border Guard Service two weeks before a foreigner is released, thereby allowing to prepare duly and timely all documents necessary for enforcing the forced expulsion of the foreigner.

362. In accordance with article 41 of the Immigration Law, the OCMA shall issue a return order thereby prohibiting an entry for the time period for up to three years, and shall request to leave the territory of the Republic of Latvia within seven days, if a foreigner, while residing in Latvia, has violated the procedure of entry and residence of foreigners. The Chief of the OCMA is entitled to withdraw or suspend the enforcement of the return order based on humanitarian reasons.

363. In accordance with article 42, paragraph 1, of the Immigration Law, a foreigner has the right to appeal against a voluntary departure order and the time period of the entry prohibition specified therein to the Chief of the OCMA within seven days following its entry into force. A foreigner has the right to reside in Latvia during the examination of the appeal. A foreigner has also the right to appeal against the decision of the Chief of the OCMA regarding the challenged return order and the time period of the entry prohibition specified therein to a court within seven days following the date of its entering into force. The appeal brought to a court does not suspend the enforcement of the challenged decision (for statistical data on the number orders on voluntary departure from the Republic of Latvia, see annex 9).

364. As provided by article 46 of the Immigration Law, if a foreigner has illegally crossed the State border of the Republic of Latvia or otherwise violated procedures for the entry or residence of foreigners and that was determined on border area or at a state border check-point, the Chief of the State Border Guard Service shall be entitled to adopt a decision regarding the forced expulsion of the foreigner within the period of ten days. The decision shall specify the time period of the entry prohibition for a term at not less than three years and not more than five years.

365. In accordance with article 47, paragraph 3, a foreigner has the right to appeal against the decision adopted by the OCMA regarding forced expulsion and the entry prohibition specified therein within seven days upon the day of its entering into force, by submitting the respective application to the Chief of the OCMA. The submission of such application does not grant the right to reside within the territory of the State. The Chief of the OCMA is entitled to withdraw or suspend the enforcement of the return order based on humanitarian reasons (for statistical data on the number of orders on forced expulsion, see annex 9).

366. In order to accelerate the expulsion procedure, on 8 March 2007, amendments to the CM Regulation No 212 "Procedure on forced expulsion of foreigners, form of return document and procedure on issuing thereof" of 29 April 2003, stating that a request on issuing a travel (return) document is sent to the Consular Department of the Ministry of Foreign Affairs by the State Border Guard Service. Therefore the mentioned procedure has been accelerated and simplified. Previously, such procedure presupposed the involvement of the OCMA itself.

367. For statistical data on expulsion, see annex 9.

368. Article 682 of the Criminal Procedure Law determines that extradition to the Republic of Latvia might be requested, if there are grounds to believe that the following persons are located in a foreign State: (1) a person who is a suspect or accused in the committing a criminal offence that foreseen by the Criminal Law of Latvia, and regarding which deprivation of liberty is intended to be imposed with a maximum term of not less than one year, if an international agreement does not provide otherwise; (2) a person who has been sentenced in Latvia with deprivation of liberty or custodial arrest for a time period of not less than four months. A request for the extradition of the person is prepared and sent by the Prosecutor's General Office.

369. Article 696 of the Criminal Procedure Law states that a person who is located in the territory of Latvia may be extradited for criminal prosecution, adjudication, or the enforcement of a judgment, if a request has been received from a foreign state to extradite such person regarding an offence as deemed to be criminal by both Latvian and foreign law. Further, the Criminal Procedure Law presupposes that the extradition shall not be permitted, if: (1) a person is a Latvian citizen; (2) a request for the extradition of the person is related to the aim of initiating criminal prosecution or punishing such person due to his or her race, religious belief, ethnicity, or political views, or if there are sufficient grounds to believe that the right of the person may be violated due to the reasons referred to; (3) a court judgment has entered into force in Latvia in relation to the person pertaining to the same criminal offence; (4) pursuant to the Latvian law regarding the same criminal offence, a person may not be held criminally liable, convicted, or punished due to statutory limitations, amnesty, or other lawful basis; (5) a person has been granted clemency, in accordance with the procedure specified by the law, regarding the same criminal offence; (6) a foreign state does not provide sufficient safeguards that it will not impose the death penalty on such person and execute it; (7) a person may be subjected to torture in a foreign state.

370. In accordance with article 698, paragraph 2, of the Criminal Procedure Law a person to be extradited has the following rights: (1) to know who and regarding what his or her extradition has been requested; (2) to use a language that he or she understands during the



extradition proceedings; (3) to provide explanations with respect to the extradition; (4) to submit requests, as well as those regarding a simplified extradition; (5) to acquaint himself or herself with all materials upon extradition proceedings; (6) to invite a sworn attorney for receiving of legal aid.

371. The prosecutor shall adopt a reasoned decision pertaining to the extradition of a person. A decision on the admissibility of the extradition may be challenged in the Supreme Court within ten days upon receipt of that decision. A decision adopted by the Supreme Court is not subject to appeal. After the entry into force of the court decision, the Prosecutor's General Office shall send it to the MoJ. The decision on the extradition of the person to a foreign state, based on a proposal of the MoJ, shall be adopted in the CM. The CM may refuse to extradite a person only, if the following grounds exist: (1) extradition may harm the sovereignty of the State; (2) the offence is considered political or military; (3) there are sufficient grounds to believe that extradition is related to the aim of persecuting that person due to his or her race, religious belief, ethnicity, gender, or political views.

372. For statistical information on extradition, see annex 2.

## **Article 14**

### **The right on equality before courts and tribunals**

373. The principles of the administrative process, which are enshrined in the Administrative Procedure Law (for details see paragraph 4), embrace the principle of observance of the rights of other persons, as well as the principle of equality. The principle of equality holds that a court shall adopt identical decisions (in matters with different factual or legal circumstances – different decisions) irrespective of gender, age, race, colour, language, religious beliefs, political or other views, social origin, ethnicity, education, social and financial status, types of employment, or other status.

374. One of the general principles provided under the Criminal Procedure Law (for details see paragraph 4), included in article 8, stipulates that the mentioned law shall determine a uniform procedural order for all persons involved in criminal proceedings irrespective of origin, gender, citizenship, race, ethnicity, social and financial status, religion, education, language, type of employment, place of residence, and other status.

375. In accordance with article 23 of the Criminal Procedure Law criminal cases shall be adjudicated by a court, by examining and deciding in its sessions the reasonableness of a charge brought against a person, acquitting an innocent person, or finding him or her guilty of committing a criminal offence and imposing the compulsory enforcement of a judgment or decision adopted. Article 15 of the Criminal Procedure Law envisages that every person has the right to the adjudication of a case in a fair, impartial and independent court.

376. Article 1 of the Civil Procedure Law foresees that every individual and legal entity has the right to protect the violated or challenged civil rights, or interests provided by law, in a court. Article 9 states that both parties to civil proceedings have equal procedural rights and obligations, and the court shall ensure that the parties have equal opportunities to exercise their rights for the protection of the interests concerned.

### **The right to open hearing of the case**

377. In accordance with article 450 of the Criminal Procedure Law criminal cases shall be adjudicated by means of public hearing. The adjudication may be declared as closed, if the protection of the State or adoption secret is necessary. Based on a reasoned court decision the adjudication may also be held in a closed court session, if so prescribed by that law.

378. In accordance with article 108 of the Administrative Procedure Law administrative cases shall be adjudicated by means of public hearing. Pursuant to a reasoned court decision, an administrative case may be adjudicated in a closed court session in order to protect the facts regarding either party's private life, which shall not be disclosed in the administrative proceedings, or in order to protect the State, professional, commercial or adoption secrets. If the administrative case is being adjudicated in writing and in a closed court session, an access to case materials for those not being a party to the respective administrative proceedings may be restricted.

379. As provided by article 11 of the Civil Procedure Law civil cases shall be adjudicated by means of public hearing, except those related to determination of the parentage of children, approval or refusal of adoption, annulment or dissolution of marriage and declaring a person legally incapable due to mental illness or mental deficiency. The mentioned provision also envisages situations, when pursuant either to a reasoned request by a participant in civil proceedings, or at the discretion of the court, its session or part thereof may be declared as closed.

#### **The right to be presumed innocent until proved guilty according to law**

380. Pertaining to the presumption of innocence enshrined in the legislative acts, the Republic of Latvia would like to specify that, pursuant to article 19 of the Criminal Procedure Law, no one shall be considered guilty until the guilt of such person has been proved in accordance with the procedure specified by this law. A person who has the right to defence shall not be required to prove his or her innocence. All reasonable doubts regarding guilt, which may not be eliminated, shall be evaluated as beneficial for the person who has the right to defence.

#### **Procedural rights in criminal proceedings**

381. Based on article 406 of the Criminal Procedure Law, after a decision adopted regarding the holding of a person criminally liable, a prosecutor shall immediately: (1) issue a copy of a bill of indictment to the accused person, after having acknowledged his or her identity, and explain the essence of such bill; (2) issue to the accused person written information regarding his or her rights; (3) ensure for the accused person the possibility to invite a defence lawyer, if such has not already been invited; (4) ascertain whether the accused person has a defence lawyer, or if there are grounds to request the assistance of such provided and financed by the State, or if the participation of the defence lawyer is mandatory; (5) ascertain whether the accused person has requests, whether he or she wishes to testify, and whether he or she has suggestions regarding the application of settlement proceedings.

382. In accordance with the Law on State Ensured Legal Aid (for details see paragraph 4), individuals who have been acknowledged as low-income or poor persons, have the possibility to receive state ensured legal aid as provided for by the legislative acts.

383. In accordance with article 11 of the Criminal Procedure Law, criminal proceedings are held in the official language. However, paragraph 3 envisages that, in issuing procedural documents to a person involved in criminal proceedings, who does not understand the official language, he or she shall be ensured, in the cases provided for by the mentioned law, an interpretation of such documents in a language he or she is able to understand. Pursuant to article 11, paragraph 4, an authority in charge of criminal proceedings may perform a particular procedural action in other language by adding the interpretation made in the official language. As provided by article 575, paragraph 1, subparagraph 4, one of the substantial violations, which in any case cause the revocation of a court decision or judgment, is a violation of the right of the accused person to use a

language, which he or she is able to understand and benefit from language interpretation services.

384. Article 97, paragraph 3, of the Criminal Procedure Law ensures that a victim has the right, in all stages of criminal proceedings and in all types thereof, to participate therein using a language, which he or she understands, and, if necessary, by using the assistance of an interpreter free of charge. In accordance with article 110, paragraph 2, of the Criminal Procedure Law before inquiry and interrogation is performed, a witness has the right to receive information from an authority in charge of procedural actions in the language that he or she knows well, by using the interpretation services, if necessary.

385. Article 20 of the Criminal Procedure Law guarantees that every person who is alleged to have committed a criminal offence has the right to defence, i.e., the right to know, which offence such person is suspected to have committed or is being accused of, and to choose his or her defence strategy. The right to defence may be performed either by the person himself or herself, or by inviting a person by his or her own choice to become a defence lawyer. The participation of a defence lawyer is mandatory in the cases specified in this law. If a person may not invite a defence lawyer due to his or her financial status, the State shall ensure assistance of the defence lawyer for such person and decide regarding his or her remuneration from the State budgetary funds, completely or partially discharging such person from the respective payment.

386. In accordance with article 14 of the Criminal Procedure Law every person has the right to the completion of criminal proceedings within the reasonable time, i.e., without unjustified delay. An authority in charge of criminal proceedings shall choose the simplest type of criminal proceedings, which shall not allow for unjustified interference to private life of an individual and inflict unjustified expenses. Criminal proceedings wherein a security measure related to deprivation of liberty has been applied or a person to be especially procedurally protected is involved shall have preference, compared to others as regards the ensuring of the reasonable length of that proceedings.

387. With respect to the right to a fair trial, it should be pointed out that every year the Ombudsman receives complaints about violations of the right to a fair trial and procedural safeguards related to it. Individuals frequently submit complaints on alleged violation of the right to the adjudication of the case within reasonable time. Irrespective of the fact that in various cases the proceedings before the case is adjudicated in a court of first instance are lengthy, both parties contribute to delaying the adjudication. Taking into account a massive workload of courts, when replying to such complaints the Ombudsman encourages the participants to implement their rights without abuse and to avoid intentional delays, thereby decreasing the length of the adjudication process (for statistical data on complaints received by the Ombudsman's Office, see annex 2; for statistics on complaints submitted to the ECHR concerning alleged violations of article 6, paragraph 1, of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the judgments of the ECHR finding respective violations, see annex 9).

388. Based on article 463 of the Criminal Procedure Law, participation of an accused person in the adjudication of criminal proceedings is mandatory. If the accused person does not appear before a court on its session, such adjudication shall be suspended. If an accused person does not appear before the court due to an unjustifiable reason, or he or she has not notified about the reasons for non-appearance, the court may decide upon his or her forced conveyance and alteration or application of a security measure. A court may also adjudicate a criminal case in the absence of an accused person, if he or she is located in a foreign state and his or her location is unknown, or he or she is located in a foreign state and it is not possible to ensure his or her arrival in the court. However, an accused person may appeal against the judgment/decision within the procedure of judicial review to a court of higher instance within the time period of 30 days upon the day when he or she learned, or he or

she should have learned, regarding the respective judgment or decision rendered by the court.

389. The Criminal Law envisages that every person involved in criminal proceedings has the right not to testify against himself or herself or to recognize himself or herself guilty. Furthermore, pursuant to the Criminal Procedure Law an apprehended person, a suspect and an accused person has the right to refuse to testify.

390. As provided by article 302 of the Criminal Law a person who, being a witness or a victim may be held criminally liable, if he or she refuses to testify without any legal grounds to a pretrial investigation institution or in a court. In accordance with article 300 of the Criminal Law, a person may be held criminally liable if, being a witness or a victim, gives an intentionally false testimony, or, being an expert, gives a false opinion or, being an interpreter, gives a false interpretation during pretrial criminal proceedings or in the court, to a sworn notary or a court bailiff, or an applicant on oath certifies an intentionally false explanation to the court in an administrative case.

391. Pursuant to article 130 of the Criminal Procedure Law it shall be admissible to use information regarding the facts acquired during criminal proceedings, if such information was obtained and procedurally fixed in accordance with the procedures specified in this law. Information regarding the facts that has been acquired by violating the provisions of the Criminal Procedure Law, inter alia, using violence, threats, blackmail, fraud, or duress, shall be deemed as inadmissible and unusable as evidence.

392. Division 4 of the Criminal Procedure Law provides regulation on special procedural protection, which envisages the protection of life, health, and other lawful interests of a victim, witness, and other persons, who testify or have testified in criminal proceedings regarding serious or especially serious crimes, as well as of a juvenile, who testifies regarding the crimes provided for in articles 161 (sexual intercourse, pederasty and lesbianism with a person who has not reached 16 years of age), 162 (inducement to engage in sexual activity) and 174 (cruelty towards and violence against a juvenile) of the Criminal Law, and of a person the threat to whom may influence the referred persons.

393. On 1 October 2005, the Law on Special Protection to Persons entered into force, which is aimed to ensuring the protection of the life, health and other lawful interests of the individuals, who testify in criminal proceedings or participate in serious or especially serious crime detection, investigation or adjudication.

#### **Specific nature of juvenile criminal proceedings**

394. The Criminal Law envisages a specific nature of criminal proceedings involving juveniles, stipulating particular rules of procedural actions, as well as specific provision on enforcement of criminal sentences (for details see paragraphs 192, 241, 268 and 284-296 and annexes 3, 5, 6 and 7).

#### **The right to judicial review in criminal proceedings**

395. In accordance with the Criminal Procedure Law an accused person has the right to judicial review, including by means of appeal and cassation procedures. An appeal may be submitted by an accused person or his or her defence lawyer, a victim or his or her representative. Furthermore, it should be stated that pursuant to article 556 of the Criminal Procedure Law a withdrawal of the appeal is not binding upon a court, if the appeal is withdrawn by a juvenile or a person for whom protection shall be mandatorily ensured due to his or her physical or mental deficiencies, or a defence lawyer or a representative of the juvenile, or the court of appeals determines a manifest violation of the Criminal Law or this law, as a result of which the challenged court decision or judgment shall be revoked or altered in order to reduce the scope of the bill of indictment, the penalty, or complete the

adjudication. Based on article 571 of the Criminal Procedure Law, a cassation complaint may be submitted by an accused person, his or her defence lawyer, the victim or his or her representative.

396. Pursuant to article 16 of the Law on Judiciary of 16 December 1993, a court judgment enters into force after the expiry of its appeal or protest deadline, and it has not been appealed or protested against, or a higher court, having adjudicated the appeal or protest, has upheld it, or altered it without quashing the judgment.

397. Article 344 of the Criminal Procedure Law embraces the principle of *reformatio in peius* prohibition, which stipulates that an official or a court, which examines an application, may not quash the previously adopted judgment or decision, if that may place an individual who submitted such application or in the interests of whom the respective application was submitted in a less favorable position.

#### **The right to compensation for unjustified conviction**

398. In accordance with the Law On Compensation for Damages Caused by Illegal or Unfounded Actions of the Inquiry Institution, the Prosecutor Office or the Court, a person is entitled to compensation for damage as a result of illegal or unjustified actions performed by an investigating authority, a prosecutor or a court in exceeding his or her official authority. This law indicates the following legal grounds for compensation of damage: (1) an acquittal upheld by the court irrespective of the motives; (2) completion of criminal proceedings due to rehabilitating conditions; (3) recognition of administrative arrest as illegal and the completion of administrative proceedings.

399. Pursuant to the mentioned legal provisions, a person is entitled to claim a compensation for damage in the following situations: (1) criminal sentence has been imposed and served by him or her; (2) a security measure, namely, detention on remand or house arrest has been applied; (3) he or she was apprehended in accordance with the Criminal Procedure Law provisions; (4) a compulsory medical measure has been applied in compliance with the Criminal Law provisions; (5) he or she was subjected to involuntary placement to the medical institution in accordance with the Criminal Procedure Law provisions; (6) being an accused person, he or she was temporarily suspended from service; (7) administrative penalty has been imposed on him or her; (8) due to be held criminally liable he or she uses a legal assistance provided by a sworn attorney. The person is not authorized to receive compensation if it is proved that during pretrial investigation or adjudication process he or she intentionally pleaded to be guilty to aid another person or otherwise caused an incurrence of the mentioned damage by his or her intentional actions.

400. For statistical data on applications submitted to and examined by the Prosecutor's Office and the amount of compensations paid pursuant to the Law On Compensation for Damages Caused by Illegal or Unfounded Actions of the Inquiry Institution, the Prosecutor's Office or the Court, see annex 7.

#### **The right not to be tried or punished twice**

401. Article 25 of the Criminal Procedure Law represents the principle of *ne bis in idem*, which signifies that a person shall not be tried and punished for the same criminal offence twice. If in imposing a criminal sentence it was determined that an administrative punishment had been already applied to such person regarding the same offence, the latter shall be annulled and taken into account considering the appropriate criminal sentence. A person may not be subject to adjudication and punishment in Latvia, if he or she has been convicted or acquitted for the same offence in a foreign state, with which Latvia has an agreement on mutual recognition of criminal judgments or an agreement on the observance of the principle of *ne bis in idem*. If a person is convicted in a foreign state, the part of the

sentence, which has already been served, shall be included in the sentence, if such case is repeatedly examined and adjudicated.

402. The aforementioned legal provision also foresees the cases, which are not deemed to be a repeated adjudication, namely: (1) repeated adjudication of a criminal case in a court of any instance, if the previous judgment or decision has been quashed in accordance with the appeal procedure specified in this law, before it becomes effective; (2) new adjudication of a criminal case on the basis of newly disclosed circumstances in accordance with the procedure and in cases laid down by this law. As provided by the Criminal Law, a criminal case may be repeatedly adjudicated in order to improve the condition of a convicted person.

### **Civil procedure**

403. In order to ensure the right to a fair trial, which are enshrined in the Satversme, on 12 February 2004, article 83 of the Civil Procedure Law was amended. The amendments prescribed that every individual may become an authorized representative in civil proceedings in compliance with the restrictions specified by this law. Previously, the Civil Procedure Law provided an exhaustive list of persons allowed to become representatives in civil proceedings (for instance, a sworn attorney).

404. By amendments introduced to the Civil Procedure Law on 17 June 2004 (entered into force on 1 July 2004), the enforcement of court judgments in cases regarding the recovery of child subsistence was improved and the amount of the child support payments was increased, by providing that the Subsistence Guarantee Fund (Fund) in a non-disputable manner on a regress basis recovers a debt from individuals evading to pay the subsistence in the total amount of the sum that has been disbursed from the assets of the Fund.

405. On 1 July 2008, amendments to the Civil Procedure Law entered into force, which specifies that a court judgment adopted under appeal procedure becomes effective upon the date of termination of the time limits granted to under cassation procedure within which the respective cassation complaint against judgment has not been submitted.

### **Judicial system**

406. On 5 January 2004, the Judicial Administration, an authority under supervision of the MoJ, commenced its activities. The Judicial Administration organizes and ensures an administrative operation of District (City) courts, Regional courts and Land register divisions. The Judicial Administration is governed by the CM Regulation No 720 "Statutes of Judicial Administration" of 16 December 2003, which prescribes functions and regulation of its activities.

407. During the time period from 2004 to 30 June 2008, the following amendments were introduced to the Law on Judiciary:

- On 21 October 2005, the aforementioned law was amended by including Chapter 3<sup>1</sup>, which determines access to information, namely, to court judgments and decisions, case materials, as well as foresees an appeal procedure that may be brought against a refusal to access to such information;
- In accordance with amendment made on 18 April 2008, article 29 states that a District (City) court may be provided with a structural unit – a court house located within the territory of operation of the respective court. This amendment aims at effective regulation of court's activities, as well as ensuring the principle of distribution of cases in an accidental manner between judges is duly implemented. In order to facilitate transparency and openness of court's activities, the mentioned law was also supplemented by article 28<sup>7</sup> envisaging that the information related to a court shall be published on the Internet;

- In order to regulate high-level professional nomination requirements provided to candidates for a judge office, amendments were made to article 53, paragraph 1, subparagraphs 4 and 5, of the aforementioned law, by supplementing these provisions with a reference that second-level higher education diploma in law now constitutes a mandatory requirement;
- With the aim to restrict activities of legal professionals who committed a violation of professional ethics standards, amendments of 18 April 2008, were introduced. It is stipulated that a person who has been removed from the office of a judge, a sworn bailiff, an assistant of a sworn bailiff, a sworn notary, an assistant of a sworn notary, or excluded from the number of sworn attorneys or assistants of sworn attorneys or dismissed from the position of a prosecutor on the basis of a decision in a disciplinary matter and five years have not been passed from the entering into force of the decision adopted in a disciplinary matter, may not become a candidate for a judge office;
- Amendments foresee an assignment to the CM, which embraces the obligation to determine the procedure for the selection, apprenticeship and passing of qualification exams for judge office's candidates, aimed at establishing a clear and transparent system of selection thereof, at the same time ensuring a nomination of highly-qualified legal professionals only;
- The aforementioned amendments also introduce Chapter 14<sup>1</sup> "Commission of Judicial Ethics". The Commission of Judicial Ethics is a collegial administrative body, which is established for providing opinions on the interpretation and violations of ethical standards, as well as explaining ethical standards of judges.

408. For statistical data on the total number of judges, aggregated by gender; statistics on the disciplinary proceedings initiated against judges and their procedural status; statistics on the total amount of cases admitted for adjudication and adjudicated cases in the courts; statistics on judge vacancies and data on the average length of the court proceedings, see annex 10.

#### **Article 15**

409. The Republic of Latvia would like to refer to the information provided in the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 234-236) and holds that during the reporting period no legislative changes were introduced to the legislative regulation pertaining to the implementation of the principle of retroactive effect of the legislative acts.

#### **Article 16**

410. The Republic of Latvia would like to refer to the information provided in the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 237-239) and states that during the reporting period no legislative changes were introduced to the respective legislative acts.

#### **Article 17**

411. The right of an individual to private life, home and correspondence, as well as the right to protection of honour and dignity are enshrined both, in articles 95 and 96 of the Satversme and various other legislative acts governing specific fields of legal relations.

412. In accordance with article 201<sup>4</sup> of the Administrative Offences Code, an administrative fine imposed for interference in private life by using mass media, constitutes the amount of up to 250 LVL. Article 201<sup>8</sup> prescribes that an administrative fine in the amount of up to 250 LVL shall be imposed in the case of disclosure of the information source by a press or other mass media editor (chief editor) in the mass media, if he or she has assumed in writing not to disclose it. Article 45<sup>3</sup> of this law foresees administrative

liability in the case of illegal disclosure of confidential information obtained in during medical treatment process (an administrative fine in the amount of up to 250 LVL).

413. In accordance with article 5, paragraph 2, subparagraph 4, of the Freedom of Information Law the information concerning private life of an individual shall be deemed as restricted access information. Pursuant to article 16 of this law, if, due to illegal disclosure of restricted access information, damage has been caused to its owner or another person, or his or her legal interests have been significantly violated, these persons have the right to claim for compensation for damage caused by the respective actions, or for restoration of the violated rights. If a person has unlawfully disclosed information, which has been recognized as restricted access information, he or she shall be held disciplinarily or criminally liable.

414. Article 6 of the Personal Data Protection Law determines that every individual has the right to the protection of his or her personal data. Personal data processing is permitted only, if otherwise not prescribed by this law. A data subject has the right to request that his or her personal data be supplemented or altered, as well as request to suspend the processing of the personal data or to destroy them, if these data are incomplete, outdated, false, illegally obtained or are no longer necessary for the purposes, which they were collected for. All state and municipal institutions, individuals and legal entities who wish or commence to collect personal data shall register such activity under the procedure specified by the Personal Data Protection Law.

415. In accordance with article 54, paragraph 2, of the Administrative Procedure Law, the information revealing the identity of a person, who has informed State institutions about the committed offence, may be given only with the consent of such person. Pursuant to article 59, paragraph 3, of this law, if necessary information contains data on individual's private life, the institution shall explain to such person legal requirements and the purpose for the acquisition of the respective information, as well as whether it is mandatory for the person to provide the information in accordance with the legislative acts, or the provision thereof is voluntary.

416. Pursuant to article 9 of the Petitions Law (for details see paragraph 4), it is prohibited to disclose the information regarding the identity of an applicant without his or her consent, except otherwise provided by law.

417. On 1 June 2007, article 204<sup>16</sup> of the Administrative Offences Code entered into force thereby determining administrative liability for violation of the prohibition on sending commercial information.

418. In accordance with amendments adopted on 12 February 2004, to article 143 of the Criminal Law, which foresees criminal liability for unlawful entry upon person's premises and imposes criminal penalty for committing such offence by using violence, threats or arbitrary designating himself or herself as a state official, was supplemented by the possibility to impose upon a guilty person an alternative penalty, namely, community service.

419. As provided by amendments adopted on 29 April 2004, of article 144 of the Criminal Law, a person who committed an intentional violation of the confidentiality of correspondence, or information in the form of transmissions over a telecommunications network, or information and programmes envisaged for use due to an automated data processing, shall be sentenced by deprivation of liberty for a period of up to three years, or community service, or a fine not exceeding one hundred times the minimum monthly salary, or deprivation of the right to hold certain offices for a period of not up to five years, or without it.

420. In accordance with amendments of 12 February 2004, introduced to article 165 of the Criminal Law, intentional defamation or demeaning of person's dignity either orally, in



writing or by acts is punished by the imposition of community service, or a fine not exceeding fifty times the minimum monthly salary. The same amendments also foresee relevant alteration in criminal sanction prescribed by article 157, which envisages, that a person, who knowingly commits intentional dissemination of fictions, knowing them to be untrue and defamatory of another person, in printed or otherwise reproduced material, as well as orally, if such has been committed publicly (bringing into disrepute) is punished by the imposition of community service, or a fine not exceeding sixty times the minimum monthly salary.

421. Article 158 of the Criminal Law prescribes that criminal liability is imposed for intentional defamation or bringing into disrepute in mass media, and sentenced by deprivation of liberty for a period of up to one year, or custodial arrest, or punished by community service, or a fine not exceeding thirty times the minimum monthly salary.

422. In accordance with article 12 of the Criminal Procedure Law, the restriction of human rights is allowed only if that is required for public safety reasons, and in accordance with the procedure specified by this law with respect to the nature and extent of danger of the criminal offence. An affirmative decision adopted by an investigative judge constitutes legal grounds for interference in person's correspondence, communication facilities, as well as entry upon publicly inaccessible places. The obligation to protect person's private life and commercial secret shall be borne by an authority in charge of criminal proceedings, a prosecutor and an investigative judge. Information regarding such issues shall be obtained and used only in case where such is necessary in order to clarify conditions that are to be proven. An individual has the right to request that a criminal case does not include the information regarding private life, commercial activities and financial status of such person or the engaged person, spouse, parents, grandparents, children, grandchildren, brothers or sisters of such person, if such information is not necessary for ensuring a fair regulation of criminal legal relations.

423. The Criminal Procedure Law, similar to the Criminal Procedure Code, determines situations wherein State institutions are entitled to interfere with the exercise of the right to private and family life, home and correspondence in accordance with the procedure stipulated by this law. The Criminal Procedure Law foresees the following procedural actions: a search of premises, a search of a person, a search on diplomatic and consular premises, a seizure. The search is carried out based on a decision adopted by an investigative judge or a court. The investigative judge shall adopt a decision by taking into account an application of an official in charge of criminal proceedings and the case materials attached thereto. The seizure shall be authorized by an authority in charge of criminal proceedings.

424. Chapter 11 of the Criminal Procedure Law also envisages the following specific procedural actions: control of legal correspondence; control of means of communication; control of data in an automated data processing system; control of the content of transmitted data; audio surveillance of a venue or a person; video surveillance of a venue; surveillance and tracking of a person; surveillance of an object; a special investigatory experiment; the acquisition in a special manner of the samples necessary for a comparative study. An investigative judge shall adopt a decision authorizing an authority in charge of criminal proceedings, or an institution or a person on behalf of him or her, to perform the mentioned actions. If, in order to perform the special investigatory actions, it is necessary to involve the means and methods of operative investigatory activity, that shall be entrusted only to authorized State institutions. Special investigatory actions are allowed to be performed while investigating serious or especially serious crimes.

425. In accordance with article 7 of the Law on Operative Investigatory Actions of 16 December 1993, investigatory control over correspondence, investigatory acquisition of information by technical means, investigatory covert interception of non-public

conversations (including by telephone, electronic or other means of communication) and investigatory entry shall be performed only in accordance with the special procedure and with the approval of the Chief Justice of the Supreme Court or a judge of the Supreme Court specially authorized by him or her. In cases where immediate action is required, the operative investigatory actions may be performed without the approval of a judge. A prosecutor shall be notified within a period of 24 hours, and approval of the judge shall be obtained within a period of 72 hours.

426. In accordance with amendments made on 26 January 2006, to the Civil Law, article 2352<sup>1</sup> was introduced, which determines the individual's right to retraction of defamatory information. This provision stipulates that, if the information, disseminated in mass media and defames the honour and dignity of a person, is deemed to be false, such information shall be retracted. If the information defaming the honour and dignity of the person is contained in a document, such document shall be replaced. In other cases the retraction issue is regulated by a court. If the violation of the right to honour and dignity occurs, the individual has the right to claim for compensation for damage incurred by the respective actions, the amount of which is defined by the court at its own discretion.

427. For statistical data on the criminal proceedings initiated under articles 156 - 158 of the Criminal Law in the courts of first instance during 2004 – 2008; data on the final outcome of criminal proceedings under articles 156 – 158 of the Criminal Law during 2004 – 2008; as well as data on the number of complaints concerning illegal and arbitrary violations of privacy submitted to the State Data Inspectorate, see annex 11.

### **The right to housing**

428. The legislative acts of the Republic of Latvia and state support ensure the protection of socially vulnerable groups who are subject to risk of losing their housing.

429. On 12 June 1997, the Law on Social Apartments and Social Residential Houses was adopted, which determines legal status of social apartments and social residential houses, their development and funding principles, as well as a list of persons entitled to rent the social apartments and the procedure of social assistance provided by municipalities for renting such premises.

430. In accordance with amendments adopted on 3 October 1996, to article 15, paragraph 4 of the Law on Social and Medical Protection of Disabled Persons, the interests rates specified in loan agreements, which are concluded with the purpose of introducing special adjustments for disabled persons' accommodation, are covered partly or fully by funding according to the procedure determined by the CM Regulations. The mentioned regulations foresee that the right to coverage of loan interests rates is granted to those who, taking into account the recommendations provided by an ergotherapist, a doctor or social service, have made necessary adjustments of their housing aimed at diminishing the impact of disability on person's ability to integrate and develop self-care skills.

431. On 6 December 2001, the Law on Assistance in Solving Apartment-Related Issues was adopted, which determines a list of persons eligible to receive state ensured assistance in issues related to housing, as well as foresees the procedure of providing of such assistance. The mentioned law comprises the following types of assistance: rent of residential premises owned or leased by the municipality; rent of a social apartment; provision with temporary residential premises; assistance in exchanging rented residential premises for other rentable residential premises; allocation of allowance to cover rental payment and payment for services associated with the use of the residential premises; allocation of a one-off allowance for renovation of residential premises or residential house; allocation of a one-off allowance for abandonment of residential premises; renovation of residential premises; assistance in purchase or construction of residential premises and assistance in renovation and restoration of residential house. On 28 August 2007, the CM

Regulation No 595 “Procedure on state involvement in granting financial allowance for abandonment of residential premises” were adopted, which prescribes the procedure of receiving a state ensured allowance payment for abandonment of the residential premises for persons specified by the provisions of the Law on Assistance in Solving Apartment-Related Issues.

432. By amendments adopted on 5 July 2001, the Law on Rent of Residential Premises (entered into force on 1 January 2002) was supplemented by Chapter, which specifies the provisions related to assistance provided by municipalities to low-income tenants, who have been evicted from the residential premises due to his or her failure to pay the rental payment for more than three months; or if the owner (renter) of a house has taken a decision to demolish the house or carry out capital repairs works and a low-income tenant has reached retirement age or is incapable of work due to disability; or if he or she resides with a juvenile, or a person under guardianship or a low-income person who has reached retirement age, or a low-income person who is incapable of work due to disability. At the same time the mentioned law stipulates that it is for municipalities to consider over the categories of persons provided by state ensured assistance, if such persons are subject to eviction from the residential premises. The enforcement of the court judgment pertaining to the eviction of tenants from the residential premises shall be suspended until the municipality provides these persons with other residential premises suitable for living.

433. The CM Regulation No 237 “Procedure on granting state earmarked subsidies to municipalities for solving apartment-related issues” of 5 April 2005, stipulates the conditions and requirements of granting the State earmarked subsidies; the procedure thereby applications of municipalities for construction of residential houses shall be examined. This regulation also determines provisions related to renovation of non-rented residential houses, conversion (reconstruction) of buildings into residential houses, completion of newly built apartment houses (construction work of which has been suspended) or acquisition of separate apartment properties for the ensuring of the permanent function of municipalities – the provision of assistance to local residents in solving the apartment-related issues.

434. In order to determine the procedure of State assistance provision in purchasing or constructing residential premises by providing a loan guarantee several CM regulations have been developed to address this issue. For instance, the CM Regulation No 608 “Procedure on the provision of a loan guarantee to families with children for acquisition or construction of residential premises (housing)” of 16 August 2005, the CM Regulation No 609 “Procedure on the provision of assistance for the acquisition or construction of residential premises by issuing respective loan guarantee” of 16 August 2005, the CM Regulation No 610 “Procedure on granting of a loan guarantee to owners of apartments for the renovation or reconstruction of an apartment house”. The CM Regulation No 711 “Procedure on selecting tenders and entering into agreements regarding the rent of residential premises or residential houses” of 29 August 2006, foresees the procedure thereby municipalities shall exercise the rights to reach an agreement with owners or possessors of residential houses regarding the rent of unrented residential houses or unrented individual residential premises, as well as the procedure thereby municipalities shall select the most appropriate tenders submitted by owners or possessors of residential houses.

435. On 18 September 2008, amendments to article 35, paragraphs 1 and 5, of the Law on Social Services and Social Assistance were introduced, which determine the procedure thereby the municipality shall disburse both, the allowance for ensuring the minimum income level and the apartment allowance. The amount of the apartment allowance, its disbursement procedure, as well as a list of persons entitled to such financial support, is provided by the municipal by-laws.

**Restrictions of human rights**

436. Since 6 November 1998, when amendments to the Satversme were adopted, Article 116 thereof defines permissible restrictions of human rights protected by the Satversme. Thus, pursuant to article 116, inter alia, the right to inviolability of private life may be restricted in cases provided by law with the aim to protect the rights of other people, the democratic state system, public safety, welfare and morals.

437. The restrictions imposed on the person's rights, which are enshrined in article 17 of the Covenant, may be justified by a criminal sentence – deprivation of liberty, as well as by other compulsory procedural measures. Article 49 of the LES foresees that convicted persons are allowed to send and receive letters and telegrams without limitations. However, correspondence between convicted persons in places of deprivation of liberty, if they are not relatives or spouses, is prohibited.

438. The administration of the place of deprivation of liberty shall issue incoming letters and telegrams addressed to convicted persons and deliver their correspondence to addressees not later than within three days upon the day when the letter or telegram is received. Letters and telegrams both, incoming and outgoing correspondence may be withhold for the following reasons: their content entails the risk to the enforcement of criminal sentences, security of the place of deprivation of liberty, or its internal rules; forwarding of the subject-matter thereof could facilitate committing of a criminal or administrative offence; or they could jeopardize another individual's rights and interests protected by law.

439. Convicted persons are allowed to make telephone calls at their own or the addressee's expense, as much as it is permitted by the respective type of the place of deprivation of liberty and corresponds to level of the imprisonment regime thereof. Telephone conversations, except those with a sworn attorney, shall be subject to control.

440. Human rights are restricted by applying various compulsory procedural measures. In accordance with article 271, paragraph 2, of the Criminal Procedure Law, the application of detention on remand provides legal grounds for human rights restrictions. Additional restrictions may be applied to meetings and communication, except those with a defence lawyer (a sworn attorney), as well as control over correspondence and communication of a detained person may be enforced. It should be emphasized that the scope of restrictions imposed on the detainee shall be assessed and determined on individual basis by an investigative judge or a court, by examining the proposals of an investigator or a prosecutor and hearing the views of the detainee, as well as taking into account the nature of the criminal offence, and reasons for detention.

441. For statistical data on the complaints received and examined by the Ombudsman regarding the right to private life, see annex 2.

**Judgments of the courts of general jurisdiction**

442. During the reporting period the courts of general jurisdictions have adjudicated important matters, which left impact on national case law pertaining to the violations of the right to private life. The adjudication of several cases is still pending.

443. For instance, On 10 March 2006, a plaintiff K.D. brought a claim against the magazine "P.D." with compensation for non-pecuniary damage in the total amount of 5,000 LVL for unlawful interference with the right to private life. The plaintiff stated that on 30 November 2004, the respondent published an article and made covert photos of K.D. leaving the maternity hospital with her newborn. By its judgment the Rīga Regional Court rejected the claim, while on 10 September 2008, the Supreme Court Senate quashed the mentioned judgment and sent the case for new examination. This judgment is of significant importance due to the fact that it was the first time when civil matter was adjudicated on the

grounds of interference with the individual's right to private life by publishing the photographs of the individual concerned.

444. On 9 February 2007, the Rīga Regional Court delivered a judgment regarding the claim brought by I.J. against the Republic of Latvia, the Ministry of Finance and the State Revenue Service regarding the interference with the individual's right to privacy (inviolability of private life, home and correspondence). By the court judgment the plaintiff was awarded with compensation for non-pecuniary damage in the total amount of 100,000 LVL, which constitutes one of the largest compensation amounts paid under such types of claims.

445. Moreover, during the reporting period numerous matters have been adjudicated in the Latvian courts regarding non-pecuniary damage. The mentioned claims are related to tragic accident, which took place in Talsi town on 28 June 1997. During the festival organized by the MoI, the fire truck basket with 22 persons in it crushed from over 19 meters height. Several victims of the so-called "Talsi tragedy" brought claims against the MoI and the State Fire and Rescue Service (SFRS) for compensation of non-pecuniary damage, as well as compensation for bodily injuries or mutilation.

446. For instance, on 2 April 2007, the Rīga Regional Court, as a court of first instance, partially satisfied a claim brought by G.A. and A.A. and held that the respondent shall pay the plaintiffs compensation of 50,000 LVL to each for non-pecuniary damage, which was caused by death of the plaintiffs' 13 years old son. The judgment of the first court instance has been upheld by the Supreme Court Senate under appeal proceedings. The case allegedly may become subject to an appeal under the cassation procedure.

447. On 14 April 2007, the Rīga Regional Court examined the claim brought by V.V. against the MoI and SFRS for compensation of pecuniary and non-pecuniary damage. By the judgment delivered by the court of first instance, V.V. was awarded with compensation in the amount of 20,000 LVL for damage caused to the individual's health, as well as 40,000 LVL – for mutilation and disfigurement, 20,000 LVL – for non-pecuniary damage and 967,28 LVL – for medical expenses. The adjudication of the case under the appeal procedure will be announced in 2009.

448. On 29 October 2007, the Rīga Regional Court, as a court of first instance, satisfied a claim brought by Andris Z. and Aija Z. against MoI and SFRS for compensation of mutilation and non-pecuniary damage. The court held that the respondent shall award the plaintiff Andris Z. with compensation in the total amount of 50,000 LVL for mutilation, 50,000 LVL – with respect to non-pecuniary damage, and the plaintiff Aija Z. shall be awarded with compensation of 20,000 LVL for non-pecuniary damage. The Supreme Court will examine the case under appeal procedure in 2009.

449. On 12 June 2008, the Rīga Regional Court, as a court of first instance, satisfied a claim brought by T.P. against MoI and SFRS for compensation of medical expenses with respect to bodily injuries caused by the tragic accident. The court held that the plaintiff T.P. shall be awarded with compensation of medical expenses in the amount of 1,541,13 LVL, compensation of 20,000 LVL – for damage caused to the individual's health, 15,000 LVL – for mutilation and 20,000 LVL – for non-pecuniary damage. The judgment of the first instance has been appealed and further adjudication will commence in 2009.

#### **Development of mental health care policy**

450. On 6 August 2008, *the Basic Guidelines on Improvement of the Mental Health of the Population for 2009-2014* was approved by the CM. These guidelines are developed for determining the community based priorities of health care policy, as well as for continuing of its rational, effective and qualitative development. The key goal of these guidelines is to ensure the provision of qualified mental health treatment, which correspond to the

community needs; to develop the mental health service based on community support; to ensure cooperation among various State institutions for resolving the respective issues; to promote and raise public awareness of mental health care issues.

451. Since 2005, Latvia has continued to implement the EQUAL project financed by the EU, which is dedicated to the reintegration of persons with mental illness into community. Till 2007, within the framework of the mentioned project, 14 seminars targeted at patients and potential employers have been held, as well as workplaces for 243 individuals have been established.

#### **Article 18**

##### **Reply to the recommendations contained in paragraph 15 of the concluding observations**

452. The Republic of Latvia would like to inform, that both, the Law on Compulsory Military Service and the Law on Alternative Military Service have been declared null and void. Since 1 January 2007, the Republic of Latvia transformed its national armed forces to the professional military service, which is established on voluntary basis.

##### **The right to freedom of religion**

453. Article 99 of the Satversme and other legislative acts guarantee the individual's right to freedom of religion. Thus, both State institutions and private companies, as well as individuals shall observe the right to freedom of religion and refrain from any abuse of this right. The State defends the individual's right to freedom of religion by both, allowing the individual to join any denomination and imposing sanctions on those who unlawfully restrict or violate the respective right.

454. The Republic of Latvia refers to the information provided by the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 259-267) about the registration process of religious organizations according to the Law on Religious Organizations of 7 September 1995. In addition, for statistical data regarding the number of religious organizations (congregations), their registration's approvals and refusals to register in 2004 – 2008, see annex 12).

455. Upon being registered, all religious organizations obtain equal rights to organize public events, preaching teachings, or invite foreign missionaries. Each religious organization is subject to equal tax rates, tax incentives, as well as each of them is entitled to apply for receiving of the public benefit organization status. Therefore, the State has ensured equal opportunities for the registration of the religious organizations as well as for the performance of their activities.

456. The registration of the mentioned organizations is refused, if an applicant fails to submit all documents specified by the law, or the submitted documents do not comply with the law provisions, or a religious teaching, goals or tasks defined under the statutes do not comply with the Satversme, other legislative acts, or an activity (or teaching) of the religious organization constitutes a threat to public safety or order, health or morals, other individual's rights and freedoms, teaches religious intolerance and incites hatred, or otherwise do not comply with law provisions.

457. In accordance with the Law on Religious Organizations, every Latvian resident has the right to join a religious congregation. Direct or indirect restriction of the individual's right, or unequal treatment, as well as violation of the religious sensibilities of individuals or incitement to religious hatred is prohibited. This law provides that state and municipal institutions, public organizations as well as companies (establishments) shall be prohibited to request information from employees and other persons regarding their attitude towards religion or denominational affiliation.

458. Close relations have been established with Evangelical Lutheran, Roman Catholic, Orthodox, Old Believer, Methodist, Baptist, Seventh-day Adventist and Moses faith (Judaist) denominations. In 2007, the Saeima adopted five laws, which govern the relationship between the State and particular religious organizations, i.e., the Latvian Old Believers Pomor Church Law, the Seventh-day Adventist Latvian Congregations' Association Law, the Latvian Baptist Congregations' Association Law, the Latvian Unified Methodists Church Law and the Rīga Jewish Religious Congregation Law. On 2 July 2002, the CM Regulation No 277 "On chaplains' service" was adopted (for statistical data on the number of religious organizations (congregations) in 2004 – 2007, see annex 12).

459. Article 150 and 288 of the Criminal Law foresees that criminal liability shall be imposed for violation of individual's religious sensitivities or inciting to hatred due to such individual's attitude towards religion or atheism (in addition, see paragraphs 474, 475 and annex 12).

#### **Article 19**

460. The Republic of Latvia refers to the information provided in the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 268 - 273) and holds that the right to freedom of expression, the right to freely receive, keep and disseminate information is enshrined in article 100 of the Satversme. The mentioned right is subject to restrictions provided under the Satversme provision (art. 116) and international human rights treaties, which are binding upon Latvia.

#### **The right to freedom of expression and the right to express views**

461. Article 1 of the Law on the Press and Other Mass Media stipulates that any person or groups of persons, State institutions, all types of private companies and organizations in Latvia have the right of freedom to express their views, to disseminate information in the press and other mass media and to receive information on any subject of interest or social life. This provision also envisages that censorship of the press or any other means of mass media, as well as other mass media monopoly is prohibited.

462. Article 19 of the Law on Meetings, Marches and Piquet Lines guarantees freedom of expression during meetings, marches and piquet lines. Article 10, paragraph 2, of this law stipulates that during the public events specified by the law (i.e., meetings, marches and piquet lines) it is prohibited to take actions against the independency of the Republic of Latvia, express public statements concerning violent overthrowing of the Government of the Republic of Latvia, instigate disrespect for state laws, incite to violence, racial or ethnic hatred, advocate fascism, Nazi or communism ideology, propagate war, as well incite to committing criminal or other types of offences (for details see paragraphs 464-469).

463. In accordance with a judgment delivered by the Constitutional Court of 5 June 2003, in the case on compliance of article 19, paragraph 5, of the Law on Radio and Television with the Satversme and international human rights treaties, the challenged provision, which defined the proportion of programmes in foreign languages created by a broadcasting organization (25 per cent of the total broadcast time per 24 hours) was declared as being incompatible with the Satversme and null and void. On 16 December 2004, the Saeima adopted the amendment to the challenged provision in the following wording: "If the Cabinet of Ministers determines that in a part of the territory of the State there exists a threat to the use of the State language, or the use or distribution thereof is insufficient, the Cabinet of Ministers shall decide on the measures promoting the use of the State language in the relevant territory." It should be stated that until now this provision has not been applied into practice (in addition, see paragraph 616).

**The right to freely receive and disseminate information**

464. Article 2 of the Freedom of Information Law comprises the basic principle, which states that information shall be accessible to the public in all cases, except otherwise specified by this law. Information, which this law refers to, is classified as generally accessible information, or restricted access information. The law provisions specify that a commercial secret; information concerning individual's private life; information related to certifications, examinations and invitations to tender, as well as information intended and specified for internal use by an institution; information, which has been granted such status by legislative acts (for instance, information on State secret in accordance with Law on State Secret) and information on the North Atlantic Treaty Organization, or the EU documents shall be deemed restricted access information.

465. The Petitions Law (in addition, see paragraph 4) specifies the individual's right enshrined in article 104 of the Satversme to submit an application to State and municipal institutions and receive a response on its merits, as well as prescribes the time limits for delivering of such response and the content thereof. This law is applied not only to written applications, but also to those submitted by electronic transmission thereby guaranteeing the individual more convenient and fast access to information held by State and municipal institutions.

466. On 1 June 2007, the Law on Pornography Restrictions entered into force. Article 4 of this law prescribes that child pornography is prohibited within the circulation of the pornographic material. As well, it is prohibited to circulate such material, wherein bestiality, necrophilia or the violent sexual acts are described or depicted. It is also prohibited to involve a child in the circulation of the pornographic material, and make such material accessible to a child. The circulation of the pornographic material received against the will of an individual concerned is prohibited. The restrictions are also applied to dissemination and advertisement of such information. If there are grounds to believe that any of such material (a video, a publication, a picture or a computer programme, etc.) is deemed to be of pornographic nature, or is deemed to be child pornography, or there is a misuse of the relevant legislative acts, a commission of experts shall examine the case and deliver the respective opinion.

467. On 26 October 2005, article 7 of the Law on the Press and Other Mass Media was supplemented by paragraph 9 and 10, which stipulate the prohibition to publish material, which contains child pornography and which depicts acts of violence towards a child, as well as erotic and pornographic material, if violation of the procedure of circulation of such material has been detected.

468. Article 17, paragraph 3, subparagraph 2, of the Law on Radio and Television prescribes that it is prohibited to include pornographic material in the television and broadcasting programmes.

469. Article 166 of the Criminal Law states that an individual is held criminally liable for violation of the provisions regarding importation, production, distribution, public demonstration, playing or advertising of pornographic writings, printed publications, pictures, films, video and audio recordings or other pornographic material, if such is repeated within a one year period. An individual shall be also held criminally liable for downloading, acquisition, importation, production, public demonstration, advertising or other distribution, or keeping of such pornographic or erotic material, which is related to or depict the sexual abuse of children, bestiality, necrophilia or pornographic violence, (for statistical data on the examination of the criminal cases under article 166 of the Criminal Law, see annex 13).



**Article 20**

470. The Republic of Latvia refers to the information provided in the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 274-280) about the legislative regulation, which is related to the dissemination, publication of information, inciting to violent overthrowing of the Government, a war, cruelty, racial, ethnic or religious hatred, or committing other criminal offence (Article 7, paragraph 1 and Article 10, paragraph 2 of the Law on the Press and Other Mass Media, Article 17, paragraph 3 of the Radio and Television Law).

471. By amendments adopted on 28 April 2005, to the Criminal Law, article 71<sup>1</sup> was introduced, which envisages criminal liability for public incitement to genocide, which may be sentenced with deprivation of liberty for up to eight years.

472. On 12 October 2006, amendments of the Criminal Law were adopted, which supplemented article 48, paragraph 1, with subparagraph 14, which states that when determining criminal penalty, the racist motivation is regarded as a circumstance aggravating criminal liability. Therefore an additional meaning is now attributed to article 156 of the Criminal Law, which envisages criminal liability for defamation, as well as article 158, which stipulates criminal liability for defamation or bringing into disrepute in the mass media (see paragraphs 420- 421 and annex 11).

473. On 21 June 2007 amendments to the Criminal Law were adopted and entered into force on 19 July 2007, which specify article 78 and article 150 as „Incitement to national, ethnic and racial hatred” and „Incitement of religious hatred” respectively.

474. Article 78 of the Criminal Law foresees criminal liability for intentional acts directed towards inciting to national, ethnic or racial hatred or enmity. Subparagraph 2, of this article stipulates more severe sentence (deprivation of liberty for up to ten years), if such acts are associated with violence, fraud or threats, or where they are committed by a group of individuals, a State official, or a responsible employee of a company (establishment), or if it is committed by using an automated data processing system.

475. Article 150 of the Criminal Law determines criminal liability to be imposed for violation of religious feelings of individuals due to their attitude towards religion or atheism. Subparagraph 2, of this article envisages more severe sentence (deprivation of liberty for up to four years), if such acts caused substantial harm or they are associated with violence, fraud or threats, or where they are committed by a group of individuals, or a State official, or a responsible employee of a company (establishment), or if it committed by using an automated data processing system.

476. For statistical data on the examination of criminal proceedings initiated and the prosecutor's penal injunctions applied in respect of offenders under article 78; the number of persons convicted under article 78; criminal proceedings initiated under article 150, 228 of the Criminal Law, as well as statistics on the final outcome of the proceedings during the period from 2004 to 2008, etc., see annex 12.

**Article 21**

477. The Republic of Latvia would like to refer to the information presented by the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 281-284) and additionally states that on 3 November 2005, amendments were introduced to the Law on Meetings, Marches and Piquet Lines, which foresee that legal entities are not entitled to organize neither meetings, nor marches, nor piquet lines, if they are held administratively liable during the year for non-fulfillment of the organizational or procedural provisions related to such events. Moreover, an individual shall be deprived of the right to organize any of the mentioned events, if he or she is held administratively liable during the year, either for non-fulfillment of the requirements related to the organization or conducting of such events, or

for petty hooliganism, or for disobedience to lawful orders of the police officers, or for violation of the rules prescribed for commencement or termination of the activities of the public organization. By these amendments the prohibition to wear a uniform or similar form for the participants of the mentioned events has been revoked (for statistics on violations of the procedure attributed to the organization of meetings, marches and piquet lines, see annex 13).

478. On 23 November 2006, the Constitutional Court delivered a judgment thereby declaring various provisions of the Law on Meetings, Marches and Piquet Lines as being incompatible with the Satversme and international law. Namely, it has been acknowledged that the system of receiving permissions for organizing the events specified by this law is deemed as incompatible with the provisions enshrined in the Satversme. The Court also declared the provision, whereupon municipal institutions deliver a reasoned approval or refusal to organize the event not earlier than ten days and not later than 48 hours before the concerned event is taking place, as incompatible and thus, null and void. Moreover, the restriction to organize the events closer than 50 meters to the State President residence, the Saeima, the CM, municipal councils, courts, the Prosecutor's Office, the State Police, places of deprivation of liberty and foreign diplomatic and consular facilities was also considered disproportionate and incompatible with the Satversme. Given the court's conclusions, the mentioned provisions were respectively amended.

479. On 26 April 2007, amendments to the Law on Meetings, Marches and Piquet Lines were adopted. The amendments specified the procedure and time limits for the examination carried out by municipal officials concerning an application on organizing meetings, marches and piquet lines. It was stipulated that the event may become subject to restriction, if its organization causes threat to the rights of other individuals, democratic state system, public safety, welfare and morals. These amendments also foresee the appeal procedure in an administrative court, i.e., a claim brought to the court shall be examined within three days, and a judgment on refusal to organize such event shall have an immediate effect.

480. By amendment of 18 March 2004, to the Law on Meetings, Marches and Piquet Lines the provision was introduced, which stipulates that a leader of the meeting, marche or piquet line shall protect the rights of children in accordance with the Law on the Protection of the Children's Rights, if a child participates in the event concerned.

## **Article 22**

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

481. The Republic of Latvia refers to the information provided in the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 285-290) and would like to notify the Committee about legislative amendments and various new legislatives acts, which have been adopted in relation to the exercise of the individual's right to freedom of association and peaceful assembly.

482. On 1 April 2004, the Law on Associations (Societies) and Foundations entered into force. Associations (societies) and foundations may be registered by both citizens and non-citizens of Latvia. In accordance with article 23 of the respective law, the founders of the association (society) or the foundation shall be an individual or legal entity, as well as legally capacitated partnerships. The respective law does not contain restrictions for the registration and operation of national minority associations (societies) or foundations.

483. Article 24 of the Law on Associations (Societies) and Foundations provides that founders decide on the establishment of an association (society) or a foundation, adopt statutes, and elect an executive body, which may be both, collegial or single-member body, and other bodies, if so provided by the statutes.

484. In pursuing the goals laid down in the statutes, an association (society) or a foundation is entitled to perform any activity, which is not prohibited by law, especially to disseminate freely information regarding its own activities, to establish its own publications and other mass media, to organize meetings, marches and piquet lines, as well as to perform other public activities. On 2 November 2006, article 10 of the Law on Associations (Societies) and Foundations was supplemented by paragraph 3, which provides that an association (society) or a foundation, which statutes specifically encompass the protection of human rights, is entitled, with the consent of the individual concerned, to bring a claim to any State institution or a court in order to defend the rights and lawful interests in matters pertaining to violation of the prohibition of unequal treatment.

485. On 31 March 2004, amendments to article 34 of the Law on Public Organizations and Associations Thereof were adopted, which introduce the provision under which the Prosecutor General, the Chief State Notary of the Register of Enterprises, the Chiefs of State security institutions, the Director General of State Revenue Service, as well as the Chief of the Corruption Prevention and Combating Bureau are entitled to bring a claim pertaining to the suspension or termination of the public organizations' activities, or the activities of the association thereof to a court.

486. In implementing article 92 of the Satversme, which enshrines the right to form and join associations, political parties and other public organizations, the Law on Political Parties was adopted on 22 June 2006 (entered into force on 1 January 2007). As provided by article 7, in order to pursue the goals defined in the statutes, a political party is entitled to perform any public activity, which is not prohibited by the legislative acts. Namely, a political party may: (1) freely disseminate information regarding its own activities; (2) establish its own publications and other mass media; (3) organize meetings, marches and piquet lines, as well as to perform other public activities; (4) maintain cooperation with foreign political parties; (5) engage into pre-election political campaign; (6) perform other public activities. It is prohibited for the political parties to perform duties and tasks attributed to the State administration. Article 12 of this law provides that a political party may be established by any Latvian citizen, who has reached 18 years of age. As provided by article 26, any Latvian citizen, Latvian non-citizen or other EU citizen residing in the territory of the Republic of Latvia, who reached 18 years of age, may become a member of the political party.

487. With the aim to ensure the compliance of the national regulation with article 3 of ILO Convention No 87 "Freedom of association and protection of the right to organize convention", amendments were adopted on 3 November 2005, to the Strike Law of 24 April 1998. A trade union shall adopt a decision regarding the announcement of a strike in accordance with the procedures prescribed by the statutes at its general meeting, if more than a half of all such trade union's members participate. Employees shall take a decision regarding the announcement of a strike at its general meeting, if at least a half of the total number of all employees participates. The mentioned amendments also shorten the time limits from ten days to seven days, which shall be observed by the strike committee before the commencement of the strike, and which is prescribed for notifying the respective institutions and submitting the necessary documents thereto. On 16 May 2007, the Constitutional Court delivered a judgment in the case No 2006 – 42 – 01, finding article 24, paragraph 3, of the Strike Law ((quote): "If a claim concerning the unlawfulness of the announcement of a strike has been brought to a court before the date of the commencement of the strike specified in the announcement of the strike, the strike may not be commenced until the judgment of the court comes into effect") as being compatible with article 108 of the Satversme.

488. As of 1 January 2008, there were 156 trade unions registered with the Trade Union Register, as well as 7,001 associations (societies) and 573 foundations registered with Associations (Societies) and Foundations Registry.

**Article 23**

489. The Republic of Latvia refers to the information provided in the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 298-306) about the individual's right to marriage stipulated in Latvian legislative acts and would like to draw the Committee's attention to the changes concerned.

490. In examining the case No 2004 – 18 – 0106 of 13 May 2005, the Constitutional Court concluded the following: (*quote*) “By providing the state protection and support to parental rights and the rights of a child, article 110 of the Satversme enshrines the natural rights of parents to care for and upbringing of the child pursuant to their own religious beliefs and philosophical views, as well as prescribes parental responsibilities relating to the care and upbringing of the child”.

491. On 11 October 2004, the Constitutional Court delivered a judgment in the case No 2004 – 02 – 0106, thereby indicating that article 214 of the Civil Law provides a narrow scope of “family” definition (*quote*: “a family in a narrow sense consists of the spouses and their children, while they are still part of a common household”) that shall be interpreted as such being of a broader sense, emphasizing, that the particular relationships' conformity to “family life” may be substantially affected by various factors, namely, whether a couple is cohabiting, duration of their relationship, whether the individuals are faithful to each other, whether the couple have common children, etc. The “family” definition is not only related to the relationship based on marriage, but comprises also other *de facto* “family” ties within the relationship beyond marriage. Thus, the State shall afford the relevant protection to each family.

492. A definition of “family” or “family members” in the EU law is found within the regulation related to freedom of movement of workers. Presently, the Regulation (EEC) No 1612/68 of the Council of 15 October 1968, on freedom of movement for workers within the Community foresees that a national of a Member State, taking up the activity as an employed person in another Member State, has the right to be joined by his family. For the purposes of this regulation the “family members” mean a spouse of the worker and their descendants, as well as the parents of the worker or his spouse and other individuals still living in a common household.

493. As provided by Chapter 1 “Family Law” of the Civil Law, marriage is the basis for the family. The Civil Law upholds the principles of free will of individuals, equal rights and monogamy to be the fundamental ones for marriage. The restrictions related to entering into marriage, which are specified by the Civil Law, are not related to either racial or ethnic grounds, but pertain only to age and legal status towards the individual entering into marriage with. Marriage is prohibited to persons incapable to act due to mental illness or mental deficiency, between relatives of the first degree, brothers and sisters, half-brothers and half-sisters. Similarly, marriage between persons of the same sex, marriage by an adopter and adoptee, except in cases where the adoption relationship has been terminated, marriage to a person, who is already married, as well as marriage between a custodian and a person under custodianship, and between a guardian and a person under guardianship<sup>12</sup> is prohibited, except if such relationships are terminated.

494. The Civil Law provisions apply to the fullest extent to children born within wedlock or outside it. Amendments to the Civil Law of 12 December 2002, excluded a discriminatory definition of “a child born outside wedlock”. Thus, all children have equal rights irrespective of the fact, whether their parents are officially married.

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<sup>12</sup> In this context “trusteeship” means guardianship established over the person of legal age incapable to act due to mental illness or mental deficiency, or due to living dissolutely or wastefully, excessively using alcohol or narcotics.

495. In order to protect the child's interests article 238, paragraph 1, of the Civil Procedure Law prescribes that within the adjudication of a matter concerning the annulment or dissolution of marriage the following issues shall be considered: determinations of custody; exercise of access rights; child support payments; means for the provision of the previous welfare level or subsistence for the spouse; joint family housing and household or personal items; division of the property of spouses ( if it affects third persons, as well).

496. Marriage shall not be dissolved insofar as the preservation thereof, as an exception due to specific reasons, is necessary in the interests of the children born within wedlock. Marriage shall also not be dissolved, if and insofar as the custody of children born within wedlock, their financial support, the division of common property or relevant claims have not been resolved prior, or have not been raised together with the claim for dissolution of marriage.

497. Custodial parent, a parent with whom a child resides in full time custody, has all the rights and duties resulted from custody. The other parent has the rights of access. If a parental custody dispute arises, the decision is adopted based on consideration of the best interests of the child and determining his or her personal views, insofar as the concerned child is able to express them.

498. Parental responsibility is to provide a child with support and guidance adequate to their financial status. This responsibility is borne by both parents till the child is able to care about himself or herself. Cohabiting parents exercise the parental responsibility over their children jointly. A child has the right to maintain regular personal relationship and direct contacts with both parents. If one parent lives separately, he or she has the right to be informed about the child, especially about child's growth, development, health, educational progress, interests and household conditions. Both parents have the right to represent a child in his or her personal and property relations (joint representation). The property of a child is under the supervision of the parents.

499. On 17 June 2004, the Law on Child Maintenance Guarantee Fund was adopted, which is aimed at ensuring child's rights on social security by establishing the Fund, which is entrusted to allocate the minimum amount of child support payments. In general, the Fund constitutes a definite amount of financial means allocated from the assets of the State budget for the provision of the child support payments, in cases of failure to enforce the relevant court's judgment in accordance with the procedure laid down in the Civil Procedure Law, or a debtor acknowledged by the court fulfils his or her obligation towards the child support payments, but fails to provide the State determined minimum child support payments fixed by the CM. The Administration of the Fund is an institution established under supervision of the MCFA.

500. The minimum child support payments for each child shall be paid in the amount fixed by the CM Regulation No 348 "Regulation on the amount of minimum child support payments" of 1 July 2003. This regulation prescribes the following minimum monthly amount of subsistence for children:

- For each child from birth to 7 years of age – 25 per cent of the minimum monthly salary prescribed by the CM;
- For each child from 7 to 18 years of age – 30 per cent of the minimum monthly salary prescribed by the CM.
- (For statistical data on the figures related to the amount of child support payments paid by the Fund, as well as the number of children receiving the mentioned allowance, see annex 14).

501. For statistical data on the number of criminal proceedings under article 170 of the Criminal Law and article 118 of the Criminal Code (for evasion from child support

payments), data on the final outcome of such proceedings; statistics on the civil claims for recovery of child support payments in the courts of first instance during 2004 - 2008, see annex 14.

#### **Article 24**

#### **Reply to the recommendations contained in paragraph 17 of the concluding observations**

##### **Status of non-citizens' children in Latvia**

502. The Republic of Latvia would like to refer to the additional report in response to the request by the Committee, expressed in the concluding observations (see CCPR/CO/79/LVA/Add.1, paragraphs 1-8) and additionally states, that the number of non-citizens' children since 21 August 1991, has been constantly decreasing (for statistical data on the number children of non-citizens eligible to obtain the Latvian citizenship, the number of non-citizens' children born in 1991- 2008, as well as the number of non-citizens' children, who have already obtained Latvian citizenship during 2004-2008, see annex 15).

503. Article 2 of the Citizenship Law provides a list of individuals who shall be deemed as Latvian citizens. In accordance with article 2, paragraph 1<sup>3</sup> children under the age of 15 who permanently resides within the territory of the Republic of Latvia, registered and acquired education curricula in general educational institution with the Latvian language of instruction, or a Latvian language based education curricula in two-stream general educational institution, thereby acquiring basic or general education, if such individuals have no other State citizenship (affiliation), or they have received an expatriation permission from the previous State of citizenship, if so provided by the law of the State concerned, shall be deemed as citizens of the Republic of Latvia.

504. The Government of the Republic of Latvia reiterates that on 22 June 1998, amendments were introduced to the Citizenship Law and as of 1 January 1999, article 3<sup>1</sup> entered into force, which specifies the procedure on granting citizenship to the child born after 21 August 1991.

505. Article 3<sup>1</sup>, paragraph 2, of the Citizenship Law provides a list of individuals entrusted to submit an application for granting citizenship to a child under the age of 15. However, article 3<sup>1</sup>, paragraph 3 provides that children born to non-citizens or stateless persons after 21 August 1999, whose parents have not submitted the respective application until the child reached the age of 15, have the right to apply to Latvian citizenship. Following the age limit requirements, children who have reached the age of 15 commenced to submit the respective applications since 21 August 2006.

506. The current tendency expressly shows that children who have already reached the age of 15 tend to use their right to apply for Latvian citizenship in a more active manner compared to their parents. This is explained by the fact that a large number of parents leave a choice for their children to proceed on this issue within the child's own will.

507. The decision-making process on applying for Latvian citizenship has been negatively influenced by the same factors presented in respect to the naturalization rates (in addition, see paragraphs 9-10).

508. In April and May, 2008, within the framework of the project "Citizenship is my responsibility, right and possibilities" supported by LSIF and implemented by the NB, a set of seminars throughout Latvia were organized concerning the children citizenship issues. The events were targeted at representatives of the Registry Offices, Orphan courts, municipal centres for the protection of the rights of children, the public organizations in charge of issues concerned.

509. At the end of 2007, the NB drafted and published a fact sheet “Recognition of a child born in Latvia to non-citizens or stateless person after 21 August 1991, as Latvian citizen”. Besides, in 2008, within the framework of the project “Citizenship is my responsibility, right and possibilities” supported by LSIF and implemented by the NB, an information sheet was published “Latvian citizenship to a child”, which contains all relevant information on possible ways of obtaining Latvian citizenship. All informational materials are available at the NB regional branches, libraries, educational facilities and municipalities, as well as at the Registry Offices and other State institutions (for additional statistical data on obtaining of Latvian citizenship among children, see annex 15).

### **Protection of the children’s rights**

510. On 27 May 2004, amendments were adopted to the Law on Structure of the Cabinet of Ministers and the CM decree No 369 “On reorganization of the Minister for Special Assignments for Children and Family Affairs and establishment of Ministry of Child and Family Affairs”. According to them, the MCFA is a governing State institution in the field of protection of the children’s rights, family and youth-related issues. The MCFA, within its competence, inter alia, implements the national policy in the field of protection of the children’s rights, the rights of the child and family, and youth-related issues, as well as coordinates and supervises the implementation thereof.

511. On 29 November 2005, the CM Regulation No 898 “Statutes of State Inspectorate for Protection of the Children’s Rights” were adopted, which entered into force on 1 December 2005. The SIPCR is a State institution under supervision of the MCFA, which exercises and oversight over the fulfillment of the legislative requirements in the children’s rights domain; evaluates the situation in the field of the protection of the children’s rights; provides a free of charge telephone line for children and adolescents; brings recommendations for improving the protection and ensures public awareness of the issues concerned. The SIPCR is entrusted with the right to oversight, based on a complaint or ex officio, over any activity in respect to the protection of the children’s rights performed by state or municipal institutions, NGOs or private persons, as well as to require and receive all necessary information hold by the mentioned institutions.

512. On 19 October 2006, amendments were introduced to the Law on Protection of the Children’s Rights, specifying that the SIPCR also exercises a monitoring function over the observance of the legislative acts in the field of the protection of children’s rights (for details statistical data regarding the activities of the SIPCR, see annex 15).

513. In accordance with amendments introduced on 17 March 2005 to article 6, paragraph 2, of the Law on Protection of the Children’s Rights, all activities targeted at children, irrespective of whether they are performed by state or municipal institutions, public organizations, other individuals or legal entities, shall ensure compliance with the rights and best interests of the child.

514. Article 20 of the Law on Protection of the Children’s Rights envisages a fundamental principle of observance of the children’s rights within the legislative process and specifies that:

(1) The State ensures that cases concerning the protection of the rights of a child, at all state and municipal institutions, shall be examined by specifically trained professionals of the respective field;

(2) Applications and complaints concerning the protection of the rights of a child shall be examined without delay;

(3) A child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to him or her, expressing his or her views either by

himself or herself, or with an assistance of the legal representative, or the respective institution;

(4) Cases related to ensuring of the protection of the rights or interests of a child, as well as criminal proceedings wherein a child is involved shall be adjudicated in a court pursuant to specific procedural rules.

515. In accordance with amendments adopted on 8 May 2008, to the Law on Medical Treatment, priority shall be given to health treatment of pregnant women and children. State guaranteed medical treatment related to pregnancy and childbirth assistance is ensured free of charge to Latvian citizens and non-citizens in possession of a temporary residence permit.

516. On 22 December 2004, amendments were introduced to the Latvian Administrative Offences Code, which specifies the provisions concerning administrative liability, which is ought to be imposed for violations of the children's rights (i.e., physical and emotional child abuse; unlawful involvement of children in events; leaving a child without supervision; failure to fulfill care duty towards a child). As a result, the monitoring system on the observance of the children's rights has been developed and improved in Latvia.

517. The Civil Procedure Law prescribes that a prosecutor is entitled to bring a claim or submit an application to a court, if the rights or lawful interests of a child have been violated. This situation is considered as an exception from a general rule, according to which a prosecutor does not participate in civil proceedings in the interests of an individual having legal capacity to act. The Criminal Procedure Law stipulates a principle, according to which a preferential treatment shall be given with regard to the reasonable length of criminal proceedings taken against a juvenile, comparing to those held against the adult. Moreover, a general rule is applied under administrative process that cases related to ensuring of the rights and interests of a child shall be adjudicated in a court pursuant to specific procedural rules.

518. On 1 January 2007, the new Law on Orphan Courts was adopted. This law defines the rights duties and scope of competence of an Orphan court. The Orphan court shall decide on issues concerning provision of out-of-family care to children. A child care institution shall be considered only as a matter of last resort. By the respective law, obligation of the Orphan court in ensuring children's rights and interests was strengthened, as well as high qualification requirements with regard to professional skills of chairperson of the court and court staff were elaborated. In order to enforce the protection of the children's rights and interests, as well as those attributed to other persons lacking capacity to act, 513 Orphan courts are now operating throughout the territory of Latvia.

519. The decision-making procedure and work organization of the Orphan court contribute to providing maximum safeguards for the protection of the children's rights and their best interests. The decisions adopted by the Orphan court become effective and enforceable immediately. They may be challenged in accordance with the procedure laid down in the Administrative Procedure Law. The appeal brought against the Orphan court's decision does not suspend its enforcement.

520. For ensuring the co-ordination of youth policy, by the President's of Ministers decree No 188 "On membership of the co-ordinating council for youth policy", as well as the CM Regulation No 1001 of 30 November 2004, "Statute of co-ordinating council for youth policy" the Co-ordinating Council for Youth Policy was established. The mentioned council's activity is targeted at development and implementation of youth policy, as well as facilitation of the involvement of adolescents in decision-making process. With respect to the Youth Law, which will come into force as of 1 January 2009, the Co-ordinating Council for Youth Policy is replaced by the Youth Consultative Council, which statutes were approved by the CM on 2 December 2008. The Youth Consultative Council is targeted at



facilitating the implementation of coordinated youth policy development, as well as enabling adolescents to participate in decision-making process and social life. The Youth Consultative Council includes representatives from state and municipal institutions and seven youth organizations, which form a half of the composition of the council.

521. By the decree No 1-9.1/9 adopted by the Minister of Children and Family Affairs on 28 February 2007, a Consultative Commission for Youth Organizations was established including 12 representatives of different youth organizations. This commission is a consultative body aimed at ensuring the involvement of Latvian youth organizations in development, implementation and assessment of national youth policy. The main goal of the mentioned commission is to elaborate on current situation in the field of youth policy, to identify key matters of concern and to draft proposals to the MCFA for further development of the respective issues.

522. In 2007, one of the priority goals of the Ombudsman's activities were issues related to the protection of the children's rights. Following this concern, a special Department for Children's Rights was established within the Ombudsman's Office, which main task is to examine the issues concerning violations of the respective rights.

523. In accordance with article 22 of the Law on Patrimonial Acts of 17 March 2005, a child shall be registered with the Patrimonial Acts' Registry Office, within the operation of which the child was born, or one or both parents have a residence within one month before his or her birth. In notifying about the child's birth, a birth certificate issued by a medical treatment institution or a medical practitioner shall be submitted. The responsibility of notifying upon the child's birth is borne by the child's parents. If the child's parents are unable to notify that shall be performed by a midwife, a medical practitioner or any other person, who was present at childbirth.

524. Article 37, paragraph 1, of the Labour Law prohibits full-time employment of children. A child, within the scope of the Labour Law, is a person under 15 years of age or person less than 18 years of age pursuing elementary education. However, children over 13 years of age may be employed, on exceptional extra-curricular basis for easy work not harmful to the child's safety, health, morals and development, subject to written consent of one parent (guardian). Such employment shall not affect the child's educational process. Paragraph 4 of the Labour Law emphasizes the prohibition to employ adolescents, namely, persons at the age of 15 to 18 years who are not deemed as children within the meaning of paragraph 1, in special conditions involving increased risk to their safety, health, morals and development.

525. The permissible areas of employment for the children over 13 years of age are determined by the CM Regulation No 10 "Regulation on permissible areas of employment of the children over 13 years of age" of 8 January 2002. In addition, article 37, paragraph 3, of the Labour Law envisages that a child may be employed on exceptional basis in culture, art, sports and advertisement events, provided that written consent of at least one parent (guardian) has been obtained and permission of the State Labour Inspectorate has been received, and provided that such employment does not harm the child's safety, health, morals and development. The procedure on granting permissions to employment of a child in culture, art, sports and advertisement events, and the applicable restrictions concerning the employment conditions and employment terms is determined by the CM Regulation No 205 "Procedure on granting permissions to employment of the child in culture, art, sports and advertisement events, and the applicable restrictions included in the permission thereto" of 28 May 2002 (for statistical data on children's employment, see annex 15).

526. As provided by article 31, paragraph 1, of the Law on Protection of the Children's Rights, for ensuring family environment for the development of a child, adoption shall be supported. In accordance with article 35, paragraph 1, of the Law on Orphan Courts such court decides on placement of orphans and children left without parental care into long-

term social care and social rehabilitation institutions, if it is impossible to ensure a child with the provision of out-of-family care with a foster family or a guardian.

527. In accordance with amendments introduced on 29 June 2008, to the Law on Protection of the Children's Rights, the legislative regulation has been improved concerning a transferral of a child experiencing out-of-family care to another caretaker within Latvia (art. 45<sup>2</sup>), thereby diminishing the alleged risk of violation of the rights of the child.

528. In order to promote the development of a child in family-type conditions, the Law on State Social Benefits provides a regulation of special social child-care allowances granted for guardians (remuneration for duties of the guardian constitutes an amount of 38 LVL per month; child support payments for the guardian - 32 LVL per month) and adoptive parents (remuneration for an adopted child care constitutes an amount of 35 LVL per month; the remuneration for adoption paid to one of the child's adoptive parents is in the total amount of 1,000 LVL).

529. For statistical data on boarding schools, out-of-family care institutions, the decisions of the Orphan court to restore or deprive the parental care and custody rights, as well as data on children birth and mortality rate and infant mortality rate, see annex 15.

### **Foster Family Concept**

530. The Foster Family Concept is aimed at developing prerequisites for the functioning of foster families in Latvia, thereby facilitating a decrease in the number of children placed at out-of-family care institutions.

531. State guaranteed financial support provided to foster families is as follows:

- (1) Remuneration for performance of foster duties - 80 LVL per month;
- (2) Child support payments for a foster family - the amount of state allowance provided by the legislative acts shall be not less than 27 LVL per month, and allowance granted for clothing and set of necessary items shall be paid in the amount stipulated by the respective municipality. Following the data collected by the MCFA at the end of 2007, the average state allowance sum paid by the municipality for one child placed in foster family, amounted to 84 LVL.

532. In addition, along with the child support payments provided to foster families for child's clothing and other necessary items, municipalities granted a one-of-time or yearly allowance from 20 to 200 LVL.

533. According to the MCFA data, in 2007, as in previous years, the proportion of the foster families has increased from 206 at the beginning of 2007, to 304 at the end of the year. The number of foster families continued to show gradual increase in 2008. Throughout Latvia various foster family trainings have been held with an assistance of the MCFA targeted at potential foster families (for statistical data on the number of foster families, see annex 15).

## **Article 25**

### **The right to vote and to be elected**

534. The Republic of Latvia refers to the information provided in the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 318-329) and additionally presents as follows.

535. Article 101 of the Satversme, under amendments of 23 September 2004, states that each citizen of Latvia has the right, as provided by law, to participate in the work of state

and municipal government, and to hold an office in the civil service. The municipal government shall be elected by Latvian citizens ensured with enjoyment of full rights and EU citizens permanently residing in Latvia. Every EU citizen, permanently residing in Latvia, is entitled to participate in the work of municipality in a manner specified by the legislative acts.

536. On 29 January 2004, the European Parliament Election Law was adopted. This law stipulates the procedure whereby election to the European Parliament shall take place in the Republic of Latvia. A person who as of the election day reached the age of 21 has the right to be elected to the European Parliament. Article 5 of this law specifies a list of restrictions imposed on candidates, namely, if a person concerned has been recognized as lacking the capacity to act, or he or she is serving a sentence in the place of deprivation of liberty, or he or she has been convicted of a serious or especially serious crime and whose conviction has not been discharged or removed, except for the case when the person has been rehabilitated, he or she shall not be applied as a candidate to the respective election.

537. In accordance with a judgment adopted by the Constitutional Court on 6 March 2002, the Saeima (Parliament) Election Law was amended. Following the court's statement, a suspected, accused and a person on trial, if detention on remand as a compulsory measure has been applied to him or her, were struck out from the list of individuals deprived of the right to vote. Pursuant to amendments of 6 March 2006, introduced to the Saeima (Parliament) Election Law, article 24 was supplemented by paragraph 7, which foresees that for those to whom detention on remand is imposed, the voting is arranged in facilities he or she is placed. Amendments to the mentioned law were passed within the first reading by the Saeima, which envisage that the persons being placed in detention on remand or serving sentence at the place of deprivation of liberty, have the right to participate in elections by registering for a postal vote. A person who wishes to vote via post shall submit an application to the administration of the place of deprivation of liberty. Then, an official submits the received application and the individual's passport to the respective electoral commission not later than one week before the election day.

538. In accordance with the amendments adopted on 9 May 2002, to article 5 of the Saeima (Parliament) Election Law and amendments made on 11 November 2004, to article 9 of the City Council, District Council and Parish Council Election Law, a limitation to the person's right to be elected to the Parliament, if he or she did not master the State language at the higher (third) state language proficiency level, was revoked.

539. In accordance with amendments made on 9 May 2002, to article 5 of the Saeima (Parliament) Election Law, persons who has been punished with a prohibition to stand as a candidate in the Saeima, European Parliament, city or district council, or parish council election may not also stand as a candidate in the Saeima, city or district council, or parish council election and to be elected therein, except for the case when such person has been rehabilitated, or whose conviction has been discharged or removed. Pursuant to amendments of 11 November 2004, made to article 9 of the City Council, District Council and Parish Council Election Law, the EU citizen who has been deprived of the right to stand as a candidate and to be elected under court judgment delivered in the State of his citizenship, may not stand as a candidate in local elections as well.

540. On 11 November 2004, article 5 of the City Council, District Council and Parish Council Election Law was amended, thereby specifying that the right to stand as a candidate in city or district council, or parish council election is attributed to the EU citizen, who is not Latvian citizen and who is registered with the Population Registry.

541. On 17 June 2004, the Grand Chamber of the ECHR delivered a judgment in the case "*Tatjana Ždanoka v. Latvia*" holding that that there has been no violation of article 3 of Protocol No 1 (right to vote) of the European Convention for the Protection of Human Rights and Fundamental Freedoms in Latvia, in imposing the restriction on the applicant's

rights to stand in elections. The restriction at issue has been imposed due to the fact that the applicant T.Ždanoka had been actively involved in the Communist Party of Latvia after 13 January 1991. In the ECHR opinion, the intention of restriction on standing as a candidate to election was not to punish those who had been active in the Communist Party of Latvia, rather, it was to protect the integrity of the democratic process by excluding from participation in the work of a democratic legislature those individuals who had taken an active and leading role in a party, which was directly linked to the attempted violent overthrow of the newly-established democratic regime.

542. At present, as opposed to Latvian parliamentary and municipal elections, the rules governing the European Parliament election do not impose any restrictions to those who have been the officials of USSR, Latvian SSR or any foreign state secret services, the intelligence or the counter-intelligence services, as well as to individuals who have been actively participated in Internationalist Front of Workers of the Latvian SSR, the United Council of Labour Collectives, the Republican Council of War and Labour Veterans, Latvian Public Rescue Committee and its regional committees.

543. As provided by article 24, paragraphs 1 and 2, of the Saeima (Parliament) Election Law, article 28, paragraph 1, of the European Parliament Election Law and article 32, paragraph 1, of the City Council, District Council and Parish Council Election Law, if a voter due to his or her health condition is unable to attend a polling station, the electoral commission, based on written application submitted by the voter or the representative thereof and duly registered in the special registry, shall organize a voting process at the place the voter is located, ensuring the secrecy of voting. Observers authorized for such purpose are entitled to supervise voting at the place where the voting process has been organized.

544. Article 25 of the European Parliament Election Law provides that, if a voter due to physical incapacity is unable to vote or to sign the electoral roll, in presence of the voter and based on his or her instructions, notations on the ballot paper shall be made or the electoral roll shall be signed by either a family member, or another person of his or her confidence, or who has been authorized by the voter.

#### **The right to participate in the conduct of public affairs**

545. In addition to the information presented in the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 330-331) the Republic of Latvia indicates that amendments were made on 14 September 2006, to article 7 of the State Civil Service Law thereby supplementing the provisions by providing the requirement that a person, whose disciplinary penalty has been retained, which prevents him or her to hold a civil service office for a specified period, may not apply as a candidate for a civil service office.

546. By amendments introduced on 24 May 2007, to article 41 of the State Civil Service Law, which envisages the prerequisites for termination of state civil service relations, one of the termination grounds, namely, drafting into military service has been revoked.

547. Article 15, paragraph 1, of the Military Service Law of 30 May 2002, imposes the following prohibitions to military servicemen: (1) to engage in political activities, join trade unions, organize and participate in strike actions; (2) to combine the fulfillment of military duties with another activity prohibited by legislative acts; (3) to become a representative of another person in cases pertaining to the institution (military unit) he or she is affiliated with; (4) participate in person or with an assistance of another person in agreements whereas their conclusion or fulfillment may become subject to abuse of his or her official authority or establish a conflict of interests.

**Reply to the recommendations contained in paragraph 18 of the concluding observations****Article 26**

548. The Republic of Latvia would like to refer to the additional report in response to the request by the Committee, expressed in the concluding observations (see CCPR/CO/79/LVA/Add.1, paragraphs 9-15) and holds, that since 2004, while keeping the Citizenship Law provisions unchanged, numerous legislative amendments pertaining to the simplification of the procedure of submission of application for naturalization, children naturalization process, the admittance to citizenship of children and passing the naturalization tests were adopted (for details see paragraphs 6-38 and annexes 1 and 15).

549. At present, no legislative amendments have been initiated for simplifying or expediting the naturalization process attributed either to special groups of individuals or in an overall sense.

550. International human rights documents, as well as international law in its broad meaning, prescribe that an issue of determining the scope of legible voters shall be under each state's exclusive competence. In that respect, it shall be stated that the official position held by the Republic of Latvia remains unchanged, namely, the right to vote and to be elected forms an integral part of the rights granted to state's citizens. At the same time, Latvia takes all the necessary measures to facilitate the integration process in order to grant the possibility to each politically active resident to obtain Latvian citizenship and to enforce his or her rights in an effective manner (for details see paragraphs 6-38 and annexes 1 and 15).

**Reply to the recommendations contained in paragraph 19 of the concluding observations**

551. The Republic of Latvia would like to refer to the additional report in response to the request by the Committee, expressed in the concluding observations pertaining to article 19 (see CCPR/CO/79/LVA/Add.1, paragraphs 16-19) and additionally states that various appropriate measures shall be taken in order to preserve the Latvian language. Although efforts aimed at preserving and developing the State language are made, the individuals rights, who do not have command in state language, are ensured to the fullest extent.

552. Article 3, paragraph 2, of the State Language Law adopted on 9 December 1999, provides that within the territory of the Republic of Latvia each person has the right to address and communicate with the institutions, public and religious organizations, as well as companies (establishments) on the Latvian language. The mentioned provision ensures the interests of the Latvian language users, at the same time not limiting the interests of other language users in addressing and communication.

553. Article 10 of the State Language Law provides a number of exceptional situations, when the State and municipal institutions, courts and institutions constituting the judicial system, as well as the State or municipal enterprises shall accept applications submitted in foreign language. Namely, such exemptions refer to the applications submitted to the police and medical institutions, rescue services and other institutions in cases of urgent calls for medical aid, in cases of crimes and violations of law, or calls for emergency assistance in cases of fire, accident or other emergencies. Therefore, the Republic of Latvia ensures the possibility for individual who lacks the knowledge of the Latvian language, in case of necessity, to get in touch with the State officials in their native language.

554. Following the information given by State institutions, applications submitted in a foreign language are being registered and duly examined, although, if the applicant is a resident of Latvia, a reply to such applications is prepared in Latvian. However, if the applicant is a foreigner, the reply is provided in the language used by the applicant. As well,

it shall be stated that the Internet web pages of the State institutions have been created in several languages, and, what is more, the representatives of the State institutions, as far as it is possible, provide information requested by mass media, visitors or other persons in the foreign languages.

555. A person involved in criminal proceedings who does understand the State language, shall be ensured, in the cases provided for by the State Language Law, a translation of such documents in a language he or she is able to understand (in addition, see paragraphs 306, 383 and 384). The same refers to the administrative and civil proceedings wherein an interpreter is provided. Thus, the necessary measures have been taken by the State in order to provide fewer restrictions to the rights of non-Latvian speaking individuals.

556. One of the goals of the State Language Law enshrined in article 1 thereof is to ensure the integration of members of national minorities into the community of Latvia, while observing their rights to use their native language or other languages. The basic principle encompassed in national legislative acts presumes that the restrictions of the use of foreign languages must be provided by law, justified as being necessary in democratic society and proportional.

557. Article 2, paragraph 3, of the State Language Law provides that this law does not apply to the use of language in unofficial communications of the Latvian residents, in internal communications of national and ethnic groups, or in services, ceremonies, rituals and other kinds of religious activity of religious organizations.

558. Article 11, paragraphs 2 and 3, of the State Language Law provides that at events taking place in the territory of Latvia, in which foreign individuals and legal entities participate, wherein state or municipal institutions also take part, one of the working languages shall be the State language, as well as the event's organizer shall ensure translation into the State language. As determined by the CM Regulation No 288 of 22 August 2000, "Regulation on ensuring interpretation at events" the State Language Center may exempt the event's organizer from such requirement. Article 15 foresees the possibility to submit and defend a research work for acquiring academic degree in the foreign language.

559. Article 18, paragraphs 2 and 3, of the State Language Law list cases, when it is possible to use foreign language in the names of companies and events. The CM Regulation No 294 of 22 August 2000, "Regulation on the formation and use of toponyms, the names of institutions, organizations of society, companies (establishments)" foresees a number of possibilities to use foreign languages therein.

560. The 1997 Law on Meetings, Marches and Piquet Lines regulates language use during meetings, marches and piquet lines. Article 19 of the same law guarantees freedom of speech and language during the aforementioned events. Article 19 of the State Language Law defines the way how a person's name and surname is recorded in documents. The CM Regulation No 114 of 2 March 2004, "Regulation on the transcription and use of personal names in the Latvian language, as well as their identification", the Law on Personal Identification Documents of 23 May 2002, as well as the provisions of the CM Regulation No 378 of 22 April 2004, "Regulation on the personal identification documents of citizens, the personal identification documents of non-citizens, the passports of citizens, the passports of non-citizens, and the travel documents of stateless persons" make it possible for persons to indicate in the personal identification documents the original form of their names in another language, if they wish so.

561. Article 21, paragraphs 5 and 6, of the State Language Law define those cases when other languages may be spoken in order to deliver information in a public place. The CM Regulation No 130 of 15 February 2005, "Regulation on language use in providing information" stipulates the use of languages in the provision of public information.

562. Several institutions subordinated to the MES and MoJ are involved in the developing and implementation of the State language policy. The main institution in charge of that function is the State Language Agency, which operates under the auspices of the MES. There are also specialized institutions responsible for various extensive functions. The Translation and Terminology Center focuses on the importance of terminology in the language development and on the proportion of translations in the development of terminology. The National Agency for Latvian Language Training (NALLT) was established to deal with the major proportion of ethnic minorities in Latvia's population and the importance of learning the State language as a resource for public integration. Among the MES institutions, which are involved in the State language policy implementation, there is also the Centre for Curriculum Development and Examinations, which offers attestation of the State language skills. The State Language Center, which is subordinated to the MoJ, performs functions of supervision and control of use of the State language in the public area. At the initiative of the President of Latvia, on 14 May 2002, a special consultative body – the State Language Commission – was established, which main task is to collect information related to the State language in Latvia and to proceed with the specific proposals targeted at strengthening, improving and ensuring sustainable development of the Latvian language status.

**Reply to the recommendations contained in paragraph 20 of the concluding observations**

563. The Republic of Latvia refers to the information provided in the additional report in response to the request by the Committee, expressed in the concluding observations (see CCPR/CO/79/LVA/Add.1, paragraphs 20-27) and additionally indicates that international organizations pay special attention to Latvian education policy. On 20-21 April 2006, OSCE High Commissioner on National Minorities, Rolf Ekeus, visited Latvia, met with representatives of various institutions and heard the views on national minority issues. He welcomed the process of the education reform and indicated the need to establish a closer dialogue with the public (in addition, see paragraph 7). On 20-21 March 2006, a member of the Committee of Legal Affairs and Human rights of the Parliamentary Assembly of the CoE (PACE), Adrian Severin, visited Latvia and welcomed the development of Latvian education process.

564. The education reform means continuance of those educational projects, which were commenced in the mid-nineties by introducing in general education curricula a special type thereof – a national minority curricula (as provided in article 41 of the Education Law). As provided by amendments introduced to the Education Law, starting from 1 September 2004, at State and municipal general educational institutions implementing national minority curricula, 60 per cent of subjects taught shall be in the State language whereas 40 per cent are taught in the national minority language.

565. On 13 May 2005, the Constitutional court delivered a judgment in case No 2004-18-0106, which concluded the aforementioned division of using the language of instruction as compatible with the Satversme and international law. Namely, at State and local government general education secondary educational institutions of national minority curricula, entering grade ten, instruction shall be held in the State language. As well, at State and local professional educational institutions, starting from the first school year, instruction shall be held in the State language. The State secondary, vocational and professional education standards stipulate that instruction in the State language shall be provided in not less than three fifths of the total lesson load during the school year, including foreign languages. The mentioned education standards shall also ensure teaching of national minority language, identity and culture by acquiring the respective knowledge in the national minority language.

566. It shall be pointed out that the education reform relates only to State and municipal educational institutions whereas private educational institutions shall observe provisions concerning accreditation and incorporation of the Latvian language lessons into education curricula, which usually is up to two – three hours a week. Moreover, if a private educational institution is accredited, it is entitled to apply for receiving State subsidies.

567. On 14 September 2005, the Constitutional Court delivered a judgment in the case No 2005-02-0106 article 59, paragraph 2, subparagraph 2, of the Education Law was declared as being incompatible with the Satversme and international law. The challenged provisions envisaged that private educational institutions might receive State budgetary allocations only, if the language of instruction at such institutions is Latvian. As a result of the aforementioned court's conclusion, accredited private secondary schools, which implement national minority curricula, are entitled to receive State subsidies (for statistical data on the number of private schools and the relevant State budgetary allocations, see annex 16).

568. On 26 January 2007, the MES Consultative Council established a working group of five experts, which goal is to monitor the quality of implementation of the national minority education curricula. With an assistance of the University of Latvia an academic survey has been launched aimed at addressing the quality of the mentioned issue.

569. By aggregating the relevant statistical data, a comparison has been made to the educational institutions with the Latvian language of instruction and those implementing the national minority education curricula, based on the results of central examinations, which took place during 2006/2007 school year. In 2007, students who started to acquire 60 per cent of school curricula in the State language at the national minority educational institutions were taking centralized exams for the first time. The collected data illustrate that the results of the centralized examination both at educational institutions with the Latvian language of instruction and those implementing national minority education curricula were almost similar. The statistical data was also collected on the average success level of the Latvian language and literature examination at national minority secondary schools (for statistical data, see annex 16).

570. The results of the centralized examination, which took place at national minority schools, were segregated by the language used in exams. The respective data show that 39 per cent of the students taught in the national minority language has chosen to complete the exam in Russian whereas 61 per cent has chosen Latvian. A comparison has been made to the general education secondary educational institutions implementing the national minority education curricula segregated by the language used in exams (for statistical data, see annex 16). These data prove that the choice of the language used in exams has a minor impact on the overall success results.

571. In general, the aggregated results of the centralized examination prove that the changes introduced to the national minority education curricula in relation to the language of instruction and the State centralized examination process have influenced the overall educational progress of the students insignificantly.

572. The level of acquiring proficiency of the State language within the national minority education curricula predicate the successful continuation of education at higher educational institutions with the Latvian language as a key language of instruction. Statistics show that one third of all students in Latvia attend national minority schools whereas two thirds acquire secondary education at schools with the Latvian language of instruction. The data aggregated by the University of Latvia demonstrate, that in 2007, the proportion of students who commenced their academic education was proportionally similar to the mentioned figures. Thus, tangible proof is provided to the fact that amendments adopted to the Education Law do not diminish the opportunities for national minority students to study at higher educational institutions of Latvia.



573. One of the main public concerns related to the quality of national minority education curricula entails the idea of insufficient proficiency of the State language. The level of the State language proficiency acquired within the national minority education curricula predicate the successful accomplishment of education content and passing national examination. The results of the Latvian language examinations held in grade nine of national minority schools, which were fixed in 2006, recognize the success of the examination process. Most of the students who were taking the exams obtained C level (40 per cent) and D level (33 per cent), which affirms good basic language knowledge and skills. Only 116 (1.36 per cent) elementary school students obtained F level, or the lowest level. Altogether, 8,560 students passed the respective exams at national minority schools.

574. For statistical data on the number of students disaggregated by ethnicity and the school language of instruction during academic year 2007/2008, data on the number of national minority schools and students studying therein, see annex 16.

#### **State administrative measures to facilitate the implementation of national minority education curricula**

575. Presently, various bilingual education support centres are operating in Latvia, which are financially supported by municipalities. The centres supervise the process and encourage sharing of positive experience. During seminars, the issues related to bilingual education discussed and experienced practitioners and education specialists from Latvian universities and other educational institutions are invited for promoting of fruitful discussion.

576. In 2007, the Centre for Curriculum Development and Examinations in co-operating with regional bilingual support centres conducted a common survey named "Facilitation of ethnical identity in grades three, six, nine and twelve at the general educational institutions with national minority education curricula" with 2,000 students participated therein. The survey was aimed at obtaining an impartial view of possibilities provided by the State for preserving the identity of national minorities. The survey outcome demonstrates that the educational institutions offer the possibility to develop and improve knowledge on identity, language and history of national minority and the school students readily use it.

577. In 2005, the MES participated in organizing and holding six regional seminars and two conferences related to the issues pertaining to the education of national minorities and language policy implementation in Latvia and worldwide. During the school year 2006/2007 the MES Consultative Council organized four roundtable discussions aimed at informing students, teachers, parents, the NGOs representatives and academics about planned amendments to legislative acts. The Consultative Council also held a meeting with school directors, heads of regional bilingual education support centres in order to discuss the bilingual education process and facilitate exchange of positive experience. The issues of concern addressed by the schools principals are not primarily related to the use of particular language of instruction, but rather the need for new teaching material. A positive feedback was received for the MES proposals aimed at promoting the identity of national minorities by comprising intercultural issues within the content of school curricula standard, as well as by increasing the number of extra-curriculum lessons developed for acquiring of language and culture of national minorities. In 2008, the Consultative Council organized four internal meetings and two roundtable discussions to address the mentioned issues.

578. All necessary teaching material (textbooks) have been published for grades one to twelve both in the Latvian and Russian language as the mostly spoken languages by the national minorities in Latvia. During the time period from 2005 to 2007, the NALLT has published 130 different teaching sets, methodical material, theme plan, guidelines and other material targeted at national minority schools students and teachers. Supported by the State Language Agency textbooks (also for deaf-mute persons), dictionaries and audio-visual

teaching materials (CD, DVD) were published. Furthermore, methodical teaching material, designated to national minority schools and published by using financial means of the European Social Fund, are disseminated free of charge.

579. Every school year the NALLT organizes methodical continuing education trainings aimed at acquiring the newest educational methodology for approximately 300 teachers of the Latvian language and literature and 340 teachers of bilingual education. In supporting the methodological work for teachers, specific thematic plans, recommendations, DVD teaching videos for the integral acquiring of content and language in seven school subjects were developed. Along with the individual consultations on methodological and practical issues offered for schools, these measures establish the basis for high quality education process.

### **The principle of equality**

580. The principle of equality, which embraces the prohibition of discrimination, as a constitutional norm is enshrined in article 91 of the Satversme. It holds that all people in Latvia are equal before the law and the courts, and human rights shall be implemented without discrimination of any kind.

581. Article 4 of the Law on Judiciary foresees that all persons are equal before the law and the court, and they have equal right to the protection of the law. A court shall adjudicate a case irrespective of the origin, social and financial status, race, ethnicity, gender, education, language, attitude towards religion, type and nature of employment, place of residence, or the political or other views of a person concerned.

582. Article 6 of the Administrative Procedure Law enshrines the principle of equality, which holds that in cases where identical factual and legal circumstances exist a court or an institution shall adopt identical decisions (in matters with different factual or legal circumstances – different decisions) irrespective of gender, age, race, skin colour, language, religious beliefs, political or other views, social origin, ethnicity, education, social and financial status, type of employment, and other status.

583. Article 240 of the Administrative Offences Code provides that cases of administrative offences are adjudicated based on the principle that all individuals are equal before the law and the institution, which is hearing the case, irrespective of their origins, social and financial status, race, nationality, gender, education, language, attitudes toward religion, type and nature of employment, place of residence, etc.

584. The principle of equality before the law and the court is enshrined in Chapter 1 “Principles of Civil Procedure”, namely, article 1, paragraph 1, of the Civil Procedure Law. It stipulates that every individual and legal entity are entitled to the protection of his or her violated or challenged civil rights, or interests protected by law, in court. Article 9 of the Civil Procedure Law provides that the parties have equal procedural rights, as well as equal possibility to exercise their rights for the protection of the interests. This principle may be also deduced from article 91 of the Satversme.

585. The principle of equality before the court and the law is enshrined in article 8 of the Criminal Procedure Law. It determines uniform procedural rules and order for all persons involved in criminal proceedings irrespective of the origin, social and financial situation, occupation, citizenship, race, ethnicity, attitude toward religion, sex, education, language, place of residence, and other status.

### **Article 27**

586. The Republic of Latvia refers to the information provided by the second periodic report (see CCPR/C/LVA/2002/2, paragraphs 336-348) on ensuring and enforcement of the national minority rights. It shall be additionally stated that along with legislative regulation

provided by article 113 and 114 of the Satversme, article 8 of the 1991 Law On the Free Development and Rights to Cultural Autonomy of Latvia's National and Ethnic Groups stipulates that all permanent residents of the Republic Latvia have state guaranteed rights to preserve their own national traditions, use national symbolic and celebrate national holidays. In accordance with article 10 of the Law On the Free Development and Rights to Cultural Autonomy of Latvia's National and Ethnic Groups State institutions of the Republic of Latvia facilitate arrangement of material basis for the development of education, language and culture of the national and ethnic minorities, which reside within the territory of the Republic Latvia, envisaging State budgetary allocations for those purposes.

587. The Saeima ratified the 1995 CoE Framework Convention for the Protection of National Minorities on 26 May 2005. It entered into force in Latvia on 1 October 2005. Upon the ratification of the Convention Latvia has added two declarations to articles 10 and 11, which explained in what manner the mentioned provisions shall be applicable in Latvia.

588. On 24 May 2007, the Law On the Convention of the Protection and Promotion of the Diversity of Cultural Expressions entered into force, thereby Latvia has joined the UNESCO Convention of the Protection and Promotion of the Diversity of Cultural Expressions. Article 7 thereof stipulates that Latvia, as a member state to the Convention, shall endeavour to create such environment, which encourages individuals and social groups: (a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the specific needs of women and various social groups, including persons belonging to minorities and indigenous peoples; (b) to have access to diverse cultural expressions from within its territory, as well as from other countries of the world (for additional information, see annex 2).

#### **Latvia's international agreements**

589. Since 2004, various inter-governmental agreements of cooperation concerning culture policy have been signed:

- Agreement between the Government of the Republic of Latvia and the Government of the Republic of Poland on Co-operation in the Field of Culture and Education (29. 3.2006);
- Agreement between the Government of the Republic of Latvia and the Government of the Republic of Moldova on Co-operation in the Field of Education, Culture, Youth and Sports (7. 9.2006);
- Agreement between the Government of the Republic of Latvia and the Government of the Republic of Turkey on Co-operation in the Field of Education, Culture, Youth and Sports (19. 4.2005);
- Agreement between the Government of the Republic of Latvia and the Government of the Republic of Turkey on Co-operation in the Field of Education, Culture, Youth and Sports (19. 4.2005);
- Agreement between the Government of the Republic of Latvia and the Government of Mongolia on Co-operation in the Field of Culture, Education and Science (1.7.2003).

590. During the reporting period the following inter-ministerial agreements have been signed:

- Agreement between the Ministry of Culture of the Republic of Latvia and the Ministry of Culture of the Republic of Belarus on Co-operation in the Field of Culture and Arts (18.04.2002);

- Agreement between the Ministry of Culture of the Republic of Latvia and the Ministry of Culture and Arts of the Republic of Ukraine on Co-operation in the Field of Culture (16.10.2002);
- Agreement between the Ministry of Culture of the Republic of Latvia and the Ministry of Culture of the Republic of Azerbaijan on Co-operation in the Field of Culture (3.10.2005);
- Agreement between the Ministry of Culture of the Republic of Latvia and the Ministry of Culture and Youth Affairs of the Republic of Armenia on Co-operation in the Field of Culture (3.10.2005);
- Memorandum of Co-operation between the Secretariat of the Special Assignments Minister for Social Integration and the Ministry of Georgia on Citizens' Integration Affairs (the Ministry of State Integration of Georgia being a successor thereof) in the Field of Integration (1.06.2006.);
- Agreement between the Secretariat of the Special Assignments Minister for Social Integration and Bureau of Interethnic Relations of the Republic of Moldova in the Field of Integration (29.10.2007).

### **Latvia's policy initiatives**

591. On 18 April 2006, the CM approved the *Basic State Culture Policy Guidelines 2006-2015* drafted by the Ministry of Culture (MoC). These guidelines emphasize that a wholesome development of the Latvian culture is possible, assuming co-responsibility for the promotion of cultural pluralism and multicultural co-existence and culture autonomy all based on mutual respect and tolerance. These guidelines also define a desirable policy goal as follows: (*quote*) "The basis for the growth of Latvia as a national state is established by a unified cultural and society consolidating space, which is characterized by cultural diversity and is united by shared values. Each person in Latvia is entitled to freely express and develop his or her ethnic, cultural and religious identity. The State shall preserve and ensure access, also on the Internet, to cultural heritage of both Latvian and Livs, as well as of the others national minorities living in Latvia."

592. On 2001 the CM adopted the National programme *Culture 2000-2010*, thereby envisaging the establishment of favorable conditions for culture development of different national groups living in Latvia. The main goal of this national programme is to preserve cultural diversity thereby observing the interests of all nations and ethnic groups living in Latvia. Under each of ten of sub-programmes (in each field of culture) a chapter "Social integration" has been introduced, which foresees various events aimed at popularizing cultural heritage of national minorities of Latvia, at the same time fostering mutual understanding and social integration.

593. With the aim to update the 1999 State long-term special-purpose programme *the Livs in Latvia* in 2008, the CM approved the State programme *the Livs in Latvia 2008-2012*, which stipulates the ensuring and broadening of the possibility to pursue the Livs' culture, paying special attention on strengthening of the Livs' community.

594. The main goal of the section designated to culture issues of the National programme *Integration of Society in Latvia* (approved on 6 February 2001) is the protection of national minority rights. This programme stipulates the possibility for the Latvian national minorities to preserve and develop own culture, as well as tends to create favorable environment for equality of national cultures under the unified state culture policy.

595. For details on the State programme on support provided to gypsies (Roma people) in Latvia, see paragraphs 41-54.

## State administrative measures on the protection of the rights of national minorities

### *Support provided to national minority NGOs, associations and public organizations*

596. The SSAMSI takes effective steps in promoting mutual respect, understanding and cooperation among Latvia's national minorities and ethnic Latvians.

597. One of the SSAMSI main tasks is to provide state financial support for the activities and events organized by national minority NGOs. There 250 national minority and ethnic and interethnic groups among the total of 9,863 NGOs registered in Latvia. The SSAMSI has improved the system of financing of the national minority NGOs activity, which allows considering and addressing their needs of development in an optimal and regular way. The SSAMSI also does regular work on improving government policies *vis-à-vis* national minorities. State subsidies are available to organizations, which have defined the following goals in their statutes: defending the rights of national minorities; preserving and developing the ethnic identity and cultural heritage of national minorities in Latvia; promoting interethnic dialogue (in addition, see paragraph 33).

598. As of December 2008, the SSAMSI has registered more than 250 national minority and other ethnic groups, inter alia, interethnic societies and foundations and their regional divisions. Compared to 2002, the number of such organizations registered with the SSAMSI has significantly increased (from 160 to 250). The largest organizations among them are the following: the Jelgava Association of National Culture Societies, the National Minority Programme "ZELTA KAMOLIŅŠ", the Latvian Russian Culture Society, the Russian Culture Center "Kalistratova nams", the Council of Jewish Congregations and Communities in Latvia, the Latvian Roma association "NĒVO DROM", the Latvian Ukrainian Society, the Latvian German Society, the Latvian Belarusian Society, the South-Latvian Education and Culture Society of Old Believers "Belovodije", the Romanian-moldavian society „DOINA”, Daugavpils Ukrainian Education and Culture Society "Mrija", etc.

599. The SSAMSI has an archive of articles, photographs, posters and other materials, and it regularly updates statistical data about national minorities in Latvia with the SSAMSI database of national minority organizations. One of the SSAMSI functions is to consider achievements of performance groups and other cultural structures. In 2005, the SSAMSI commenced to collect information in order to preserve the cultural heritage of national minorities in Latvia. As a result, a broad archive of newspapers, books, booklets, extracts and materials has been made, which comprises all the national groups presented in Latvia. In addition, in 2006, the SSAMSI conducted a survey targeted at national minority NGOs, in order to make an analysis of the resources available to NGOs, to study information on performance groups, museums, libraries and archives. The results of the survey have been aggregated for internal use, as well as published in a brochure "National minority performance groups in Latvia". Since 2004, a brochure "National minority NGOs in Latvia" has been published and annually updated.

600. In 2007, a working group for the implementation of the State programme *State Support for National Minorities in Latvia 2008-2012* was established. As of now, four working group's session have been conducted.

601. Within the framework of the State programme *Strengthening civic society 2005-2009* and *Strengthening civic society 2008-2012* the SSAMSI supports the protection of interests of the NGOs operating both in Riga and rural areas. For the rural NGOs state subsidies are available targeted at implementing the projects related to encouraging local population activity and mutual cooperation, thereby contributing in strengthening the civic society in the country's rural areas.

602. The SSAMSI on a regular basis organizes informational and educational events (for instance, seminars, workshops, discussions, etc.) for leaders and representatives of the national minority NGOs, as well as for leaders of the national minority performance groups. It is done with the aim to enhance NGOs capacity, to preserve and develop ethnical identity of national minorities, to reduce the ethnic gap between Latvians and representatives of the national minorities.

603. The SSAMSI also organizes various educational cultural events (for instance, exhibitions, meetings, etc.), as well as special events dedicated to popularization of national traditions and languages (for instance, concerts, festivals, poetry evenings, folklore performances, etc.).

604. Administrative and technical assistance is provided to national minority NGOs in order to support their sustainable development and capacities. Infrastructure support has regularly been given to national minority NGOs in terms of office equipment and facilities for the organization of various events. As a result, assistance is given to representatives of as many as 50 national minority NGOs and ten performance groups per month. On average, support is provided to 38 events per month, with participation of 900 – 1,000 individuals per month. In 2007, 412 events were organized by national minority and other NGOs, with participation of 9,746 individuals. In 2008, the SSAMSI has granted its support to 213 events organized by national minority and other NGOs, with participation of 4,167 individuals.

605. The SSAMSI actively supports NGOs' initiatives to study their culture and history, as well as historic and contemporary intercultural relations. During the reporting period publication of a number of studies and conducting of important conferences and seminars has been funded. The total amount of grants allocated for these purposes exceeds LVL 85,000. The most important examples of such activities are as follows: filming of the documental film "Christianity in Latvia", publication of the book "Russian – Latvian links: folklore, mythology, language, literature", organization of Latvian Roma congress. During 2003 and 2006, the SSAMSI has supported 161 projects aimed at studying culture and strengthening of intercultural contacts. In 2006 and 2007, the amount allocated for the mentioned purposes exceeded 80,000 LVL.

606. In 2008, the following activities have been initiated with the aim to collect data concerning national minority public organizations: (1) analysis and summarizing of written reports on allocated state financial resources (both the report on substance and finances) has been made; (2) the SSAMSI maintains electronic national minority NGOs' database for internal use, which data has been updated and published in a brochure in 2008, as well as a database on projects implemented by national minority NGOs; (3) on a regular basis the presence monitoring is made during the events organized by national minority NGOs; (4) a regular dialogue with national minority NGOs is maintained (for instance, different informational and educational seminars and consultations are conducted, etc.); (5) summarizing of annual plans and reports of national minority NGOs; (6) in May, 2008, the SSAMSI National Minority Culture and Information Division conducted an NGOs' survey, which covered issues related to societies and performance groups, archives and libraries, as well as other cultural resources.

607. Since 1998, the State Culture Capital Foundation (SCCF) has been operating in Latvia. It distributes state financial resources to different cultural projects on a tender basis. Any individual or institution may participate in the tender organized by the SCCF by submitting a project application. Numerous projects financially supported by the SCCF were targeted at facilitating cultural identity as a factor of promoting mutual understanding, as well as studying and popularizing national minority cultural heritage. On 23 March 2006, amendments were introduced to the State Culture Capital Foundation Law, which stipulates that the amount of Sate budget allocations for the SCCF in current year shall be larger than

such in previous year. Therefore, a constant increase of state support is ensured for cultural activities of individuals in Latvia (for statistical data on SCCF financial support granted to national minority NGO, see annex 17).

### **The right of national minorities to preserve their language**

608. The 1998 Education Law provides the use of educational resources to preserve national minority languages and cultures. Article 38 of the Education Law foresees that a national minority curriculum is a specific type of general education curricula. It is designed by educational institutions and involves content, which is related to the respective ethnic cultural aspects. Although article 9 of the Education Law states that the Latvian language is the language of instruction in state and municipal educational institutions, it is allowed to use other languages, including national minority languages, at educational institutions which implement the aforementioned minority curricula, as well as at private educational institutions.

609. Many Latvia's national minority educational institutions co-operate with the government and educational institutions of their homeland, as well as receive literature and teaching material to improve education process. Latvia implements state funded educational programmes in the following national minority languages: Russian, Belarus, Ukrainian, Lithuanian, Roma, Hebrew, Estonian and Polish, envisaging an acquisition of school curricula, state examination and approval of education curricula standards in the respective language. For instance, the Republic of Poland works very closely with Latvia and supports the Polish schools therein. The Polish partner supports the qualification improvement trainings of Polish schools' teachers, invites guest-teachers from Poland, participates in renovation of premises, as well as provides necessary teaching material.

610. Education in the language of national minority is a basic prerequisite for preserving cultural identity of the national minorities in Latvia. As it was mentioned previously, Latvia ensures an acquisition of educational process in eight foreign languages. State financed higher educational programmes are implemented in Latvian, however, some educational institutions offer programmes in the foreign languages (for detailed statistics, see annex 16).

611. In 2006, there existed 14 national Sunday schools in Latvia: Azerbaijan, Jewish, Ukrainian and Livs. Roma, Belarus, the Old Faith and Russian Orthodox established new Sunday schools. Sunday schools teach the national language, history, culture and geography. Numerous schools also teach the basics of religion, organize music workshops and celebration of national holidays. The SSAMSI supported few applications by national minority NGOs for grants specifically addressing the needs of Sunday schools. Accordingly, regular financial support is provided for the upkeep of Gypsies (Roma) Sunday schools, established by the association *Nēvo Drom*, Romanian Sunday school (the Romanian-Moldavian society „DOINA”), Belarusian Sunday School (the Belarusian Education and Culture Society „Uzdim”) and the Liepāja Ukrainian Sunday school (society “Rodīna”). In 2005, the SSAMSI funded the development of methodology for the Jelgava Jewish association's Sunday school.

612. Libraries in Latvia traditionally attempt to include in their collections books and other publications in different languages. The dominant percentage of the published literature next to Latvian has been Russian, which makes up 40 – 45 per cent of the total volume of library collections. Books in other languages (English, German, French, Swedish, Danish, etc.) make up about ten per cent of the total volume of library collections. Libraries close to the Latvian borders have a wide selection of books in the languages of boarding states. Publications in different languages are offered to the residents of Riga by specialized public libraries – the foreign language library (for statistical data on literature collections in general, literature collections at Latvian National Library, see annex 17).

613. Some national minorities residing in Latvia issue their own newspapers, bulletins and magazines. For instance, since 2004 the Ukrainian Diaspora issues the newspaper “*Вісник*” in the Ukrainian language (1,000 copies, four - six times per year). The Belarusian community with financial assistance of sponsors issues the newspaper “*Прамень*” (1,000 copies, eight – nine times per year). The Armenian community’s newspaper “*Арапат*” (2,500 copies per month, seven – nine times per year) is also issued in Riga, as well as old believers’ newspaper “*Меч духовный*” and the magazine “*Поморский вестник*”, all of them published in Russian. The Polish community in Riga issues the newspaper “*Polak na Łotwie*” (650 copies, six times per year) and in Daugavpils – the monthly newspaper „*Slowo polskie*” (1,000 copies). The Gypsy (the Roma) community newspaper “*Nēvo Drom*” (in the Latvian language) is the first newspaper of the Roma community in Latvia. In 2006 and 2007, the SSAMSI granted State budget allocations in the total amount of 6,400 LVL for national minority publications. Part of national minority publications is financed from the State budget.

614. A wide range of periodicals in foreign languages is available in Latvia, even if they may not be deemed as national minority publications in its formal sense. These are regularly issued publications in such foreign languages as Russian or English. That allows preserving and raising public awareness of multi-ethnic Latvian population concerning current news and events taking place at state and regional level in a language which is most commonly used in everyday life. There are also various news Internet sites, which provide information in both Latvian and Russian (for statistical data on periodicals, books editions in the foreign languages in 2000-2006, see annex 17). As well, numerous radio and television broadcasting programmes are available in foreign languages (inter alia, in Russian) (for details see paragraph 617). Considering the total number of publications and amount of broadcasts, it shall be stated that the mentioned services provided in a foreign language (inter alia, in Russian) exceed those offered in Latvian.

615. Permanent state financial support is provided to Rīga Russian Drama Theater, Daugavpils Theater and State Puppet Theater shows performed in Russian. Approximately 25 per cent from the total sum of state subsidies allocated to the theaters are granted annually for that purposes. There are also independent private theaters and various theater shows, which produce performances in Russian, for instance, Russian Youth Theater, and which are entitled to receive state financing. For instance, there are numerous amateur drama groups established at national minority schools, as well as a school theater festival “Russian classics” is organized annually and is financially supported by the SCCF (for statistical data on state subsidies granted to Latvian theaters in 2004 – 2007, see annex 17).

616. Article 62, paragraph 3, of the Radio and Television Law provides that of the annual broadcasting time, 20 per cent may be allocated to broadcasts in the languages of the national minorities, including in such broadcasting time also films and theatrical performances sub-titled in the State language.

617. Presently there are 48 commercial radio broadcasting organizations in the territory of Latvia; six of them are broadcasting 100 per cent in the foreign languages (five - in Russian, one – in English), 27 commercial television broadcasting organizations, where the broadcasts with the target audience for national minorities are being made in three TV broadcasting organizations (“TV 5”, “First Baltic Channel”, transmitted in all the three Baltic states, “TV Million”). There are also 40 cable television broadcasting companies, with main programs are broadcasted in Russian (for statistical data on broadcasting time of radio and television broadcasting organizations, disaggregated by language, as well as statistical data on cable television programmes in the foreign languages, see annex 17).



**Promotion of tolerance within the education process and other events**

618. In 2007, new teaching materials assessment criteria have been developed, which include such aspects as sociocultural competence, multicultural competence and tolerance towards other culture. Sociocultural aspects, issues on democracy and civic education have been already included into the content of teacher continuing education trainings. As well, the general education standard comprises the issues concerning multicultural aspects, tolerance and respect towards the other, civic education and values education.

619. Within the education curricula applied at higher educational institutions it is possible to teach professionals for acquisition of national minority language. Presently, the Russian language is studied at two Latvian higher educational institutions; one thereof prepares the Polish language experts. Continuing education curriculum contains issues pertaining to tolerance and respect towards the other, as well as facilitate deepening the knowledge on national minorities' culture. The education trainings touching upon the issues of diversity are included in the content of teacher professional training programmes.

620. The NALLT is active in promoting activities of youth clubs, organizing camps for youths, and camps for two generations – following the tradition of the Latvian Diaspora 2 x 2 and 3 x 3 camps, which are attended by children and their parents and work together in learning the State language. Special publications have been prepared for parents of national minority students targeted at promoting their trust in school teaching methods and inform about the diversity of the school processes.

621. The SSAMSI has allocated State budget financing for support of informational events related to the EU. In 2006, the SSAMSI held seminars on 2005 PHARE programme project tenders in the area of promoting ethnic integration, lectures on financing, the EU funds, development and administration of projects. Fact sheets were disseminated, as well as two books – “NGO financing opportunities in the European Union” and “The European Union and national minorities”. In 2007, a seminar entitled “European Social Fund and other grants programmes” was held.

622. In 2007, the SSAMSI, in association with the Social and Political Research Institute of the University of Latvia conducted a seminar “Social Integration as an element of sustainable society”, aimed at promoting understanding on social integration processes, inter alia, its essence, principles, challenges, targets and desirable outcome. During the seminar such issues as integration assessment indicators and social integration role within the ambit of sustainable society development were discussed.

623. Every year, during the second half of September, the State Language Agency celebrates a European Language Day targeted at language experts, students and others. The event is organized with the aim to provide knowledge on the European languages and European culture, each year moving one of the language or educational issues to the forefront of the priorities for discussion.

624. Since 2004, the SSAMSI conducts celebration event of the International Day against Racism and International Day of Tolerance. In 2007, within the framework of the International Day against Racism an event “All are different, all are equal” was organized, during which demonstration of videos and discussion under the heading “Racism on screens” were held, with participation of Rīga schools' students, representatives of the Ombudsman's Office, NGOs, *etc.* In 2008, within the framework of the International Day against Racism, the SSAMSI has organized various activities. For instance, with an assistance of mass media, information on discrimination was provided to the public, as well as teachers and students were provided with professional knowledge on racism-related issues. In 2008, the European Year of Intercultural Dialogue was established, therefore the SSAMSI designated various activities for promoting culture diversity at the educational institutions, involvement of mass media, enhancing the diversity of cultural expressions in

public area, as well as supporting the activities of different cultural groups. Within the framework of Intercultural Dialogue Year, the SSAMSI has organized four seminars "Cultural diversity in Latvia: meaning and development" targeted at Latvian higher educational institutions academic staff and prospective teachers. In popularizing cultural diversity issues at the educational institutions, the SSAMSI also organized an essay competition among schools' students.

625. In 2004, one of the largest projects conducted under the heading "Intercultural co-operation" was a festival "United in diversity – 2004". The festival involved national minorities represented in Latvian Association of National Cultural Unions and living in Latvia – Armenians, Russians, Azerbaijanis, Germans, Moldovans, Ukrainians, Hungarians, Georgians, Tatars, Bashkirs, Belarusians, Poles, Lebanese, Jews, Uzbeks and Lithuanians. In 2005, various exhibitions and children events, as well as a series of events of the Latvian Armenian Organization, the festival "United in diversity – 2005", within which five concerts, two exhibitions, a conference and literature evening, were organized. In 2006, the Moldavian Culture Festival took place, as well as national minority children sport games, exhibitions and concerts. In March 2008, the SSAMSI supported Romanian-Moldavian traditional spring festivity "Merçișor" within the framework of the State-financed project "Preservation of Romanian and Moldavian unique ethnic identity and culture under conditions of globalization". Every year, during the time period from 2005 to 2008, ten to 30 important interethnic festivals and events were conducted in Rīga and Latvian regions.

626. In 2005, two methodological videos were presented, along with brochures called "Russian weddings" and "Christmas Eve". The events were attended by representatives from 42 national minority NGOs from Rīga, Jelgava and Liepāja, along with representatives of the MES. The brochures and video were distributed in national minority schools.

627. In 2005, a collection of Russian folk songs (*chastushki*) was presented, the aim being to popularize national minority folklore in order to preserve ethnic identity and culture. This event was organized in collaboration with the Latvian Association of Russian Cultural Societies and was attended by 108 representatives of national minority groups, schools and ministries. In 2005, there were two lectures organized for the minority schools academic staff. Information was collected about cooperation with municipalities, as well as a survey was conducted in all Latvia's regions among national minority NGO and municipalities with the aim of collecting information about traditional national minority festivals organized in Latvia. From 2006 to 2008, methodological seminars targeted at national minority school teachers were organized on a regular basis, with the aim to offer the new methodology on teaching Slavic folklore, as well as to deepen knowledge in the respective domains. In 2007, 60 teachers and in 2008, 38 teachers participated in the mentioned seminars.

628. Every second year a national minority festival "Latvia's Crown" is organized. The event is attended by approximately 600 foreigners and Latvian representatives – Uzbek, Greek, Moldovan, Russian, Ukrainian and Bashkir, as well as Latvian national cultural associations.

629. In 2007, under the order adopted by the SSAMSI, the Social and Political Research Institute of the University of Latvia conducted a survey "Convention on National Minorities – Elimination of Discrimination and Preservation of Identity in Latvia". The survey was prepared by various experts, who made a thorough analysis of the legislative regulation, which envisages prohibition of discrimination on any ground such as race, ethnicity, language or religious belief, as well as of the Council Directive 2000/43/EC, which implements the principle of equal treatment between persons irrespective of racial or ethnic origin.

630. In 2007, under the order adopted by the SSAMSI and with the financial support thereof, the Institute of Philosophy and Sociology of the University of Latvia conducted and published numerous surveys, such as:

- A scientific research paper and a book “National minorities in Latvia. History and Nowadays”, which is deemed as a study manual on national minorities in Latvia, which is provided to State and municipal authorities, NGOs, representatives of national minorities, academic staff and mass media;
  - A scientific research paper and a book “Resistance to social integration: reasons and consequences”. The outcome of this survey shows that the ethnical diversity does not constitute insurmountable impediments to social integration processes;
  - A survey “Interaction between Latvian Russian collective and individual identity as a factor of development of Latvian civic society”. The survey concluded that the collective linguistic identity of the Russian minority plays an important role in transformation of values orientation of Russians from soviet (imperial) to the national minority identity. Therefore, it was stated that the linguistic identity retains the status of Russians and ensures their inclusion into Latvian social networks.
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