



**OFFICE OF THE COMMISSIONER  
FOR HUMAN RIGHTS**

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**REPORT BY  
MR ALVARO GIL-ROBLES,  
COMMISSIONER FOR HUMAN RIGHTS,  
ON HIS VISIT TO LATVIA  
5 - 8 October 2003**

**for the attention of the Committee of Ministers  
and the Parliamentary Assembly**

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## I. INTRODUCTION

*Under Article 3e of Resolution (99)50 of the Committee of Ministers on the Council of Europe Commissioner for Human Rights, I accepted the invitation from the Ministry for Foreign Affairs of Latvia to make an official visit from 5 to 8 October 2003. I travelled to Riga with the head of my office, Mr Christos Giakoumopoulos, and with Mr Alexandre Guessel, Mr Gregory Mathieu and Mr Ignacio Perez Caldentey, members of my office. I would first of all like to thank our contacts in the Ministry for Foreign Affairs for the hospitality and great co-operation which ensured a successful visit.*

*During my visit, I met the President of the Republic, the President of the Constitutional Court, the Minister of Justice, the Minister of Education and Science, the Minister for Social Security, the Minister for Social Integration, the Chair and members of the Parliamentary Committee on Human Rights and Social Affairs, the members of the Latvian parliamentary delegation to the Council of Europe Parliamentary Assembly and the head of Latvia's Human Rights Office as well as senior civil servants in Ministry of Interior. I also had talks with representatives of the judiciary and the Riga Bar. In addition I would like to thank local and government authorities of the city of Daugavpils for making travel arrangements for me and enabling me to meet all the people whom I asked to see. I wish to thank the mayor of Daugavpils, municipal representatives, social and welfare agencies, the Naturalisation Department and religious dignitaries for giving me their time in order to fully explain the human rights situation in the city and region.*

*In addition to these persons, and throughout my visit, I made a point of meeting representatives of civil society, national minorities and NGOs. The dialogue we had in Riga and Daugavpils was open and friendly. A range of issues with which Latvian society as a whole is currently faced were discussed frankly and honestly, and this gave me a better grasp of people's concerns. In addition, in view of the particular topicality of education matters as a result of the current reforms, I visited four Latvian-language and minority-language secondary schools in order to gain an impression of the progress of the reforms. At the end of the visit I took part in a lengthy conversation with journalists on the second national television channel's Official Viewpoint programme, transmitted in Russian. I would like to thank everyone who assisted me in these visits for their availability and co-operation and the openness of our talks.*

## **II. GENERAL OBSERVATIONS**

1. Latvia became a Council of Europe member on 10 February 1995. It ratified the European Convention on Human Rights and recognised the right of individual petition on 27 June 1997. Protocol No. 6 to the European Convention on Human Rights, abolishing the death penalty, was ratified on 7 May 1999. At the same time it should be pointed out that Protocols Nos 9 and 10 to the European Convention on Human Rights have been neither signed nor ratified, and nor have the European Charter of Regional or Minority Languages or the Revised European Social Charter. Latvia has signed the Framework Convention for the Protection of National Minorities but has not yet ratified it. This is also the position with Protocols Nos 12 and 13 to the European Convention on Human Rights. The European Social Charter has been ratified by Latvia, but the revised Social Charter has not.
2. Since Latvia gained its independence in 1991 the whole country has made great strides towards building a democratic, plural society based on human rights and tolerance. During my visit I was able to see the progress that has been achieved and the efforts that have been made towards attaining the objectives that the entire nation has set itself.
3. At the same time a number of problems remain. Below I shall endeavour to draw attention to what I believe to be the main ones, solutions to which will enable Latvia to ensure improved respect for the human rights of the whole population.

## **III. THE JUDICIAL SYSTEM AND LAW-ENFORCEMENT AGENCIES**

4. Law and order is something that all states must ensure, and this means that national authorities have to pay close attention to the needs of the services performing that function. During the visit, as with all countries, I endeavoured to look into any problems connected with police action or the judicial system. I would stress the openness and transparency with which the authorities treated all my requests in the matter.

### **1. Police action**

5. Since joining the Council of Europe Latvia has made great efforts to improve both the way in which the police operate and the legislation governing police work. As in many new and restored democracies, the practices of the Latvian police have often come in for criticism from civil society as involving an unacceptable degree of force and, in some cases, brutality.
6. During my visit I therefore made a point of having discussions with the Ministry of Internal Affairs about the situation on the ground and recent improvements in police practice. I wish to thank senior officials at the ministry for answering my questions in the absence of the minister and first deputy minister, who apparently had engagements elsewhere. As requested, the authorities arranged visits for me to the Riga police headquarters and its remand centre so that I could discuss needs in that sector with the staff and remand prisoners.

7. In my conversations at the ministry there was particular emphasis on the question of police conduct towards the population. During the meeting, for example, I was given explanations for the interception of students who, just before the previous day's meeting with NGOs at the Council of Europe information office, had tried to hand me a petition protesting against the education reforms. I was told firstly that no permission had been given for the protest and secondly that the demonstrators had been unable to give any explanation for the slogans they were displaying. I think that in a democratic society the authorities need to be more flexible, particularly in dealing with a mere thirty or so young people who only wanted to hand me documents and had no aggressive intent.
8. More generally the ministry officials acknowledged that, despite training and awareness-raising efforts in this area, some difficulties remain, and that the police sometimes use a needless degree of force. The authorities say that cases of this, which are part of the hard-to-eradicate legacy of the old system, are closely examined whenever reported and the appropriate lessons learned from them.
9. I consider this attitude to be a positive one because, in such a sensitive area, no deviation from full respect for human rights is acceptable. Further, if the policy is that no proven act of brutality is to be tolerated by superior officers, speedy and effective measures are needed to ensure that the policy is taken seriously.
10. In this connection special attention must be paid to disciplinary or judicial procedure for dealing with police misconduct. We were told that the procedure exists and is starting to bear fruit. It allows anyone to report ill-treatment either to the police station to which the officer concerned is attached, or to the appropriate unit in the ministry hierarchy, or to the ministry itself. The authorities say that every police station now has an officer responsible for dealing with complaints. In addition, contrary to previous practice, the ministry is trying to encourage people to come forward with such complaints, and clear instructions have been issued that any such complaint is to be thoroughly investigated. According to the information supplied by the ministry, in the first half of 2003 members of the public made 93 complaints concerning action by police officers and disciplinary measures were taken against seven officers following internal investigation.
11. Internal investigation in such cases is conducted by a special commission attached to the ministry which is composed of three committees. Complaints are referred to the first of these committees for investigation. The investigation concludes either with a finding of non-contravention of the complainant's rights and dismissal of the complaint or with a finding of contravention. If the contravention is a breach of disciplinary rules the committee itself decides the penalty. If a criminal offence is involved, the file then goes to the second committee, which, after examining the matter, may either dismiss the complaint or refer it to the prosecutor. The commission's third committee deals with action to combat corruption within the police.
12. It is also open to a complainant to take the complaint to the Human Rights Office (Ombudsman), with which the police have very constructive relations.

13. The commission machinery we have described is certainly worthwhile and may provide concrete solutions to the problem of police violence. At the same time it should be noted that even though, in theory, a complainant may complain direct to a court, the authorities so far have no record of any such direct application to the courts. In a country where, in civil society, there are serious concerns about the conduct of some members of the police it is particularly hard to understand how no cases can have been brought direct before the courts. In this area there must be not only a system of penalties and hierarchical supervision but also, and most importantly, programmes of training and education in observance of human rights. In this context it is encouraging to learn that human-rights instruction is now part of the training of Ministry of Internal Affairs officers. This, needless to say, is an excellent move which will develop awareness in the matter within the law-enforcement agencies. But it is only a first step, and a complete change in the situation will need intensive action directed at all components of Latvian society.

## **2. Remand centres**

### **a) Physical conditions**

14. In my talks at the Ministry of Internal Affairs I raised the question of operation of the justice system, in particular problems relating to remand and police custody. Those talks, and my visit to the Riga police headquarters remand centre and the Riga central prison, gave me a clearer picture of the situation in that area, which raises problems in the vast majority of Council of Europe member countries.

15. It should be said that the physical conditions I observed in those establishments seemed to me to fall far short of common European standards. The cells we visited at police headquarters were old, bore no trace of recent work and were ill-lit and ill-ventilated. Seemingly the prisoners spend almost the whole day in the cells except for one hour's exercise. In addition the exercise areas are tiny, akin to open-air cells.

16. Clearly the authorities must make considerable efforts to change the situation. I was pleased to see that the officials with whom I had talks fully appreciated that. I was informed that a schedule of works had been drawn up for the central prison and that part of the programme had already been carried out. When we visited one of the renovated parts of the prison we were very favourably impressed.

17. Our visit, immediately afterwards, to the prison hospital was therefore all the more distressing. The conditions there are terrible and liable to undo the effects of any medical treatment, and the hospital staff told me that the facilities they had were mostly very old and inadequate. That is doubly serious because this is the country's only hospital for prisoners. I have already told the authorities in Riga, and I repeat the message here, that it is urgent and necessary to close the hospital, at least for a complete refurbishment, and to transfer the patients to some place appropriate to the object, namely curative treatment.

**b) Procedural matters**

18. In addition to the physical conditions in which remand prisoners are held, there were procedural matters that required my attention. Firstly, it turns out that the remand centres are under the Ministry of Internal Affairs, not the Ministry of Justice.
19. According to the information we were given by representatives of various non-governmental organisations, the police and even the courts do not always keep to the rules, particularly as regards time limits.
20. When I visited the police station I was surprised to see that some officers seemed a little confused about the time limits laid down in law. At one stage I had the distinct impression that not all the rules were known to the people whose primary duty it was to be acquainted with them. This is a problem which the authorities must devote particular attention to.
21. In my view part of the problem is that the permissible periods of remand are very lengthy. Under the law in force, remand during investigation can last up to 18 months, which in itself is somewhat lengthy. That period is made up of three-month periods at the end of each of which there has to be a decision by a judge extending the remand. We were told that, contrary to the rules, remand is sometimes extended without a prisoner's appearing before a judge, a matter which is liable to raise problems under the European Convention on Human Rights. Even more worryingly, after the 18 months, the case comes before a court, which may, without any statement of reasons, extend the remand for a further 18 months for purposes of the investigation. Remand of that length is clearly excessive, particularly as the absence of any requirement to give reasons greatly restricts the possibility of challenging the extension of the remand.
22. In this connection the figures we were given by the management of the central prison merely highlight the problem: out of a total of 1,653 remand prisoners, 876 had been remanded for longer than allowed by the Code of Criminal Procedure, 490 of these pending trial, 369 pending determination of an appeal whether on the facts or the law, and 6 pending issue of a certified copy of the judgments in their cases.

**IV. PROTECTION OF MINORITIES**

23. As in most Council of Europe member countries, the population of Latvia includes several sizeable minorities. However, a large proportion of people belonging to minorities do not have Latvian citizenship, and that poses a real problem for Latvian society as a whole.

**1. The citizenship issue**

24. Building a post-independence society and Latvia's integration into Europe are aspirations common to everyone living in the country, particularly affecting those born there and future Latvian-born generations. I therefore believe that Latvia must avoid excluding a large proportion of the population from that common project. All parties

concerned must strive to give their children a future in which each individual's specific characteristics are respected. It is important for the whole population to look to the future and collectively build a Latvian state, rather than dwell on the past, however painful.

**a) Progress achieved to date**

25. When Latvia regained its independence, only persons who had acquired Latvian nationality before 1940 and their descendents were automatically treated as citizens. All other persons, principally those who settled in Latvia after 1940, could obtain citizenship only through naturalisation. At the time these others numbered some 740,000, which was a very large figure relative to the total population. The state could not ignore the difficulties faced by such numbers on its territory and it therefore had no choice but to clarify the status of that very specific section of the population.
26. On 22 April 1995 a law was enacted on the status of former citizens of the Soviet Union not possessing Latvian or any other citizenship. It laid down that persons lawfully residing on Latvian territory and not entitled to Latvian citizenship could exchange their previous USSR passport or any other document proving that they were resident in Latvia for a Latvian "non-citizen" passport. This very unusual status thus made its appearance among identity documents circulating in Europe.
27. At present, according to official figures at 1 July 2003, non-citizens number 494,319, making up some 21% of the population. If these were foreigners resident in Latvia, it would be neither problematical nor even unusual in terms of the general position in Europe. However, the situation has a special feature that makes it exceptional: all non-citizens have no other citizenship, having lost citizenship of the Soviet Union.
28. Consequently a question arises as to the actual status of this section of the Latvian population and as to whether they are not in fact a classic case of stateless persons within the meaning of public international law: under Article 1 of the 1954 Convention relating to the Status of Stateless Persons the term "stateless person" means a person who is not considered as a national by any state under the operation of its law, and Latvian non-citizens indeed do not have any other citizenship.
29. As with any foreign resident, non-citizens in Latvia cannot stand or vote in elections, whether local or national. They are debarred from certain economic and social rights, as pointed out in the latest ECRI report. More generally, non-citizens are not allowed to carry on certain occupations in the private and public sectors.
30. The situation resulting from the existence of non-citizens came in for Council of Europe attention as soon as Latvia joined the Organisation, and it has been the subject of various recommendations. In particular, various Council of Europe bodies have urged the Latvian authorities to make it easier for non-citizens to gain citizenship so as to speed up their integration into the national community. The relevant recommendations were in line with international law, under which authorities in all countries concerned are strongly encouraged to reduce cases of statelessness as far as possible by facilitating naturalisation of persons who do not have citizenship.

31. It should be noted that Latvia has made great efforts in that direction. Since the 1994 Nationality Act the Latvian authorities have regularly expressed a desire to see non-citizens acquire citizenship. The 1994 act laid down the main naturalisation requirements for foreigners, including non-citizens. The main ones are five years' lawful residence in the country, a lawful source of income, and knowledge of Latvian, the Constitution and Latvian history. These requirements are of course perfectly in line with European standards as adopted in a large majority of Council of Europe member states.
32. However, this assessment has to be qualified in the light of the fact that the situation with which Latvia is faced has an important special feature. This is that the vast majority of foreigners living in Latvia belong to the special category of non-citizens recognised by the authorities as a special group who cannot be regarded as foreign residents in the conventional sense. In our talks with representatives of the various authorities in the country, we were told repeatedly that non-citizens could certainly not be treated as either stateless persons or foreigners since Latvian law gave them status very similar to that of citizens, including a type of consular protection abroad. This, I think, is indicative of how very unusual their status is even though, given the definition in the 1954 convention, the main characteristics of their status as non-citizens match those of stateless persons.
33. As all of us are aware, Latvia's 20<sup>th</sup>-century history was harsh, at times tragic, and the present situation is the result of it. However - and I am deeply convinced of this - that history must not prevent Latvian society from making headway towards democracy and prosperity, and such headway is impossible if the country is constantly looking back at its past, however traumatic.
34. The Soviet era in Latvia was brutal, and many Latvians continue to view it as a huge injustice that brought Stalinian repression and the purges typical of that inhuman totalitarian regime. That period radically altered the country's demography, compounding the difficulties caused by the tragic Nazi occupation, which, as elsewhere, led to extermination of pre-second-war Latvia's large Jewish and Roma communities. All that is part of a history which must on no account be forgotten or glossed over, but whose lessons must be learned if Latvia is to avoid making needless mistakes.
35. The vast majority of non-citizens either are Latvian-born or have lived in Latvia for most of their lives, and they must not be held responsible for past aberrations, of which they are themselves victims. For that reason I believe the state should do even more to bring those populations into its fold, as a forthright demonstration to them of their place in Latvian society. All who love the Latvia where they were born, where they have lived most of their lives, where their children have been born and where their family dead are buried, all who have a sense of belonging to the country they regard as their homeland, must be allowed full membership of the national community.

36. This is in the nature of a duty, but I am convinced that it is also overwhelmingly in Latvia's interests. The fact is, however, that, despite progress, the process of naturalisation continues to be somewhat slow. The people undergoing it also frequently regard it as difficult and expensive, which raises uncertainties as to attainment of the objectives which the authorities proclaimed when they passed the Law on Citizenship.
37. Since naturalisations began, in February 1995, the number of non-citizens living in Latvia has fallen from around 740,000 to about 490,000 according to the statistics given us by the authorities. However, naturalisations account for only part of that fall (some 69,000 people have been naturalised so far), the other factors being deaths and emigration. In November 1998 Latvia amended the Citizenship Act to make it easier to gain Latvian citizenship. The amendments abolished the so-called "windows system" which imposed a naturalisation timetable on non-citizens. Henceforth non-citizens may request naturalisation at any time. They also allow Latvian citizenship to be conferred on all children born in Latvia since the return to independence, on 21 August 1991. The language tests have been simplified for older people and the number of questions in the test about history and other areas of knowledge has been reduced on several occasions.
38. In Resolution 1236 of 23 January 2001 the Council of Europe Parliamentary Assembly in fact welcomed those changes.

**b) The present naturalisation process**

39. Other recent changes have further liberalised the arrangements: naturalisation fees have been reduced by a third, and this is additional to the reductions for certain categories (the elderly, unemployed people, people with disabilities, children of school age) and Latvian-language requirements have been simplified in that degree holders who have passed the general examination in Latvian language in minority language schools are exempted from the Latvian proficiency test which naturalisation applicants normally have to take. All these changes are to the credit of the Latvian Government and Parliament.
40. However, in my on-the-spot conversations, whether with representatives of civil society, NGOs or even officials of some government departments, both in Riga and Daugavpils, I was told that the communities concerned often perceive the positive changes as very slow and that there is a consequent danger that they may fail to achieve their purpose and thereby aggravate certain tensions between the minorities generally (non-citizens in particular) and those of Latvian stock, who frequently feel misunderstood despite all the efforts that have been made.
41. It is therefore of paramount importance to establish frank, open dialogue in the interests of social harmony, because without mutual understanding there cannot be mutual respect or mutual acceptance. But what in fact struck me most in my conversations with people, whether in the street, in schools or within other institutions, and this I was extremely pleased to see, was the harmonious relations between

sections of the population, of whatever origin. That, in my view, is an extremely significant factor which I took away with me from my few days in Latvia. The picture I had was of close, friendly relations between people who had been through decades of adversity together, who had shared highs and lows, and who would on no account allow irresponsible elements of whatever persuasion to deflect them from their common course. And happily the vast majority of politicians I had the good fortune to talk to told me they wished to preserve and consolidate that spirit within the nation at all costs.

42. At the same time I believe there are a number of steps which should be taken to improve the present situation.
43. On the one hand, as is clear from the figures quoted, the naturalisations have not achieved their objective in that the numbers naturalised are still on the low side and the tendency in the last two years has been downwards. While in 2000 14,900 people were naturalised, the figure in 2001 was 10,637 and in 2002 9,844, a worrying trend which needs looking into. The Latvian authorities have since informed me that the number of naturalisation requests increased over the last three months of 2003.
44. According to the people I talked to, and on the strength of surveys, some of them by government bodies, the vast majority of respondents say they have not applied for naturalisation either because they think that citizenship should be granted to them automatically, or because they are apprehensive about the tests, particularly the language one, or because there are financial obstacles.
45. According to the Latvian authorities, the low number of naturalisation requests is due to the fact that non-citizens do not believe that naturalisation will significantly alter their current situation.
46. In addition, and this would also appear to be an important factor in attitudes to naturalisation, some people are deterred from going ahead with naturalisation because, as non-naturalised persons, they come under a more advantageous set of rules for travel to CIS countries in particular regarding entry visas.
47. I think that constructive answers are needed to these problems in order to lend fresh momentum to the naturalisation process. For instance, as I told my interlocutors, consideration should be given to making the tests easier for the most vulnerable groups, starting with the elderly. It is true that article 21 of the Law on Citizenship exempts persons aged 65 and over from the written Latvian language exam. It is to be hoped that additional measures will be implemented to facilitate the naturalisation of this particularly vulnerable group.
48. In addition, during my visit to the Naturalisation Department at Daugavpils, where officials fully explained the procedure and its various stages, I had the feeling that the language test remained complicated and could be made less demanding. For while it is important for everyone to know the country's official language, it would be unfair to expect the older generation or the elderly to have the same command as is required of young people compulsorily taught Latvian at school. It seems to me that more flexibility is needed here – particularly as, according to the figures we were given at

Daugavpils, the failure rate for the Constitution and history test is around 5% but in the 25-30% range for first attempts at the language test and around 50% for second attempts, which is too high a figure. The unfortunate fact is that some people have difficulty learning a new language, particularly in their later years, and the authorities should take this into account.

49. Similar considerations arose until recently in respect of the charge which people have to for naturalisation. According to the civil society representatives I met with, the charge represented a significant amount for lower earners and can be a real barrier to applying for naturalisation. Unfortunately the financial circumstances of a large proportion of the population are still far from ideal. I therefore welcome the government's recent concession of lowering the charge from 20 Lats to 3 Lats for pensioners. I nevertheless think that the naturalisation charge should gradually be abolished, starting with pensioners and children.

**c) Children born after the restoration of independence**

50. Among issues concerning access to citizenship, the case of children born after Latvia regained independence seems to me to be of particular importance.
51. As already stated, the 1998 amendments to the Citizenship Act gave non-citizen children born after 21 August 1991 entitlement to virtually automatic naturalisation. This was an important step forward and was very favourably received by the Council of Europe. During my visit, however, I learned from the statistics that, of over 20,000 children qualifying for naturalisation under Article 3.1 of the Citizenship Act, over 16,000 were still non-citizens. That state of affairs is extremely unsatisfactory.
52. Under Article 3.1, up to the 15th birthday of any child eligible for citizenship it is the parents who must apply for the naturalisation, and after that date it is the child who has to make the application. But in the latter case the child has to demonstrate knowledge of Latvian either by supplying proof of schooling in Latvian or by taking the state examination.
53. Clearly, therefore, while children are able to acquire Latvian citizenship virtually automatically up to age 15, subsequently they have to meet certain requirements. In addition, after age 18, children cease to have the benefit of Article 3.1 and come under the general procedure for naturalisation.
54. Article 3.1 seems to me to represent considerable progress. However, the fact that over 80% of children coming under Article 3.1 are not having it applied to them is of great concern. The existence of very large numbers of non-citizens in any democratic country cannot be regarded as normal and the problem must be tackled, as the national authorities in fact recognise. One of the first steps towards dealing with the problem should be to avoid creating any further non-citizens. That was the whole point of the 1998 amendments, yet five years on the problem persists.

55. It would appear that parents of eligible children are not very active in making applications – surprisingly, because it should be clear to parents that it is in children's interests to be full citizens of the country where they live. At the same time some of the people we talked to said that many parents did not have sufficient information about what steps to take. That situation should not be allowed to continue.
56. I believe that the state has a responsibility to see to it that, within its boundaries, there are not numerous cases of children who do not possess any citizenship, regardless of whether they are categorised as stateless or non-citizen. To that end, the state should interpret the legislation in a manner which I would describe as incentive.
57. Ideally, in my view, the mere step of declaring to the national population register any child born in Latvia at least one of whose parents is a non-citizen should be treated as an application for Latvian citizenship within the meaning of Article 3.1.
58. If, however, such an interpretation recognising the legitimate entitlement of new-born children cannot be adopted, then I recommend that the form which all parents have to complete when registering their children have two special boxes added to it in which parents would indicate that they wished, or did not wish, to request Latvian citizenship for the new-born child. The mere indication at that point of their wish to apply would be treated as equivalent to an application for citizenship.
59. Some of the people I spoke to said that some parents might not wish their child to have Latvian citizenship because of wanting to apply for it to have citizenship of another state. That is certainly possible. I would repeat, however, that it is for each state to ensure that children born in its territory do not end up stateless. I accordingly suggest that if parents opt not to request Latvian citizenship for their child they should have to fill in a special box on the form indicating as much. And in that event they should be required to provide evidence to the national registration authorities that they have completed the appropriate formalities at a consulate of the foreign country whose citizenship they want their child to have. Only on that condition should it be possible for a child not to be registered as a citizen at birth, for otherwise the state risks creating even more non-citizens.
60. Really it seems to me that Latvian society as a whole needs alerting to the citizenship issue affecting the children with whom the country's future lies. When I visited the Imanta orphanage at Riga, I was given to understand that non-citizen children born after 21 August 1991 and placed in the orphanage's care did not routinely become citizens. In reply to my question on the subject, the lady director of the orphanage said that the orphanage did not apply for citizenship in all cases. A citizenship application was made from time to time, mainly so that a child could travel abroad to take part in sports events. In my view all specialist institutions having care of children should take the necessary steps to ensure that all their children are given citizenship, whether or not they have sporting ability. In the case of children who are in the state's care, the duty to do so seems to me to be still greater since, having no family to look after them, they are doubly vulnerable and require all the more attentiveness from the people supervising them and exercising parental authority over them.

61. I therefore call on the Latvian authorities to resolve the matter as soon as possible, for it is unacceptable, to put it mildly, that in the citizens' Europe we are building there should be huge numbers of people with no citizenship.

**d) Exercise of political rights by non-citizens**

62. As already pointed out, non-citizens are deprived of important political rights, starting with the right to vote and stand in elections. While that is perfectly understandable in the case of national elections or referenda, not being allowed to take part in local elections raises a number of issues.

63. The fact is that local elections are unconnected with exercise of national sovereignty and mainly have to do with the conduct of municipal affairs. It seems reasonable that people who for many years have lived in a locality, pay their local taxes and are bringing up their children there should have some say in purely local affairs. That is common sense and is currently advocated both by the Council of Europe and the European Union in the case of foreigners who are long-standing residents of their municipality.

64. As of 1 May 2004, when Latvia becomes a member of the European Union, all citizens of European Union countries residing in Latvia will have the right to vote in local elections there. I believe the authorities should give serious thought to granting the same right to people who have lived in Latvia for many years or, indeed, since birth.

65. Wherever I went in Latvia I heard much talk of the need to speed up integration of non-citizens into the national community. Integration necessitates giving non-citizens more reason to involve themselves in community life, and I believe that being allowed to take part in local elections would, for most non-citizens, be a first step towards naturalisation. It would also give them a guarantee of being listened to, a consideration which is far from negligible for members of minorities.

**2. Protection of the rights of minorities**

66. As already stated, Latvia is a country whose population is to a great extent made up of minorities - Russian, Polish, Bielorussian, Ukrainian and other. Most persons belonging to these minorities speak Russian as their native language. This is of course largely the result of the history of the last 60 years, a legacy of the Soviet Union.

67. Because of the large number of minorities in Europe, the Council of Europe drew up a special instrument to give greater protection to minorities present in member states' territories. The instrument in question is the Framework Convention for the Protection of National Minorities. Regrettably, Latvia has not yet ratified the framework convention, which affords genuine protection to minorities. I would therefore urge the Latvian authorities to ratify that instrument, protecting as it does minorities' rights.

68. In my many conversations at Riga and Daugavpils, it was apparent to me that Latvia is making great efforts to enable its national minorities to preserve their identities and cultures. For instance there are large numbers of schools for children from minorities.

These schools teach some of the curriculum in Russian, Polish, Estonian, Lithuanian, Belorussian or Hebrew, or provide special classes for Roma. I also had the opportunity to meet representatives of minorities' cultural associations at Daugavpils. Here, too, I was pleased to see the municipal authorities' sensitivity and open-mindedness in making arrangements for minority cultural life, including provision of grant aid.

69. At the same time it was clear from my conversations with representatives of civil society and with members of minorities that solutions were still awaited to many problems.

**a) Use of minority languages in dealings with administrative authorities**

70. One of the general principles of Latvia's Official Language Act is that the language spoken in public institutions and organisations is Latvian. The act stipulates that the official language should be used in private enterprises where there is legitimate public interest, and in particular in a number of matters including public security, health, public policy, medical treatment, employment protection and consumer affairs.

71. The Official Language Act expressly prohibits municipal authorities and courts from accepting documents from individuals that are written in a language other than Latvian, except in certain specific cases (such as statements to the police). Documents in other languages are not accepted unless accompanied by translations into Latvian, which must be certified as accurate by a notary. At the same time, the Law stipulates that even though Latvian is compulsory in all dealings with the authorities, and in the public sector generally, in emergencies (in the event of fire or if medical help has to be summoned) other languages are allowed – as is only sensible. Indeed it would be rather extraordinary if they were not.

72. The question of language use loomed large in our conversations with representatives of civil society at Riga and Daugavpils. We were told that, in some parts of the country where Russian-speaking minorities are present in particularly large numbers (chiefly the Latgale area and Riga), not being allowed to correspond with the authorities in the minority language posed a real problem. This of course is a situation that mainly affects older people unable to achieve sufficient Latvian proficiency for official correspondence.

73. When we visited Daugavpils town hall, the mayor told me that use of Russian was sometimes an issue but that the town hall did everything it could to assist anyone who needed help. We were informed, for instance, that, in accordance with the legislation, the town hall had Latvian/Russian translators to translate people's letters to the town hall and the town hall's replies. This is undoubtedly extremely constructive. Apparently, however, there are far too few translators to meet the needs of a city with a population of more than 100,000 85% of whom are Russian speakers.

74. In addition, in small, mainly rural municipalities inhabited for the most part by members of minorities, there do not seem to be any translators to help non-Latvian-speakers correspond with the authorities. This was reported to us by the head of the Human Rights Office. In my view a solution must be found as a matter of priority.

75. In general I believe the Latvian authorities should endeavour to provide more support to members of language minorities, and allow them to use their mother tongues for official business, as suggested in Article 10 of the framework convention. A gesture of support and magnanimity on the part of the state would certainly be very beneficial in terms of strengthening national cohesion. In addition, it might well motivate members of minorities with inadequate command of the official language to improve their knowledge of Latvian.

**b) Use of minority languages in the media**

76. Another question we heard a great deal about was use of minority languages on radio and television. The background to the issue is a little fraught because, for a time, minorities' representatives complained of a degree of discrimination against broadcasting in Russian or other non-official languages in that the Law on Radio and Television laid down a system of quotas setting output percentages for minority languages and the official language.

77. However, the problem seems to have been solved by a decision of the Latvian Constitutional Court of 6 June 2003. In my meeting with NGOs, it was clear to me that they were pleased with what they saw as a brave decision by the Constitutional Court, and correspondingly proud of the country and democratic operation of its institutions. The decision is certainly undoubted evidence of the separation of powers within the Latvian state, and of total observance of the rule of law in a still developing democracy.

78. My conversation with the President of the Constitutional Court gave me a better grasp of the decision and its actual impact. The decision found Article 19.3 of the Radio and Television Broadcasting Act to be contrary to Article 100 of the Constitution. The court held that the desire to increase the influence of Latvian was certainly acceptable but that the means adopted by the legislation, namely the system of language quotas, was inappropriate. The National Broadcasting Council has had to weigh the implications of the decision and take action accordingly.

79. During my visit to Latvia I was informed that the Broadcasting Council was meeting shortly to amend the system of language quotas and the requirements governing radio and television broadcasting in minority languages. I accordingly hope that this problem has since been definitively resolved.

**c) Learning of Latvian**

80. While it must be possible for minority languages to be used in daily life, and for there to be radio and television programmes in minority languages, it is also important and necessary for everyone in Latvia to learn Latvian and aim for proficiency in it. That is a fairly basic and indeed, I would suggest, obvious point.

81. How can anyone live in a country they regard as their own and not want to master its official language? It is a question not only of respect for the country and one's fellow citizens but also of self-respect and respect for one's children. Refusal to learn the official language is to some extent to turn one's back on a future for oneself and one's children.
82. In my meetings at Daugavpils I heard a great deal about the city's history, which has always been multicultural, multi-ethnic and multilingual. I was told that in the past the vast majority of the population had spoken two languages, and sometimes three or more. That had been part of a tradition of day-to-day neighbourly relations, one of the sensible, basic rules of communal life which were observed for centuries in that part of our continent.
83. It therefore seems to me that it would at the very least be politic for minorities to learn Latvian, just as Latvians apparently continue to learn and master Russian. This is simply a question of the elementary rules of respectful coexistence and I would hope that it will be observed in future, as it was in the past.
84. However I would urge the authorities to give utmost assistance to those who wish to learn Latvian or improve their knowledge of it. I am aware that there are special programmes, some of them financed by international funds. I was told of this when I visited the office of the National Latvian-Learning Programme.
85. In my conversations with representatives of civil society, however, I was several times told that there were too few Latvian courses or too few Latvian-learning opportunities for people unable to pay. According to information received, the state budget for the learning of the Latvian language has been reduced, whilst additional funding had been provided by the EU for this purpose. If, however, the state has set itself the objective of improved population-wide command of Latvian, then it has to be prepared to provide the necessary resources.
86. I, therefore, hope that the authorities will pay special attention to financial support for voluntary learning of Latvian. I in fact received assurances on this from the social-integration minister, Mr Muižņeks, in the two very instructive meetings I had with him which brought home to me the importance the Latvian Government attaches to matters of social integration. The very introduction of the post of integration minister in late 2002 is evidence of the authorities' determination to do whatever is necessary to achieve the objectives they have set themselves in this area.

### **3. The functioning of the education system**

87. One of the main subjects of the discussions we had in Latvia was the secondary school system and the various reforms that have been introduced or are planned. This is currently the focus of much debate in Latvian society, both in government circles and in civil society.

88. I was made very aware of the concerns both of parents and the authorities as to the future of the school system, and I made a particular point of visiting schools myself so as to see the situation at first hand and discuss with teachers and pupils the questions of most concern to them.
89. By questioning the people immediately affected by this or that burning issue, you often gain a better, more dispassionate picture of the situation than from more theoretical discussions. During my three days in Latvia I visited four secondary schools: Secondary School No.1, in Riga, which teaches through the medium of Latvian; the Polish school in Riga, where I was much impressed with the quality of the facilities; and two schools at Daugavpils, No.3 and No.15, which teach some subjects in Latvian and others in Russian, though they differ as to the breakdown between the two languages. The very open and frank conversations which I had with staff and pupils gave me a clearer picture of the situation, and I would like to thank them for their willingness to discuss with me. I apologise to both for interrupting classes and dragging pupils away from the arcana of algebra and chemistry, though some pupils seemed not unhappy to have to make do with a free-ranging discussion in which the only formulae had to do with the proportion of minority-language instruction to Latvian instruction.
90. I would acknowledge at the outset that although Latvian civil society is passionate about educational reform, the climate in the schools I visited was much more serene and highly constructive. In those schools there is a very straightforward and very logical consensus which, in my view, everyone would do well to adopt - everything that takes place is done in the children's interests. That elementary wisdom should be basic to all change and all reform, and I said as much in my talk with the education and science minister.
91. At present secondary education in Latvia is given in Latvian, Russian and another seven languages. A programme was launched in 1999 to introduce bilingual education in primary schools. It requires that minority-language schools switch to teaching subjects in both languages and devote more teaching time to Latvian.
92. In state secondary education, the 1998 Education Act provides for a transition to instruction delivered mainly through the medium of Latvian. At present there are four models for the switch to the new system. I shall not describe them here on account of the extreme technicalities of the matter. At all events it would seem that, as from September 2004, all schools will change to a system in which 60% of subjects are taught in Latvian and 40% in the minority language. At the time of my visit, it was foreseen that state final examinations were to be taken solely in Latvian. However, the Latvian authorities have since informed me that, as of 2007, the content of final state examinations will, indeed, be written in Latvian, but that pupils will be able to choose which language they wish to answer in.

93. Many parents are worried about the situation. Many of the people I talked to said that the ground had not been properly prepared for the switch. They said that at present minority schools did not have enough teachers able to teach their subjects in Latvian as from next year. The imposed change is likely to result in a lower standard of teaching, and this would be damaging for the pupils.
94. I listened carefully to representatives of parents, teachers and the pupils themselves, as well as to the explanations which the officials accompanying me on my visits gave me. I also heard the views of the education minister.
95. Our conversation was extremely open and frank. I appreciated the minister's firm promise not to rush the transition and to step up consultations. Some NGOs had complained, when we met, that the authorities had been unreceptive in their discussions with parents' associations, and the NGOs had also regretted, among other things, that no meeting with the minister had been possible. In my conversation with him the minister said that he was amenable to such a meeting and promised to receive parents so as to explain his views to them face to face. The question is one which needs to be discussed dispassionately, and this is something the pupils very badly require: they need protecting from all the political animosity by which the reform is currently beset.
96. The minister assured me that the pupils' interests came first, and that the government did not plan any further change to the language-use ratio in schools, undertaking to keep to 60/40. He also explained to me the government's reasons for switching to the new system. The reform is being carried through with the aim of ensuring that, at the end of secondary school, each pupil has a command of the official language that guarantees him or her a proper place in society. Command of the language is in any case necessary to go on to higher education in state institutions, where the courses are taught in Latvian only.
97. I agree that it is extremely important that all young people leave secondary school with a good command of the official language. But learning the official language must not lower the standard of teaching in other subjects. From that standpoint one of the points made by parents' representatives struck me as of great interest. The proposal was that at each school the parent-teacher association be able to decide, in the particular case, whether the school was ready to switch to the new system. Some schools might need a slightly longer transitional period, but that would undoubtedly allow the reform to be introduced in a more consensual manner and in keeping with everyone's interests.
98. In addition, NGO representatives expressed fears about future standards of minority mother-tongue teaching in minority schools. Apparently there are too few young teachers coming through because the state higher-education institutions do not train teachers for teaching in minority languages. A similar problem was reported to exist regarding textbooks, whether for language courses or subject courses taught through the medium of minority languages. The Ministry of Education has insisted, however, that all relevant textbooks on the curriculum are translated from Latvian into Russian.

99. The authorities need to take great care here, for no member of a national minority can feel comfortable in a country where there is no evidence of respect from officialdom or the majority population. The fact is that mutual respect is essential to collectively building a prosperous future for Latvia.

## **V. PROTECTION OF RIGHTS IN THE SOCIAL AND HEALTH SPHERE**

100. Since the return to independence, Latvia has made great efforts to bring about real improvements in the welfare sphere. As I told the social security minister, the methodical, day-by-day improvements being made in the social situation have already begun bearing fruit and the trend is bound to gather pace if the state continues providing support to particularly vulnerable sections of the population.
101. Although I cannot deal comprehensively with this important subject in the present report, I would like to make one or two comments about particular points which seem to me to raise the most serious issues and require special attention from the authorities.

### **1. Treatment of the mentally and physically disabled**

102. The Latvian Constitution contains special provisions on the rights of people with disabilities and protects them from discrimination. The protection is not just a matter of symbolic recognition: legislation has been enacted which gives genuine guarantees of respect for the rights of the vulnerable, one example being the Disabled Access to Public Buildings Act.
103. When I met the minister, we discussed a problem which representatives of civil society had particularly raised, namely the very low income levels of people with disabilities, added to very limited access to employment and very low invalidity allowances. The authorities showed great understanding of the problem and assured me of their determination to find both short-term and longer-term solutions.
104. The minister told me that the government is currently setting up a special programme to help people with disabilities find employment. The programme will facilitate entry to working life, and I was told that it is but the first stage in a much wider-ranging programme.
105. A solution should very shortly be found to another problem: there has been a great deal of criticism from associations representing people with disabilities about over-restrictive rules setting out the disability criteria, on which entitlement to an allowance and other help directly depends. Whilst the procedures for determining disability were modified as January 1 2004, the criteria remain as before.
106. In the context of these improvements, the situation regarding people with mental handicap seems much more problematical and requires legislation. Despite the authorities' efforts to genuinely improve on the grim and abusive ways of the Soviet system and bring about radical changes in attitudes to and treatment of the mentally ill, great problems persist.

107. We were told that there was serious underfunding of specialist facilities and hospitals, and a great shortage of places for the mentally ill generally. Waiting lists are still a bone of contention, despite some recent improvement.
108. At the same time there are legislative problems that need dealing with speedily: the Psychiatric Assistance Bill, which has already been under discussion for a considerable length of time, has still not been enacted. On the contrary, it has been sent back to Parliament for further amendment and is unlikely to be enacted for several months, and possibly another year, despite much expert assessment, some of it by institutions of international repute.
109. At present decisions on the forced placement of patients in specialised institutions are made by doctors without the compulsory involvement of a judge or lawyer. These decisions can be appealed to the Quality Expertise of Medical Care and Working Capability (MADEKKI), whose decisions can in turn be appealed against in court.
110. All of which leaves NGOs, which are especially active in this field, seriously worried about possible breaches of Article 5 of the European Convention on Human Rights. Such a situation is regrettable and warrants tackling speedily, particularly as the legislation already prepared apparently meets European standards and offers genuine solutions to the problems. I accordingly urge the authorities to react speedily in this urgent matter.

## **2. The rights of the elderly**

111. The economic situation in Latvia, as in many other countries which have just undergone transition to a market economy, is still somewhat difficult, despite signs of real improvement. Unfortunately the elderly have been one of the categories worst affected by the economic reforms, which initially often involved austerity policies. Latvia is no exception here.
112. During my visit I noticed real concern from civil society about the general inadequacy of pensions and about pensioners' consequent difficulties.
113. I am also seriously concerned about the situation regarding retirement homes: in our conversation the social security minister informed me that, for the time being, the state is not planning any financial programmes specifically for institutions for the elderly, and that the financial burden in this area will fall entirely on municipalities, whether prosperous or less well off. Although the state, I was told, is endeavouring to help out, on a case by case basis and subject to availability of resources, the situation regarding institutions for the elderly is extremely difficult.
114. I saw this for myself when I visited the Regional Retirement Services Centre, a retirement home at Daugavpils. Furniture and facilities were the opposite of modern - for example, beds for the bedridden did not conform to minimum standards. We saw doctors' consulting rooms whose equipment had not been replaced, the doctors told us, since the mid-1970s. At the same time, however, the staff were extremely

sensitive and dedicated, not only giving residents the benefit of all their professional skills but also, most importantly, providing moral support and endeavouring to use the few resources available to them to bring solace and cheer to over 200 old people, most of whom had no friends or family left and were reliant on the staff's total devotion to their work.

115. I would like to thank the staff again for their outstanding work and their total dedication to respect for the human rights and dignity of the centre's residents. I hope that, in appropriate cases, the state will be able to give financial help to retired people generally and to retirement homes in particular.

### **3. The rights of women**

116. The present labour code prohibits discrimination against women in employment matters and recent labour legislation expressly prohibits gender discrimination in matters of employment and pay. Under the legislation there has to be equal pay for equal work. According to some NGOs, however, women are still discriminated against in pay and job-finding, particularly in the new private sector.
117. Another matter raises serious worries. I refer to family violence, which is still widespread throughout Europe and against which, in our societies, there seems not to be any real revolt producing determined action on behalf of the victims.
118. I was told that domestic violence against women is relatively common in Latvia and that there is not any real protest about it. The situation is worsened by the fact that women victims generally do not know to whom to turn for protection and are reluctant to go to the police. At the same time the courts and police apparently tend to play down the seriousness of domestic violence and to treat it as a private matter for the family to deal with. This is certainly not an issue peculiar to Latvia, but a general problem which exists in a good many European countries.
119. I have already said, and will repeat as often as necessary, that a person who attacks another should on no account be able to invoke family circumstances - that is, to rely on the victim's being a member of the family. On the contrary, that seems to me to be an aggravating circumstance which only worsens the barbarity of the act.
120. Consequently, the police and courts need further sensitising to the trauma involved and should be prepared to prosecute in order to protect the victim. It is appalling that the woman assaulted is very often obliged to flee the home, taking the children with her, while the attacker stays on in the home, unprosecuted and unpunished. In my view this unhappy tendency needs reversing and victims' rights need better protection through the adoption of vigorous legislative measures to tackle offences of this degree of ignominy.
121. I would also urge the authorities to continue with their action against human trafficking. This is a problem that continues to undermine our societies, and none of the Council of Europe member countries is safe from it. Latvia is tackling the problem with the requisite seriousness and commitment. In 2002, for example, Parliament amended the criminal code to stiffen the penalties for trafficking.

122. The latest amendments define the offence of trafficking in human beings and lay down a penalty for trafficking human beings to foreign countries of between three and 15 years' imprisonment. These amendments bring Latvian law into line with the new protocol adopted by the United Nations General Assembly on prevention, suppression and punishment of trafficking in people, particularly women and children.
123. Such action is necessarily long term, and needs perseverance and reinforcement. In particular, in our meeting with NGOs, some participants regretted the absence of any special programme to assist victims of trafficking in Latvia. Such a programme would step up the war on trafficking.

## **VI. RESTITUTION OF PROPERTY TO THE ORIGINAL OWNERS**

124. In my meetings with representatives of civil society, a subject of particular sensitivity for many Latvians was raised several times. The subject in question is restitution of property nationalised after 21 June 1940 and restored to its initial owners, or their heirs, in the early 1990s, after Latvia regained independence.
125. I would point out that this is not a situation of which Latvia has a monopoly. Similar situations have arisen in several of our member countries<sup>1</sup>. Dealing with these problems requires a great deal of patience and explanation in that the situation is one in which several sections of the community rightly consider themselves victimised.
126. On the one hand, former owners or their heirs have been stripped of property without any compensation. For decades they awaited a return to independence in the hope that the injustice would be repaired one day, and that day has now arrived even though many owners unfortunately did not live to see it. On the other hand confiscated accommodation was mostly allocated to people who are in no way to blame for the original dispossession. The fact is that, when it was decided to go ahead with restitution, property was occupied and it is therefore reasonable to raise the question of occupants' rights.
127. As was explained to us, the owners of returned property were required not to raise rents for a certain period. That period comes to an end in 2005, and most tenants will be unable to pay the new rents, which going rates will raise considerably. Most of the property in question is in central areas of towns and cities and therefore very expensive, and in many cases the tenants are low earners or pensioners.
128. Clearly this is a matter that the authorities need to handle with particular care because both sections of the population affected are victims, whether being unable to make use of property of which they have been deprived for many years or, in the case of present occupants, facing eviction with nowhere else to go because social housing is insufficient.
129. It seems to me that the problem is insoluble unless the state steps in. In my view it would be appropriate for the authorities to collaborate closely with the NGOs active in this field so as to arrive at acceptable solutions, which will probably involve, firstly,

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<sup>1</sup> See the report on my visit to Slovenia, CommDH(2003)11, section II-2.

expensive compensation of present tenants for several decades' maintenance of their homes and, secondly, getting state programmes under way to build replacement social housing.

130. My hope is that this painful and extremely sensitive problem can be solved in a way that observes the rights both of owners and tenants, in the interests of preserving national cohesion.

## **VII. CONCLUSIONS AND RECOMMENDATIONS**

131. Latvia has taken significant strides in the construction of a democratic society. The completion of this process depends on its being perceived by the large majority of Latvians as a collective challenge leading to democratic development and European integration. This requires that Latvia close a chapter on the past, however painful it may have been, and fixes its attention firmly on the future.
132. In the light of the preceding findings, and with the aim of assisting Latvia in the promotion of the respect for human rights, the Commissioner makes the following recommendations in conformity with article 8 of Resolution (99)50:
1. Put an end to ill treatment on the part of representatives of the forces of law and order. Ensure that the mechanisms for sanctioning violations committed by law enforcement officials function effectively;
  2. Improve the material conditions in penitentiary establishments and police detention centres. Close down the Riga Central Prison Hospital and transfer its activities to a site better suited to the treatment of the ill, pending the hospital's total refurbishment;
  3. Ensure the respect for the time limits established by law for judicial proceedings;
  4. Accelerate the naturalisation of non-citizens. In this context :
    - facilitate the naturalisation of the particularly vulnerable, such as the elderly, the disabled and the young,
    - examine the possibility of providing the naturalisation procedure free of charge,
    - ensure the effective implementation of article 3.1 of the law on the nationality regarding infants born after 21 august 1991. To this end, modify the birth registration forms so as to include the requirement that parents express the desire for their child to acquire Latvian citizenship, or, alternatively, specify a preference for a different nationality;
  5. With a view to encouraging non-citizens to naturalise and promoting their integration, increase their participation in the political life of the country, notably by examining the possibility of granting them, amongst others, the right to vote in local elections;

6. Strengthen the protection of minorities by ratifying the Framework Convention for the Protection of National Minorities;
7. Facilitate the use of minority languages, including in written correspondence with the administration;
8. Increase the financial resources of Latvian language training programmes, so as to enable all members of national minorities desiring to improve their knowledge of the official language to do so without charge;
9. Provide the support and protection of the State to the functioning of secondary schools teaching in minority languages :
  - ensure that the reform of the education system maintains the current high quality of teaching,
  - strengthen the cooperation between the Ministry of Education, teachers and parents in the process of defining the best model and time-scales in the implementation of the reforms,
  - establish tertiary education programmes for the preparation of teachers of minority languages and syllabi for the teaching of other subjects in minority languages, ensure the publication of textbooks in minority languages;
10. Proceed rapidly with the adoption of the Law on Psychiatric Assistance;
11. Provide an effective system for the protection of women and children against domestic violence;
12. Reinforce the cooperation between the authorities and associations representing, respectively, the interests of owners of restituted real estate and renters, with a view to finding acceptable solutions to the problems of renters unable to afford market level rental rates.

## **ANNEX TO THE REPORT**

### **COMMENTS BY THE LATVIAN AUTHORITIES**

#### **Section 13**

Until 2003, no separate statistics were extracted on the cases of physical ill-treatment of persons by police officers; taking into account the recommendations of the European Committee for the Prevention of Torture such statistics are now systemized and included into the Report by the authorities of the State Police. Apart from the disciplinary measures mentioned in section 10 of the Report, in the first half of 2003, the State Police forwarded 22 cases with investigatory materials on the violence against a person by police officers to the competent institutions. As a result of the investigation carried out by an institution performing inquiry, in 20 cases no criminal proceedings were instituted, while 2 other cases where criminal proceedings were started have been sent to the Prosecutor's Office.

#### **Section 28**

The Government of Latvia does not consider it to be appropriate to compare the status of non-citizens to that of stateless persons. As it is noted in the Report, the rights of non-citizens are more extensive than those of stateless persons - they enjoy the same fundamental human rights as Latvian citizens, except for the right to vote and be elected, they have the same social guarantees, they are entitled to an internationally recognized passport and they enjoy full consular protection when abroad. Their legal status and rights are established in a special law adopted in 1995.

There are indeed some stateless persons in Latvia whose status is determined by another law. However, their number is very small – 173 persons as of 1 January 2004.

#### **Section 36**

The Latvian legislation allows practically every non-citizen to naturalise and it is up to an individual to decide whether and when he or she wants to become a citizen. The Government continues to encourage non-citizens to apply for citizenship both by adopting legislative measures facilitating naturalisation and by carrying out informative campaigns, which have certainly yielded results. We are pleased to note that the interest in obtaining Latvian citizenship has considerably increased lately. Since September 2003 the Naturalisation Board has received twice as many applications as in the same period in previous years. One reason for such an increase is certainly due to the openness and encouragement policy of the government and more resources provided for Latvian language training to naturalization applicants. Another reason is that the first major difference in rights between citizens of Latvia and non-citizens will soon inevitably emerge, namely, the citizens of Latvia will also become citizens of the EU.

## **Section 46**

Given the importance of Russia as a travel destination both for business and family reasons for the residents of Latvia, the fact that the visa fee for citizens of Latvia is two to six times higher than for non-citizens is indeed a major deterrent for many potential citizenship applicants. Levelling the visa fees could be a very positive step that the Russian Federation could take in order to promote naturalization of non-citizens – many of whom are of Russian origin. In order to obtain a single entry visa to travel to the Russian Federation persons holding a Latvian non-citizens passport have to pay a fee of 8 US dollars, whereas for Latvian citizens the fee is 20 US dollars. If one needs a visa to be issued within 24 hours the fee for non-citizens is 26 US dollars, and 75 US dollars for citizens. In order to obtain a multiple entry visa the fee is 12 US dollars and 80 US dollars for non-citizens and citizens respectively.

## **Section 51**

Naturalization Board has published five fact sheets about naturalization. The fact sheets contain the basic information on naturalization, naturalization tests, registration of the status of a citizen of Latvia, recognition of stateless persons' or non-citizens' child, who was born in Latvia after August 21, 1991 to be a citizen of Latvia, as well as on European Union citizenship. It is envisaged that in order to promote registration of non-citizen children born in Latvia after August of 1991 as Latvian citizens the Ministers for Special Assignments for Society Integration and Children and Family affairs will personally address parents of all 16 000 children.

## **Section 65**

The Latvian authorities do not consider that granting voting rights to non-citizens in Latvia would strengthen the incentive to naturalise; the contrary is much more likely. In fact, an extensive research project entitled "The effect of regional aspects on tackling citizenship issues" carried out by the Naturalisation Board in the beginning of last year revealed that one of the major obstacles for applying for Latvian citizenship is the lack of motivation, including the negligible differences between the rights of citizens and non-citizens. Latvia prefers having many citizens with full rights to having many non-citizens with many rights, at the same time acknowledging that any restrictions must have strong justification and shall be in accordance with international standards. Furthermore, there are no international standards on voting rights to non-citizens and at present it is not a widely accepted practice among the EU member states.

## **Section 67**

The Parliament and the Government continue their work towards ratification of the Framework Convention for the Protection of National Minorities. On 22 January 2004, the Human Rights Commission of the Saeima (the Parliament of the Republic of Latvia) decided to establish a Sub-commission on Society Integration. One of the main tasks of the Sub-commission is to consider the issue of ratification of the Framework Convention. The Ministry of Justice and the Secretariat of the Minister for Special Assignments for Society Integration are preparing a comprehensive analysis on the compatibility of national legislation with the Convention.

On 13 February 2004, a seminar on the Framework Convention and its ratification in Latvia will be held in Riga. The seminar is organized by the Latvian Center for Human Rights and Ethnic Studies in cooperation with the Council of Europe. Representatives of the Latvian Parliament and the relevant ministries as well as participants from the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, the office of the OSCE High Commissioner on National Minorities will take part in the seminar.

### **Section 75**

While there may be valid reasons to expand the use of minority languages in administrative authorities, the suggestion that admission to use minority languages for official business might motivate persons belonging to minorities with inadequate command of the official language to improve their knowledge of Latvian does not seem well founded. The experience during the Soviet occupation has shown that people were not stimulated to learn Latvian exactly because of the lack of necessity to use the Latvian language.

### **Section 79**

After the decision of Constitutional Court that the norm in the Law on Radio and Television which limited the use of minority languages in broadcasting to 25% of the total broadcasting time was not in line with Constitution, the National Broadcasting Council has allowed many radio and TV stations to change the percentage of the use of languages in broadcasting. Some of the stations have increased use of minority languages in their programs, several are broadcasting solely in a minority language.

### **Section 92**

On 5 February 2004 the Parliament approved in the final reading the amendments to the Education Law that legally consolidate the norms that were previously foreseen in Government regulations; the amendments provide firm long-term guarantees for minority education. Minority secondary schools, having been given a significant amount of time in which to prepare for the reform, will start to implement minority education curricula with an increased Latvian-language component as of September 2004. This implies that in grades 10–12 of state and municipal general secondary education institutions, the number of subjects taught in Latvian will increase from three to five. Up to 40% of the total number of classes will still be taught in the minority language. Schools will be able to choose themselves which subjects they will teach in Latvian and which in the ethnic minority language. This increase will be phased in, beginning with grade 10 in 2004, followed by grade 11 in 2005 and grade 12 in 2006. The bilingual curriculum of primary schools will not be affected by the amendments. The Ministry of Education establishes individual plans for schools to maintain high standard of teaching, taking into account sufficiency of teachers and their skills.

### **Section 93**

The issues of dialogue between governmental institutions and NGO's and parents' organizations on the reform are being addressed through several channels. There is School Councils mechanism through which directors communicate with teachers, pupils and their parents. There is another important mechanism for dialogue – the Minority Education Consultative Council under the auspices of the Ministry of Education in which participants

from minority schools, NGO's, parents' organizations and independent experts take part. This year Council will be enlarged with new participants from several minority NGO's to promote wider and more effective dialogue. The issue of providing adequate information will be tackled by an information campaign on the education reform. For this purpose the Society Integration Foundation has financed 18 projects worth some 50 000 euro from the state budget.

### **Section 98**

At present there is no shortage of teachers of Russian as the native language who are prepared in two higher education establishments – the University of Latvia and Daugavpils University – in sufficient numbers. It should be noted that all these higher education establishments acknowledge that there is low demand for these teachers because due to the demographical situation the number of pupils is reducing. At present there are 559 teachers that teach Russian as the native language in Latvia. Each year about 15 teachers of Russian as the native language are prepared at the University of Latvia Department of Slavic languages and two Departments of Daugavpils University – Department of Russian Literature and Culture, General and Russian Linguistics Department.

Teachers of other minority languages usually come from the "kin country" as it would be impracticable to prepare them in Latvia due to the very small number of teachers needed.

### **Section 128**

Social housing is a relatively new phenomenon in Latvia. During the last year the number of social houses has reached 66; 2862 persons were living there. As of 1 January 2003, there were 11582 persons registered in the registers of local governments' for assistance in improving living conditions. During the last year 4092 persons received apartments, including 2218 equipped apartments. The local governments are increasingly granting the status of social apartments to socially vulnerable residents.