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Latvia*

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I. Methodology

1. The report has been prepared pursuant to guidelines contained in the United Nations (UN) Human Rights Council Resolution 5/1 and the General Guidelines for the preparation of information under the Universal Periodic Review (UPR) contained in the Human Rights Council Decision 6/102.
2. An inter-institutional working group was set up for the preparation of the present report. The report was submitted to non-governmental organizations (NGOs) which presented their comments. The report was approved by the Government on 11 January 2011.

II. Normative and institutional framework for the promotion and protection of human rights

A. Country background

3. Latvia is a democratic parliamentary republic established on 18 November 1918.
4. Latvia lost its independence as a result of the secret additional protocol to a non-aggression treaty (the Molotov-Ribbentrop Pact) signed on 23 August 1939 by Germany and the Union of the Soviet Socialist Republics.
5. Taking into account the unlawful nature of Latvia's annexation, Latvia continued to exist *de iure* as a subject of international law; this was recognized by more than 50 countries of the world.
6. Latvia regained independence on 4 May 1990 when the Supreme Council of the Republic of Latvia adopted the 'Declaration on the restoration of independence of the Republic of Latvia', which in fact restored the Republic of Latvia as founded on 18 November 1918 on grounds of state continuity. The Declaration declared null and void from the moment of its adoption the 'Declaration on Latvia's joining the Union of Soviet Socialist Republics' adopted on 21 July 1940, as well as partly reintroduced the *Satversme* (Constitution) of the Republic of Latvia of 15 February 1922 throughout the entire territory of Latvia.

B. The Constitution and other legislative acts

7. The Constitution of Latvia was adopted on 15 February 1922. Its operation was unlawfully suspended between 1940 and 1990. On 21 August 1991, the Supreme Council of the Republic of Latvia adopted Constitutional Law 'On the Status of the Republic of Latvia as a State' which fully restored the operation of the *Satversme* and ended the transition period for the *de facto* restoration of Latvia's state power.
8. As there was no separate chapter on human rights and fundamental freedoms in the *Satversme* of 1922, on 19 December 1991 the Supreme Council adopted the Constitutional Law 'On rights and obligations of a person and a citizen' which defined fundamental rights according to international human rights standards.
9. On 15 October 1998, the *Satversme* was amended by adding a new Chapter 8 entitled "Fundamental rights of a person" which is based on internationally recognized human rights standards. With its entry into force, the Constitutional Law of 10 December 1991 lost its force. The principles encompassed in the Constitution are enforced through

national legislative acts (laws, Government regulations, etc.). All institutions belonging to legislative power, executive power or judiciary must observe human rights in the performance of their functions. Institutions for the promotion and protection of human rights have been established at all levels.

C. Institutional framework

10. The Republic of Latvia is governed by the principle of separation of powers. In accordance with the *Satversme*, the sovereign power belongs to the people of Latvia. At the national level, people are represented by the *Saeima* (Parliament) which has legislative power; the executive power is exercised by the Cabinet of Ministers. The President of the State represents Latvia internationally and performs the functions of the Commander-in-Chief of the armed forces. The judicial power is exercised by three-level courts (district (city) courts, regional courts and the Supreme Court) and by the Constitutional Court. There is operating a national human rights institution established in compliance with the Paris Principles – the Ombudsman’s Office.

1. Legislative power

11. Human Rights and Public Affairs Committee of the Parliament monitors human rights developments in the country, including society integration, issues raised by the mass media, activities of religious organizations, human rights of persons detained in places of deprivation of liberty, promotion of gender equality, combating trafficking in human beings and elimination of violence in educational institutions. The Committee reviews relevant draft laws and performs parliamentary oversight over relevant institutions. To promote the observance of interests of children, the Committee established a Sub-Committee on the Protection of the Rights of Children. For example, the Sub-Committee is involved in the preparation of draft laws providing broader mandate to institutions dealing with protection of children’s rights. Aspects of human rights are also considered by other parliamentary committees.

2. President of the State

12. Pursuant to the *Satversme*, the President may request re-examination of a law. From 1993 to 2010, the President transferred 66 laws to the Parliament for re-examination. In accordance with the Law on Constitutional Court, the President has a right to submit an application to the Constitutional Court requesting to initiate constitutional proceedings concerning the compatibility of a law with the Constitution. Since the entry into force of the Law on Constitutional Court, the President has submitted such an application once – in 2009. The President has established several consultative institutions (Consultative Council on Minorities, Committee on Constitutional Rights) to analyze the situation of human rights in the country and to develop proposals.

3. Executive power

13. Pursuant to the Constitution, public administration institutions are subordinated to the Cabinet of Ministers. Sectoral ministries are responsible for the promotion and protection of human rights and for the implementation of international human rights obligations. Under their subordination there operate various rights protection and implementation supervising institutions. For example, the State Inspectorate for Protection of Children’s Rights operates under supervision of the Ministry of Welfare. Administration of the Maintenance Guarantee Fund, under supervision of the Ministry of Justice, ensures children’s right to social security by guaranteeing the minimal amount of maintenance if a child is financially supported by only one of the parents and the other parent is not fulfilling

court's order on child maintenance payments. Legal Aid Administration, under supervision of the Ministry of Justice, offers state funded legal aid to low income individuals and disburses state compensations to victims. The State Probation Service, subordinate to the Ministry of Justice, ensures that imposed community service orders are performed to an adequate standard and promotes social reintegration of former convicts released from imprisonment. Health Inspectorate, subordinate to the Ministry of Health, supervises access to and delivery of health-care services.

14. Several sectoral ministries have established consultative institutions with NGOs and experts to promote the observance of human rights. National Minority Education Consultative Council within the Ministry of Education and Science facilitates discussions on how to further improve the quality of education in national minorities' schools. Council for the Participation of National Minority Organizations within the Ministry of Justice ensures NGO involvement in developing proposals on issues relating to ethnopolitics and the rights of national minorities. Ministry of Welfare coordinates the work of the National Council on Issues of Persons with Disabilities and the Gender Equality Committee, both of which comprise representatives of state and local government institutions, NGOs and social partners.

4. Courts and the Constitutional Court

15. Latvia has a three-level court system – district (city) courts, regional courts and the Supreme Court. Civil, criminal and administrative cases are examined by 42 courts divided into three levels – 35 district (city) courts, 6 regional courts and the Supreme Court. Since 2004, administrative disputes are examined by the Administrative District Court, Administrative Regional Court and the Department of Administrative Cases of the Supreme Court.¹

16. Judges are independent and subordinate only to law. A candidate for the post of a judge must satisfy criteria set in the Law on Judicial Power, undergo selection procedure of judicial candidates, participate in training and pass the qualification examination.² The office of a judge may not be combined with a membership in a political party or other political organization. The Law on Prevention of Conflict of Interest in Activities of Public Officials governs the procedure for combining offices and places restrictions on commercial activities of judges.

17. In criminal proceedings a special institution – investigative judge - has been introduced. An investigative judge is appointed for a limited period of time by the chair of a district (city) court to control, in cases and in accordance with the procedure prescribed by law, the observance of human rights within criminal proceedings. An investigative judge may initiate that officials authorized to perform criminal proceedings are held accountable for human rights violations committed as a result of them performing official duties.

18. In 1996, the Law on Constitutional Court was adopted, pursuant to which the Constitutional Court was established, which is empowered to review compliance of the national legal norms with the provisions of the *Satversme* as well as with the provisions of international agreements binding upon Latvia. The Constitutional Court's judgment and interpretation of legal provision provided therein is binding upon all State and local government institutions, including courts, and on natural persons and legal entities. Since 2001 individuals have a right to submit constitutional complaints. Since its establishment until the mid-2010, constitutional proceedings have been initiated in 182 cases. Since the introduction of the constitutional complaint mechanism, individuals have submitted 7,102 complaints to the Constitutional Court, out of which concerning 379 complaints the Court has initiated constitutional proceedings. Within the latter category of cases the Constitutional Court has adopted 84 judgments (*inter alia*, within the joint-case procedure); in 26 cases the proceedings were terminated.

5. National human rights institution (Ombudsman)

19. National Human Rights Office (NHRO) was established 1995 in accordance with the UN Paris Principles as a state institution with a mandate to raise awareness and promote understanding and observance of human rights. In 2007, using the institutional basis of the NHRO, through reinforcing the institution's independence and expanding its competence, the Ombudsman's Office was established. The Ombudsman's main tasks are to promote the protection of human rights and to ensure that the state authority is exercised in a lawful and appropriate manner, in accordance with principles of good governance. The Parliament elects the Ombudsman for the term of five years. The Ombudsman has the right to initiate an examination of a case upon an application or a complaint or *ex officio*. The Ombudsman has the right to draw the Parliament's or Government's attention to the shortcomings in national laws, inviting them to eliminate them, and, if necessary, submit an application to the Constitutional Court; in some cases, when a breach of the principle of equal treatment is established, the Ombudsman is entitled to submit an application to a court of general jurisdiction.³

6. Local governments

20. Local governments provide social assistance and social care, access to health-care services and education and take part in society integration processes. For example, local governments provide social assistance (social benefits) to low-income families and socially vulnerable individuals and provide long-term and short-term social care and social rehabilitation services in the place of a person's residence or in an institution. Social assistance services are provided by local governments' social departments. Local governments provide orphans and children without parental care with places in education and upbringing institutions, provide them with guardianship, custody, adoption and protect personal and pecuniary rights and interests of children. Orphans courts have been established for the protection of the rights and interests of children or other legally incapacitated persons. Each municipality must ensure access to health-care services and the possibility for children and young persons living in its administrative territory, to obtain education. A number of municipalities have established Population Consultative Councils, formulating proposals concerning outstanding issues.

7. Prosecutor's Office

21. Prosecutor's Office is an institution within judiciary, which, within its competence, independently supervises the observance of rule of law. When implementing functions vested by law, Prosecutor's Office supervises pre-trial investigation, commences and performs prosecution and brings charges on behalf of the State in court proceedings, including *inter alia* charges for committing crimes involving violations of fundamental human rights. Prosecutor's Office also supervises execution of sentences of deprivation of liberty applied by courts and participates in court hearings concerning alteration of the term or other conditions of the imposed sentence. The protection of persons' rights within civil proceedings is performed by the prosecutor's participation and provision of an expert opinion in hearings before a court in cases concerning permission or annulment of adoption, establishing a person's legal incapacity and the establishment of custody. Complaints addressed to the Prosecutor's Office about the protection of person's rights are mostly linked with civil law issues, violations of the rights and lawful interests of minors and violations of the rights and lawful interests of detainees.⁴ Since the enactment of the Law on Constitutional Court, the Prosecutor's Office has submitted to the Constitutional Court three applications; two of them were satisfied.

D. International commitments

22. International legal instruments are part of the national legal system. They are applied in the creation and interpretation of national legal norms, as well as in some cases they may be applied directly. In any event, Latvian courts, including the Constitutional Court, frequently refer to international law norms in their judgments. International treaties approved by the Parliament take precedence over national legal norms, but are inferior to the Constitution. International law norms are often applied in interpreting provisions of the Constitution.

23. In 1991, Latvia joined the UN and closely cooperates with different UN bodies, including the OHCHR. In 1991, Latvia restored its membership in the International Labour Organization and joined the WTO in 1999. Latvia is a member of several regional organizations. Latvia joined OSCE in 1991, Council of Europe in 1995, and the European Union and NATO in 2004.

24. In 2001 Latvia was one of the first states to issue a standing invitation to UN human rights special procedures; since then the mandate holders of UN special procedures have visited Latvia three times (in 2004 – Working Group on Arbitrary Detention; in 2007 – Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; in 2008 - Special Rapporteur on the sale of children, child prostitution and child pornography). Latvia promotes the issue of a standing invitation by urging all UN Member States to extend it at the Human Rights Council sessions and UPR Working Group sessions.

25. Latvia has acceded to the major UN human rights instruments and regularly submits reports to the monitoring mechanisms of those human rights instruments.⁵

26. Latvia has acceded to the main conventions of the International Labour Organization.⁶

27. European Convention for the Protection of Human Rights and Fundamental Freedoms and several of its Protocols are binding upon Latvia since 1997. Latvia has recognized the competence of the European Court of Human Rights to receive and examine individual applications. Latvia has acceded to other conventions of the Council of Europe.⁷

28. As a Member State of the European Union, Latvia applies EU law directly or transposes it into national legislation.

III. Protection and promotion of human rights in practice

A. Elimination of all forms of discrimination

29. Equality before the law and courts for all Latvia's residents is guaranteed by the Constitution. Provisions prohibiting discrimination and different treatment have been incorporated in a number of laws.⁸ National legislation provides for administrative and criminal responsibility for violation of the non-discrimination principle.

30. The Ombudsman has undertaken the role of institutional mechanism implementing the policy of prevention and prohibition of discrimination, wherein NGOs and social partners play a significant role. The Ombudsman also performs the protection function by providing assistance to victims of discrimination. The Ombudsman examines complaints concerning discriminatory acts or breach of the principle of equal treatment by State authorities, private individuals or legal entities. The Ombudsman's Office provides legal

assistance to victims of discrimination in the form of legal advice and by representing individuals before court.⁹

31. National legislation penalizes acts that intentionally instigate national, ethnic or racial hatred or intolerance. Racist motive is defined in Latvian Criminal Law as an aggravating circumstance. In relation to such crimes 68 criminal proceedings were initiated and 21 individuals have been convicted during the period between 2000 and August 2010.

32. From 2005 to 2009, the Government implemented a National Program for the Promotion of Tolerance through public informative and educational initiatives. Several NGO projects in the field of tolerance promotion were funded through budget subsidies. Latvia has implemented several projects 'Latvia – equal in diversity' that received European Commission's funding for partnership activities of state institutions and NGOs in the field of combating discrimination, promotion of tolerance and public information on the anti-discrimination policy.¹⁰ In future it is planned to address the promotion of tolerance within the context of general integration policy by addressing this issue in the new draft Policy Guidelines for Integration of Society.

B. Freedom of thought, conscience and religion

33. The State's separation from church and everyone's right to freedom of thought, conscience and religion is guaranteed by the *Satversme* and the Law on Religious Organizations. The State does not maintain records of individual's religious affiliation and does not interfere with the internal functioning of religious organizations. The State and municipalities provide assistance to religious organizations in the maintenance of cultural monuments of state-level and local-level significance. Chaplain Service has been established to ensure spiritual care to persons belonging to a belief or religion, and to persons not belonging to any particular religious tradition, which operates within the National Armed Forces, airports, seaports and transport stations, health-care and social care institutions, as well as in places of deprivation of liberty.

34. In accordance with the Law on Religious Organizations religious organizations are parishes, religious associations (churches) and dioceses registered in accordance with the procedure specified in this Law. Believers belonging to a particular religion or denomination may voluntarily unite in a parish to perform religious activities in a certain territory. Ten (or more) congregations of one registered denomination may establish a religious association (church).

35. Latvia has strong traditions of religious tolerance. Presently there are 15 registered religious associations (churches) comprised of 972 parishes; 161 parishes are functioning autonomously. The currently registered religious organizations in Latvia represent 36 denominations.¹¹ Traditionally the most common religion is Christianity (Protestants-Lutheranism, Catholicism and Russian Orthodoxy).

36. Everyone has a right to acquire, individually and in association with others, religious education in educational institutions established by religious organizations. Teaching about Christianity and Ethics are optional subjects in schools. According to parents' choice, religious teaching characteristic to a national minority may be taught in national minority schools.

C. Society integration

1. Rights of persons belonging to national minorities

37. The *Satversme* provides that ‘persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity’. Pursuant to the Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia’s National and Ethnic Groups, all Latvia’s permanent residents are guaranteed the right to establish their own national societies, unions and associations. The State has a duty to facilitate their activities and to provide financial support.

38. Latvia’s society is multi-ethnic – there are more than 150 ethnicities living in Latvia. The largest ethnic minorities are Russians, Belarusians, Ukrainians, and Poles. The State Society Integration Programme adopted in 2001, serves as basis for the planning and implementation of the Government’s society integration policy. The Society Integration Programme addresses the development of minority education programmes, ensuring of minority participation, issues concerning the financing of minority cultural initiatives, minority cultural autonomy and broadening cultural dialogue, as well as other issues. Minority issues are planned to be included in the new draft Policy Guidelines for Integration of Society.

39. Latvia is a Party to the Framework Convention for the Protection of National Minorities of the Council of Europe.

40. There are approximately 250 NGOs and their regional sections having aim to preserve minorities’ ethnic identity, protect minority rights and promote inter-ethnic dialogue. From 2005 to 2008 almost 1,000 minority NGO projects targeting provision of support to minority integration have been funded from the state budget. Almost 200 NGOs received State funding.

41. Since 2001 the Society Integration Foundation provides financial support to activities and projects aimed at uniting society in such areas as state language learning, promotion of cultural identity and cultural interaction, and civil society development. The Foundation’s budget consists of allocations from the State budget and international funding. From its establishment and by the end of 2009, the Foundation had financed 1,483 projects, *inter alia*, 880 projects promoting social and ethnic integration for the total amount of 20 million Latvian lats.

42. In 2006 a state program “Roma in Latvia” 2007-2009 was adopted, aiming at promotion of integration of the Roma community into the Latvian society, by eliminating discrimination and ensuring equal opportunities to the Roma community in Latvia in education, employment and human rights.¹² Within the framework of the Program, a program for professional training of teacher assistant with Roma background was developed, as well as introduction of such teacher assistant post in pre-school educational establishment was facilitated. By 2009, 20 Roma teacher assistants have been trained.

43. Education in minority languages is a pre-condition for the preservation of minority cultural identity. The Government provides state funded education in eight minority languages – Russian, Polish, Ukrainian, Belarusian, Lithuanian, Estonian, Hebrew, and Romany. Several municipalities provide additional financial support to minority educational institutions.

44. Consultative mechanisms established at national and local level belong to the most significant tools for facilitating participation of minorities in decision-making process. There are three consultative councils at the national level – the Consultative Council on Minorities under the President, the National Minority NGO Committee under the Ministry of Justice and the National Minority Education Consultative Council under the Ministry of

Education and Science, all of them having broad minority participation, while two of them are chaired by a national minority representative. At local government level there are Society Integration Commissions (Councils) and society integration programs.

2. Citizenship and naturalization

45. Following the restoration of Latvia's independence, based on the principle of legal continuity, on 15 October 1991, the Supreme Council adopted a decision on restoration of citizenship to those Latvia's residents, who possessed Latvia's citizenship prior to the Latvia's occupation on 17 June 1940, and to their descendants, irrespective of their ethnicity. Based on this principle, a new Law on Citizenship was adopted in 1994. The Law on Citizenship was amended by referendum in 1998, simplifying procedure for the acquisition of citizenship by naturalization.

46. In parallel to the status of Latvian citizen, the status of a non-citizen was created in 1995, as a special temporary status for former USSR citizens and their descendants living in the Republic of Latvia who do not have Latvian or any other state's citizenship. Latvia's non-citizens are not considered as stateless persons within the meaning of the 1954 Convention relating to the Status of Stateless Persons, given the much wider scope of non-citizens' rights; in relation to such individuals Latvia has undertaken particular obligations – it guarantees *ex lege* residence in Latvia, consular protection abroad, as well as the right to return to Latvia and the right not to be expelled from Latvia. Non-citizens enjoy most of the rights guaranteed to Latvian citizens. Every non-citizen has the right to acquire Latvian citizenship through naturalization.

47. The Law on Citizenship prescribes the following types of acquisition of citizenship: recognition of citizenship, registration of the citizen's status, naturalization and restoration of citizenship. Recognition of citizenship and naturalization are the two major ways of acquiring citizenship. Children born after the restoration of Latvia's independence (21 August 1991) may be registered as Latvian citizens upon an application submitted by their parents. 97 % of children are born as Latvian citizens; and it is expected for this number to increase in future.

48. The Government has adopted a number of regulations to facilitate naturalization and to urge persons to acquire Latvian citizenship. Language proficiency test compliant with the European standard was developed and endorsed by the Association of Language Testers in Europe (ALTE). Procedure for passing naturalization exams has been simplified several times.¹³

49. Latvia has achieved significant progress in facilitating naturalization, by decreasing the number of non-citizens from 29% (730,000) in 1995 to 14.7 % (329,493) in October 2010. Almost 83% (1,855,896) of inhabitants in Latvia are Latvian citizens.

3. Rights of foreigners, refugees and asylum-seekers

50. To ensure implementation of migration policy in compliance with Latvia's international commitments and national interests a new Law on Immigration entered into force in 2003, which prescribes the procedures for entry, residence, transit, apprehension, detention and expulsion of foreigners. Pursuant to the Law a foreigner is a person who is not a Latvian citizen or non-citizen. A foreigner may obtain a residence permit which gives the right to reside in Latvia for a specified period of time. There are two types of resident permits – temporary resident permits and permanent resident permits.¹⁴

51. The number of immigrants is still low. The level of illegal immigration also remains low.¹⁵ Since 2004 national legislation is streamlined by harmonizing national laws with the requirements of European Union *acquis*. The competence, responsibility and tasks of

institutions dealing with migration are set out in the Immigration Law, Asylum Law and relevant Government regulations.

52. In 2007, Latvia started to acquire funding offered by the European Fund for the Integration of Third-country Nationals to further facilitate integration of immigrants. The Fund supports Latvia's activities assisting third-country nationals in fulfilling residence conditions and facilitating their integration. The Multi-year Fund Programme for 2007-2013 has been developed and each year annual programs determining concrete activities to facilitate integration of immigrants are approved.¹⁶

53. Asylum procedures are in place since 1998 when the Law on Asylum Seekers and Refugees entered into force. In most cases Latvia is a transit country. As a destination country Latvia is attractive mostly to asylum-seekers from neighboring countries. From 1998 until the second part of 2010, 356 persons, including 128 children, have requested asylum. Refugee status, as provided for in the Geneva Convention, has been granted to 29 persons, while the alternative status – to 39 persons. Out of all persons who had received refugee status or alternative status, four persons have already naturalized and became Latvian citizens. From 2002 to 2008 seven unaccompanied foreign minors have entered Latvia. Alternative status has been granted to three unaccompanied minors, while none of the unaccompanied minors has been granted refugee status.

54. The new Asylum Law, adopted in 2009, provides that during the procedure for granting asylum, asylum seekers are provided with necessary living conditions in the accommodation center, and receive financial assistance for subsistence and for purchase of hygienic and basic items. Upon commencing their residence in Latvia, refugees and persons who have been granted alternative status receive an allowance covering subsistence costs and an allowance for learning the state language. Refugees' and asylum-seekers' children are provided with the opportunity to receive education.

D. Elimination of torture and other cruel, inhuman or degrading treatment or punishment

55. Latvia is a party to a number of international treaties prohibiting torture and other inhuman or degrading treatment or punishment. Latvia has ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

56. The Law on the Procedure for Entry into Force and Application of the Criminal Law contains the definition of torture, as well as actions related to torture are defined as a qualifying element for several offences provided by the Criminal Law.

57. The Law on the Procedure of Keeping Apprehended Persons, adopted in 2005, prescribes procedure for detention of apprehended persons in specially equipped police short-term detention facilities (isolators). To ensure gradual compliance of short-term detention facilities with the standard laid down by the Law a deadline of 31 December 2013 was set out. The Law on Procedure for Keeping in Detention on Remand was adopted in 2006. Requirements of the *Satversme* and international human rights standards including those in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as recommendations by the European Committee for the Prevention of Torture and Inhuman and Degrading Punishment following its visits to Latvia, were taken into account when drafting these legal acts.

58. During the past few years increased attention has been paid to planning the policy of execution of sentences, by drafting policy planning documents and amending national laws. The most important documents are the Concept Paper on Resocialization of Convicted Prisoners, the Policy Guidelines on Education of Imprisoned Persons, the draft Concept on Employment of Convicted Prisoners 2006-2010, the Policy Guidelines on the Enforcement of Prison Sentences and Detention of Juveniles for 2007–2013.¹⁷

59. Latvia adopted a Concept Paper on Resocialization of Convicted Prisoners that envisages a re-socialization model for convicts. Currently, the Concept Paper is in its implementation stage. Within the budgetary limits of the Prison Administration convicts are provided with employment and educational opportunities¹⁸, social behavior correction programs, social rehabilitation programs, as well as religious educational programs. The Latvian Prison Hospital operates in new premises since 2007; thus, problems concerning conditions of medical treatment of detainees have been resolved.

60. Imprisoned convicts have access to different legal protection mechanisms for lodging complaints about alleged violation of their rights in a place of deprivation of liberty. Most commonly used remedies are the Ombudsman¹⁹, the Prosecutor's Office²⁰, the Administrative court and the Constitutional Court. Upon detainee's initiative an individual appointment with a public prosecutor may be organized. During the past three years the Prosecutor's Office has received 181 such requests, while during such visits no complaints concerning excessive use of authority by the employees of the detention facility have been made.

E. Gender equality

61. Latvia is a party to the UN Convention on the Elimination of All Forms of Discrimination against Women. Pursuant to the Gender Equality Concept Paper, adopted in 2001, there are six main priorities in the field of gender equality:

- education of society, experts and policymakers on gender equality;
- streamlining of policy implementation supervision;
- raising awareness of domestic violence and streamlining of national legislation to ensure practical elimination of domestic violence;
- improving possibilities of harmonizing work and private life;
- studying the customs of health-related lifestyle.

62. NGOs have an important role to play in the implementation of gender equality policy. They participate in drafting of gender equality policy documents, as well as in resolving other important social policy issues.

63. Due to different socio-economic changes, the level of women's employment has increased – from 65% in 2005 to 71% in 2007. Nevertheless, there is still explicit employment market segregation; women are overrepresented in professions related to commerce, education, health-care and social care, which are usually less remunerated. Differences remain in the remuneration between women and men – the difference decreased from 18.1% in 2005 to 15.9% in 2009.

64. The probable causes of different remuneration are not linked to the lower level of women's education or skills. On the contrary – in 2005 70.5% of all university graduates were women; in 2009 they were 71.4%.

65. Positive changes towards gender equality can be facilitated by deepening society's understanding and changing its attitude on certain issues. Therefore, in 2005- 2008 special

attention was paid to informative and educational activities for different target groups – employers, schoolchildren, teachers, judges, local government employees, politicians.

F. Elimination of domestic violence

66. The crimes envisaged in the Criminal Law are equally punishable if they are committed within the family. In 2010 the Criminal Law was amended whereby a new aggravated circumstance was introduced – crime involving violence or threats of violence and committed against a person with whom the perpetrator is related in the first or second level of kinship or against a spouse or a former spouse, or against a person with whom the perpetrator has or had *de facto* family or against a person with whom the perpetrator has common household. The amendments entered into force on 1 January 2011.

67. The Criminal Law penalizes rape and sexual assault. Aggravated responsibility applies if the raped person is a minor (the sentence of imprisonment from five to fifteen years with police control for three years), as well as in case of a small child (the imposed sentence is life imprisonment or imprisonment from ten to twenty years with police control up to three years). The Criminal Law considers as an aggravated circumstance if a crime has been committed through abusing person's official, material or other dependence. Courts apply this aggravated circumstance also in cases when sex crime has been committed within the family.

68. The Government adopted the Program for Eliminating Domestic Violence 2008-2011, its aim being prevention of domestic violence crimes and achieving the decrease in the number of committed crimes and their negative consequences.²¹ The Program envisages three priority activities: identification of domestic violence; domestic violence prevention; institutional cooperation in the provision of assistance and rehabilitation services. In addition to activities mentioned in the Program, other activities are implemented to streamline normative regulation (e.g., Concept Paper on Social Security Coercive Measures), to facilitate inter-institutional cooperation and to train experts involved. It is envisaged to include domestic violence issues in the State Family Policy Guidelines.

69. There are NGOs providing support to victims of domestic violence in the regions. Local governments and NGOs ensure operation of crisis centers that provide professional assistance, support and information to victims of domestic violence. Social rehabilitation of children victims of domestic violence is financed from the State budget. If a child victim needs a companion or if the companion him/herself needs protection from violence, his/her accommodation expenses at the receiving institution are also covered by the State.²²

70. In cooperation with the World Health Organization (WHO) there are activities to train medical personnel about domestic violence. Based on WHO guidelines and international practice, reproductive health experts are trained on examining patients and providing medical assistance. Within the Program on Reducing Domestic Violence, training is provided to professionals, including investigators, judges, police, medical personnel, social workers, employees of educational institutions, NGOs and staff of crisis centers.

G. Children's rights

71. The system for the protection of children's rights and its main operational principles are governed by the Law on the Protection of the Rights of the Child. Local governments' social services, police, educational, health-care and social care institutions form part of this system. Efficient cooperation of these institutions is prerequisite for the effective functioning of the children's rights protection system.

72. State Inspectorate for Protection of Children's Rights, the main institution for the protection of children's rights, is subordinate to the Ministry of Welfare. It monitors children's rights, provides methodological assistance and implements educational and informative activities. The Inspectorate examines the compliance with children's rights by different institutions; it also examines the cases of children without parental care, public sport and recreational facilities and cases concerning children and other legally incapacitated persons under the competence of Orphans courts. The Inspectorate is authorized to examine administrative offence cases in respect of violations of children's rights (physical or emotional violence performed against a child by public officials or employees; unlawful involvement of children in events). The Inspectorate, in cooperation with the Internet Association, performs awareness-raising activities for children, youth, teachers and parents concerning internet security and possible threats posed on the Internet. A special website is available for public to report electronically about offences on the Internet. These reports are processed and, if necessary, transferred to the State Police.

73. A hotline providing psychological help is available to children and teenagers, while observing their anonymity. If a child provides information on possible violence or other unlawful activities against the child, such information is forwarded to the Inspectorate for Protection of Children's Rights, which performs inspections and other necessary activities in cooperation with the State Police, the Orphans court and other services, to prevent any possible violation of children's rights.²³

74. At the local level Orphans courts monitor the observance of children's rights in the family. It monitors observance of children's rights in the family and implementation of guardianship rights, addresses family disputes pursuant to the Law on Custody Courts. If a child is a victim of domestic violence or suffers from parents' negligence, the Orphans court may decide on placing a child in out-of-family care, with a guardian, foster family or in a child-care institution.²⁴ Observance of children's rights must also be ensured by other State and local government institutions and officials.

75. The *Satversme* guarantees everyone's right to education and that the primary and secondary education is free of charge. Pursuant to the *Satversme*, primary education is compulsory. Each Latvia's citizen and permanent resident, citizens of the European Union Member States holding a temporary residence permit, and their children have equal right to education.

76. In the beginning of the 2009/2010 school year, preschool groups were attended by 98% of the compulsory preschool age (from five years) children. Preschool education is available in Latvian, Russian, Polish and Hebrew. From 2002 to 2009 a provision of the Education Law on compulsory preparation of children of five and six years of age for the acquisition of elementary education was successfully implemented. During seven years appropriate environment, premises, material-technical resources, as well as transportation for children residing in the respective administrative territory to educational institutions was provided for successful implementation of preschool educational programs.

77. Children with special needs can obtain education in special educational institutions (partly separated environment), in special classes of general educational institutions (integrative environment) or in general educational institutions (inclusive environment). In 2009/2010 school-year there were 63 special educational institutions, where 8,906 children studied, that is 3.9% of the total number of pupils. Any general educational institution can obtain a license for special educational programmes; to date 200 institutions have used this opportunity. Thereby, pupils with different special educational needs can study in general educational institutions.

78. The State subsidizes local governments to implement extracurricular educational programmes. Children and youth centers provide activity opportunities for such target

groups as children in social risk groups, children from socially disadvantaged families, children whose parents are working abroad, children with special needs (with health problems), children from low-income families, children from large families, children receiving education at home, children registered at the State Probation Service, children supervised by the Minors Inspectorates, minors kept in places of imprisonment and children living in orphanages.

H. Implementation of economic, social and cultural rights

1. Right to work

79. Pursuant to the Labour Law employees have a five-day working week. The normal daily working hours may not exceed eight hours, or 40 hours per week. An employer shall ensure part-time work if requested by a pregnant woman, or a woman during a period following childbirth of up to one year, but if a woman is breastfeeding then for the entire period of breastfeeding, as well as if requested by an employee who has a child under age 14 or a disabled child under age 18.

80. Every employee has the right to paid annual leave, which may not be less than four calendar weeks, excluding public holidays. Annual paid leave may not be financially compensated for, except when employment relationship is terminated and the employee has not used the annual paid leave.

81. In accordance with the Labour Law, prenatal leave of 56 calendar days and maternity leave of 56 calendar days are summed up and 112 calendar days are granted irrespective of how many days of prenatal leave have been used prior to child-birth.²⁵ A leave granted in connection with pregnancy and childbirth may not replace the paid annual leave.

82. Every employee has the right to parental leave in connection with the birth or adoption of a child. Such leave must be granted for a period not exceeding 18 months until the day a child reaches the age of eight years. The position held by an employee requesting parental leave or a pregnant woman must be preserved. If that is impossible, the employer must ensure the employee with a similar or equivalent position under not less favorable conditions and employment provisions.

83. In Latvia, employees can protect their social, economic and professional rights and interests directly or through their representatives (trade unions). Participation in trade unions is voluntary. Several trade unions may exist in one workplace.

2. Social security

84. By means of social security system persons receive: 1) pension when meeting such risks as retirement, disability, loss of provider; 2) benefits, e.g., family, in case of illness, maternity, paternity, unemployment, accident at workplace and occupational disease. Particular groups of population at risk situation or in case of a decrease of income receive universal social assistance by means of benefits of a constant amount independent from individual's social insurance contributions (including benefits for socially uninsured persons in case of disability or reaching retirement age, benefits for families with children, legal guardians and foster families).

85. State support through social security is regularly increased to persons with disabilities and other groups. For instance, in 2008, benefit for disabled persons in need of care was introduced; in 2009, the amount of several social benefits for disabled persons and disabled children was increased.

86. As the economy situation worsens, the population's need to receive social services and benefits increases. In 2009, local governments' base budget expenditures for social protection were 121,44 million Latvian lats, which is 87.9% of 2008 social protection budget. Since 2009 two types of benefits are compulsory – the guaranteed minimum income benefit (GMIB) and housing benefit (HB), other benefits being determined by the local governments themselves. The amounts of benefits are rapidly increasing – by mid-2010 they exceeded the 2009 level because of increased number of beneficiaries and an increased amount of state-provided support – GMIB 50% and HB – 20%.²⁶

3. Public health

87. The *Satversme* provides that the State protects person's health and guarantees everyone a basic level of medical assistance. The Law on Patient's Rights entered into force in 2010 and prescribes the right to medical treatment and governs such issues as patient's data protection, patient's participation in clinical trials, the right to claim compensation for damage caused to patient's life or health, including for non-pecuniary damage, caused by the medical practitioner during medical treatment.

88. During the past three years the national budget assigned to health-care reaches an average of 3.5% GDP.²⁷ The right to receive fully state-funded health-care is provided to: children under age 18; women – care during pregnancy and assistance during childbirth; individuals infected with tuberculosis; mentally ill persons during psychiatric treatment; individuals assigned the 1st degree of physical disability; low income individuals and other groups of population.

89. Health-care of pregnant women and children is a priority. Children have access to free health-care (including family doctor home visits, dental care, vaccination, preventive check-ups). Children are offered free vaccinations against tuberculosis, diphtheria, tetanus, whooping cough, polio, measles, German measles, epidemic parotitis, b type *Haemophilus influenzae* infection, hepatitis B, chicken pox, tick encephalitis and pneumococcal infection. As of 1 September 2010 twelve year old girls are vaccinated by state-funded vaccines against human papilloma virus to eliminate the risk of cervical cancer. The number of vaccinated children exceeds the recommended level of the WHO - for example, 97% of children are vaccinated against polio and 97% against diphtheria and tetanus.

90. Latvia is still among those European countries with high HIV spread indicators.²⁸ HIV infected persons are granted medical treatment and health-care free of charge. Pregnant women receive free HIV screening to prevent newborns from having HIV.

91. State-funded programme for timely discovering (screening) mammal gland and cervical cancer and the programme for timely discovering colorectal or intestine cancer was introduced in 2009. The aim of these programmes is to decrease cancer mortality.

4. Rights to live in a healthy environment

92. The requirements of the Aarhus Convention ratified by Latvia in 2002 are integrated into national legislative acts. The environmental institutions collect, update and provide information to society concerning the state of the environment and ensure civil society involvement in decision-making. The Environmental Consultative Council facilitates cooperation with the society and its participation in discussions concerning draft laws.

IV. Achievements, best practices and challenges

A. Combating trafficking in human beings

93. Latvia is a country of origin of victims of trafficking in human beings who suffer from sexual violence. Effective work of law-enforcement institutions and legislative regulation has led to a decrease in the number of cases of human trafficking during the past few years.

94. In 2004 Latvia ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to the UN Convention against Transnational Organized Crime (Palermo Protocol). Already in 2002 the Criminal Law was amended by introducing a new Article 'Trafficking in human beings'. Since 2000 the Article 'Sending a Person for Sexual Exploitation' of the Criminal Law provides a broadened definition of trafficking in human beings as prescribed by the UN Convention of the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Accordingly, it is possible to hold an individual criminally accountable for sending a person for sexual exploitation even before such an individual commits a crime. From 2000 to 2010, 185 criminal proceedings have been initiated in accordance with the Criminal Law for sending a person for sexual exploitation, 42 criminal cases and criminal proceedings - for human trafficking.²⁹

95. Organizers of human trafficking can be prosecuted even without a victim of trafficking. The State police, within the current legal framework, work to pre-empt the crime and in almost all trafficking cases infiltrate specially trained female police officers as potential victims of trafficking.

96. Over the years, the Criminal Law and the Administrative Offences Code have been amended to decrease the demand for prostitution services. Any activity by a third person supporting prostitution is prohibited. Since 2009 the Criminal Law penalizes the establishment, maintenance, management and financing of a brothel. Involving a minor in prostitution or compelling to engage in prostitution is penalized by the Criminal Law.

97. Any person who may have become a victim of human trafficking is informed of the right to receive rehabilitation services. Before performing any procedural actions or during them, the State Police offers to victims of trafficking State-funded rehabilitation services. In case of consent an NGO providing state-funded services is invited.³⁰

98. Latvia has concluded cooperation agreements with several countries to improve efficiency of combating human trafficking, which is a cross-border issue.³¹ The agreements envisage exchange of information and data, joint operational activities, exchange of experience, including in the area of personnel training or legislation.

99. During the past few years Latvia faces a problem of fictitious marriages abroad, that in some cases transform into instances of human trafficking or exploitation of labour. This trend is developing, therefore a number of activities are performed in the field of identification of victims of trafficking, discussions take place concerning penalization of such acts, as well as informative campaigns on the potential risks are implemented.

B. Right to civic participation and access to information

100. Pursuant to the Law on State Administration Structure of 2002, institutions shall engage the civil society in their activities; such engagement may take form of participation in working groups, advisory councils or other procedures where public opinion is required. The Parliament and the Government have established close cooperation with NGOs.³² A

Tripartite Cooperation Council has been established comprising representatives of the Government, the Employers' Confederation and the Free Trade Union Confederation. In matters of interest to society, institutions must organize a public discussion. Society is kept informed on the state of preparation of policy planning documents and legislative acts; NGOs and social partners may participate in the drafting process. Representatives of civil society may submit proposals and opinions concerning draft legislation at any stage of the process and publicly express their opinion. The outcome of the civil society participation is included in the explanatory note to the draft law. The sessions of the Government and Parliament are open to public; audio and video broadcast of the Parliament's sessions is provided.

101. Local governments must organize public discussions on alterations of administrative territorial boundaries, municipal development program or territorial planning. Local government residents and mass media shall have access during the course of the public discussion both to the document of the discussion and to all decisions pertinent to the respective discussions. Everyone has the right to express views orally and in writing in respect of the issue under public discussion. Local governments must publish the results of the public discussion and the decision of the local government that includes results of the public discussion.

102. The Constitution guarantees everyone the right to submit applications to State and local government institutions and receive a reply on its merits. The Law on Submission of Applications provides that if an institution does reply to an application or does not reply within the time-limit or by the procedure prescribed by the Law, or in case an application has been left without examination, a person has the right to complain about or appeal against the issued administrative act or *de facto* action. The Law on Freedom of Information of 1998 prescribes that a person has the right to request information, which the institution possesses or which the institution is under a duty to prepare.

C. Free legal aid

103. The State Ensured Legal Aid Law entered into force in 2005 establishing a system whereby a natural person (Latvian citizen, Latvian non-citizen, stateless person, foreigner, asylum-seeker, refugee, and other persons) is ensured access to fair trial by means of the State-guaranteed financial support for legal aid (legal consultations, drafting of procedural documents, representation before a court etc.) if they are poor, low-income, or their specific situation, property status or income warrants State ensured legal aid. Legal Aid Administration established in 2006 is responsible for ensuring access to fair trial and disbursement of compensations to victims. Since 2009 sworn advocates are invited to provide State ensured legal aid in criminal proceedings in order to timely ensure individual's guaranteed rights to receive legal assistance in criminal proceedings.³³

104. The Law on State Compensations to Victims entered into force in 2006 and provides that individuals recognized in criminal proceedings as victims may receive compensation for pecuniary and non-pecuniary damage incurred as a result of an intentional violent criminal offence, whereby severe or moderate bodily injuries have been caused, or death of the person has occurred or the criminal offence has been directed against the sexual inviolability of the person. In 2009 amendments to the Law on State Compensations to Victims broadened the scope of persons entitled to receive State compensation by including persons infected with HIV, hepatitis B or C.³⁴

D. Society integration

105. As it has already been mentioned above (see paragraph 40), within the framework of State support to national minority NGOs and facilitation of national minority integration in Latvia, civil society organizations received funding from the State budget.³⁵

106. The Association of National Culture Organizations of Latvia (ANCOL) unites more than 20 different cultural organizations of ethnic groups living in Latvia. From 2004 to 2010, the Ministry of Culture allocated in total 96,341 Latvian lats for the ANCOL activities. Minority NGOs are invited to submit (voluntarily and free of charge) data to create an electronic map of Latvia's culture coordinated by the Ministry of Culture, which collects information also about national minority NGOs that are not ANCOL members.

107. Latvia's national minorities have achieved significant progress in learning the state language (in 2008, 69% of non-Latvians were fluent in Latvian; in the age group between 15 and 34 years - 73%). This result has been achieved over many years through implementation of educational policy and education process.

108. Since 1995 national minority school teachers, who teach subjects bilingually or in Latvian, can participate in Latvian language training and bilingual teaching methodology courses. These courses are popular and teachers from all regions of Latvia apply therefor. A new program 'Improvement of Minority Teachers' Professional Competence to Implement Curriculum in Latvian Language' has been elaborated to develop teacher training and to improve their knowledge of Latvian.

109. Opinion poll of school principals and Roma parents, on the results of the implementation of the training programme for teacher assistants of Roma origin demonstrate that work of teacher assistants is assessed as 'good' and 'excellent'. This allows to conclude that teacher assistants significantly promote education achievements by Roma children and motivates parents of Roma origin to ensure that their children acquire education. This Latvian initiative has been highlighted by the Council of Europe as a good practice. In future, it is envisaged that the Roma community related issues will be addressed within the general policy framework for society integration to facilitate inclusion of the Roma community integration policy within the sectoral policy.

E. Children's rights

110. The Law on Subsistence Guarantee Fund entered into force in 2004 to ensure child's right to social security, by establishing the Subsistence Guarantee Fund guaranteeing the minimal amount of subsistence in case a child is financially supported by only one of the parents and the other parent is not fulfilling a court's order on payment of subsistence or is fulfilling it in insufficient amount. The main functions of the Subsistence Guarantee Fund³⁶ are: 1) to ensure the disbursement of subsistence means for children if one of the parents does not pay for the child's support and the recovery of child's support is impossible; 2) to administer funding allocated from the State budget and finances recovered from the debtor, to ensure control over disbursal of funds; 3) to register persons to whom child support has been disbursed from the Fund and debtors.

111. The main challenges in the field of children's rights relate to the elimination of different obstacles precluding access to favorable conditions for child's development, including domestic violence, neglect, in-school and out-of-school violence, poverty, disability, behavioral and functional disorders.

112. During the past few years a tendency to induce minor persons and small children in sexual activities by using electronic communication means, including social

communication networks on the internet, has been observed. In 2008 the Criminal Law was amended, thereby penalizing inducing of a person under the age of 16 years or a small child to engage in sexual acts or inducing a minor or a small child to meet with the aim to commit sexual acts.

113. Efficient activities of law-enforcement institutions have significantly decreased the number of crimes related to engagement in prostitution of minors and small children (between 2005 and 2007, 3 criminal cases have been examined and 5 individuals were convicted, while there have been no such cases between 2008 and 1 September 2010). A comparatively high number of crimes is still related to production and dissemination of pornographic and erotic materials, involving minors and small children (between 2005 and 1 September 2010, 23 criminal cases have been examined and 26 persons were convicted).

114. The creation of the Information System on Support for Minors began at the end of 2009. The System aims to ensure efficient processing of information on children at risk (for example, minors who have committed an offence, vagrants, those living in socially unfavorable or dangerous environment etc.), thereby facilitating exchange of operational information and cooperation between law-enforcement, social and education institutions to early eliminate juvenile delinquency and victimization.

F. Rights of persons with disabilities

115. Latvia ratified the UN Convention on the Rights of Persons with Disabilities and its Additional Protocol in 2010. The Government has adopted the Action Plan 2010-2012 for the implementation of the Convention; presently the draft Guidelines for the Implementation of the Convention 2013-2019 are prepared.

116. One of the main challenges in the given area is finding solutions to ensure accessibility to disabled persons within limited financial resources. In order to ensure that disabled persons can live independently and fully participate in all spheres of life, States Parties to the UN Convention must introduce adequate arrangements to provide access to physical environment, transport, information and communication, including to information and communication technology and systems, as well as to other objects and services publicly available and provided, both in cities and rural areas. The issue of accessibility is not sufficiently addressed in national laws. Another challenge is the issue of recognition of disabled persons' legal capacity on an equal footing with others in all aspects of life. Latvian legislation, in fact, fully restricts the legal capacity of persons with disability (by transferring disabled person's legal capacity to his/her guardian) without providing other options.

G. Social inclusion and protection in case of unemployment

117. The most vulnerable groups to face poverty and social exclusion risks are persons of retirement and pre-retirement age (especially women and single persons), large families and incomplete families, persons with disabilities or with functional disorders, unemployed (especially protractedly unemployed), vagrants, Roma, imprisoned persons and those recently released from imprisonment, persons with addiction to psychoactive substances, persons with insufficient, low or inadequate labour market skills. Approximately 26% of the population is vulnerable to poverty risk. Moreover, the nation's aging is increasing. Latvia has set the aim to decrease by 2020 the number of population vulnerable to poverty risk down to 21%.

118. To simplify the process for determining low-income status in the context of economic crisis, the Government Regulation concerning the recognition of low-income

family status or separately living person's low-income status was amended in 2010. Pursuant to the amended Regulation, a person's debts are not taken into account when assessing his/her material situation, and the list of movable and real property, which is disregarded when assessing the person's income status, has been broadened. In order to be granted low-income status, unemployed but able to work individuals must register at the Employment State Agency.

119. Between July 2009 and December 2011, the unemployment benefit to unemployed individuals who have been socially insured from one to nineteen years, is paid during nine months and its amount depends on the length of unemployment and length of social insurance payments. The Employment State Agency provides free consultation services, information on employment stimulating activities and on job openings to any permanent resident. The Agency implements different employment initiatives to facilitate quicker return of unemployed individuals into the labour market, (professional training; requalification and raising of qualification; remunerated temporary jobs; activities for raising competitiveness, including improving of social and functional skills and providing of psychological support; support when launching commercial businesses or self-employed activities etc.). Preventive unemployment reduction activities include career advice, raising qualification of the self-employed and of persons employed in commercial enterprises, requalification and continuing education, the state language training, training programs for the involvement of adults and employed persons vulnerable to unemployment risks in the lifelong education.

H. Cultural rights

120. Anyone can receive the support of the State Culture Capital Fund (SCCF), established in 1998, for the implementation of creative projects; thereby guaranteeing cultural rights and promoting the rights of national minorities. SCCF is a public foundation promoting balanced development of cultural and artistic creativity and preserving the country's cultural heritage. SCCF provides funding for projects submitted by individuals and legal persons, facilitating cultural renaissance, artistic creativity and promotes its diversity. It finances creative and research projects in the field of culture, facilitates obtaining education and raising professional qualifications, promotes international cooperation and popularization of Latvian culture and art in the world; facilitates the preservation of cultural values, their dissemination and accessibility, and promotes the development of traditional culture. From 1999 to 2009, SCCF has supported 21,857 projects.

V. Main national priorities and initiatives to overcome challenges

121. In the field of children's rights protection the national priority is child's development in a friendly environment – in the family. Key initiatives in overcoming challenges in this area relate to the necessity to improve cooperation between different services in order to timely prevent violation of child's rights, as well as with the supervision and provision of methodological assistance in order to raise the quality of work of the respective services (in particular, with regard to the State Inspectorate for Protection of Children's Rights as it supervises the work of services and provides methodological assistance).

122. The main priority in the field of labour rights is the implementation of the Action Plan for the Reduction of Unregistered Employment 2010-2013; in the field of employment policy, priority is to gradually depart from income-securing activities (e.g., public

employment programs introduced in the context of economic crisis) to long-term activities improving and stimulating competitiveness, through amending national laws, and by restructuring labour market policy activities and the scope of their implementation.

123. In the field of social security the main priority is to preserve the established social security system during economic crisis by ensuring its stability and long-term development – providing availability of social insurance pensions, benefits and state social benefits and maintaining the pension system. A Concept Paper has been drafted on future changes in the social insurance system. While drafting the Concept Paper it was established that no radical changes are necessary and it is not necessary to change the system's fundamental principles. However, there is a need to introduce significant adjustments to improve the present situation of the system and to ensure availability of funds in the long-term. One of the most debated issues in the society is raising the retirement age. To reduce the demographic and system pressure caused by retirement-age population, the Concept Paper envisages a gradual raise of the retirement age, by increasing it from 2016 by six months every year until 2021, when the retirement age will reach 65 years.

124. The Policy Guidelines on Court System Development 2009-2015 envisages reduction and balancing of the courts' workload. To achieve this objective, it is planned to gradually introduce mediation models (pure mediation, court derived mediation, court-based mediation and integrated mediation), thereby facilitating out-of-court dispute resolution. The first step has been taken – the pure mediation model is successfully implemented. The next step is to draft the Law on Mediation and develop certification system for mediators to ensure unified principles and fundamental requirements of the mediation process. It is necessary to streamline the legal regulation of administrative proceedings, civil proceedings and criminal proceedings to render court proceedings more efficient. Presently, the project 'Modernization of Courts in Latvia' is underway, whereby it is planned to introduce and utilize audio and video conferencing in court proceedings, improve the administration of court expenses, improve the efficiency of court procedures, and improve accessibility to information and services.

125. Work has commenced to establish a system for the reintegration of convicts in places of imprisonment and to clients of the State Probation Service. The development in the system envisages introduction of a new model for reintegration and employment of convicts and advancement of probation programmes and development of specific reintegration tools for particular groups of convicts (e.g., sex offenders). Possibilities to improve conditions of infrastructure in places of deprivation of liberty are assessed; this would also help to lull the criticism by international human rights organizations concerning conditions in places of imprisonment.

126. When updating the State Programme on Society Integration it is important to complete drafting the new Policy Guidelines for Integration of Society, the latter's aim being to set and coordinate the State's policy on society integration by defining its objectives and sectoral activities for their achievement. It is necessary to continue discussions on how to streamline the State's policy – legal regulation and information activities, to facilitate naturalization and increase the number of Latvian citizens.

127. To facilitate the elimination of hate crimes, it is necessary to continue to inform and educate society and law-enforcement institutions about racially motivated offences in order to facilitate faster identification and qualification of such offences. Further discussion is necessary, whether it is necessary to introduce administrative liability for such offences, in parallel to the already existing criminal liability concerning instigation to national, ethnic or racial hatred or enmity.

128. Latvian legislation does not allow the imposition of death penalty in peacetime. Latvia has ratified Protocol No. 6 to the European Convention for the Protection of Human

Rights and Fundamental Freedoms. There are regular discussions concerning the abolition of the death penalty also in time of war. The Government prepared the necessary draft legislative amendments, signed Protocol No.13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of death penalty in all circumstances and prepared its ratification. However, this initiative has not gained support in the Parliament, although discussions on this issue will continue.

Notes

- ¹ Table No.1
'Overview of the courts' workload (2006–mid-2010) (information is provided on the of cases received during the respective time period)

<i>Year</i>	<i>Number of civil cases in the first instance</i>	<i>Number of criminal cases in the first instance</i>	<i>Number of administrative offence cases in district (city) courts</i>	<i>Number of administrative cases in the Administrative District Court</i>
2006	53,940	9,613	23,731	3,199
2007	56,835	11,168	24,913	3,121
2008	104,359	12,231	25,689	3,615
2009	135,035	11,650	18,958	4,026
Mid-2010	65,308	4,850	8,478	2,100

- ² District (city) court judge is appointed by the Parliament for three years. After three years in the office, the district (city) judge may be appointed for an unlimited term of office or re-appointed for a period of up to two years. Following the expiration of the extended term of office, the Parliament, pursuant to the recommendation of the Minister for Justice, shall appoint a district (city) court judge for an unlimited term of office. A regional court judge, pursuant to the recommendation of the Minister for Justice and a Supreme Court judge, pursuant to the recommendation of the Chief Justice of the Supreme Court are appointed by the Parliament for an unlimited term of office.
- ³ Statistical data on examined applications and provided consultations by the Ombudsman's Office: in 2007 – 5,122; in 2008 – 4,534, in 2009 – 3,603.
- ⁴ Between 2005 and mid-2010 the Prosecutor's Office examined 27,799 complaints in the field of protection of legitimate interests and rights of state and persons; in 1,385 cases violation of state's or individual's legitimate interests or rights was established.
- ⁵ The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, Additional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Additional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Additional Protocol to the Convention on the Rights of Persons with Disabilities, the UN Convention of the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the UN Convention against Transnational Organized Crime and its Protocol on against the Smuggling of Migrants by Land, Air and Sea and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- ⁶ ILO Convention No. 29 concerning Forced or Compulsory Labour, ILO Convention No. 105 Abolition of Forced Labour, ILO Convention No. 87 Freedom of Association and Protection of the Right to Organize Convention, ILO Convention No. 98 Right to Organize and Collective Bargaining Convention, ILO Convention No. 100. Equal Remuneration, ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, ILO Convention No.138 concerning Minimum Age for Admission to Employment, ILO Convention No.182 on the Worst Forms of Child

Labour.

⁷ For example, the Framework Convention for the Protection of National Minorities, the European Social Charter, the Council of Europe Convention on Action against Trafficking in Human Beings, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment etc., and Latvia cooperates with their monitoring mechanisms.

⁸ For example, in the Labour Law, the Law on Social Security, the Ombudsman Law, Law on Associations and Foundations, Administrative Offences Code, Criminal Law, Law on Protection of Consumers' Rights, Law on Patient's Rights, Education Law, Law on Prohibition of Discrimination against Natural Persons – Economic Activities Performers, Law on Support of Unemployed Persons and Persons Seeking Employment, Advertisement Law, etc.

⁹ From 2007 to 2009 the Ombudsman's Office received 532 complaints concerning discrimination cases, 161 were examined. Ombudsman initiated 48 *ex officio* examinations.

¹⁰ From 2005 to 2009 the financial support to 'Latvia – Equal in Diversity' projects – 494,520.44 EUR.

¹¹ Including, Anglicans, Apostles, Augsburg belief certification Lutherans, Bahai, Baptists, Brahmanists, Buddhists, modern neopagan movement Dievturība, Evangelic Christians, Hindu, New Apostles, Jehovah Witnesses, Lutherans, Methodists, Moses Believers (Judaists), Muslims, Salvation Army, Last Day Saints (Mormons), Orthodox, Presbyterians, Reformists, Roman Catholics, Seven Day Adventists, Vishnu (Krishnaitis), Pentecost, Old-Believers, Visarionists.

¹² Table No. 2

'State budget grants for Roma NGOs (2006–2009)'

<i>Year</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Allocated financing (LVL)	30,000	18,320.67	19,999.12	21,172.52
Number of grants	18	36	21	5
Number of NGOs	7	11	13	5

¹³ Candidates who have obtained education in minority educational programmes and have passed to a certain level, centralized Latvian language and literature exam, are exempted from the Latvian language examination within naturalization procedure. Candidates who have reached the age of 65 years, must pass only the oral part of the examination. Naturalization fees have been reduced several times for the unemployed, low income and retired individuals, as well as for other socially sensitive groups of population. Political repressed individuals and persons with disabilities, orphans and individuals from social rehabilitation institutions are exempted from the state fee. In 2010 more than 61% of candidates for citizenship paid the reduced fee or were released from it.

¹⁴ Table No. 3

'Granted temporary and permanent residence (2006–2009)'

<i>Year</i>	<i>Granted permanent residence permits</i>	<i>Granted temporary residence</i>
2006	3,238	2,928
2007	2,782	4,831
2008	2,116	4,609
2009	2,598	2,388

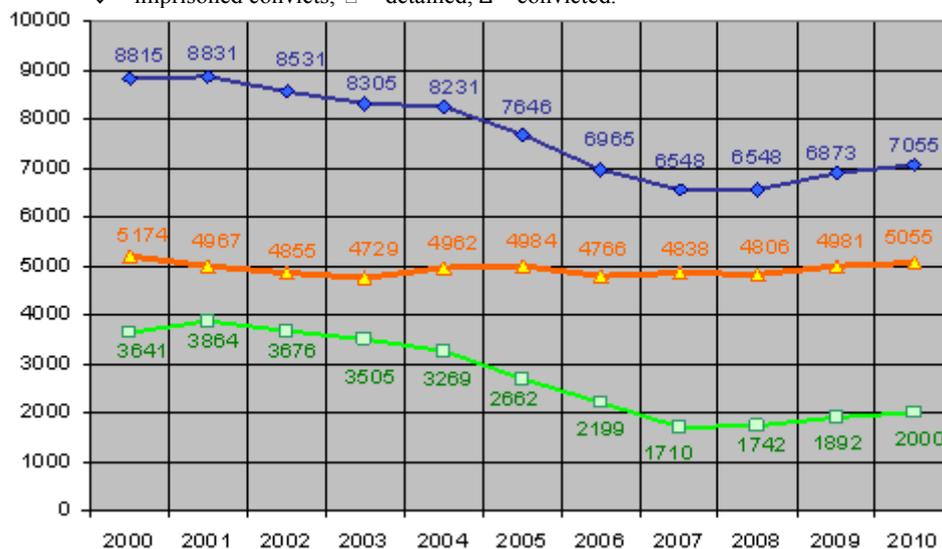
¹⁵ Forced return has been imposed on 139 persons in 2006, 155 persons in 2007, 210 persons in 2008, 145 persons in 2009, 45 persons by mid-2010.

¹⁶ State institutions, local governments, associations, foundations and international organizations can apply for the implementation of the Fund's programmes. Within the framework of the program 12 projects were implemented in 2007, 17 projects – in 2008.

¹⁷ Chart No. 1

‘Characterization of the number of detainees (2000–2010)’

◇ – imprisoned convicts, □ – detained, Δ – convicted.



¹⁸ Table No. 4

‘The Number of Detainees Involved in Educational Programs (2006–2009)’

Year	Elementary education	Secondary education	Professional Education	Education of Interest	Higher education
2006	760	128	891	473	–
2007	975	107	1,084	1,087	–
2008	845	101	849	477	6
2009	806	149	1,040	430	14

¹⁹ The Ombudsman most frequently receives complaints from detainees about conditions in places of detention: in 2007 86 complaints were received, in 2008 – 42 complaints, in 2009 – 50 complaints.

²⁰ In 2007, the Prosecutor’s Office examined 602 complaints from detainees, 4 of them were satisfied (the term ‘satisfied complaints’ means that the Prosecutor by examining a complaint has established a violation of law and therefore has proceeded as prescribed by law); in 2008 – 580 complaints were examined; in 2009 – 336 complaints were examined; by 1 October 2010 – 244 complaints were examined, two of them were satisfied.

²¹ Data from the Interim Informative Report concerning the fulfillment of activities in 2008 and 2009 envisaged in the Programme on Elimination of Domestic Violence 2008–2011:

Table No.5

‘Domestic Violence Victims (victims of any form violence and victims of domestic violence) who Have Requested Medical Assistance between 2008 and 2009’

2008				2009			
Male victims	Of which within family	Female Victims	Of which within family	Male victims	Of which within family	Female Victims	Of which within family
2,922	144	885	315	2,012	83	587	199
Total 3,807 (of which 459 within family)				Total 2,599 (of which 282 within family)			

Table No.6

'Number of persons convicted pursuant to particular articles of the Criminal Law for which there was the highest number of persons held liable for violence against relatives' (2008–2009)

Year	<i>Murder and murder in aggravated circumstances</i>		<i>Intentional infliction of severe bodily injury</i>		<i>Intentional infliction of moderate bodily injury</i>		<i>Intentional infliction of minor bodily injury</i>		<i>Threats to commit murder and intentionally inflict severe bodily injury</i>		<i>Cruelty and violence against a minor</i>	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
Number of convicted persons	86	66	190	181	119	138	84	79	10	11	35	64
Including females	7	3	22	19	4	5	8	8	0	0	7	6
Released from sanction	–	1	–	–	–	–	1	1	–	–	–	0

²² In 2008, 870 children and 80 guardians received institution-provided rehabilitation; 937 children received consultations at the place of their residence. In 2009, 816 children and 79 guardians received institution-provided rehabilitation; 1,209 children received consultations at the place of their residence.

²³ In the first half of 2010, 5,007 children in crisis situations received telephone consultations.

²⁴ Table No.7

'Overview of the Work of Orphans Courts (2007–2009)'

<i>Year/No. of Orphans Courts</i>	<i>Renewal of parents' right to child-care</i>	<i>Deprivation of parents' right to child-care</i>	<i>Deprivation of guardianship right</i>	<i>Renewal of guardianship right (by court order)</i>	<i>Number of children receiving out-of-family care (guardianship, foster family, child-care institution)</i>
<u>2007</u> 514	506 persons for 706 children	1,372 persons for 1,652 children	910 parents for 1154 children	14 persons for 21 children	9,427 (in foster families – 421; in guardianship families – 6,657; in child-care institutions – 2,207)
<u>2008</u> 510	436 persons for 618 children	1,532 persons for 1,914 children	710 parents for 888 children	16 persons for 21 children	8,871 (in foster families 558; in guardianship families – 6,101; in child-care institutions – 2,182)

2009	498 persons for 679 children	1,417 persons for 1,675 children	591 persons for 744 children	7 persons for 9 children	8,714 (in foster families – 758; in guardianship families – 6,044; in child-care institutions – 1,907)
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²⁵ A woman, who started receiving medical treatment until the 12th pregnancy week and received it during the entire pregnancy period, is ensured with additional 14 days of paid leave, which is added to the maternity leave, thereby reaching 70 days in total. Due to pregnancy, childbirth or postnatal complications, as well as in case two or more children are born, a woman is awarded with additional 14 days of paid leave that is added to the maternity leave, thereby reaching 70 days.

²⁶ Table No. 8

‘Amount of Municipalities’ Compulsory Benefits (2008–mid-2010)’

Year	Guaranteed minimum income benefit (GMIB)		Housing benefit (HB)
	millions LVL	millions LVL	
2008	1,93	–	–
2009	6,57	12,02	12,02
Mid-2010	7,91	8,38	8,38

²⁷ Table No. 9

‘Health-Care Budget (2008-2010)’

Year	Health-care budget		% GDP
	millions LVL	millions EUR	
2010	432,78	615,79	3.5
2009	453,64	645,47	3.49
2008	569,31	782,02	3.52

²⁸ Table No. 10

‘Total number of HIV affected (by gender and age). Situation as of 1 October 2010’

Age group (years)	Number of cases	
	Males	Females
0–9	17	19
10–14	11	2
15–19	352	211
20–24	812	447
25–29	749	261
30–34	548	206
35–39	374	144
40–44	232	70
45–49	122	42

>=50	112	56
Age unknown	17	8

29 Table No. 11

'Initiated Criminal Cases and Criminal Proceedings for Trafficking in Human Beings'

Year	<i>Pursuant to Article 165¹ of the Criminal Law „Sending Person for Sexual Exploitation”</i>		<i>Pursuant to Article 154¹ of the Criminal Law „Trafficking in Human Beings”</i>	
2007		12		9
2008		13		4
2009		31		3
2010		25		3

Table No.12

'Number of Criminal Proceedings Examined by Court and Convicted Individuals for Trafficking in Human Beings (Article 154¹ of the Criminal Law) and Number of Criminal Proceedings Examined by Court and Convicted Individuals for Sending a Person with his/her Consent for Sexual Exploitation (Article 165¹ of the Criminal Law) (2005–1 September 2010)'

Art. of the CL	2005		2006		2007		2008		2009		Until 01.09.2010	
	<i>Number of cases persons</i>		<i>Number of cases persons</i>		<i>Number of cases persons</i>		<i>Number of cases persons</i>		<i>Number of cases persons</i>		<i>Number of cases persons</i>	
	<i>Number convicted of cases</i>	<i>Number convicted persons</i>	<i>Number convicted of cases</i>	<i>Number convicted persons</i>	<i>Number convicted of cases</i>	<i>Number convicted persons</i>	<i>Number convicted of cases</i>	<i>Number convicted persons</i>	<i>Number convicted of cases</i>	<i>Number convicted persons</i>	<i>Number convicted of cases</i>	<i>Number convicted persons</i>
154 ¹	1	1	0	0	4	9	4	6	0	0	2	2
165 ¹	21	39	26	47	20	31	10	13	12	17	12	13

30 Table No 13

'Number of Victims of Trafficking in Human Beings Who Received State-Financed Social Rehabilitation (2006–2010)'

Year	<i>Number of persons who received assistance in the respective year</i>	<i>Number of persons who continue to receive assistance since the previous year</i>
2006		6
2007		8
2008		12
2009		14
By 31 August 2010		12

³¹ With Uzbekistan, Moldova, Azerbaijan, Belorussia, Armenia, Kazakhstan, Georgia, State of Israel, Croatia, the United States of America, Czech Republic, Cyprus, Lithuania, Slovakia, Slovenia, Finland, Spain, Turkey, Hungary, Germany.

³² In 2005 a Cooperation Memorandum was signed between the Government and NGOs, which to date has been signed by 211 organizations. The respective Memorandum is still open for signature. In 2006 the Parliament adopted a Declaration on the Principles of Cooperation between the Parliament and NGOs.

33 Table No.14

'State Ensured Legal Aid (2006–31 July 2010)'

<i>Year</i>	<i>Total number of applications submitted by natural persons</i>			<i>Number of refusals</i>	<i>Amount of disbursed State Ensured Legal Aid (LVL)</i>
	<i>Of which satisfied</i>	<i>Of which satisfied</i>	<i>Of which satisfied</i>		
2006	1,085	689	300	282,114.10	
2007	1,012	783	169	502,236.23	
2008	1,122	998	154	586,081.47	
2009	1,764	1,531	251	581,261.49	
2010	1,449	1,662	203	344,840.69	
Total	6,432	5,663	1,077	2,296,533.98	

34 Table No. 15

'State Compensations to Victims (2006–31 July 2010)'

<i>Year</i>	<i>Victims who have received compensation</i>					<i>Amount of disbursed compensations (LVL)</i>
	<i>For inflicted serious bodily injuries</i>	<i>For inflicted moderate bodily injuries</i>	<i>For sex-related crimes</i>	<i>For person's death</i>	<i>HIV, B or C hepatitis</i>	
	2006	12	–	7	30	
2007	46	8	45	92	–	94,743.60
2008	121	122	95	138	–	260,200
2009	103	179	138	175	–	352,505
2010	37	74	37	79	–	140,969.59
Total	319	383	322	514	–	86,453.19

35 Table No. 16

'State Budget Grants to Support of Minority NGOs'

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Grants (LVL)	39,371	102,701	98,694	145,146	152,822	91,520
Number of grants	142	236	243	336	316	98
Supported Minority NGOs	76	63	73	99	96	74
Supported ethnic groups	20	17	18	17	17	17

³⁶ Table No 17

'Provision of Subsistence to Children from the Fund (2006–31 July 2010)'

<i>Year</i>	<i>Number of children who have been provided with subsistence means</i>	<i>Amount of disbursed subsistence means (LVL)</i>
2006	16,774	4,083,956
2007	17,920	5,624,758
2008	18,874	7,801,458
2009	23,448	10,769,646
2010	24,975	5,098,151
Total		33,377,969