

# LATVIA

## EXECUTIVE SUMMARY

The Republic of Latvia is a multiparty parliamentary democracy. Legislative authority is vested in the unicameral parliament (Saeima). Elections on September 17 for the 100-seat parliament were free and fair. Security forces reported to civilian authorities.

The most significant human rights problem affecting Latvia was corruption, which was perceived to exist at all levels of government. Conditions at police detention facilities and prisons remained poor, although the government made efforts to improve them. The problems related to both inadequate facilities and abuse of prisoners by guards. Violence against women, including rape and domestic violence, remained a persistent problem during the year with incidents underreported to police.

Other human rights problems included police abuse of detainees, lengthy pretrial detention, delays in court proceedings, political interference in state-owned media, and administrative burdens for public demonstrations and on “nontraditional” religious groups. Noncitizens, who constituted some 16 percent of the adult population, naturalized at a slow rate and did not participate in the election process. Other problems reported during the year included an ineffective ombudsman’s office, sex tourism, incidents of anti-Semitism, trafficking in persons, and societal discrimination against sexual minorities.

The government generally took adequate steps to prosecute officials who committed abuses, although concerns existed regarding impunity in corruption matters.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings in their official capacity.

#### **b. Disappearance**

There were no reports of politically motivated disappearances, abductions, or kidnappings.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices; however, there were reports that government officials employed them. Independent local organizations continued to express concerns about police behavior, and there were reports that police continued to abuse persons in custody. In the first nine months of the year, the Internal Security Bureau of the state police received 184 complaints of alleged police violence. Of these complaints, 131 cases were not substantiated, 12 criminal procedures were initiated, 33 cases were closed, and eight cases remained under investigation at year's end.

During the year the ombudsman's office received six complaints regarding mistreatment by police and seven about mistreatment by prison officials.

### **Prison and Detention Center Conditions**

Conditions in some of the country's 12 prisons and detention centers remained poor, and most did not meet international standards. The government acknowledged these problems and took some steps during the year to remedy them. The government permitted monitoring visits by the ombudsman and other independent human rights observers, and such visits occurred. During the year the government adopted alternative sentencing measures (including reduced sentences and rehabilitation programs) for nonviolent offenders.

Prison authorities opened 13 investigations into cases of violent deaths of prison inmates. In five of these cases investigators found that the victims committed suicide. Investigations in the other eight cases continued at year's end.

On March 28, an inmate committed suicide while in solitary confinement at the state police regional detention facility in Riga. An investigation into criminal negligence by police officers who detained the man continued at year's end.

During the year the ombudsman's office received 164 complaints and the state police seven complaints about poor conditions in prisons and other detention facilities, compared with 67 complaints to the ombudsman's office in 2010. Complaints included inadequate privacy in living spaces and bathrooms, severely

dilapidated physical plants, lack of heat, inadequate sanitary facilities and places to sit, lack of hot water, insufficient work and educational opportunities, and inadequate access to open space and fresh air. Prisoners generally had access to potable water. Health care services for inmates, which are managed by the Prison Administration, were not adequate. During the year the ombudsman delivered several memoranda to the Ministry of Justice and the Prison Administration noting that inmates' living conditions in various detention facilities did not meet international standards and charging that the government did not implement the ombudsman's recommendations. Nongovernmental organizations (NGOs) argued the ombudsman's office was not aggressive enough in this area.

On July 19, the Council of Europe's Committee for the Prevention of Torture (CPT) published the report of a follow-up visit to the country in 2009. In the Jekabpils Prison, where the delegation had found serious problems in 2007, the CPT found improvements. However, the delegation did receive some allegations of continued physical mistreatment of prisoners by prison officers, including kicks, blows with truncheons, and other rough treatment mainly of prisoners held in Unit 3. The delegation also heard allegations of violence between prisoners at Jekabpils Prison. The admission cell, which held incoming prisoners usually for their first four days at the prison, also had limited access to natural light and ventilation. At Daugavgrivas Prison the delegation found the same improper conditions in the cells.

Observers expressed concern that corruption and a lack of professionalism in the Prison Administration contributed to problems in prisons and detention centers. The Ministry of Justice temporarily halted two projects begun in 2010 to improve management at state prisons, citing concerns over mismanagement. There were also allegations of mismanagement of the tender for renovation of the Cesis Juvenile Detention Center. Based on these and other concerns, the Ministry of Justice initiated disciplinary proceedings against Visvaldis Pukite, chief of the Prison Administration. The ministry concluded in November that Pukite was negligent in supervising various projects, reduced his salary by 20 percent for six months, and ordered him to address underlying accounting and management problems. It also imposed disciplinary fines on seven other Prison Administration officials.

At the end of the year the Ministry of Justice reported that 6,558 persons were held in the prison system, which had a total capacity of 7,970 persons. Of these, 2,033 were detainees awaiting trial or the outcome of their appeals, and 4,525 were convicted inmates. Detainees and convicted inmates occasionally were

incarcerated together. Male prisoners were held in 10 prisons throughout the country.

The prison population included 63 juvenile males. Most of these prisoners were held at a separate juvenile facility in Cesis that was equipped with a school funded by the state. The capacity of the Cesis facility was 174. NGOs reported that a few juvenile males were held during the year in a separate area (not in the general population) at the Riga Central Prison, where they had access to state-funded education. At the end of the year 13 juveniles were held in regular adult detention facilities. Although the Ministry of Justice stated such cases were temporary and rare, the ombudsman's office expressed concern that during pretrial detention some juveniles were held for long periods at these facilities, where they were isolated and had no access to education.

The prison population included 416 women held in a separate women's prison with a capacity of 385. The country's three juvenile female prisoners were held in a separate wing of the women's prison. The ombudsman's office and NGOs considered the physical conditions and management at the women's prison to be better than at other facilities and generally adequate. Nevertheless, inmate complaints about the strict management style of the new director of the women's prison led the Prison Administration to transfer the director to a different post.

In general prisoners had reasonable access to visitors. The Prison Administration allowed prisoners and detainees to observe religious practices with some limitations, including security-related restrictions on religious articles kept in cells and dorm rooms. In March the Constitutional Court ruled in favor of a challenge against these restrictions by a group of prisoners, noting inconsistency between facilities in the application of these restrictions. The court ordered the government to revise these restrictions to reflect clear criteria related to safety and to ensure consistent application. At the end of the year the Ministry of Justice continued to work on revising these restrictions.

Authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship. Authorities generally investigated credible allegations of inhumane conditions and documented the results of such investigations in a publicly accessible manner. The ombudsman's office monitored conditions at prisons and detention facilities. Ministry of Justice and other government officials investigated and monitored prison and detention center conditions. Some NGOs, however, criticized the requirement that all prisoner complaints be submitted in the Latvian language.

Although NGOs acknowledged that the government made some improvements in conditions in prisons and other detention facilities, they agreed that the worst conditions remained unremedied. During the year the government allocated three million lats (\$6 million) over three years to address specific prisoner complaints (e.g., broken windows and plumbing fixtures) at existing prison facilities. In June the government directed the Justice Ministry and the Health Ministry to ensure that inmates had access to Latvia's state-funded medical system.

During the year the Ministry of Interior opened a new detention facility for undocumented aliens and asylum seekers in Daugavpils, replacing the seriously deficient Olaine facility. NGOs reported that the new Daugavpils facility met international standards.

During the year the Prison Administration completed work on the Cesis Juvenile Detention Facility, including a new building for pretrial detainees and renovation of the existing building for sentenced inmates. Although this project remedied problems with the physical conditions, observers continued to express concerns about the facility. The Children's Rights Protection Agency, a government institution reporting to the Ministry of Welfare, highlighted numerous problems, including physical and emotional abuse by officials and an atmosphere that encouraged violence among inmates. In response, the Prison Administration transferred the director to another facility.

During the year the government began construction of a separate facility within the Olaine Prison for prisoners with special needs, including alcohol and drug addiction.

The government generally permitted independent monitoring of prisons and detention centers by international and local human rights groups. The CPT visited prisons and detention facilities in September. As of year's end, the CPT had not publicly released a report on its visit.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The state police, security police, and state border guards are subordinate to the Ministry of Interior. Municipal police are under local government control. Military forces, the Military Counterintelligence Service, the Protective Service, and the National Guard are subordinate to the Ministry of Defense. The state police and municipal police forces shared responsibility for maintaining public order, but only the state police were authorized to carry out criminal investigations. The security police were responsible for combating terrorism and other internal threats. The military and the National Guard primarily were responsible for external security.

Civilian authorities maintained effective control over security forces, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

### **Arrest Procedures and Treatment While in Detention**

The law requires that persons be arrested openly, with warrants issued by an authorized judicial official, except in exceptional cases specifically defined by law (e.g., apprehension in the act, eyewitness identification of suspect, or flight risk). The law requires the prosecutor's office to charge or release an individual under arrest within 48 hours, and authorities generally respected these requirements in practice. Detainees were promptly informed of charges against them. Although there is a bail system, it was used infrequently and applied most often in cases of economic crimes.

The government provided attorneys for indigent defendants. Detainees have the right to have an attorney present during questioning, and usually but not always were informed of that right. Investigators sometimes conducted unscheduled interrogations of detainees, or "talks," without legal counsel. The ombudsman continued to criticize these "talks."

Authorities permitted detainees prompt access to family members.

Pretrial Detention: The law limits pretrial detention to no more than 15 months from the first filing of the case (with the possibility of extending the time to a maximum of 21 months) for the most serious crimes and less for minor offenses. NGOs continued to express concern about the length of pretrial detentions in practice.

### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected this provision in practice; however, there were significant problems, including inefficiency.

#### **Trial Procedures**

The constitution and law provide for the right to a fair, public trial, and most judges enforced this right; however, the fairness of individual court decisions, of judges, and of the judicial system in general remained a concern. At year's end the ombudsman's office reported that it opened 63 investigations into complaints about the fairness of trials and courts.

The ombudsman and NGOs expressed concern that long judicial delays effectively prevented access to the justice system in some cases. The problem was especially acute in the administrative courts, where even trivial matters could take up to two years for an initial hearing, but significant backlogs existed in the civil and criminal courts as well. The government took some steps during the year to address the problem, including allowing some cases to be decided on written pleadings, introducing a "small claims" system, and passing legislation allowing specialized "land book" judges to hear some general civil cases.

Defendants enjoy a presumption of innocence. Trials are generally public, but some may be closed to protect government secrets or the interests of minors. A single trial judge hears most cases. Defendants have the right to consult with an attorney in a timely manner, at government expense if they are indigent. Defendants have the right to be present at their trials. In closed trials defendants are subject to criminal sanction if they reveal any details of the case outside the courtroom. Defendants have the right to read charges, confront and question witnesses against them, call witnesses, and offer evidence to support their cases. Defendants and their attorneys have access to government-held evidence relevant to their cases and may appeal to the highest levels in the judicial system.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

#### **Regional Human Rights Court Decisions**

During the year the European Court of Human Rights (ECHR) issued 12 decisions in cases involving Latvia, finding a violation of the European Convention on Human Rights in 10 of those cases. In general the country promptly complied with judgments of the ECHR.

### **Civil Judicial Procedures and Remedies**

The law provides for an independent and impartial judiciary in civil matters, including access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Judgments on human rights matters can be appealed to the ECHR. The government generally upheld the law concerning civil procedures and generally enforced civil court orders.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

##### **Status of Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice. However, observers expressed concern over the independence and transparency of the news media.

Freedom of Speech: The law criminalizes incitement to racial or ethnic hatred and spreading false information about the financial system.

Freedom of Press: The independent media were active and expressed a wide variety of views usually without restriction.

Violence and Harassment: In February, Ilze Nagla, a journalist whose home was searched in 2010 pursuant to an extraordinary warrant in connection with her coverage of a high-profile criminal investigation, brought a case in the European Court of Human Rights, alleging that the search violated her rights. The ECHR accepted her case for review, and it was pending at the end of the year.

Censorship or Content Restrictions: The country has one state-owned television station, Latvian Television (LTV), and one state-owned radio station, Latvian Radio. During the year the representative of the Organization for Security and Cooperation in Europe (OSCE) on freedom of the media, NGOs, and other media outlets expressed concern over the independence of LTV, pressure on journalists by politically appointed LTV board members, lack of transparency in LTV's salary structure, and the LTV leadership's susceptibility to political influence. In August and September, four respected LTV investigative journalists were fired or otherwise left LTV.

Privately owned television and radio outlets also operated in the country. The law requires 65 percent of all broadcast airtime in national and regional electronic media to be in Latvian or dubbed or subtitled in Latvian. While Latvian is the sole official state language, approximately one-third of the country's population (largely ethnic Russians, Belarusians, and Ukrainians) spoke Russian as their first language. Many television stations in the country employed Latvian subtitles or voiceover when broadcasting programs originally produced in another language. Despite the new law, extensive Russian-language programming remained available during the year.

In December state police arrested and detained for two days journalist Leonids Jakobsons for publishing allegedly "private" e-mails between Riga Mayor Nils Usakovs and a foreign diplomat. It was not clear how Jakobsons obtained the e-mails. The Latvian Journalists' Association and other NGOs criticized Jakobsons' arrest as an improper restriction on freedom of the press. The case remained pending at the end of the year.

### **Actions to Expand Press Freedom**

In September parliament passed a measure requiring media companies to disclose the identities of their actual owners.

### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution and law provide for freedom of assembly, and authorities may not prohibit public gatherings except in very limited cases related to public safety. Organizers of demonstrations must provide 10-days' advance notice to local authorities, who may prohibit the event or change the time and place to prevent public disorder.

During the year numerous demonstrations took place peacefully and in most cases without government interference. Police did not interfere with peaceful assemblies and offered demonstrators appropriate levels of protection. However, some observers continued to criticize the legal requirement to give 10-days' advance notification of a planned protest.

In March, Riga city officials initially denied the request of a group seeking to hold its annual event in remembrance of Latvian soldiers who fought in German Waffen SS units during World War II. A local court overturned the city's decision, and approximately 700 persons participated in the March 16 event. Opposition groups counterdemonstrated, but police kept the two groups apart, and the demonstration was largely peaceful. The media widely reported on an incident in which a counterdemonstrator spat on an elderly participant in the march, but no arrests were made. At the Latvian-Estonian border, security police stopped seven ethnic-Russian Estonians who allegedly intended to participate in the counterdemonstration on suspicion they would cause disturbances.

In June the Riga city government denied a group the right to demonstrate to mark the July 1 anniversary of the German army's entry into Riga in 1941. A court overturned the city's decision, finding that the marchers were not inciting violence or advocating Nazism, and citing the sanctity of the right to assemble. The city complied with the court's order and allowed the event, which proceeded without incident.

### **Freedom of Association**

The constitution and law provide for freedom of association, but prohibit the registration of Communist, Nazi, or other organizations whose activities could contravene the constitution, for example, by advocating the violent overthrow of the government. The government respected these rights in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice, including with respect to its “noncitizen resident” population. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

#### **Protection of Refugees**

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In general this system was active, accessible, and subject to due process. Reports continued, however, that authorities sometimes turned away persons attempting to enter the country at border checkpoints without establishing whether they might be refugees or asylum seekers. The government disputed these claims. NGOs also expressed concern about the government's policy of accepting asylum applications only at land borders, and not at the Riga International Airport. The Latvian Center for Human Rights, the primary provider of legal services for asylum seekers, expressed concern that, because of the distance of the new detention facility from the capital, asylum applicants and refugees did not always have prompt access to legal representation.

Safe Country of Origin/Transit: Latvia generally does not adjudicate asylum cases based on the applicant's country of origin or country of transit. However, as an EU member state bound by the Dublin II Regulation, Latvia may return to the country of first entry into the EU asylum-seekers who arrive from other EU member states,

except in cases involving family reunification or other humanitarian considerations. There were no credible complaints that Latvia ignored exceptional cases or routinely returned asylum seekers to countries with poorly developed asylum systems.

Nonrefoulement: NGOs reported one case in which an Uzbek asylum seeker whose application was denied was beaten by Uzbek authorities upon his return to Uzbekistan.

Access to Basic Services/Employment: There were no reports of discrimination against refugees (in comparison to other aliens) in connection with access to public services or employment.

Temporary Protection: The law provides temporary protection for individuals who may not qualify as refugees. The provision was not invoked during the year.

### **Stateless Persons**

Citizenship is derived from one's parents. The children of "noncitizen residents" may be naturalized upon application by either parent.

According to UNHCR data, there were 326,906 stateless persons at the end of 2010, the vast majority of whom the government considered "noncitizen residents." According to 2011 census data published by the Central Statistics Bureau, 290,660 "noncitizen residents" and 177 stateless persons lived in the country at the end of the year. Most of the "noncitizen residents" were persons of Slavic origin who either moved to the country during the Soviet occupation or are descended from those who did. The government did not give them automatic citizenship when the country regained sovereignty in 1991. "Noncitizen residents" have permanent residency status, consular protection abroad, the right to return to the country, full rights to employment except for some government jobs and private sector positions deemed related to national security, and the right to all government social benefits. However, they may not vote in local or national elections and may not organize a political party without the participation of an equal number of citizens.

Although the UNHCR considered most of these "noncitizen residents" to be "stateless," the government did not, because most were eligible to naturalize under the country's law. The government recognized as stateless only those individuals

who did not have a claim to foreign citizenship and were not eligible to apply for naturalization in the country.

The UNHCR noted that “noncitizen residents” have, under the country’s laws, a transitional legal status that entitles them to rights and obligations beyond the minimum rights prescribed by the 1954 Convention relating to the Status of Stateless Persons. The UNHCR further noted that these rights are identical to those attached to the possession of nationality, with the exception of certain limited civil and political rights.

The law provides naturalization procedures for granting citizenship to the noncitizen population. These procedures include a test of Latvian language skills and knowledge of the constitution and history of the country. Applicants may take the test three times on a single application; after failing the test three times, an applicant must reapply in order to take the test again, but can do so an unlimited number of times. The government offered the test at various locations throughout the country. During the year the government regularly sponsored “information days” to assist in preparing for the test.

Most “noncitizen residents” had not applied for citizenship even though they were legally eligible for it. They frequently cited as reasons the perceived “unfairness” of the requirements, resentment at having to apply at all, and the lack of perceived benefits. “Noncitizen residents” accounted for approximately 14 percent of the population. During the year 2,771 persons applied for naturalization; 2,467 applications were approved, and 128 applications were “denied” for failing the test three times. In 2010, 3,182 persons applied, 2,336 were approved, and 150 applications were “denied.” Some observers expressed concern that the passage rate in the naturalization test has fallen in recent years. However, latest statistics from the Latvian Citizenship and Migration Affairs Board indicate passage rates improved from approximately 73 percent in 2010 to approximately 89 percent in 2011.

In October the government approved a new policy for “integration and national identity” that sought a modest reduction in the percentage of “noncitizen residents” in the population by emphasizing Latvian language and national identity. NGOs and noncitizen advocacy groups criticized the policy as “ethnocentric.”

The ombudsman, NGOs, and the Council of Europe’s Committee for the Prevention of Racism and Intolerance continued to urge the government to reform Latvia’s naturalization system, including granting automatic citizenship for

children born to “noncitizen residents” (unless the parents object), relaxing testing requirements, allowing “noncitizen residents” to participate in local elections, and reducing the list of professions in which noncitizens may not participate.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic and generally free and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: On July 23, 95 percent of the participating electorate voted to dissolve parliament. As a result, on September 17, the country held free and fair extraordinary elections for parliament. Observers from the OSCE found that the elections were professionally run with minimal violations and offered voters a genuine choice. However, observers noted that voter education materials were only available in Latvian, potentially disadvantaging voters with low Latvian proficiency.

Political Parties: Citizens can organize political parties without restriction, but the law prohibits the country’s “noncitizen residents” from organizing political parties without the participation of an equal number of citizens in the party. The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after 1991 or who worked for such institutions as the former Soviet Committee for State Security (KGB) from holding elected office or certain other government positions related to security.

Participation of Women and Minorities: Following the September 17 national elections, there were 23 women in the 100-member parliament, and four women in the 14-member Cabinet of Ministers. Four of seven judges on the Constitutional Court and 23 of the 44 justices of the Supreme Court were women.

Approximately 16 percent of the country’s adult population (36 percent of the non-Latvian minority population) were noncitizens. They did not participate in the elections process and were left without representation in the government. Members of minorities who were citizens, including ethnic Russians and Poles, served in various elected bodies. The mayor of Riga, the country’s largest city, is a member of the ethnic Russian minority. The Harmony Center Party, which lists

many ethnic Russians in its ranks, won the most seats in parliament in the September elections.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices. There was a widespread perception that corruption existed at all levels of government. The World Bank's World Governance Indicators indicated that corruption was a problem in the country.

The Corruption Prevention and Combating Bureau (KNAB) is primarily responsible for fighting corruption. However, internal struggles and the perception of bias in referring cases to prosecutors hampered the KNAB's effectiveness during much of the year. NGOs and other observers expressed concerns that the KNAB's director, Normunds Vilnitis, participated in a political attempt to hobble the agency. In March, Vilnitis suspended and later dismissed his deputy, Alvis Vilks, allegedly over personality conflicts. Also in March the KNAB's other deputy, Juta Strike, who was generally considered honest and competent, left the country in response to alleged death threats. In June parliament dismissed Vilnitis based on the findings of a special investigative committee that he had committed numerous legal and procedural violations during his tenure. In November parliament appointed Jaroslavs Strelcenoks as the new director of the KNAB.

In May, while Vilnitis was on a vacation, the KNAB launched a major investigation into alleged corrupt practices by high-profile politicians and business leaders, including members of parliament, the mayor of the city of Ventspils, and the chief executive officer of Latvia's national airline, airBaltic. The KNAB searched the homes and businesses of some of these individuals. However, parliament invoked its immunity to block the KNAB's execution of a search warrant at the office of opposition member of parliament Ainars Slesers of the For a Good Latvia Party. The investigation continued as of year's end. These events, and the perception of corruption connected with them, led the president to call for, and the electorate to approve, early parliamentary elections, as discussed above.

On August 4, the KNAB warned that corruption risks remained high within the Latvian government on both the administrative level (e.g., bribery of civil servants) and the political level (e.g., abuse of office). The KNAB's report raised special concern about irregularities in public procurement processes. During the year the KNAB initiated 20 criminal investigations against government and law

enforcement officials, and other legal institutions initiated 169 such investigations. The KNAB also forwarded to the prosecutor's office 23 criminal cases involving 52 individuals.

Public officials are required to file income declarations annually, and irregularities in the declarations were investigated.

A regulation of the Cabinet of Ministers provides for public access to government information, and the government generally provided citizens such access in practice. There were no reports that noncitizens or the foreign media were denied access.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials met with NGOs and responded to their inquiries. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: The ombudsman's office has the responsibility to monitor the government's performance on human rights problems. The office received some cooperation from the government and operated without direct government or party interference. However, at a time of across-the-board government budgetary cuts, the ombudsman's office complained that inadequate funding prevented it from accomplishing its mandate and interfered with its independence. NGOs sharply criticized the ombudsman's office for being reactive rather than proactive, advocating only a narrow range of rights, and suffering from serious internal conflicts and institutional weakness. As required by law, the office published an annual public report detailing its activities and recommendations.

The parliament has a standing committee on "Human Rights and Public Welfare," which met weekly to consider initiatives relating to human rights.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, language, or social status; the government generally enforced these prohibitions effectively.

## Women

Rape and Domestic Violence: The law specifically criminalizes rape but does not recognize spousal rape as a distinct crime. Criminal penalties range from probation to life imprisonment, depending on the nature of the crime, the age of the victim, the criminal history of the offender, and the dependency of the victim on the offender. During the year there were 72 criminal processes initiated on rape charges, compared with 93 initiated criminal cases in 2010. NGOs complained that authorities were ineffective or inadequately enforced rape laws. NGOs observed that rapes were underreported due to a tendency of police to blame victims.

The law makes domestic violence an aggravating factor in certain criminal offenses. The law also provides penalties for causing even “minor” bodily harm, where the victim and perpetrator are spouses or former spouses. NGOs and police agreed, however, that domestic violence was a significant problem, and the law was not effectively enforced. Victims often were uninformed about their rights and reluctant to seek redress through the justice system. The women’s advocacy NGO Marta Center noted that no system was in place for women to receive legal protection as soon as they arrived at a hospital for treatment after violence. Most abused women went first to a hospital and only afterward turned to the police.

During the first nine months of the year, the Marta Center provided support and assistance for 145 domestic violence victims (62 new complaints of domestic violence were received), compared with 208 domestic violence victims (154 new) in 2010. The Marta Center provided legal assistance in 122 of those cases (51 new cases) in the first nine months of the year.

There were no shelters designed specifically for battered or abused women. While women who experienced violence could seek help in family crisis centers, these centers had limited capacity and gave priority to women with children. There were no dedicated rape or assault hotlines, but NGOs managed four general crisis hotlines. The Marta Center operated Web sites that provided information and legal assistance for female victims of violence.

Sexual Harassment: Sexual harassment is illegal but reportedly common in the workplace. However, the ombudsman’s office received no complaints regarding sexual harassment during the year, in part because of the procedures required to register incidents. The ombudsman’s office, located in Riga, was the only

designated location to file complaints. In addition, cultural factors discouraged women from filing sexual harassment complaints.

Sex Tourism: Riga continued to be a destination for adult sex tourism.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Health clinics and local health NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on access to contraceptives. The government provided free childbirth services. Men and women had equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination: Women enjoy the same rights as men, including rights under family and property laws, and in the judicial system. Although the law prohibits employment discrimination, in practice women frequently faced hiring and pay discrimination, particularly in the private sector. The Marta Center noted that there had been cases of discrimination based on gender when applying for work.

The law prohibits work and wage discrimination based on gender and requires employers to set equal pay for equal work; however, government regulatory agencies did not implement the law effectively. According to the country's Central Statistics Bureau, in the first quarter of the year the average female worker earned 17 percent less than a male worker.

## **Children**

Birth Registration: Citizenship is derived from one's parents. Children of "noncitizen" parents born in the country are registered immediately and are eligible to apply for citizenship.

Child Abuse: An NGO working with abused children, the Dardedze Center, stated that the number of reported instances of child abuse, including sexual abuse, increased in the past several years. According to a study published in October, one in three children in the country between the ages of 14 and 18 had suffered sexual violence, 14 percent of those within the past year. The center attributed this increase largely to better reporting due to increased awareness of the problem. Laws against child abuse were enforced effectively, although the center observed

that coordination among agencies involved in the protection of children's rights was weak. Children from families that were unable to care for them had access to government-funded boarding schools that provided adequate living conditions; however, these schools had lower educational standards than regular state schools.

Sexual Exploitation of Children: Statutory rape and child pornography are illegal. The minimum age for consensual sex is 16 years. Statutory rape is punishable by four years' imprisonment, or six years if the victims are particularly young. The state police can initiate proceedings against a sexual abuser without an application from a victim who is a minor. Purchase, display, reproduction, or distribution of child pornography is punishable by up to three years in prison. Involving a minor in the production of pornography is punishable by up to 12 years in prison, depending on the age of the child.

A special police unit in Riga worked to prevent sexual abuse of minors and eradicate child sex tourism through aggressive prosecution of pedophiles and other child abusers. The unit also publicized the potential dangers posed to minors through Internet chat rooms and worked closely with local social networking sites to identify potential Internet predator cases.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

The Jewish community numbers approximately 10,000. There were continued reports of anti-Semitic incidents during the year, including several cases of vandalism and a serious case of public anti-Semitic statements, but no reports of anti-Semitic attacks against individuals. Anti-Semitic sentiments persisted in some segments of society.

On a television talk program on the same day as the March 16 Waffen SS event (see section 2.b.), Uldis Freimanis, a neo-Nazi, made malicious anti-Semitic comments advocating violence against Jews. The local Jewish community filed a criminal complaint, alleging a violation of the law against inciting racial or ethnic hatred and violence, and the security police opened an investigation. On August 1, the security police closed the criminal investigation, stating that "the facts of the case did not constitute a criminal offense." The Anti-Defamation League also lodged a complaint with the government over the incident.

Cemetery desecration and monument vandalism continued to be a problem. On June 28, a Jewish cemetery in Valdemarpils was desecrated with swastikas. On May 17, vandalism was committed in Riga's Second Forest Cemetery at the grave of Zanis Lipke, a protector of Latvian Jews in World War II; Foreign Minister Kristovskis publicly condemned the act.

On May 8, two persons from the Russian-speaking community painted Nazi symbols and anti-Semitic statements in the Latvian language on a memorial to Jewish Holocaust victims. Police promptly arrested the perpetrators. The perpetrators confessed, claiming they intended to cast suspicion on Latvian nationalist parties. On September 7, the defendants pled guilty, and a court sentenced them to 50 hours of community service.

In January police arrested three persons in the December 2010 case involving the vandalism of 89 headstones in the New Jewish Cemetery of Riga. The alleged perpetrators, teenage members of the Russian-speaking community, possessed neo-Nazi materials published by Russian skinhead groups. Charges were pending as of the end of the year.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to healthcare, or the provision of other state services, and the government generally enforced these provisions. The law mandates access to buildings for persons with disabilities; however, most buildings were not accessible. The law grants additional assistance to children with disabilities, allowing them and their chaperones to use public transportation free of charge. The law also allows families of children who have been diagnosed with a disability to receive state-funded counseling.

### **National/Racial/Ethnic Minorities**

No physical attacks against minorities were reported. However, NGOs representing minority groups claimed that official statistics underreported the actual number of incidents.

During the year the security police reviewed 34 applications or complaints connected to possible incitement of ethnic or racial hatred. Of these, authorities initiated criminal procedures in 12 cases. These complaints generally involved hate speech on the Internet. During the year the ombudsman's office received seven written complaints of racial or ethnic discrimination, compared with two in 2010.

In December a defendant pled guilty to a charge of inciting ethnic hatred in connection with derogatory Internet comments about Russian-speakers. Sentencing was pending at the end of the year.

In June security police charged an Internet portal commentator for hate speech and making derogatory comments online about Latvians, Poles, and Jews. The defendant pled guilty and was given a 10-month suspended sentence.

The Romani community, estimated to number approximately 8,000, historically has faced widespread societal discrimination and high levels of unemployment and illiteracy. The government had a national action plan to address problems affecting the Romani community with respect to employment, education, and human rights; however, observers criticized the plan for lacking adequate funding to improve conditions for Roma substantially.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

While there were no official reports of violence based on sexual orientation or gender identity, lesbian, gay, bisexual, and transgender persons' (LGBT) organizations complained of widespread intolerance and underreporting of attacks to authorities.

The ombudsman's office received no reports of discrimination based on sexual orientation during the year. In 2010 the ombudsman's office received two such reports. LGBT advocates maintained that the community nevertheless faced widespread societal discrimination. A study published during the year suggested that negative social attitudes toward the LGBT community and discrimination on the basis of sexual orientation remain widespread.

LGBT representatives reported that the ombudsman expressed reluctance to assist members of the LGBT community in securing their rights, including with respect to a civil partnership law.

During the year Mozaika, an NGO promoting LGBT rights, received three complaints of hate crimes based on sexual orientation. In one incident police took a gay man into custody, confiscated his cell phone, and publicly read his intimate text messages. The victim did not file a formal complaint because of fear of disclosure of his identity. Mozaika also reported that an LGBT Internet site was hacked, and personal data of users was made public.

### **Other Societal Violence or Discrimination**

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law entitles all workers, except uniformed members of the military, to form and join independent unions and recognizes the right to strike, subject to limitations related to public safety. Labor regulations prohibit strikes by essential personnel including judges, prosecutors, police, fire fighters, border guards, employees of state security institutions, prison guards, and military personnel. The law provides arbitration mechanisms that essential personnel may use in lieu of striking. The law provides for collective bargaining. The law also prohibits antiunion discrimination and employers' interference in union functions, and provides reinstatement as a remedy for an employee's unlawful dismissal, including dismissal for union activity. The law prohibits "solidarity" strikes by workers who are not directly involved in the specific labor agreement between strikers and their employers, a restriction criticized by local labor groups.

The government generally protected these rights, and workers exercised them in practice. Labor rights' organizations expressed concerns about employer discrimination based on union membership during the year. The International Trade Union Confederation (ITUC) also noted that, while Latvian law protects "basic labor rights," the minimum number of workers required to form a union was higher than in many other European countries. However, the Free Trade Union

Confederation of Latvia (FTUCL), a local labor organization, stated it knew of no cases in which this restriction limited the right to form a union in practice. The ITUC criticized the country's rules allowing a strike to be suspended pending an employer's legal challenge of the legality of a strike.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children, and the government generally enforced such laws effectively. The State Labor Inspectorate (SLI), the agency responsible for enforcing labor laws, conducted regular inspections of workplaces during the year and reported no incidents of forced labor. There were, however, some cases of Latvians being trafficked and forced into prostitution or other compulsory labor abroad. Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits those under the age of 18 from nighttime or overtime work. The statutory minimum age for employment is 15, although children who are 13 years of age or older may work in certain jobs outside school hours with written permission from a parent.

Inspectors from the SLI are responsible for enforcing child labor laws and did so effectively. The SLI's resources were adequate. During the year the SLI inspected work places for violations and conducted information campaigns on labor rights, including for youth audiences. During the year there were no reports of labor abuses involving children.

### **d. Acceptable Conditions of Work**

The legally mandated monthly minimum wage was 200 lats (\$400). By comparison, the Latvian Central Statistical Bureau's "minimum subsistence consumer basket" price index for November was 172.05 lats (\$344.10).

The law provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly. The maximum permitted overtime is 144 hours in a four-month period. Employees are also not allowed to work more than 24 hours consecutively, 56 hours in a week, or overtime on more than six consecutive days. The law requires a minimum of 100-percent premium pay in compensation for overtime, unless other forms of compensation are agreed to in a contract. The law

establishes minimum occupational health and safety standards for the workplace. Workers have the legal right to remove themselves from situations that endanger health or safety without endangering their continued employment. The law entitles workers to 28 calendar days of paid annual holidays.

The State Revenue Service is responsible for enforcing minimum wage regulations. The SLI was responsible for enforcing working time and occupational health and safety standards. Most labor standards were respected for both citizens and noncitizen workers; however, authorities did not actively enforce workers' right to remove themselves from situations that endanger health or safety. During the year the SLI reported 31 workplace fatalities and 157 serious workplace injuries.