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Country Report on Human Rights Practices 2016 - Latvia

EXECUTIVE SUMMARY

The Republic of Latvia is a multiparty parliamentary democracy. A unicameral parliament (Saeima) exercises legislative authority. Observers considered elections in 2014 for the 100-seat Saeima to be free and fair.

Civilian authorities maintained effective control over the security forces.

The most significant human rights problems included an inefficient judiciary, poor integration of a substantial noncitizen population, and domestic violence. Long judicial delays often prevented access to the justice system, where up to five months could pass before an initial hearing on even minor matters. Noncitizens, who constituted approximately 12 percent of the population, continued to naturalize at a slow rate and could not participate in elections. According to a 2014 survey, 32 percent of women in the country experienced domestic violence.

Other human rights problems included poor infrastructure and health care in the prison system. The restitution of Jewish communal property remained incomplete. A new law criminalizing acts against the state could be used to restrict free speech. Public assistance for asylum seekers and refugees was insufficient to cover basic living expenses. Officials sometimes engaged in corrupt practices, and the public believed corruption was widespread and officials rarely held accountable. The majority of persons with disabilities had limited access to work and health care due to a lack of personal assistants, poor infrastructure, and an absence of specialized programs. There were continuing reports of societal discrimination against members of ethnic and other minority groups, including Roma, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.

The government took steps to prosecute officials who committed abuses in some instances, although significant concerns remained regarding accountability for corruption.

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

a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices. There was one report during the summer of a prison official using violence against an inmate, resulting in severe injuries. The case was under investigation at year's end.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: The prison system has an aging infrastructure, but generally provided satisfactory conditions, meeting minimum international requirements.

Health care in the prison system remained inadequate and chronically underfunded, leading to a critical shortage of medical staff. Prison officials reported that 10 percent of health-care positions were vacant and warned that many personnel were nearing retirement age. In the first eight months of the year, two prisoners committed suicide.

Both the ombudsman and the Ministry of Justice received complaints from prisoners concerning general living conditions, access to health care and verbal abuse by custodial staff. The ombudsman and the Ministry of Justice found most complaints to be unfounded. The ombudsman noted that the number of complaints has decreased considerably during the previous two years.

Administration: Prison authorities generally investigated credible allegations of inhuman conditions and documented the results of their investigations in a publicly accessible manner. During his prison visits, the ombudsman also collected information on complaints.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. The Council of Europe's Committee for the Prevention of Torture visited the country's prisons in June.

Improvements: During the year the prison administration made a sustained effort to improve prison conditions, most notably by renovating facilities to increase living space and improve ventilation and artificial lighting. Prisoners started receiving state-funded treatment for Hepatitis C. Prison

numbers declined to 4,301 inmates during the year, down from 6,561 in 2012, through the use of alternative sentencing, the release of inmates for good behavior, and other measures, which allowed authorities to close one prison.

The prison administration also addressed communication problems with the country's foreign inmates, who numbered 118 as of August. Guards received brochures explaining how to treat foreign inmates, while brochures and online tools were made available to help inmates understand basic terms in Latvian.

Electronic monitoring was introduced as a pilot project in 2015, and 65 low-risk prisoners were released under an electronic monitoring program in the first eight months of the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed this prohibition.

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. The armed forces, Military Counterintelligence Service, Protective Service, and National Guard are subordinate to the Ministry of Defense. State police and municipal police forces share responsibility for maintaining public order.

State Police are generally responsible for conducting criminal investigations, but Security Police, financial police, military police, prison authorities, the Bureau for Preventing and Combating Corruption (KNAB), and other state institutions also have specified responsibilities. The Security Police are responsible for combating terrorism and other internal security threats. The armed forces and the National Guard are primarily responsible for external security.

Civilian authorities maintained effective control over the 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.

Arrest Procedures and Treatment of Detainees

In most cases officials require a warrant issued by an authorized judicial official to make an arrest. Exceptions, specifically defined by law, include persons caught committing a crime by officers or identified by eyewitnesses, or persons who pose a flight risk. The law gives prosecutors 48 hours either to release detainees or charge and bring them before a judge. Authorities generally respected these requirements. Officials generally informed detainees promptly of charges against them. While a bail system exists, judges used it infrequently and did so most often in cases involving economic crimes.

Detainees have the right to an attorney who may be present during questioning. Detainees were usually informed of that right. The government generally provided attorneys for indigent

defendants. Authorities permitted detainees prompt access to family members. There were no reports that authorities held suspects incommunicado or under house arrest.

Pretrial Detention: For the most serious crimes, the law limits pretrial detention to 15 months from the initial filing of a case. The maximum allowable detention including trial is 21 months. According to Ministry of Justice data, the average length of time between the initial filing and the first court procedure was nearly 10 weeks for a criminal case and nearly two months for an appeal. Nongovernmental organizations (NGOs) continued to express concern about lengthy pretrial detention, hearing postponements, and prosecutorial actions that tended to prolong trials. During the first six months of the year, the ombudsman received nine complaints about legal maneuvers by prosecutors that resulted in prolonged trials.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detainees have the ability to challenge the lawfulness of their detention before a court and obtain prompt release and compensation if found to have been unlawfully detained. Detainees successfully challenged their detention in the past.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence. The constitution and law provide for the right to a fair, public trial, and most judges enforced this right. Most final judgments were available online, although many other court documents were not published. Many of the documents published often included significant redactions (usually due to privacy concerns) that made it difficult to search online court records. In individual cases, the fairness of judges' verdicts remained a concern, and allegations of judicial corruption were widespread, particularly in insolvency cases. During the first half of the year, the ombudsman received 18 complaints about lengthy proceedings, excessive pretrial detention, and detention without timely charges.

Trial Procedures

The constitution and law provide for the right to a fair public trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent, and have the right to be informed promptly of the charges against them, to an expeditious, and in most cases open trial, although officials may close trials to protect government secrets or the interests of minors. Defendants have the right to be present at their trial as well as to consult with an attorney in a timely manner and, if indigent, at government expense.

The law provides for the right to adequate time and facilities to prepare a defense. Defendants have the right to access government-held evidence, confront witnesses against them, present witnesses and evidence in their defense, refuse to testify or confess guilt, and appeal. Authorities generally respected these rights, which extended to all defendants.

A single trial judge hears most cases. Judicial proceedings take place in Latvian. Defendants who are not fluent in Latvian have the right to review documentation concerning their case and participate in court proceedings in their native language with the assistance of an interpreter.

Both the ombudsman and NGOs expressed concern that long judicial delays often prevented access to the justice system. According to the Ministry of Justice, the problem was especially acute in administrative courts, where up to five months could pass before an initial hearing on even minor matters. The Ministry of Justice took measures to reduce backlogs in civil and criminal courts, including hiring additional judges and redistributing cases among courts. The average civil case took 11 months in Riga courts and five months in district courts. The average criminal case required four months in Riga courts and three months in district courts.

The Ministry of Justice proceeded with court reforms, which envisioned a gradual merger of district courts to allow for greater specialization by judges, the random distribution of cases to reduce the opportunity for corruption, and the reduction of uneven judicial workloads. These reforms were applied to courts in four cities in February, bringing 20 percent of the country's courts into the new system.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters. It is possible to bring a lawsuit seeking damages or remedies for a human rights violation. After exhausting the national court system, individuals may appeal cases involving alleged state violations of the European Convention on Human Rights to the European Court of Human Rights. The government generally upheld the law concerning civil procedures and enforced civil court orders.

Property Restitution

Jewish communal property restitution remained incomplete. The government returned five World War II-era Jewish properties during the year. While the Jewish community estimated that approximately 270 properties still required restitution, government ministries maintained the number was significantly lower. The properties identified by the Jewish community included cemeteries, former synagogues, schools, hospitals, and community centers.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and the law prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and the law provide for freedom of speech, including for members of the press, but there were legal restrictions involving racial and ethnic incitement, denial or glorification of crimes against humanity and certain war crimes. There were also restrictions on speech deemed a threat to the country's national security. Authorities generally respected the law.

Freedom of Speech and Expression: Although the laws generally provide for freedom of speech, incitement to racial or ethnic hatred, and the spreading of false information about the financial system are crimes. The law forbids glorifying or denying genocide, crimes against humanity, and war crimes against the country perpetrated by the Soviet Union or Nazi Germany. Violation of these provisions can lead to a sentence of five years in prison, community service, or a fine.

In April the Saeima adopted amendments to the criminal code to criminalize nonviolent acts committed against the state or that challenge its "independence, sovereignty, territorial integrity, or authority." Critics asserted the legislation leaves room for a broad interpretation that could be used to restrict free speech.

In November the Saeima passed "teacher loyalty" amendments to the education law establishing a set of rules for firing teachers found to be "disloyal to the State of Latvia" or who promoted "unpatriotic ideas" among their students. The amendment stipulates it is the duty of teachers to "raise virtuous, honest, and responsible patriots of Latvia, who will feel that they belong to the Republic of Latvia." Members of the Russian-speaking community argued that the legislation could be used to "engage in a witch hunt" against Russian schools and teachers.

The State Police opened a criminal investigation of a public broadcast journalist from the Latvian Television investigative news show *Forbidden Method* after she pretended to be a Latvian official in order to discover potential corruption in the awarding of state honors. During the investigation, the president's then chief of staff requested police to wiretap the journalist. The show's editor expressed concern over whether wiretaps and a major investigation were an appropriate use of resources, and the board of the Latvian Journalists' Association condemned the move as "inappropriate for a democratic society."

Police opened criminal proceedings against Deniss Barteckis, a Russian activist, who drafted an online petition calling for the country to join the United States. Barteckis was mimicking a similar 2015 online petition that called for the country to join Russia, for which the perpetrator was sentenced to six months in prison for seeking to overthrow "the independence of Latvian statehood." An appeal in that case was pending at year's end. Authorities also revoked the temporary residency permit of Elena Lukyanova, the attorney for exiled Putin critic Mikhail Khodorkovskiy, after she made comments on Radio 4 faulting the country for ignoring and forcibly assimilating its Russian-speaking population.

Press and Media Freedoms: The independent media were active and expressed a wide variety of views with few restrictions. The law requires that 65 percent of all television broadcast airtime in national and regional electronic media be in Latvian or dubbed or subtitled. Extensive Russian-language programming was also available. The restrictions on speech that incites racial hatred, spreads false information about the financial system, or glorifies or denies genocide, crimes against humanity, or crimes against the country by the Soviet Union or Nazi Germany also apply to the print and broadcast media, the publication of books, and online newspapers and journals.

In March the country's media and broadcast regulator, the National Electronic Mass Media Council (NEPLP), asked police to identify the persons who leaked confidential information to Latvian Radio journalist Vita Anstrate, a move seen by many as a violation of NEPLP's mission and standards. Anstrate publically revealed the names of likely new appointees to the board of the public broadcaster, Latvian Television, before the list had been released officially. Under questioning by police, Anstrate refused to provide her sources, and the case was ultimately dropped.

Violence and Harassment: NGOs asserted that some journalists who reported on immigration and refugee issues were harassed and verbally abused online by citizens. Those expressing open attitudes towards asylum seekers were dubbed "welcomisti."

Censorship or Content Restrictions: In March the country's Network Information Center (NIC) suspended *sputniknews.lv*, the local domain of the Russian Government-funded media outlet, *Sputnik*. According to an official NIC statement, the website was closed due to "activities that violate EU sanctions imposed against those endangering the territorial integrity and independence of Ukraine." Within hours of the move, *Sputnik* set up a new domain at *sputniknews.lv.com*, available in Latvian, English, and Russian.

In April the National Electronic Mass Media Council announced restrictions on the rebroadcast of the Russian television channel, *Rossiya RTR*, in the country for six months for repeated violations of the law against inciting ethnic hatred and for broadcasting biased information about Ukraine. *Rossiya RTR* had previously been banned in 2014 on similar grounds. The channel began broadcasting again in October.

The Latvian Journalists Association expressed concerns regarding the independence and viability of local newspapers. Some municipalities provided funding to local newspapers in exchange for editorial control, an arrangement that drove many independent competitors out of business. In August the regional newspaper *Bauskas Dzīve* sued the Iecava municipality on the grounds that the subsidies it provided to a rival outlet violated the law. The case remained under review at year's end.

Libel/Slander Laws: During the year Riga's Vidzeme District Court handed down the country's largest fine for libel, 129,873 euros (\$143,000), to the internet news portal TVNET.LV for reporting that the Latvian National Opera and Ballet (LNOB) had turned into "a public house of Putin's court" after LNOB rented its premises to Russian musician Igor Krutoy for his birthday party. The Latvian Journalists Association criticized this decision for setting a dangerous precedent that threatens freedom of speech.

Internet Freedom

Aside from the suspension of *sputniknews.lv*, the government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to Akamai Technologies' *State of the Internet Q1 2016* report, 95 percent of the country's residents had access to broadband internet. Internet speech was subject to the same restrictions as other forms of speech and the media.

Academic Freedom and Cultural Events

There were few government restrictions on academic freedom or cultural events. In June KNAB reportedly filed a complaint with the criminal police against a researcher, Liga Stafecka, who had published a study critical of KNAB's management. The complaint claimed that Stafecka had used classified information for her report. Stafecka was questioned by police but was not charged. KNAB officials subsequently denied the reports.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and the law provide for freedom of assembly. The government generally respected this right, but there were some restrictions. Organizers of demonstrations typically must notify authorities 10 days in advance, although this requirement can be reduced to 24 hours if the longer advance notice is "reasonably impossible" to meet. Officials may deny or modify permits to prevent public disorder.

On March 16, an annual march in Riga commemorated Latvians who fought in German Waffen SS units against the Soviet Army in World War II. Approximately 800 individuals, including veterans and their families, attended the unofficial march. In addition, approximately a dozen far-right activists, whom organizers requested not to participate in the event, laid flowers at the Freedom Monument at the end of the ceremony. Observers noted that, despite the presence of demonstrators and counterdemonstrators, the procession was peaceful. The Cabinet of Ministers agreed not to participate in the event. Domestically, the march was generally viewed as a commemoration of national identity and remembrance of those who fought for independence, rather than as a glorification of Nazism. No Nazi symbols or insignia were observed.

Freedom of Association

The constitution and the law provide for freedom of association, and the government generally respected this right. The law prohibits the registration of communist, Nazi, or other organizations that contravene the constitution or advocate the violent overthrow of the government.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, 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, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system to provide protection to refugees. The system was generally accessible and subject to due process. The law grants asylum seekers the right to receive information from the authorities about asylum procedures in a language in which they are able to communicate. The Latvian Center for Human Rights, an NGO that provided legal services to asylum seekers, expressed concern that asylum applicants and refugees did not always have prompt access to legal representatives who were knowledgeable about their situation.

Asylum seekers could appeal denial of their applications to the courts, and some did so during the year. Persons whose final asylum claims were denied faced return to their countries of transit or origin.

Safe Country of Origin/Transit: The country generally did not adjudicate asylum cases based on the applicant's country of origin or country of transit. As an EU member state, the country adheres to the Dublin III Regulation, which permits authorities to return asylum seekers to their country of first entry into the EU if they arrive from other EU member states, except in cases involving family reunification or other humanitarian considerations. There were no credible complaints that authorities ignored exceptional cases or routinely returned asylum seekers to countries with poorly developed asylum systems.

Employment: Refugees typically needed some proficiency in Latvian to obtain employment in most jobs in the country, making it difficult for most of them to find work once granted official status.

Access to Basic Services: Refugees were given access to public services, including elementary education, healthcare, courts/judicial procedures, and legal assistance; however, public assistance of three euros (\$3.30) per day for asylum seekers and 139 euros (\$153) per month for refugees was criticized as inadequate to cover basic living expenses. Monetary assistance was terminated as soon as a refugee found employment.

Durable Solutions: Some observers expressed concern that the government did not take sufficient steps to integrate asylum seekers who had been granted refugee status in the country. Refugee benefits fell well below the country's poverty line. As of October, all of the 23 refugees granted official status in the country under the EU-wide refugee relocation scheme had departed the country.

Temporary Protection: The government also provided alternative protection status to approximately 35 individuals who may not qualify as refugees.

Stateless Persons

According to UNHCR, there were 262,802 stateless persons in the country as of mid-2015. As of July, the Office of Citizenship and Migration Affairs listed 178 persons as stateless and 247,104

persons as “noncitizen residents.” Although UNHCR included most of the country’s large noncitizen population in the stateless category, the government preferred to designate them noncitizen residents, as most of them were eligible to naturalize under the law. The government recognized as stateless only those persons with no claim to foreign citizenship or noncitizen resident status.

Persons categorized by authorities as stateless may pursue citizenship through naturalization after obtaining a permanent residence permit and lawfully residing in the country for five years. Noncitizen residents accounted for approximately 12 percent of the population.

Noncitizen residents, mostly persons of Slavic origin who moved to the country during the Soviet occupation and their descendants, did not automatically become citizens when the country regained independence in 1991. They have permanent residence status, consular protection abroad, the right to return to the country, and the right to all government social benefits. They also have employment rights, except in some government and private sector positions related to the legal system, law enforcement, and national security. Noncitizens may not, however, vote in local or national elections and may not organize a political party without the participation of at least an equal number of citizens.

The law also establishes conditions whereby members of the resident noncitizen population can obtain citizenship. In many cases these include a test of Latvian language skills and knowledge of the country’s constitution and history. The law exempts certain persons from the tests, including persons with disabilities and persons who completed high school with a curriculum taught at least 50 percent in Latvian. The law allows dual citizenship in some circumstances.

The rate of application for citizenship by noncitizen residents remained low. Through July authorities received 614 naturalization applications. They approved 629 applicants and rejected 95 who failed the examination three times or did not appear for the examination (many cases adjudicated in 2016 were originally filed at the end of 2015).

In a 2015 Office of Citizenship and Migration Affairs survey, 48 percent of noncitizen respondents described their poor language skills as a barrier to passing the naturalization exam. In public surveys of noncitizen residents, the majority of respondents who did not seek naturalization reported that, in addition to language barriers, their reasons for not doing so included political objections to the requirement and their understanding that Latvian citizenship was not necessary for travel to Russia and EU member states.

Some NGOs criticized the government’s failure to allow noncitizen residents to participate in local elections or to reduce the number of professions closed to noncitizens. Activists and opposition politicians also complained that noncitizens were not allowed to vote in European Parliament elections.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: International observers from the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights assessed the October 2014 parliamentary elections for the 100-seat Saeima as free and fair. According to their report, the elections took place in a democratic and pluralistic environment with minimal violations and offered voters a genuine choice.

Political Parties and Political Participation: Citizens may organize political parties without restriction. The law prohibits the country's noncitizen residents from organizing political parties without the participation of at least an equal number of citizens. The election law prohibits persons who remained active in the Communist Party or other pro-Soviet organizations after 1991 or who worked for such institutions as the Soviet KGB, from holding office.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities did participate. Approximately 12 percent of the country's population (36 percent of the ethnic minority population) were noncitizens who could not participate in elections and had no government representation.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not consistently implement the law effectively. Officials sometimes engaged in corrupt practices, and polling data consistently showed that the public believed corruption was widespread and that officials were rarely held accountable. According to a European Commission and Eurobarometer report issued during the year, 73 percent of citizens believed corruption was widespread. Another survey found that 67 percent of citizens believed it would be acceptable to give a gift in return for something they want from public employees.

KNAB is the primary body responsible for fighting corruption. Government officials and NGO representatives expressed concern that a public dispute among KNAB's senior officials had a negative impact on the institution's ability to fulfill its mandate.

Corruption: NGOs expressed concern that prosecutions and convictions of government officials focused on minor violations rather than large-scale corruption. Through July, KNAB recommended 11 criminal cases involving 31 persons for prosecution. There were 12 new cases in the first half of the year, compared with six during the same period in 2015. In June KNAB forwarded a case to the Prosecutor General's Office involving Ugis Magonis, chief executive officer of the national railroad company, Latvijas Dzelzceļš, on allegations he accepted a 500,000 euro (\$550,000) bribe. After being jailed for two months in 2015, Magonis posted bail and remained free pending trial. The case remained under investigation at year's end.

Financial Disclosure: The law requires public officials to file income declarations annually. Declarations were public and there were penalties for noncompliance. While authorities investigated some irregularities, NGOs complained about the lack of effective oversight of the declarations. KNAB is responsible for overseeing the activities of public officials in this area and implementing conflict-of-interest laws. In the first six months of the year, KNAB fined 83 persons 9,195 euros (\$10,100) and reprimanded a number of others for conflicts of interest. Most violations involved failure to provide the required income declarations or observe restrictions on outside employment and commercial activities.

Public Access to Information: The law provides for public access to government information, and the government generally provided citizens, noncitizens, and media with the information they requested.

NGOs, including the Latvian Center for Human Rights, criticized attempts by the State Language Center to restrict the dissemination of printed information by state institutions in languages other than Latvian, including Russian and English. Language inspectors from the State Language Center issued warnings and fines of 30 to 50 euros (\$33 to \$55) for producing written material in other languages without an accompanying Latvian translation. NGOs noted, however, that inspectors issued only 160 fines during the year, down from 708 in 2015.

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

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, often cooperated with them, and responded to their views and inquiries.

Government Human Rights Bodies: The Office of the Ombudsman is responsible for monitoring the government's performance on human rights. The ombudsman received some cooperation from the agencies it monitored and operated without direct government or political interference.

NGOs continued to criticize the ombudsman for lacking the institutional authority or capacity to investigate and act on allegations of discrimination. They complained that the office frequently put forward problems with little follow-through. As required by law, the ombudsman published an annual report describing its activities and making recommendations to the government.

A Saeima standing committee on human rights and public affairs met weekly during the parliamentary session. It considered initiatives related to human rights, but generally focused on public media policy.

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

Women

Rape and Domestic Violence: The law specifically criminalizes rape, and the government generally enforced the law. Spousal rape is not a separate crime from rape, but it is explicitly considered rape with “aggravated circumstances.” According to the Ministry of Justice, however, there has never been a spousal rape case prosecuted in the country. Criminal penalties for rape range from four years to life imprisonment, depending on the nature of the crime, the age of the victim, the criminal history of the offender, and the dependence of the victim on the offender. Through June prosecutors brought 43 rape charges. In 14 cases, the victims were younger than 16. When police receive a report of rape, they are required to open an investigation.

According to a 2014 survey by the EU Agency for Fundamental Rights, the most recent such survey available, 32 percent of women in the country had experienced physical or sexual violence committed by their partners. Domestic violence is an aggravating factor in certain criminal offenses. There are penalties for causing even “minor” bodily harm when the victim and perpetrator are spouses, former spouses, or civil partners. Domestic violence remained a matter of concern and authorities prosecuted a number of cases. The NGO Marta Resource Center for Women (Marta Center) received complaints from 245 women during the first nine months of the year.

The law allows victims of domestic violence to request police officers to issue restraining orders and requires police and judges to respond to such requests within one business day. The law requires perpetrators to leave the home where the victim resides. It provides a broad definition of violence that includes physical, sexual, psychological, or economic violence and empowers courts to remove vulnerable and abused children from violent homes if parents or guardians cannot do so or are themselves perpetrators of the violence.

In the first nine months of the year, courts issued 602 temporary protection orders; in the first six months of the year, police issued 42 restraining orders and authorities initiated 33 criminal proceedings for violations of restraining orders. NGOs complained that, in some domestic violence cases, police were reluctant to act. In some instances police were unable to locate the alleged perpetrator. There were occasions when police asked victims themselves to locate and notify alleged assailants of the restraining orders. In other cases, police hesitated to evict alleged perpetrators despite restraining orders. NGOs also criticized police for not arresting perpetrators until the victim signed paperwork, even if officers witnessed abuse. According to the Marta Center, courts rejected two applications for restraining orders during the year.

No government shelters were designated specifically for battered and abused women. Survivors of violence sought help in family crisis centers, which had limited capacity. There was one state-funded victim support hotline and several NGO-managed crisis hotlines; none was dedicated exclusively to rape or assault. NGOs operated websites that provided information and legal assistance to female survivors of violence. As of August, the Marta Center had provided legal assistance and consultations to 85 women.

Sexual Harassment: Sexual harassment is prohibited by the labor law but was reportedly common in the workplace. Victims have the right to submit complaints to the ombudsman and the State Labor Inspectorate. As in 2015 the ombudsman received no complaints of sexual harassment, while the Marta Center received one. NGOs reported that police procedures and methods intimidated some women, and some lacked confidence in the ability of law enforcement authorities to prosecute perpetrators successfully. Cultural factors also discouraged women from filing sexual harassment complaints.

Reproductive Rights: The government recognized the right of couples and individuals to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: Women enjoy the same legal status and rights as men, including under family, religious, personal status, labor, property, nationality, and inheritance law. The law prohibits employment discrimination. There were reports of discrimination against women in employment and pay (see section 7.d.).

Children

Birth Registration: Citizenship derives from one's parents, and only one parent must be a citizen to transmit nationality to a child. Children born in the country to one citizen and one noncitizen parent are citizens at birth.

Children born in the country to resident noncitizen parents are eligible for citizenship provided one parent requests it when the birth is registered. According to the government, 99 percent of such newborns received automatic citizenship during the year. The total number of noncitizen children decreased by 10 percent compared to 2015. In July, there were 6,301 noncitizen children, including 4,816 children younger than age 15.

Child Abuse: Violence against children was a problem. The law provides definitions of physical and emotional violence against a child. Statutory rape is punishable by a minimum of four years to life imprisonment. State police can initiate proceedings against a sexual abuser without receiving a complaint if the victim is younger than 16. Police effectively enforced laws against child abuse, although NGOs observed that coordination among agencies involved in the protection of children's rights was weak.

In the first eight months of the year, the State Inspectorate for Children's Rights organized four nationwide hotline campaigns. They received 27,086 calls and provided 12,934 consultations in response to inquiries about cases of emotional, physical, or sexual abuse of children. Approximately 86 of the calls involved the sexual abuse of children, 549 dealt with physical violence, and 1,118 concerned emotional violence (the remaining calls involved psychological consultations). During the first nine months of the year, the inspectorate investigated 135 cases of alleged violations of children's rights.

In 2015 NGOs and other observers criticized light sentences handed down in some child abuse cases. For example, in 2015 a court sentenced two men to community service for having "led a minor to depravity." During the year the Kurzeme Regional Court reversed the verdict, based on a

finding that certain regulations were not followed, and returned the case to the Liepaja City Court, where the criminal case was reopened and remained under investigation.

Early and Forced Marriage: The legal minimum age for marriage is 18. Persons younger than 18 may legally marry only with parental permission and if one party is at least 16 and the other is at least 18.

Sexual Exploitation of Children: The laws prohibit the commercial sexual exploitation of children, the sale of children, offering or procuring a child for child prostitution, and practices related to child pornography. Authorities generally enforced the laws.

The minimum age for consensual sex is 16. The 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.

Institutionalized Children: The ombudsman and several NGOs raised concerns about the continued use of orphanages despite the provision in the law providing that “every child has the inalienable right to grow up in a family.” During the year 1,460 children remained in orphanages, compared with 1,589 in 2015. The government has a deinstitutionalization plan for these children. NGOs, however, criticized the plan for being unclear and not specifying how or when it would be implemented. Nearly 6,200 children lived in foster families or other family environments such as group homes.

In the first nine months of the year, the State Inspectorate for Children’s Rights reported 13 cases of peer-on-peer physical, sexual, or emotional abuse in government-run orphanages and boarding schools for children with special needs. The inspectorate believed the actual figure was much higher, but cases were underreported due to infrequent visits by social workers and limited opportunities for observation.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Central Statistical Bureau and the Office of Citizenship and Migration Affairs reported that there were 8,659 Jewish residents in the country. The Council of Jewish Communities estimated the Jewish population at between 6,200 and 11,000. There were no reports of anti-Semitic attacks against individuals, although some anti-Semitic incidents and public references to stereotypes persisted on the internet and in some right-wing fringe groups. In one instance a senior lawmaker claimed during a March 18 interview that “smart” Jews were using the current laws to avoid being charged with violating criminal code provisions on challenging national independence.

The government condemned anti-Semitism and responded to anti-Semitic incidents. Jewish community representatives stressed their positive collaboration with government representatives and agencies. Jewish community representatives, government officials, and foreign diplomats attended the July 4 Holocaust commemoration ceremony in Riga. On November 29, President

Raimonds Vejonis and Saeima speaker Inara Murniece spoke at a ceremony commemorating the 25,000 mainly Latvian and German Jews killed under the Nazi German occupation in November-December 1941.

Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to healthcare, the judicial system, or the provision of other state services, and the government generally enforced these provisions. The law mandates access to air travel and other transportation for persons with disabilities, and the government and municipalities partially implemented the law.

Although the law mandates access to public buildings for persons with disabilities, most were not accessible. NGOs criticized the government for not enforcing these provisions. The NGO Apeirons reported that approximately 80 percent of new and renovated buildings in the country were not accessible to persons with disabilities, and only 2 percent of all buildings were fully accessible. The State Audit Office and NGOs criticized the rules and regulations governing government provision of personal assistance services.

NGOs also criticized delays to state deinstitutionalization reforms that made it unlikely the deadline of the end of the year for the release of most individuals with mental disabilities from state institutions would be met. NGOs complained about unclear procedures and roles for social workers.

The law grants additional assistance to children with disabilities, allowing them and their caretakers to use public transportation free of charge. The law also permits families of children with disabilities to receive state-funded counseling. Children with disabilities generally attended school, the majority attending specialized schools. While they were also allowed to attend regular schools that could accommodate their needs, very few schools outside of Riga were able to do so. The government provided eligible children with disabilities with assistants in schools,

While health and labor services are provided as stipulated by law, NGOs said that the majority of persons with disabilities had limited access to work and health care due to a lack of personal assistants, poor infrastructure, and the absence of specialized programs for such persons. NGOs also expressed concerns about the technical aid procurement service, which did not allow persons with disabilities to choose their own equipment, such as wheelchairs.

National/Racial/Ethnic Minorities

The law prohibits discrimination based on race. NGOs representing minority groups claimed that discrimination and harassment of national minorities was underreported to authorities. Through July the ombudsman received two written complaints of racial or ethnic discrimination. The ombudsman and the Latvian Center for Human Rights reported several complaints from international students

about discrimination and opened an investigation into the denial of entry to foreigners into bars and nightclubs solely on the basis of their nationality.

In the first seven months of the year, police initiated six criminal cases alleging incitement of ethnic or racial hatred. Complaints generally involved hate speech on the internet.

The Romani community continued to face widespread societal discrimination and high levels of unemployment and illiteracy. According to the Office of Citizenship and Migration Affairs, there were 7,545 Roma in the country. Observers criticized the government's action plan to address unemployment and educational problems in the Romani community as underfunded and insufficient to bring about substantial improvements. A 2015 study on Roma in the country cited low educational achievement among Roma--almost 40 percent of those interviewed had dropped out of primary school--for their high unemployment rate. According to the survey, 68 percent of Roma were unemployed. While the Central Bureau of Statistics estimated that 85 percent of Roma had some type of primary education, less than 1 percent had completed higher education.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The country's antidiscrimination laws do not specifically prohibit discrimination based on sexual orientation or gender identity, but the labor law does. NGOs expressed concerns about the lack of explicit protection in criminal law against incitement to hatred and violence on grounds of sexual orientation and gender identity.

The ombudsman received one complaint about alleged discrimination based on sexual orientation or gender identity. In February the Riga Public Transport Company organized a Valentine's Day campaign, Pay with a Kiss, during which couples could "pay" for their trip by kissing each other. It was promoted as a campaign "for loving couples-for him and for her." LGBTI representatives filed a complaint with the ombudsman that the campaign subjected homosexual partners to discrimination. The ombudsman concluded that the campaign was discriminatory and called for future campaigns to be more inclusive irrespective of passengers' sexual orientation.

LGBTI representatives received no reports of violence or specific examples of discrimination during the first nine months of the year, and stressed that the general societal attitude had improved. They noted, however, that intolerance of LGBTI persons and discrimination against them was widespread and underreported. According to a 2014 survey, the most recent available, by the marketing and public opinion research center SKDS, 61 percent of respondents held negative attitudes towards members of the LGBTI community.

The NGO Mozaika remained concerned about the "morality clause" added to the Education Law in 2015, which aims to ensure an "ethical education" system that corresponds to the values of the constitution specifically with regard to marriage and family. Mozaika believed the morality clause caused self-censorship in schools and prevented teachers from addressing LGBTI issues.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and employer interference in union functions, and it provides reinstatement for unlawful dismissal, including dismissal for union activity.

There were several limitations on these rights. Uniformed members of the military may not form or join unions. While the law provides for the right to strike, it prohibits strikes in sectors related to public safety and by personnel classified as essential, including judges, prosecutors, police, firefighters, border guards, employees of state security institutions, prison guards, and military personnel. The law prohibits “solidarity” strikes by workers who are not directly involved in a specific labor agreement between strikers and their employers, a restriction criticized by local labor groups. The law provides arbitration mechanisms for essential personnel not permitted to strike.

The government generally enforced applicable labor laws. Resources, inspections, and remediation were adequate. Penalties for violations ranged from a few hundred to several thousand euros but were insufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals. Labor rights organizations expressed concern about employer discrimination against union members.

Freedom of association and the right to collective bargaining were generally respected. Worker organizations were sometimes independent of the government or political parties, employers, or employers’ associations.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government effectively enforced the law. Penalties ranged from fines to 15 years in prison and were adequate to deter violations. The Ministry of Welfare’s State Labor Inspectorate, the agency responsible for enforcing labor laws, conducted regular inspections of workplaces and reported no incidents of forced labor. Resources were not completely adequate to sustain long-term investigations into forced labor. Government-sponsored NGOs performed educational outreach throughout the country to raise awareness about forced labor.

According to the Department of State’s *Trafficking in Persons Report*, Latvian men, women, and children were subjected to forced labor, particularly in other parts of Europe. During the year police opened an investigation into the case of four Latvian men who were allegedly coerced to work on a farm in the country. In 2015, the most recent year for which official statistics were available, authorities certified seven victims of forced labor for state assistance, all of whom had been subjected to labor exploitation in other European countries. In most of these cases, women were lured outside the country with fake job or marriage offers that resulted in trafficking for forced domestic servitude.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The statutory minimum age for employment is 15. Children who are 13 or older may work in certain jobs outside of school hours with written permission from a parent. The law prohibits children younger than 18 from performing nighttime or overtime work. According to the law, children may not work in jobs that pose a risk to their physical safety, health, or development. Inspectors from the State Labor Inspectorate are responsible for enforcing child labor laws and did so effectively. Penalties for violations are monetary and vary widely, depending on the severity and frequency of the violation. These penalties were adequate to deter violations. The inspectorate's resources and inspections were adequate. There were no reports of labor abuses involving children.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit prejudiced treatment based on sexual orientation, gender identity, race, color, sex, religion, political opinion, national origin, disability, language, age, HIV or other communicable disease status, or social origin. The law requires employers to provide equal pay for equal work. Discrimination on the basis of citizenship is not protected.

The government effectively enforced these laws and regulations, although regulatory agencies did not fully implement the law. Fines for violations range up to 700 euros (\$770) and were adequate to deter violations.

There were instances of hiring and pay discrimination against women, particularly in the private sector. During the first seven months of the year, the ombudsman opened one case of employment discrimination initiated by a woman who claimed she was subject to discrimination because she was pregnant. The case remained under investigation.

Employment discrimination also occurred with respect to sexual orientation, gender identity, and ethnicity. Persons with disabilities experienced limited access to work due to a lack of personal assistants, poor infrastructure, and absence of specialized programs. The Romani community faced discrimination and high levels of unemployment.

e. Acceptable Conditions of Work

The monthly minimum wage is 370 euros (\$407). According to the Central Bureau of Statistics, 606,000 persons, or 31 percent of the population, had income at or below the poverty level of 291 euros per month (\$320).

The law provides for a maximum workweek of 40 hours with at least one 42-hour rest period weekly. The maximum permitted overtime is 144 hours in a four-month period. Employees may not 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 the parties agree to other forms of compensation in a contract; however, this is

rarely enforced. The law specifies the maximum amount of overtime and prohibits excessive or compulsory overtime. The law entitles workers to 28 calendar days of paid annual leave.

The law establishes minimum occupational health and safety standards for the workplace, which are current and appropriate for the main industries. While the law allows workers to remove themselves from situations that endanger health or safety without jeopardizing their employment, these regulations were not always followed.

The State Labor Inspectorate is responsible for enforcing minimum wage regulations, restrictions on hours of work, and occupational health and safety standards. These standards were not always enforced in the informal economy. Penalties for violations are monetary and vary widely, depending on the severity and frequency of the violation, but they were generally sufficient to deter violations. The inspectorate had adequate resources to inspect and remediate labor standards problems and effectively enforced labor laws. There were 111 labor inspectors, which was sufficient to enforce compliance. Some 23 percent of inspector positions were vacant due to low wages.

In May the Saeima amended the labor law to comply with a European Parliament directive on employers who send their employees to work outside the country. This law makes employers responsible for ensuring that their employment requirements are in accordance with the recipient country's labor laws and regulations.

In March, the Ministry of Welfare introduced criteria and regulations for improving work safety at companies operating in hazardous sectors, with the aim of creating a "culture of prevention" through practical safety training, information exchange trips, and educational events. The government also introduced payment reforms, which increased salaries for teachers and firemen.

In March the "Zolitude tragedy" trial began. Nine persons involved in the construction and supervision of a supermarket that collapsed in 2013, killing 54, faced criminal charges. The case remained under investigation.

Through September, the State Labor Inspectorate reported 54 workplace fatalities, the majority of which were classified as due to natural causes, and 109 serious workplace injuries. The total number of workplace accidents was 1,180, an increase from 581 during the same period in 2015. The State Labor Inspectorate commented that most of the injuries were not severe and that employees were increasingly active in reporting accidents. The majority of workplace injuries and fatalities were in the construction, wood-processing, and lumber industries.

Real wage estimates are difficult to calculate due to the sizeable informal economy, which according to some estimates, accounted for about 25 percent of gross domestic product. Workers in low-skilled manufacturing and retail jobs, as well as some public sector employees such as firefighters, were reportedly most vulnerable to poor working conditions, including long work hours, lack of overtime pay, and arbitrary remuneration.