

**Honorable Chairman of the Human Rights Committee; Dear Members of the Committee,**

First I would like to thank you for the opportunity to express my opinion regarding the annual report of the Government of Latvia on compliance with the Treaty.

In my address to the Committee, I would like to focus on five issues:

- 1. Status of non-citizens;**
- 2. Restrictions imposed on human rights in psychiatric hospitals and State Social Care Centers;**
- 3. Conditions at prison facilities;**
- 4. The right to fair trial;**
- 5. The right of national minorities to education.**

- **Status of non-citizens**

First I would like to point out that proper term “Former citizens of the USSR without citizenship of the Republic of Latvia or any other country” should be used in respect of the citizens of the former USSR, instead of the commonly used “non-citizens” that has caused major confusion among the international institutions regarding the status and the scope of rights of such group of persons. The status of the persons in Latvia who had lost their citizenship of the USSR when the union collapsed and who had not gained the citizenship of any other country is not equal either to the general status of alien or to that of foreign national or of a stateless person<sup>1</sup>.

The former citizens of the USSR without citizenship of the Republic of Latvia or any other country enjoy most of the civil, social and economic rights guaranteed to them by the Constitution of the Republic of Latvia and the international human right instruments. In general, there are only two exceptions related to the right to pursue freely the professions that involve public authority and the rule of law, and the above-

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<sup>1</sup> Cf. the Award made by European Court of Human Rights in Sļivenko v. Latvia (No. 48321/99)

mentioned group of persons has no right to participate or to be elected at the elections of local governments and the Parliament.

I would like to point out, however, that the status of non-citizens has been established as a temporary status. Despite the fact that the number of non-citizens has decreased by more than a half since the restitution of independence of our country, the Ombudsman is deeply concerned with the decreasing speed of naturalization observed in recent years. It is my opinion that the Government has failed to take all possible steps to reduce the number of former citizens of the USSR without citizenship of the Republic of Latvia or any other country in Latvia<sup>2</sup>, such as educational measures, for example, to increase awareness of the process of naturalization in Latvia, or to provide funding for Latvian language classes arranged for the applicants for the citizenship of Latvia.

Unfortunately, the observed deceleration of naturalization tempo can also be attributed to purposeful actions pursued by certain non-governmental organizations that seek to split the society and willfully distribute false allegations about automatic naturalization expected as a result of change of the political power.

- **Restrictions imposed on human rights in psychiatric hospitals and State Social Care Centers**

Improper regulatory base in the field of mental health is a long-lasting problem in Latvia, and the Ombudsman's Office has been addressing this issue since the very foundation of the Office. In case of psycho-neurological hospitals where compulsory treatment is applied, several means of restrictions are used including fixation to beds, and the right of individuals to privacy is also restricted; in fact, there exist no regulations to this effect. Essential restrictions of human rights are imposed on the

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<sup>2</sup> As of 1 July 2013, 290 510 individuals residing in Latvia have the status of non-citizens. Data of the Office of Citizenship and Migration Affairs [http://www.pmlp.gov.lv/lv/assets/documents/statistika/IRD\\_01\\_07\\_2013/ISVG\\_Latvija\\_pec\\_DZGada\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/statistika/IRD_01_07_2013/ISVG_Latvija_pec_DZGada_VPD.pdf)

grounds of internal regulations of the institutions, and such practice clearly contradicts the human right standards.

In February 2013, the Ombudsman's Office presented to the Parliament and to the Ministry of Welfare a report<sup>3</sup> on systemic shortcomings in State social care centers (SSCC) for adults with mental disabilities, including the conclusions resulting from the observations continued during several years, as well as recommendations for elimination of such shortcomings.

Lack of community -based or alternative social care services is the most crucial issue: persons with mental disabilities are often forced to select accommodation at SSCCs due to lack of alternative. A number of recommendations have been made regarding the conditions of accommodation in SSCC, such as the need for providing appropriate activities to the customers, providing sufficient accommodation space, arrangement of isolation wards that meet the requirements, etc.

We have also pointed out in our report to the problems related to unreasonable restriction of freedom of the customers as SSCCs and to their access to health care. We are concerned by the common practice at SSCCs to administer medicinal preparations in high dosage and to isolate the customers of SSCCs solely because purposeful activities are not available to them as well efficient rehabilitation process.

- **Prison facilities**

A high number of applications are filed by prisoners with the Ombudsman's Office every year regarding various issues related to the service of sentences. About 90 recommendations have been issued to the competent institutions regarding the accommodation conditions alone during the period from 2009 up to and including 2013. I have been pointing out repeatedly that respect to and protection of civil and political rights is neither optional nor depending on the resources available to the

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<sup>3</sup> Report of the Ombudsman of the Republic of Latvia on State Social Care Centers for adults with mental disorders, available at: [http://www.tiesibsargs.lv/files/zinojums\\_par\\_vsac\\_-\\_kopsavilkums\\_gala.pdf](http://www.tiesibsargs.lv/files/zinojums_par_vsac_-_kopsavilkums_gala.pdf)

Government, in particular concerning the obligation to provide appropriate conditions at closed-type facilities. It should be noted, however, that most of the Governments in Latvia have not seen reorganization of prison system in Latvia among their high priorities, and therefore the pace of systemic improvements is slow.

The Ombudsman's Office has been paying a lot of efforts in the recent years to the assessment of situation and issuing of recommendations for eradication of violence among prisoners, excessive use of special means, the hierarchy established in prison facilities and lack of effective vehicle for handling complaints on violent treatment.

In 2013 I have repeatedly sent a letter to the Prison Administration and to the Ministry of Justice encouraging them to take serious steps for addressing this issue. The reply received from the Prison Administration states that accommodation of prisoners in cells with a few cellmates and constant supervision are the factors relevant to prevent violence among prisoners. In the opinion of Prison Administration, construction of prison facilities that meet the requirements of human rights and security would help to resolve this issue. Shortage of supervisory staff also continues to be a problem.

- **The right to fair trial**

I have been repeatedly pointing out to the Parliament, the Government and judicial authorities during several years to a number of problems identified in relation to exercising of the right to fair trial. The most acute problems that still require solution include completion of trial within a reasonable timeframe. The situation is most concerning when the lengthy trials involve deprivation of liberty. I have identified in a number of inspection cases that in case of persons who are kept in detention during the criminal proceedings and who have appealed against the judgment of the first instance court, appeal proceedings may even last for years and the time spent in detention can eventually reach the final term of imprisonment ordered in the judgment of the first instance court.

- **The right of national minorities to education**

The right of national minorities to education is among the achievements made in the national minority policy in Latvia. 22% of all educational institutions provide educational programs for national minorities where the education process is bilingual, namely, in Latvian and also in one of seven minority languages. The education programs for national minorities currently provided by the state are available in Polish, Ukrainian, Belorussian, Hebrew, Russian, Lithuanian and Estonian language. I do appreciate the willingness expressed publicly by the Minister of Education and Science to continue the provision of bilingual education programs and to ensure that representatives of national minorities can master their native language, culture and history.

I would also like to draw the attention of the Members of Committee to the fact that, despite of the twenty years that have passed since the regaining of our independence, certain State schools fail to provide sufficient knowledge to national minorities so that they are able to communicate freely in the official language, and certain pedagogues are also unable to communicate in the official language. I made such conclusion in late 2013 when I visited 49 State schools providing education programs for national minorities and interviewed 3272 students. Similar government policy contradicts the Hague recommendations made by the OECD in respect of the right of national minorities to education, pointing out that: “The number of subjects taught at secondary schools in the official language should be gradually increased.”<sup>4</sup>. Inadequate knowledge of the official language prevents national minorities from pursuing university education and a career that corresponds with their interests. Language barrier continues to split the society and prevents the young people from integration in the Latvian society. I therefore believe that the Government should ensure, not only in law but also in practice, that all students – representatives of national minorities can

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<sup>4</sup> The Hague recommendations regarding the right of national minorities to education OSCE HCNM, 1996, Para 13.  
<http://www.osce.org/hcnm/32180?download=true>

master adequately the official language, while preserving their rights to mastering of their native language and culture.

I am deeply concerned and indignant with the protests expressed by certain organizations against any initiatives on part of the Government to improve teaching of the official language at national minority schools, and even radical appeals to the representatives of national minorities to follow the scenario of Ukraine. The goal of such initiatives is not protection of the interests of children who belong to national minorities, because the right of children to master their native language and culture has not been and can not be questioned; such initiatives are rather aimed at gaining political support by means of splitting the society and disseminating radical views.

Thank you for attention!