

# Rights and obligations



Video material *Difference Between Rights and Obligation - Rights VS Obligation*

Video material *Legal Rights & Ethical Responsibilities*

Video material *The Story of Human Rights*

Human rights in Latvia are generally respected by the government, according to the US Department of State and Freedom House.

Latvia is ranked above-average among the world's sovereign states in democracy, press freedom, privacy and human development. The country has a large ethnic Russian community, which has basic rights guaranteed under the constitution and international human rights laws ratified by the Latvian government.

However, human rights organisations have reported multiple problems. Especially non-citizens - including stateless persons - suffer from limited or no access to a broad range of rights. Also there were problems with police abuse of detainees and arrestees, poor prison conditions and overcrowding, judicial corruption, discrimination against women, incidents of violence against ethnic minorities, and societal violence and incidents of government discrimination against homosexuals.

## *The Right to Life*

Section 93 of the Constitution of the Republic of Latvia

Article 3 of the Universal Declaration of Human Rights

Article 6 of the UN International Covenant on Civil and Political Rights

Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms



European Court of Human Rights has stipulated that Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms that guarantees the individuals' right to life and determines the conditions under which deprivation of life can be justified constitutes one of the key clauses in the European Convention for Human Rights, and that deviation from that clause is impermissible. In correlation with Article 3 of the Convention it presents an essential fundamental value of a democratic society. On the basis thereof, any grounds justifying deprivation of life are subject to possibly narrow interpretation.

Obligation of the State to protect the life of each and every citizen is composed of

three parts:

- The duty to take the steps required in the given circumstances to prevent unjustified loss of life;
- The duty to investigate suspicious death;
- The duty of its representatives to abstain from deprivation of life incommensurate with the law.

Deprivation of life of a lawfully detained individual can take place in different circumstances, such as deprivation of life during interrogation, suicide by detained person as a result of threat; bodily injuries incommensurate with life.

### *The Right to Liberty and Security*

Section 94 of the Constitution of the Republic of Latvia

Article 9 of the UN International Covenant on Civil and Political Rights

Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms

# RIGHT TO LIBERTY AND SECURITY



**You have the right to liberty.**  
**If you are arrested you have the right**  
**to know why.**

**If you are arrested you have the right to stand trial soon  
or to be released until the trial takes place.**

The right of individual to liberty in the wider sense includes, for example, freedom to select movement of an individual, and security includes freedom from interference with the personal integrity of individual on part of the State or other subjects.

The right to liberty and personal security inviolability is not absolute; it is subject to restriction in the manner and amount prescribed by law. In Latvia, for example, it is regulated by the procedure prescribed in the Administrative Offence Code, Criminal Procedure Law and other regulatory acts.

Guaranty of liberty of an individual as stipulated in Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and

Article 9 of the International Covenant on Civil and Political Rights includes the right of individual to physical movement. The above-stated articles, however, guarantee liberty from placement of an individual into detention facilities of different kinds, rather than freedom of movement in general.

Deprivation of liberty is only justified in the cases and manner prescribed by law, and deprivation of liberty is subject to the statutory procedure and other regulations. It has to be grounded, and it may not be arbitrary. The right to liberty also includes the stipulation that no individual may be kept in prison without judicial sentence, without appropriate substantiation. The State has positive duty to take all efforts to ensure that an individual is subject to trial within reasonable limits of time.

### *Torture and Cruel Treatment*

Section 95 of the Constitution of the Republic of Latvia

Article 5 of the Universal Declaration of Human Rights

Articles 7, 10 of the UN International Covenant on Civil and Political Rights

UN Standard Minimum Rules of 1957 for Treatment of Prisoners

Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms



International and national regulatory acts prohibit cruel treatment and torture. The said prohibition is absolute, that is, no exceptions and deviations are permissible. In the real life, application of the said norms is the most problematic at closed-type facilities where individuals have limited right to protect themselves.



There are different forms of inhuman treatment, depending on the type and methods of execution; the nature and context of sentence; pre-mediation and systematic organization; age; duration; effect on human health; health condition at the time of execution; social meaning of the sentence; whether or not there have been other options available to public authorities, and the exigence and proportionality of the means applied for sake of security.

European Court of Human Rights has pointed out that cruel treatment, punishment or abasement is related to causing intensive or regular physical or moral sufferings to an individual, even if it does not lead to actual bodily injuries. Such actions make the victims feel fear, humiliation and inferiority that can abase them and break their physical and moral resistance. Similar opinion has been issued by the UN Human Rights Committee: qualification of the prohibited treatment or punishment depends on the nature, purpose and severity of treatment. In addition, each of the above-mentioned forms of treatment includes not only physical but also moral sufferings.

### *The Right to Legal Status: Matters of Citizenship, Asylum and Migration*

Articles 6 and 15 of the Universal Declaration of Human Rights

Article 25 of the UN International Covenant on Civil and Political Rights

Article 1 of the Seventh Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms  
Convention Relating to the Status of Refugees



The universal principle of international human rights stipulates that each and every individual, regardless of their domicile, has the right to be treated as a subject of law: to have a certain status granted to them in the State and a set of rights and obligations appropriate to such status, as well as corresponding identity documents.

There are certain guarantees of human rights to be provided to each and every individual regardless of their status (such as the right to life, for example); the set of other rights and obligations of an individual may differ, depending on their status - whether the person is a citizen or permanent resident of the country, or a refugee, or short-term visitor. It is essential, however, to ensure that a certain system is put in place in the State for legalization and granting of status to individuals, and to ensure that it operates without any discrimination, in compliance with the national and international legal norms. All institutions are bound to observe the norms of human rights when handling the matters related to the status of individuals: to ensure human treatment, and to take into account the rights of individuals, for example, to family life, liberty and security, to the extent prescribed by law.

### *Freedom of Speech and Expression*

Section 100 of the Constitution of the Republic of Latvia

Article 19 of the Universal Declaration of Human Rights

Article 19 of the UN International Covenant on Civil and Political Rights

Article 10 of the European Convention for the Protection of Human Rights



Freedom of speech and expression includes freedom of views, the right to freely receive and distribute information and ideas without interference on part of public institutions, regardless of the state borders. The right to freedom of

expression is the fundament of the right of everyone to express their views without fear from restriction, punishment or prosecution.

Freedom of speech in democratic society is widely construed, and it may only be subject to restriction on extremely exceptional occasions. In addition, freedom of speech includes not only “information” or “ideas” that are perceived as predisposing or neutral but also those that are offensive, shocking or alarming.

At the same time, such human rights are absolute, and they do not mean entitlement to impunity of expression. The State may impose restrictions on such right in certain manner and amount, especially because the exercise of such right involves certain duties and responsibility.

### *Freedom of Meeting*

Section 103 of the Constitution of the Republic of Latvia

Article 20 of the Universal Declaration of Human Rights

Article 21 of the UN International Covenant on Civil and Political Rights

Article 11 of the European Convention for the Protection of Human Rights

The right to peaceful meeting is among the key values of democratic society, along with the right to freedom of speech. Freedom of meeting, as well as freedom of formation and speech, is among the most essential political rights. Such rights enable active civil society to express publicly their opinion and to participate in democratic processes.

Freedom of meeting includes the right to participate at the event in question as well as the right to arrange such event. The said right is individual by nature, notwithstanding that meeting means participation of more than one person.

The right to freedom of meeting is not absolute and it is subject to restrictions. It should also be taken into account that protection stipulated in the international legal norms only extends to the right to peaceful meeting.

### *Freedom of Formation*

Section 102 of the Constitution of the Republic of Latvia

Article 20 of the Universal Declaration of Human Rights

Article 22 of the UN International Covenant on Civil and Political Rights

Article 11 of the European Convention for the Protection of Human Rights





The freedom of formation guarantees the right to form and join associations, political parties and other public organizations for the purpose of achievement of any common goal that is not prohibited by law. Article 20 of the UN Universal Declaration of Human Rights also contains special clause to the effect that no one may be compelled to join any organization.

The freedom of formation may take various forms: culture, sport, art, education, charity, ideological, interest groups and other associations of persons. Political parties, religious organizations and trade unions are treated as special forms of the freedom of formation.

### *The Right to Private and Family Life*

Section 96 of the Constitution of the Republic of Latvia

Article 12 of the Universal Declaration of Human Rights

Article 17 of the UN International Covenant on Civil and Political Rights

Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms



Contents of the right to private life form from: personal identity, physical or moral integrity, including esteem and dignity, personal living space, sexual activities and social relations, as well as relations with other individuals including information about such relations. It also includes the right to keep the private life in secret from other private individuals. The State has the duty not only to abstain from unjustified interference with private life of individuals but also to protect them from infringement on part of their fellow citizens and mass media.

Complains involving the right of individuals to private life are related to various matters: inviolability of correspondence and home, the extent to which information may be disclosed; transliteration of surnames into Latvian language; use of photographs; tapping of telephone conversations; control of e-correspondence and video surveillance without previous notice; protection of personal data, etc.

The right of individuals to family life includes such aspects as registration of marriage, inviolability of family life, the right to establish family, etc.

### *Freedom of Thought, Conscience and Religion*

*Section 99 of the Constitution of the Republic of Latvia*

*Article 18 of the Universal Declaration of Human Rights*

*Article 19 of the UN International Covenant on Civil and Political Rights*

*Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; and also Article 2 of the 1st Protocol thereto*



Each and every individual has the right to freedom of thought, conscience and religious beliefs. As stipulated in the European Convention for the Protection of Human Rights and Fundamental Freedoms, this right includes freedom to change the individual's religion or belief, and freedom, either alone or in community with others and in public or private, to manifest their religion or belief in teaching, practice, worship and observance. It also includes the right not to follow any religion if the person selects so.

Conviction of an individual is not only related to religion. It means any conviction of an individual that is serious and important to them. It may be, for example, pacifism or philosophical conviction of the individual.

This right is also aimed at preservation of pluralism in society. Individuals, however, have to accept general denial of their conviction by society, and the fact that propaganda of a contrary conviction also exists.

### *Freedom of Movement*

Section 98 of the Constitution of the Republic of Latvia

Articles 9 and 13 of the Universal Declaration of Human Rights

Articles 12 and 13 of the UN International Covenant on Civil and Political Rights

Articles 2, 3 and 4 of the 4th Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms; and also Article 1, 6(5) of the 7th Protocol thereto



Freedom of movement means the right to move freely and choose the residence within the territory. It also means that everyone has the right to depart freely from any State including that of which the individual is a citizen. This freedom means that citizens of the State may not be extradited from and that they must be permitted to enter the State, and also that mass expulsion of foreigners is prohibited.

### *The Right to Social Security*

Section 109 of the Constitution

Articles 22, 25, and 28 of the Universal Declaration of Human Rights

Articles 9, 10, and 11 of the UN International Covenant on Economic, Social and Culture Rights

Articles 13, 14, 16, and 17 of European Social Charter

The Law on Social Security

The Law on State Pensions

The Law on State Social Allowances

The Law on Social Services and Social Support, etc.



The right to social security belongs to the second generation of human rights, that is, social, economical and culture rights of individuals. Social rights are very important, yet they are special and different human rights because the exercise of such rights depends on the economical situation of and resources available to each State; it is closely linked to the possibilities of each State. At the same time, international law imposes an obligation of the State to seek possibly effective exercising of social rights within the maximum limits of the available resources, using adequate means and increasing tempo.

Social security system is established in Latvia to secure exercising of the right to social security, based on the following:

Social insurance system where the amount and procedure for granting of old age pension, employment benefit, maternity benefit, for example, depends on the period of employment and payment of social contributions;

Social support system the primary task of which is providing support in situations where individuals are unable to gain income and they are eligible to support from the State social security system.

The social security system operates in accordance with the following basic principles: prohibition of unequal treatment; solidarity; social insurance and support; preventive work; self-determination; and individual approach.

### *The Right to Health Protection*

Section 111 of the Constitution

Articles 25 and 28 of the Universal Declaration of Human Rights

Article 12 of the UN International Covenant on Economic, Social and Culture



## Rights

Articles 11 and 13 of European Social Charter

The Pharmacy Law

The Law on Medical Treatment

The Law on Epidemiological Safety

The Law on Sexual and Reproductive Health

Cabinet Regulations No 899 of 31 October 2006 Concerning the Procedure for Compensation of the Costs of

Medicine Preparations and Medicine Devices Intended for Outpatient Treatment, etc.



The right to health protection is secured in Latvia through cooperation of Governmental and municipal institutions, non-governmental organizations and other legal and natural entities. The duty of the State to take steps for securing of health protection is closely related to economical possibilities of the State. Such steps include provision of available medicinal services, promotion of healthy lifestyle, establishing hygiene standards applicable to food, etc.

The Constitution Court has also pointed out that the State has to abstain from any actions that restrict the possibilities of each individual to take care for protection of their health: according to Section 111 of the Constitution, each individual has the right to take steps within certain limits which they finds necessary to provide their own health.

### *The Right to Employment*

Sections 106, 107, and 108 of the Constitution of the Republic of Latvia



Article 23 of the Universal Declaration of Human Rights

Article 6 of the UN International Covenant on Economic, Social and Culture Rights

The Labor Law



Article 23 of the United Nations Universal Declaration of Human Rights stipulates that: Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work.

Section 106 of the Constitution of the Republic of Latvia stipulates that: Everyone has the right to freely choose their employment and workplace according to their abilities and qualifications. Forced labor is prohibited. Participation in the relief of disasters and their effects, and work pursuant to a court order shall not be deemed forced labor.

Section 107 of the Constitution of the Republic of Latvia stipulates that: Every employed person has the right to receive, for work done, commensurate remuneration which shall not be less than the minimum wage established by the State, and has the right to weekly holidays and a paid annual vacation.

Section 108 of the Constitution of the Republic of Latvia stipulates that: Employed persons have the right to a collective labor agreement, and the right to strike. The State shall protect the freedom of trade unions.

### *The Right to Education*

Section 112 of the Constitution

Article 26 of the Universal Declaration of Human Rights

Articles 13, 14 of the UN International Covenant on Economic, Social and Culture Rights

Article 2 of the 1st Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms

The Education Law

The Comprehensive Education Law

The Professional Education Law

The Law on Higher Education Institutions, etc.

# **RIGHT TO EDUCATION**



**You have  
the right  
to go to school**

Section 112 of the Constitution guarantees to everyone the right to education; such guarantee includes positive duty of the State to establish education system, and negative duty to abstain from intervention in exercise of this right.

The duty to establish education system includes:

Availability of education system: the number of educational establishments and curricula has to be sufficient, and the State has to ensure their functioning ability (including provision of premises, teaching aids, educational staff, etc.);

Access to education: - discrimination-free education has to be physically and economically accessible;

Admissibility of education: curricula, methods of teaching, etc. have to be admissible to school children and students, and also to parents where appropriate; this criteria also extends to the quality of education;

Adequacy of education: education has to keep up with the changing needs of society, and it has to meet the needs of school children and students.

The Constitution expressly stipulates that the State has the duty to provide primary and secondary education free of charge. The mandatory nature of primary education also means that neither children nor their parents or guardians, or governmental authorities have the right to decide whether or not to provide primary education to the child.

### *The Right to Live in Benevolent Environment*

Section 115 of the Constitution

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention)

Environment Protection Law

Area Development Law

Protection Zone Law

On Assessment on the Impact on Environment

On Pollution

On Nature Areas Subject to Special Protection, etc.



Section 115 of the Constitution stipulates that the State has the duty to establish and provide effective environment protection system. The foregoing includes the duty to issue, subject to investment of appropriate funds, the regulatory acts that govern environment protection, and to establish institutions responsible for supervision and promoting environment protection, as well as implementation of measures aimed at environment protection.

Section 115 of the Constitution also stipulates the right to be informed about the environment condition. Therefore, the duty of the State to establish environment protection system also includes the duty to provide information to society about environmental conditions, and the duty to provide access to such information. Society is also entitled to participate in the making of relevant decisions related to environment protection.

An individual has subjective right to demand fulfillment of the above-listed duties from the state as well as liability for non-fulfillment or improper fulfillment of such duties. Therefore, a private individual has subjective right of claim against the State whenever environment protection system turns out to be ineffective, and the rights or lawful interests of an individual have been infringed as a result thereof.