



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/LVA/CO/1
7 January 2008

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Thirty-eighth session
Geneva, 30 April-18 May 2007

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding Observations of the Committee on
Economic, Social and Cultural Rights**

LATVIA

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Latvia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.70) at its 14th, 15th and 16th meetings, held on 8 and 9 May 2007 (E/C.12/2007/SR.14-16), and adopted, at its 25th meeting held on 16 May 2007, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Latvia, albeit late, which was prepared in general conformity with the Committee's guidelines, and the detailed written replies to its list of issues.

3. The Committee welcomes the dialogue with the delegation of the State party, which included a number of representatives from various government departments. The Committee regrets however, that the delegation has chosen not to answer some of the questions.

B. Positive aspects

4. The Committee welcomes the establishment, in January 2007, of the Office of the Rights Defender (the Ombudsperson), which replaced the Latvian National Human Rights Office.

5. The Committee notes with satisfaction the ratification by the State party, in June 2006, of International Labour Organization (ILO) Conventions No. 29 on Forced Labour (1930), No. 182 on the Worst Forms of Child Labour (1999) and No. 138 on Minimum Age (1973).

6. The Committee notes with satisfaction the ratification by the State party, in October 2005, of the Council of Europe Framework Convention for the Protection of National Minorities.

7. The Committee notes with satisfaction various initiatives taken by the State party to support the development of an active cultural life in Latvia, through, inter alia, the national programme “Culture” and the Culture Capital Foundation.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee notes the absence of any factor or difficulty preventing the effective implementation of the Covenant in the State party.

D. Principal subjects of concern

9. The Committee is concerned that, in spite of the actions taken by the Latvian authorities against organized crime and corruption, including the work of the Corruption Prevention and Combating Bureau (KNAB), the State party continues to face serious problems of corruption within State institutions, the police force and the judiciary, which have a negative effect on the full exercise of the rights enshrined in the Covenant.

10. While noting the existence of anti-discrimination provisions in the administrative and criminal legislation of the State party, the Committee regrets the delay in the enactment of comprehensive anti-discrimination legislation in the State party.

11. The Committee regrets that it did not receive full and adequate information on the fulfilment of the obligation of the State party to guarantee the enjoyment of rights enshrined in the Covenant without discrimination, as stipulated in article 2, paragraph 2, of the Covenant, with respect to non-citizens with permanent resident status who make up some 20 per cent of the population in Latvia.

12. The Committee is concerned that the State Language Law which mandates the use of Latvian in all dealings with public institutions, including administrative districts, may be discriminatory in effect against linguistic minorities living in the State party, including the Russian-speaking minority which constitutes a significant proportion of the population. In particular, the Committee is concerned that members of linguistic minorities, especially older persons, may be disadvantaged in their claims to public authorities with regard to their entitlement to public services. This has a negative impact on their enjoyment of economic, social and cultural rights.

13. The Committee is concerned that, in spite of the measures taken by the State party to promote equality between men and women, including the Programme for the Implementation of Gender Equality (2005-2006), de facto gender inequalities and stereotypes persist in the State party, particularly with regard to wages and participation in public decision-

making. The Committee regrets that it has not received sufficient information from the State party regarding affirmative action initiatives to promote gender equality.

14. The Committee is concerned about the persistent disparities in the levels of unemployment among the regions in the State party.

15. The Committee encourages the State party to continue to improve vocational training programmes to empower the workforce, in particular disadvantaged and marginalized individuals, to facilitate their entry into the labour market and to ensure that vocational training is also provided in minority languages.

16. The Committee is concerned that, while noting the efforts of the State Employment Agency to encourage employment of persons with disabilities, persons with mental and physical disabilities continue to face serious obstacles in accessing the labour market, in part due to the absence of vocational training in schools.

17. The Committee notes the absence of criminal law provisions specifically addressing sexual harassment in the workplace.

18. The Committee is concerned about the low level of awareness of labour safety protection measures amongst employers, particularly in view of the increasing incidence of occupational accidents in the State party.

19. The Committee is concerned that the current minimum wage is insufficient to provide an adequate standard of living for workers and their families.

20. The Committee regrets the lack of information provided as to whether the current levels of social security benefits permit recipients a reasonable standard of living consistent with articles 9 and 11 of the Covenant. The Committee is also concerned that unemployment benefits, which are gradually reduced in amount on a monthly basis over a maximum nine month period, may be insufficient to secure a decent standard of living for workers and their families, and in particular, to persons belonging to disadvantaged and marginalized groups.

21. The Committee is concerned about the high incidence of domestic violence and other forms of abuse against women and children in the State party, which often go unreported. In this connection, the Committee is particularly concerned about the absence of specific legislation on domestic violence and of a coherent strategy to support victims of domestic violence.

22. The Committee is concerned that, in spite of the adoption, in 2004, of the State Programme for Elimination of Trafficking in Humans (2004-2008), cross-border and internal trafficking in persons continues to be a serious problem for the State party. The Committee is also concerned that, although trafficking in persons carries a maximum penalty of 15 years' imprisonment under article 154 of the amended Criminal Code, in most cases, the courts administer significantly lower prison sentences under article 165, for "sending a person for sexual exploitation".

23. The Committee, while welcoming the information that the State party is currently undertaking studies into the situation of children living and/or working on the street, is concerned about the absence of an effective strategy to address the problem.

24. The Committee is concerned that, despite the progress achieved by the State party to combat poverty through the Latvian National Action Plan for Reduction of Poverty and Social Exclusion (2004-2006), poverty persists in the State party. The Committee is also concerned that the strategies of the State party to alleviate poverty do not sufficiently address the regional disparities that affect the equal enjoyment by all of economic, social and cultural rights.

25. The Committee regrets the lack of full and adequate information concerning forced evictions, in particular, those resulting from rent arrears, and the specific conditions under which they can occur. The Committee also notes the lack of information on the extent of homelessness in the State party.

26. The Committee is concerned that, despite the fact that budget allocation on health, including public health, has increased in the State party, the overall funds available for the healthcare system remain insufficient. The Committee is also concerned about the regional disparities in health-care coverage and the increasing shortage of medical personnel due to economic migration.

27. The Committee is concerned about the high rate of tobacco use, as well as the high level of alcohol consumption.

28. The Committee is alarmed by the high suicide rate in Latvia.

29. While commending the State party for its efforts to reform the mental health-care system, including the adoption of new legislation on mental health, the Committee remains concerned that institutional care continues to be the dominant form of care for mental patients, and that community-based services are still underdeveloped.

30. The Committee remains concerned about the budget allocation for education and its impact on the quality of education, particularly with regard to State schools, as well as the level of salaries for teachers. The Committee regrets the lack of clarity in the information provided by the State party regarding the quality of education in the State party, in particular the lack of specific information provided on measures taken to address the situation of children in rural areas.

31. While welcoming the efforts made by the State party to increase educational opportunities for Roma children, including the National Programme on Roma in Latvia (2007-2009), which includes specific measures on education and integration, the Committee remains concerned that a high percentage of Roma children drop out, often at early stages of schooling.

32. The Committee regrets that it did not receive sufficient information on the progress achieved by the State party in ensuring that schools are free from aggression, drugs and alcohol.

E. Suggestions and recommendations

33. The Committee recommends that the State party take all necessary measures to allocate sufficient human and financial resources to the Office of the Rights Defender (the Ombudsperson), with a view to strengthening the capacity and effectiveness of the Office.

34. The Committee recommends that the State party consider ratifying the European Social Charter (revised) CETS No. 163.

35. The Committee urges the State party to continue to strengthen its efforts to combat corruption, including by ensuring the effective functioning of the Corruption Prevention and Combating Bureau (KNAB), and to take all necessary measures to combat corruption within State institutions, the police force and the judiciary.

36. The Committee urges the State party to take the necessary measures to enact, without further delay, comprehensive anti-discrimination legislation, in accordance with article 2, paragraph 2, of the Covenant.

37. The Committee urges the State party to ensure that the lack of citizenship of permanent residents does not hinder their equal enjoyment of economic, social and cultural rights, including employment, social security, health services and education. The Committee also requests the State party to provide, in its next periodic report, detailed and comprehensive information on the enjoyment of all economic, social and cultural rights, disaggregated by citizen/non-citizen status.

38. The Committee urges the State party to ensure that adequate support is provided to members of linguistic minorities, especially older persons, through, inter alia, increased allocation of resources to subsidize language courses, with a view to enhancing opportunities for those wishing to acquire fluency in Latvian. The Committee also recommends the State party, in line with article 10 of the Council of Europe Framework Convention for the Protection of National Minorities to which Latvia is a party, consider providing translators and interpreters in State and municipal offices, in particular, in regions that have a high concentration of minority language speakers.

39. The Committee urges the State party to adopt a law on gender equality and take effective measures, including affirmative action measures where necessary, to ensure that women enjoy full and equal participation in the labour market and in political life. The Committee requests the State party to provide information in its next periodic report on progress made in the field of gender equality, including detailed information on the implementation of the Programme for the Implementation of Gender Equality (2005-2006).

40. The Committee urges the State party to intensify its efforts to reduce unemployment through specially targeted programmes, including programmes to stimulate rural development, inter alia, through local employment initiatives. The Committee invites the State party to provide, in its next periodic report, disaggregated and comparative data, on an annual basis, also showing regional differences, on the results of these efforts.

41. The Committee recommends that the State party continue its efforts to promote the integration of persons with disabilities into the labour market, by, inter alia, allocating employment quotas for persons with disabilities. The Committee requests the State party to provide, in its next periodic report, disaggregated and comparative data on the impact of these measures.

42. The Committee urges the State party to take effective measures to prevent occupational accidents, by, inter alia, allocating sufficient resources to strengthen the labour inspectorate and ensuring that employers who fail to observe safety regulations are duly sanctioned. The Committee recommends that the State party consider ratifying the ILO Prevention of Major Industrial Accidents Convention, 1993 (No. 174).

43. The Committee recommends that the State party adopt legislation specifically addressing and criminalizing sexual harassment in the workplace.

44. The Committee invites the State party to monitor regularly the minimum wage and adjust it to the cost of living, to ensure that the minimum wage enables workers and their families to enjoy an adequate standard of living, in accordance with article 7 (a) (ii) of the Covenant.

45. The Committee calls upon the State party to ensure that targeted social assistance dependent on family income is guaranteed to all disadvantaged and marginalized individuals and their families, and that such assistance does not fall below subsistence level. The Committee recommends the State party to review, and adjust when necessary, the current coverage and length of unemployment benefit provision, particularly in relation to the consumer price index and the average length of unemployment, and to include in its next report detailed information on the extent to which unemployment benefit and social security assistance guarantee a decent standard of living for unemployed workers and their families. The Committee further recommends that the State party consider ratifying the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).

46. The Committee recommends that the State party consider adopting specific legislation on domestic violence and criminalizing acts of domestic violence. The Committee requests the State party to provide in its next periodic report the legislative and policy measures adopted by the State party to address domestic violence, including facilities and remedies provided for victims. The Committee also recommends the State party to undertake information campaigns in order to increase public awareness and to provide training to law enforcement officials and judges on the serious and criminal nature of domestic violence.

47. The Committee calls on the State party to strengthen its measures to combat trafficking in persons, through allocation of sufficient resources and by vigorously pursuing enforcement of criminal laws in this regard. The State party is also encouraged to undertake training programmes for law enforcement officials and the judiciary to ensure that they are sensitized to the rights and needs of victims, to provide better protection and appropriate care for them, and to ensure that these persons can claim redress before courts of law.

48. The Committee recommends that the State party undertake urgent and effective measures to address problems faced by children living and/or working on the street, and to

protect them against all forms of exploitation. The Committee requests the State party to provide detailed information as well as up-to-date and comparative statistics on this issue in its next periodic report.

49. The Committee urges the State party to ensure the full integration of economic, social and cultural rights in its social development and poverty reduction strategies. In this regard, the Committee refers the State party to the statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10) which the Committee adopted on 4 May 2001. The Committee encourages the State party to develop indicators and benchmarks on an annual basis, disaggregated by gender, age, urban/rural population and ethnic background for the purpose of specifically assessing the needs of disadvantaged and marginalized individuals and groups, and requests that this information be included in the next periodic report. The Committee urges the State party to take all remedial measures to address the regional disparities that affect the equal enjoyment of economic, social and cultural rights.

50. The Committee urges the State party to ensure that adequate compensation or alternative housing is provided whenever forced evictions take place, in line with the guidelines set out by the Committee in general comment No. 7 (1997) on the right to adequate housing (art. 11 (1) of the Covenant): forced evictions, and to include updated statistical data on an annual basis on the number of forced evictions, arrangements for alternative housing and the extent of homelessness in its next periodic report.

51. The Committee urges the State party to undertake the necessary measures to improve its health services by, inter alia, increasing the budgetary allocation to the health sector and extending basic health services to rural areas. The Committee invites the State party to include, in its next periodic report, information and comparative statistical data on poverty-related diseases, with particular attention to rural areas.

52. The Committee calls upon the State party to adopt effective measures, including public awareness campaigns, to reduce tobacco use and alcohol consumption.

53. The Committee recommends that the State party undertake a study of suicide, in order to analyse the root causes, and invites the State party to develop, on the basis of the study, a coherent strategy to address the problem and report back to the Committee on the progress achieved in its next periodic report.

54. The Committee urges the State party to allocate increased resources and undertake effective measures for treatment of, and care for, persons with mental illnesses, with a view to moving away from institutionalization in favour of community-based care.

55. The Committee urges the State party to allocate the required resources to improve the quality of education offered in schools at all levels, in line with the Committee's general comment No. 13 (1999) on the right to education. The Committee recommends that the State party review the quality of education offered in State schools, and ensure access to education in all parts of the country. The Committee invites the State party to provide detailed and

updated information and comparative statistical data on the quality of education in its next periodic report.

56. The Committee urges the State party to continue to take effective measures to increase school attendance by Roma children, including, inter alia, through allocation of scholarships and the recruitment of additional school personnel from among the Roma community. The Committee requests the State party to provide, in its next periodic report, information on the results of the National Programme on Roma in Latvia (2007-2009), including measures taken in the field of education.

57. The Committee invites the State party to provide information on the measures taken, and the progress achieved, in making schools safe for all children.

58. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, particularly among government officials and judicial authorities, and to inform the Committee on all steps taken to implement them in its next periodic report.

59. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

60. The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

61. The Committee encourages the State party to consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

62. The Committee invites the State party to update its core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, recently approved by the international human rights treaty bodies.

63. The Committee requests the State party to submit its combined second, third and fourth periodic reports by 30 June 2009.
