



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Latvia*

I. Introduction

1. The Committee considered the initial report of Latvia (CRPD/C/LVA/1) at its 344th and 345th meetings (see CRPD/C/SR.344 and 345), held on 21 and 22 August 2017, respectively. It adopted the present concluding observations at its 354th meeting, held on 28 August 2017.
2. The Committee welcomes the initial report of Latvia, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/LVA/Q/1/Add.1) to the list of issues prepared by the Committee.
3. The Committee appreciates the fruitful dialogue held with the State party's delegation during consideration of the report and commends the State party for the strength of its delegation, which included the Secretary of State, the Minister for Welfare, and other representatives of the authorities responsible for the implementation of the Convention.

II. Positive aspects

4. The Committee welcomes the efforts of the State Party to ensure implementation of the rights of persons with disabilities enshrined in the Convention. The Committee commends the State party for the adoption of:
 - (a) An action plan on implementation of the Convention (2015-2017);
 - (b) The Construction Law, on 9 July 2013, to ensure accessibility to the physical environment and the promotion of universal design principles, which have made some historical and resort areas accessible for persons with disabilities;
 - (c) Article 3 (3) of the State Language Law, ensuring the use of Latvian sign language;
 - (d) The framework document for the development of social services (2014-2020) and the action plan for the implementation of deinstitutionalization (2015-2020).
5. The Committee welcomes the pilot projects to implement decision-making mechanisms that respect the autonomy, will and preferences of the individuals concerned.

* Adopted by the Committee at its eighteen session (14-31 August 2017).



III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1-4)

6. The Committee is concerned that:

(a) There is a deficient-oriented approach to disability assessment, which is based on the medical model and which focuses on incapacity to work;

(b) Children with an intellectual or hearing disability whose impairment is not deemed severe enough by the Medical Disability Commission may not be entitled to receive official disability status and the consequent financial and other State support;

(c) The National Council on Disability Affairs lacks decision-making authority to implement policies on the rights of persons with disabilities and fails to ensure the meaningful participation of its representative organizations;

(d) The concepts of reasonable accommodation and universal design are not explicitly or comprehensively defined in legislation, mainstreamed into municipal regulations or enforced through monitoring mechanisms;

(e) The representative organizations of persons with disabilities are insufficiently funded to support the implementation of the rights of persons with disabilities.

7. **The Committee recommends that the State party:**

(a) **Ensure that disability determination is based on a human rights model of disability, includes an assessment of the needs, will and preferences of the individuals concerned, with particular attention being paid to children with an intellectual and hearing disability, and focuses on the elimination of barriers and the promotion of the full and effective participation of persons with disabilities in society;**

(b) **Enhance the decision-making capacity of the National Council on Disability Affairs to design, coordinate and evaluate disability-related policies across all sectors and levels of the public administration at the national and local levels, through meaningful cooperation with representative organizations of persons with disabilities;**

(c) **Assess the effectiveness of the action plan on the implementation of the Convention (2015-2017) after its expiration and establish a new action plan with clear benchmarks and indicators, in close consultation with representative organizations of persons with disabilities;**

(d) **Mainstream the full concepts of reasonable accommodation and universal design in all relevant national and municipal legislation, policies and regulations, and ensure their effective implementation through monitoring;**

(e) **Provide adequate funding for activities, projects and programmes that are designed and implemented by representative organizations of persons with disabilities for the enhancement of their rights.**

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

8. The Committee is concerned that the Law on Disability is narrow in its scope and purpose, lacks an explicit prohibition of discrimination on the basis of all types of disability, and does not recognize the denial of reasonable accommodation as disability-based discrimination. The Committee regrets the absence of effective complaint mechanisms for disability-based discrimination and the lack of disaggregated data collected on cases of disability-based discrimination and their resolution.

9. **The Committee recommends that the State party:**

(a) **Review its legislation to incorporate a definition of discrimination that explicitly addresses all forms of discrimination on the basis of disability, including intellectual and psychosocial disability, across all sectors and areas of life and that recognizes the denial of reasonable accommodation, and multiple and intersectional forms of discrimination;**

(b) **Establish an effective mechanism to monitor all aspects of compliance with anti-discrimination legislation, including by providing accessible methods for persons with disabilities to seek legal remedies and by ensuring sanctions for the perpetrators of discrimination;**

(c) **Reinforce the provision of training developed in consultation with, and that involve the participation of, disabled persons' organizations on the non-discrimination of persons with disabilities and the duties concerning the provision of reasonable accommodation to public and private actors, in particular members of the legal profession and the judiciary, law enforcement officers, civil servants, employers, the State Labour Inspectorate, educational and health professionals, and persons with disabilities themselves;**

(d) **Collect and analyse disaggregated data on cases of disability-based discrimination and publish information on their resolution, including details on the sanctions for perpetrators and remedies for victims;**

(e) **Take into account article 5 of the Convention, while implementing targets 10.2 and 10.3 of the Sustainable Development Goals.**

Women with disabilities (art. 6)

10. The Committee is concerned about the:

(a) Low level of participation of women with disabilities in political and public life and their invisibility in laws, programmes and policies related to the advancement of women;

(b) Lack of data and research on women and girls with disabilities, including insufficient recognition of the multiple and intersectional discrimination faced by women and girls with disabilities in the State party.

11. **The Committee recommends that the State party, with reference to its general comment No. 3 (2016) on women and girls with disabilities and in view of targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals:**

(a) **Mainstream the issues of women and girls with disabilities in the anti-discriminatory legal provisions and policies related to women and girls, including those aimed at combating gender-based violence;**

(b) **Promote the representation and participation of women with disabilities in political and public life;**

(c) **Collect data systematically on women and girls with disabilities and establish indicators that can be used to assess the impact of the measures taken to counter discrimination against them with regard to their social participation and inclusion;**

(d) **Ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence adopted by the Council of Europe.**

Children with disabilities (art. 7)

12. The Committee is concerned about:

(a) The continued institutionalization of children with disabilities in long-term care owing to the limited provision of family and community-based services for children of all ages and impairments, as well as for their families;

- (b) The lack of access to mainstream, inclusive, quality education;
- (c) The allegedly high rate of domestic violence perpetrated against children with disabilities;
- (d) The charity and “cure” approach to children with disabilities that is perpetuated through television fundraising campaigns.

13. The Committee recommends that the State party:

- (a) Reinforce support services for children with disabilities and their families in local communities, foster deinstitutionalization, prevent any new institutionalization and promote social inclusion and access to mainstream, inclusive, quality education;**
- (b) Investigate allegations of domestic violence against children with disabilities and ensure that the perpetrators are prosecuted under criminal law;**
- (c) Prevent and sanction any public campaigns that promote a charity and “cure” approach to children with disabilities.**

Awareness-raising (art. 8)

14. The Committee is concerned about the negative prejudices towards persons with disabilities in society, especially with regard to persons with intellectual and psychosocial disabilities.

15. The Committee recommends that the State party, in close collaboration with representative organizations of persons with disabilities and with the participation and promotion of persons with intellectual and/or psychosocial disabilities, adopt a comprehensive public awareness-raising campaign about the Convention, with the aim of building a culture of diversity based on the participation and involvement in community life of all persons with disabilities, including those with intellectual and psychosocial disabilities.

Accessibility (art. 9)

16. The Committee is concerned about the absence of a comprehensive national legal, policy and strategic framework accompanied by the necessary monitoring mechanisms in the State party to ensure compliance with accessibility standards based on universal design that guarantee persons with disabilities access, on an equal basis with others, to all facilities and services open or provided to the public throughout the State party, including access to information, means of communication and transport.

17. The Committee recommends that the State party:

- (a) Adopt, in close consultation with representative organizations of persons with disabilities, a comprehensive national accessibility action plan with time frames, indicators, and monitoring and evaluation benchmarks to effectively implement universal design standards in accessing the physical environment, transportation, information and means of communication, while imposing sanctions for noncompliance;**
- (b) Pay attention to the Committee’s general comment No. 2 (2014) on accessibility and to the link between article 9 of the Convention, and Goal 9 and targets 11.2 and 11.7 of the Sustainable Development Goals.**

Situations of risk and humanitarian emergencies (art. 11)

18. The Committee is concerned about the lack of specific plans, prepared in accordance with the Sendai Framework for Disaster Risk Reduction 2015-2030, on prevention, protection and assistance for persons with disabilities in situations of risk and humanitarian emergencies.

19. The Committee recommends that the State party adopt a disaster risk reduction and management plan that ensures accessibility and the inclusion of all

persons with disabilities, providing for a single point of contact in situations of emergency and disasters, in accordance with the Sendai Framework for Disaster Risk Reduction 2015-2030.

Equal recognition before the law (art. 12)

20. The Committee notes with concern that the amendments to the civil law in 2013 concerning legal capacity preserve discriminatory provisions, including temporary guardianship and partial legal capacity. It also notes with concern that, in practice, courts generally apply substituted decision-making due to a lack of understanding of legal alternatives to the restriction of legal capacity.

21. Recalling article 12 (2) of the Convention, which states that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, and its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party repeal the legal provisions in civil law concerning substituted decision-making and restore the full legal capacity of all persons with disabilities through a supported decision-making regime that respects the autonomy, will and preferences of the person.

Access to justice (art. 13)

22. The Committee is concerned about the:

- (a) Non-systematic provision of accommodation in judicial proceedings for persons with intellectual and/or psychosocial disabilities, including the absence of guaranteed legal assistance in all judicial proceedings;
- (b) Reported prejudices within the judiciary, including advocates, against persons with intellectual and/or psychosocial disabilities;
- (c) Lack of legal protection for persons with disabilities in residential institutions.

23. The Committee recommends that the State party:

- (a) **Ensure the provision of judicial procedural accommodation, including by means of the Easy Read format, professional sign language interpretation and the use of Braille easy-read format, for all persons with disabilities and establish related safeguards to enable the participation of persons with disabilities in all legal proceedings on an equal basis with others;**
- (b) **Strengthen training on the Convention for the judiciary, lawyers and law enforcement officers;**
- (c) **Ensure access to free legal aid for persons with disabilities living in residential institutions;**
- (d) **Be guided by article 13 of the Convention in the implementation of target 16.3 of the Sustainable Development Goals.**

Liberty and security of the person (art. 14)

24. The Committee is concerned that:

- (a) The Law on Social Services and Social Assistance allows persons with intellectual and/or psychosocial disabilities to be institutionalized in psychiatric facilities when the necessary psychiatric services are not available in the community;
- (b) The legal review of cases of involuntary placement in institutions is ineffective;
- (c) Persons residing in institutions may face undue restrictions in relation to their free movement outside such institutions;
- (d) Persons with intellectual and/or psychosocial disabilities who are deprived of their liberty may face restrictions on accessing their personal medical files and medication.

25. **The Committee, in accordance with its guidelines on article 14 of the Convention regarding the right to liberty and security of persons with disabilities (2015), recommends that the State party:**

(a) **Repeal all relevant legislation in order to prevent the institutionalization of persons with intellectual and/or psychosocial disabilities and to increase the availability of community-based mental health services;**

(b) **Repeal the provisions that allow persons with disabilities to be involuntarily committed to mental health institutions and, until as such time that these provisions have been amended, ensure that they have access to a court of law to challenge any such action;**

(c) **Ensure the free movement of persons residing in institutions;**

(d) **Ensure access for persons with intellectual and/or psychosocial disabilities who are deprived of their liberty to their personal medical files and medication.**

Freedom from torture or cruel, inhuman or degrading treatment of punishment (art. 15)

26. The Committee is concerned that involuntary treatment is legally permitted by the Medical Treatment Law and Regulation No. 453 of the Cabinet of Ministers.

27. **The Committee recommends that the State party repeal legislative provisions that allow forced treatment and ensure that decisions relating to a person's physical or mental integrity can only be taken with the prior, free and informed consent of the person concerned.**

Freedom from exploitation, violence and abuse (art. 16)

28. The Committee is concerned by:

(a) The high number of deaths occurring in residential institutions of adults with intellectual and/or psychosocial disabilities and the lack of, first, information regarding any investigations that have been conducted to establish the cause of death and, second, prosecutions for criminal acts;

(b) Allegations of violence and abuse, including sexual violence, of persons with disabilities living in institutions;

(c) The excessive use of neuroleptic medication, poor living conditions, including insufficient nutrition, and limited meaningful activities in institutions.

29. **The Committee recommends that the State party:**

(a) **Promptly investigate all cases of death occurring in residential institutions for persons with intellectual and/or psychosocial disabilities, including allegations of violence and abuse, ensuring that the perpetrators of criminal acts are prosecuted and sanctioned;**

(b) **Provide regular and mandatory training to staff working in institutions on the prevention of violence against, and abuse of, persons with disabilities;**

(c) **Ensure independent human rights-based monitoring of all residential institutions in close collaboration with representative organizations of persons with disabilities in accordance with article 16 (3) of the Convention.**

Living independently and being included in the community (art. 19)

30. The Committee is concerned about the:

(a) Slow process of deinstitutionalizing persons with disabilities and allegations that residents are being transferred between institutions under the guise of deinstitutionalization;

(b) Absence of a strategy to ensure the continuity of deinstitutionalization after the termination of support from European structural funds;

(c) Lack of commitment shown by municipalities to the deinstitutionalization process as a result, in part, of the limited knowledge of independent living;

(d) Excessive administration and limited provision of personal assistance for persons with disabilities.

31. **The Committee urges the State party to:**

(a) **Expedite the complete deinstitutionalization of all persons with disabilities within a set time frame in order to close all remaining institutions, both those run by the State and the municipalities, ensuring that residents are not subject to transinstitutionalization;**

(b) **Reinforce the engagement of municipalities in implementing the deinstitutionalization strategy, including through raising awareness about independent community-based living for persons with disabilities and ensuring sustainable provision of services to promote independent living following termination of European structural funds;**

(c) **Ensure the provision of quality personal assistance that takes into account the individual needs of persons with disabilities and ensures their social inclusion and participation.**

Personal mobility (art. 20)

32. The Committee is concerned about the lack of availability and support for the timely acquisition of quality mobility aids, devices and adaptations in accordance with the individual needs of persons with disabilities, particularly for women and children with disabilities.

33. **The Committee recommends that the State party facilitate access to quality mobility aids, assistive equipment, devices and technologies for all persons with disabilities, including women and children with disabilities, in accordance with the needs of the individuals concerned.**

Freedom of expression and opinion, and access to information (art. 21)

34. The Committee is concerned about the absence of a comprehensive legal framework to ensure that both public and private entities providing services to the general public and mass media providing information, including through the Internet, do so in accessible forms and formats for all persons with disabilities, including Easy Read formats on websites, subtitling and sign language interpretation on television.

35. **The Committee recommends that the State party adopt a comprehensive legal framework to ensure that all information and communications provided to the general public are available to all persons with disabilities, including access to the Internet, Easy Read texts, subtitling, Braille and sign language interpretation.**

Respect for privacy (art. 22)

36. The Committee is concerned about:

(a) The lack of safeguards in place to protect the privacy of persons with psychosocial and/or intellectual disabilities who are listed on the register of patients suffering from certain diseases and the consequent adverse impact of being so listed when accessing particular services or applying for jobs;

(b) The allegedly ineffective means of recourse to contest third-party access to the personal data of persons with intellectual and/or psychosocial disabilities that is collected by hospitals without the authorization of the individuals concerned;

(c) The practice of public officials demanding medical certificates as proof of disability and their consequent disregard of State-issued disability certificates.

37. **The Committee recommends that the State party:**

(a) **Reinforce the protection of privacy, including personal data, in, among other places, psychiatric hospitals and institutions;**

(b) **Improve public officials' awareness of a human rights-based approach to disability and sanction the reported practice of demanding medical certificates to prove disability.**

Respect for home and the family (art. 23)

38. The Committee is concerned about:

(a) Persons with disabilities living in institutions who are married and are forced to live separately either in the same institution or in a different one if either of the spouses is transferred;

(b) The disability of a parent being used by courts as justification to discontinue or remove custody rights;

(c) The lack of support services for parents with intellectual disabilities, including appropriate services for mothers, depriving them of their parental rights.

39. **The Committee recommends that the State party ensure the right to marriage, family and parenthood for all persons with disabilities, including persons with intellectual disabilities, providing them with inclusive support services and an adequate standard of living.**

Education (art. 24)

40. The Committee is concerned that the majority of children with disabilities attend special schools or are encouraged to be schooled at home as a permanent solution to the lack of reasonable accommodation and accessibility, including physical accessibility, in the majority of mainstream schools and higher education and lifelong learning institutions.

41. **Recalling its general comment No. 4 (2016) on the right to inclusive education and Sustainable Development Goal 4, especially targets 4.5 and 4 (a) thereof, the Committee urges the State party to ensure that no child is refused admission to mainstream schools on the basis of disability, and that it further allocate the resources necessary to guarantee reasonable accommodation to facilitate the accessibility of all students with disabilities to quality, inclusive education, including in preschool, tertiary and lifelong learning institutions.**

Health (art. 25)

42. The Committee is concerned about the critical unavailability, inadequacy and inaccessibility of general health services for all persons with disabilities throughout the country

43. **The Committee recommends that the State party ensure the availability, adequacy and accessibility of general health-care services and facilities for all persons with disabilities throughout the country.**

Habilitation and rehabilitation (art. 26)

44. The Committee is concerned about the long waiting times to receive rehabilitation services for persons with disabilities throughout the country, especially for those with severe impairments.

45. **The Committee recommends that the State party improve the accessibility and timely delivery of rehabilitation services throughout the country for all persons with disabilities.**

Work and employment (art. 27)

46. The Committee is concerned about the:

(a) Lack of progress in improving employment for persons with disabilities in the open labour market, particularly for those with intellectual disabilities;

(b) Continuity of the subsidized employment measures after termination of support from European structural funds.

47. **The Committee recommends that the State party:**

(a) **Ensure support for the employment of all persons with disabilities in the open labour market in inclusive employment settings on an equal basis with others;**

(b) **Pay attention to the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goals.**

Adequate standard of living and social protection (art. 28)

48. The Committee is concerned about the low level of social benefits and pensions guaranteed to persons with disabilities and the lack of disaggregated data collected on persons with disabilities living in situations of poverty.

49. **The Committee recommends that the State party:**

(a) **Ensure an adequate standard of living for persons with disabilities and their families, by guaranteeing, inter alia, that social protection and poverty reduction programmes take into account the additional costs related to disability;**

(b) **Pay attention to the links between article 28 of the Convention and target 1.3 of the Sustainable Development Goals.**

Participation in political and public life (art. 29)

50. The Committee is concerned about the lack of accessibility to electoral processes, facilities and materials for persons with intellectual or physical disabilities, as well as for blind or deaf persons.

51. **The Committee recommends that the State party guarantee the right to vote independently by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to use for all persons with disabilities.**

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

52. The Committee is concerned about the lack of disaggregated data collected on persons with disabilities, its dissemination in the State party and the lack of involvement of representative organizations of persons with disabilities in this process.

53. **In view of target 17.18 of the Sustainable Development Goals, the Committee recommends that the State party develop systematic data collection and reporting procedures, through the disability information system of the State Medical Commission and representative organizations of persons with disabilities, that are in accordance with the Convention, taking into account the Washington Group Short Set of Questions on Disability, and that it collect, analyse and disseminate disaggregated data on its population with disabilities, including data disaggregated by sex, age, ethnicity, type of impairment, socioeconomic status, employment status and place of residence, as well as data on the barriers that persons with disabilities face in society.**

National implementation and monitoring (art. 33)

54. The Committee notes with concern the limited capacity of the mechanisms to coordinate and monitor the implementation of the Convention, namely the Ministry of Welfare and Office of the Ombudsman, respectively, including the lack of systemized participation of representative organizations of persons with disabilities in these mechanisms.

55. The Committee recommends that the State party considerably strengthen the role and capacities of both the Ministry of Welfare and the Office of the Ombudsman as the focal points designated, respectively, as coordinating and monitoring mechanisms for the implementation of the Convention, while ensuring the provision of adequate funding and the full participation of representative organizations of persons with disabilities in the coordination and monitoring processes.

IV. Follow-up

Dissemination of information

56. The Committee requests that the State party provide information, within 12 months of the adoption of the present concluding observations and in accordance with article 35 (2) of the Convention, on the measures taken to implement the Committee's recommendations as contained in paragraphs 31 (living independently and being included in the community) and 41 (education).

57. The Committee also requests that the State party implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities, organizations of persons with disabilities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

58. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

59. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

60. The Committee requests the State party to submit its combined second and third periodic reports by 1 April 2020 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.
