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Summary record of the 15th meeting*

Held via videoconference on Wednesday, 24 February 2021, at 4 p.m. Central European Time

Chair: Ms. Crăciunean-Tatu (Vice-Chair)

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Ms. Crăciunean-Tatu (Vice-Chair) took the Chair.

The meeting was called to order at 4 p.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of Latvia (continued) (E/C.12/LVA/2; E/C.12/LVA/Q/2 and E/C.12/LVA/RQ/2)

1. *At the invitation of the Chair, the delegation of Latvia joined the meeting.*
2. **Ms. Medīna** (Latvia), replying to questions raised by Committee members at the previous meeting with the State party delegation, said that, in 2020, the Ombudsperson's Office had reviewed and responded to 1,617 individual complaints on various matters and had completed 46 in-depth thematic inspections of public institutions, following which it had issued recommendations to the institutions concerned. The budgetary funds earmarked for the Office's activities had risen from €1.5 million in 2020 to €1.8 million in 2021. Over the previous five years, 36 cases involving hate crimes had been referred to the courts, with 10 of them resulting in convictions.
3. With regard to corruption among high-level State officials, 24 such persons, including judicial officials, legislators and local government officials, had been convicted of corruption offences between 2016 and 2021. The penalties imposed had included monetary fines and custodial sentences.
4. In 2020, the Legal Aid Administration had received 1,046 requests for legal aid, of which it had approved 900, including 816 submitted in respect of indigent parties, 55 in respect of asylum seekers, 6 in respect of other foreign nationals, 4 in respect of whistle-blowers and 1 in respect of a person who faced deportation. A total of 109 requests had been submitted in respect of victims of violence.
5. The level of proficiency in Latvian required of employees depended on their occupation: those involving a high level of interaction with clients or the provision of public services had stricter language requirements. The required proficiency level for each occupation type was determined by government regulations.
6. **Ms. Zvidriņa** (Latvia) said that the Labour Law provided in its article 7 that everyone in Latvia had an equal right to fair, safe and healthy working conditions, free from direct or indirect discrimination, and its article 29 prohibited differential treatment in employment relationships. Employees who considered that their rights had been violated could submit complaints to the State Labour Inspectorate or to the courts. Between June 2019 and June 2020, the Ombudsperson's Office had received 17 complaints with regard to violations of the prohibition of differential treatment, including 4 on the grounds of health or disability status, 1 related to religion, 4 to other circumstances and 8 to violations of the principle of equal rights; further investigations had been initiated in three cases. In 2019, the State Labour Inspectorate had examined 69 cases involving discrimination in the workplace and uncovered nine violations. It had also carried out more than 100 consultations on workplace discrimination and had imposed administrative sanctions in some cases. In 2020, the Ombudsperson's Office had conducted a survey on discrimination in employment, which showed that job applicants were becoming increasingly likely to disclose their health or disability status and that public awareness of discrimination had grown considerably. Almost half of the respondents had indicated that they would contact the State Labour Inspectorate if they experienced discrimination and almost 60 per cent had indicated that age was the primary factor of discrimination in employment relations.
7. A number of amendments had been made to the Labour Law since 2008, primarily with a view to the transposition of European Union *acquis* into national law. One amendment allowed employers to terminate the employment contract of any employee who had been unable to perform work because of illness for a period exceeding six months. During the crisis related to the coronavirus disease (COVID-19) pandemic, the notice period for informing the State Employment Agency of collective redundancies had been reduced.

8. Trade union coverage in 2018 was approximately 12 per cent. That figure had been falling steadily, despite significant public investment in the capacity of social partners. Collective bargaining coverage currently stood at around 14 per cent and was on the increase. Article 4 of the new Trade Union Law provided that everyone had the right to freely establish a trade union, without discrimination, and the freedom to join or not to join a trade union. In a number of cases, the courts had acknowledged that discrimination on the grounds of trade union membership was a violation of the prohibition of differential treatment and that persons subjected such discrimination should be paid compensation.

9. With regard to occupational health and safety, the number of major and fatal workplace accidents had been decreasing in recent years, although the total number of reported occupational accidents was increasing, as employees became more familiar with their rights. Many awareness-raising activities had been carried out with regard to occupational and work-related diseases. The State Labour Inspectorate carried out preventive and investigative activities with regard to workplace safety and occasionally imposed sanctions in that regard. The Inspectorate carried out four thematic inspections every year involving approximately 600 companies. In 2019, it had carried out an inspection in the construction sector with an emphasis on mental health risks. As part of capacity-building efforts, the Inspectorate's staff had recently been given a pay rise and had been provided with training in information technology. There were currently no plans to ratify the International Labour Organization (ILO) Prevention of Major Industrial Accidents Convention, 1993 (No. 174), because the European Union acquis prescribed sufficiently high standards. The Government was nonetheless open to a discussion with social partners in that regard.

10. In Latvia, women earned approximately 15 per cent less than men on average. Career guidance was an important tool for reducing the pay gap, which was largely the result of occupational segregation. Various initiatives had been conducted to encourage women to seek careers in the information and communication technology sector. Measures had also been taken to encourage fathers to play a more active role in the family and society, including the organization of a 2020 "barbershop" conference on gender equality.

11. With regard to regional disparities in employment, 80 per cent of vacancies were currently to be found in Riga. The unemployment rate, which stood at 7.7 per cent nationally, was 5.7 per cent in Riga as at the beginning of January 2021 but was as high as 15 per cent in one of the eastern regions. The Government had implemented regional stability support programmes in regions with less economic activity, with a particular focus on long-term unemployment and vulnerable persons such as low-skilled workers and persons with disabilities. In that connection, 39 per cent of persons of working age with disabilities and 27 per cent of all persons with disabilities were in employment. In 2019, the Government had carried out a large-scale impact assessment of its active labour market policies, which included training programmes, hiring incentives and other activities for which approximately €30 million were allocated each year. The assessment had revealed that the policies had had a positive impact on vulnerable groups and the Government now planned, on the basis of the results of the assessment, to begin differentiating wage subsidies for persons with disabilities on the basis of degree of disability.

12. The State Employment Agency was one of the main providers of Latvian language courses. In 2019, almost 3,000 persons had participated in its courses. Courses for refugees were offered without Russian as an intermediate language.

13. Decisions on the national minimum wage were taken by the National Tripartite Cooperation Council, which included representatives of social partners. National poverty levels, productivity and other factors were taken into account in the calculation of the national minimum wage, which had recently been increased from €430 to €500. Social partners were free to determine sectoral minimum wages that were higher than the national minimum wage. For example, in 2020, the minimum monthly wage in the construction sector was set at €780. Unemployment benefits were linked to social insurance and were currently paid for a maximum period of eight months, over the course of which the amount paid gradually decreased. An additional unemployment assistance benefit of €180, which could be awarded for up to four months, had been introduced in February 2019. The Government was considering extending the unemployment assistance period and loosening eligibility criteria for unemployment benefits in the context of the COVID-19 pandemic. Currently, the national

average monthly wage was €1,000 and the average monthly unemployment benefit amounted to €341; the average duration of receipt of both unemployment benefits and unemployment assistance was four months.

14. **Ms. Celmiņa** (Latvia) said that poverty rates were calculated according to level of income: persons who earned less than €109 per month were entitled to a guaranteed minimum income benefit; those earning under €272 per month fell into the category of “needy persons” and were entitled to additional municipal and housing benefits; and persons who earned under €436 per month fell into the “low income” category and were entitled to benefits and housing support from their local municipal government. Social services were provided by State agencies or delegated service providers. While certain criteria had to be met to gain access to social services, recipients did not face excessive bureaucratic obstacles.

15. Improving access to social housing was a top priority for the Government. Steps taken to address the lack of affordable housing included the development of an affordable housing strategy and an increase in support for the construction and renovation of social and municipal housing and affordable rental housing. There were plans to reform the housing benefits system in order to ensure that the same criteria were used to calculate housing benefits in all municipalities.

16. **Mr. Hennebel** (Country Task Force) said that he would appreciate further information on the consequences of the recent amendments to the Labour Law on the job security of employees who had been members of a trade union for less than six months or who had been on long-term sick leave, on the conditions applicable to the termination of employment contracts by employers and on the protection of employment rights. It would be useful to have more detailed information on the impact of measures taken to address regional employment disparities, as well as statistics on unemployment rates and the impact of the COVID-19 pandemic on the labour market. With regard to discrimination in the workplace, he wondered whether any measures had been taken to address age-based discrimination and discrimination against Roma workers. He would be grateful if the delegation could comment on whether the concept of a decent living standard was taken into account in the calculation of the national minimum wage and whether the minimum wage was sufficient to assure that standard.

17. He would also appreciate further information on the specific measures taken by the State party to address the gender pay gap. He wished to know whether trade union leaders were required to be proficient in the Latvian language. Lastly, he would be grateful if the delegation could provide a response to his question posed during the previous meeting on the measures taken to establish guarantees of non-repetition of the violation of article 14 of the European Convention on Human Rights, read in conjunction with article 1 of Protocol No. 1 to the Convention, found by the European Court of Human Rights in its judgment of 18 February 2009 in the case of *Andrejeva v. Latvia*.

18. **Ms. Shin** (Country Task Force) said that she wished to find out what the sex-disaggregated employment rates were for men and women with disabilities and whether the Government had considered instituting a quota system to increase employment among persons with disabilities. She would also be interested to hear whether the amount of the new minimum wage differed from that of the living wage that had been calculated by the trade unions.

19. **Mr. Abdel-Moneim**, commending the State party on its “Growth and Employment” programme, said that, if it were to strive for the Covenant target of full employment, the State party could achieve ever higher levels of employment.

20. **Mr. Abashidze** said that he would welcome responses to questions posed at the previous meeting regarding the occupational gender segregation affecting women from ethnic minority groups and the discrimination-related concerns raised by other treaty bodies and regional human rights mechanisms; he wished to know, in particular, what the positions of the Constitutional Court and the Ombudsperson’s Office were on the enactment of comprehensive anti-discrimination legislation. He would appreciate receiving detailed data on the number of cases involving discrimination and the rights of minorities – for example, in employment matters – that had been brought at the Ombudsperson’s own initiative.

21. **Ms. Zvīdriņa** (Latvia) said that the laws governing trade unions placed no requirement in respect of language proficiency on trade union leaders. The amendments to the Labour Law relating to termination of employment reflected an agreement that had resulted from lengthy discussions between trade unions and employers' organizations. An employer could now provide written notice to terminate an employment contract if the employee had failed to perform his or her duties due to temporary incapacity for an uninterrupted six-month period or for one year within a three-year period, excluding periods of parental leave or incapacity resulting from a workplace accident or occupational disease. The amendments had not yet been seen to have any adverse effects on labour market participants.

22. The Government's active labour market policies had undergone extensive impact evaluations, including one conducted by the Organization for Economic Cooperation and Development in 2019 using very large datasets. The evaluations had shown that the policies had had a considerable, positive, impact on the employment and wages of participants, particularly those who were members of vulnerable groups, including members of the Roma community and persons with disabilities.

23. The adequacy of the minimum wage was determined by comparing it to the average and median wages; the current figure of €500 represented 60 per cent of what the median wage had been two years previously. Factors such as the impact on unemployment and poverty also had to be considered. Government measures taken in response to the gender pay gap had had a positive impact, although further action was needed and the European Commission initiative on pay transparency could affect the Government's response.

24. The Government was running several active ageing projects to respond to age discrimination in employment. The labour shortage was also helping to mitigate that problem. The issue of quotas had been discussed extensively with non-governmental organizations and employers' organizations but, owing to the small size of many Latvian companies and the inconclusive results in other countries, no decision had been taken on the issue. For the time being, the main tool employed by the Government was wage subsidies.

25. **Ms. Celmiņa** (Latvia) said that the three components of the social security system – social insurance, State social benefits and municipal social assistance benefits – had all been affected by the changes in the minimum income level. In January 2021, the base amount for calculating State social security benefits and the minimum pension for older adults and persons with disabilities, especially persons who had had a disability since childhood, had been increased significantly. The base amount for pensions was higher than the guaranteed minimum income because pension amounts must reflect the social contributions and taxes paid by the recipients during their employment. Individuals who had made no or insufficient social contributions while employed could request the municipal social services for assistance based on their level of need.

26. With respect to the gender pay gap, a more detailed study of the phenomenon was required since it was affected by factors other than discrimination and there were significant differences between sectors. For example, most women worked in sectors with low average wages; however, the gender pay gap was largest in the industries where women's wages were the highest, finance and insurance. The gap was under 2 per cent in the public sector and, in construction, women earned more than men.

27. **Ms. Medina** (Latvia) said that the Ombudsperson's Office had received 49 complaints related to discrimination in 2020, including on grounds of ethnicity or race in 5 cases, age in 4 cases, language in 2 cases, religious affiliation in 2 cases, sexual orientation in 1 case, disability in 7 cases, political affiliation in 2 cases and other grounds in 8 cases. The authorities had followed up on 80 per cent of the resulting recommendations by taking the appropriate corrective action.

28. **Ms. Līce** (Latvia) said that the case of *Andrejeva v. Latvia* had involved a very specific set of facts relating to a woman who, during the Soviet occupation, had worked in Latvia for a Soviet enterprise based in Moscow. That period of employment had been excluded in the calculation of her old-age pension in Latvia, which the European Court of Human Rights had found to be discriminatory. The Court had noted the importance of bilateral agreements in resolving such issues and Latvia had subsequently concluded a bilateral treaty with the

Russian Federation. The Council of Europe had acknowledged that Latvia had executed the judgment in question and had prevented the occurrence of such violations in the future.

29. In 2020, the Government had approved an action plan on women and peace and security to increase public awareness of gender equality and prevent gender discrimination. The plan provided for the introduction of gender coordinators in the defence and home affairs sectors.

30. **Ms. Zvīdriņa** (Latvia) said that the number of unemployed had increased by 34 per cent between March and July 2020, during the COVID-19 pandemic. However, although the number of registered job vacancies had decreased, 4,000 people were finding new jobs each month and people were moving between sectors. Furlough schemes for people temporarily out of work, which also covered the self-employed, had been effective in retaining jobs.

31. **Ms. Shin** said that she wished to know whether any laws prohibited discrimination based on family status. She would welcome information on any cases filed alleging such discrimination, including their outcome and any resulting measures adopted.

32. She would appreciate detailed, updated information on the preventive work being done with street children and wished to know whether their numbers had decreased in recent years. In light of reports that institutionalized children with mental health disorders were subjected to human rights violations and sexual violence and that children in State-run orphanages were vulnerable to sex trafficking, she wished to know whether any measures had been taken to prevent such abuses.

33. She welcomed the increase in the number of fathers taking parental leave and was curious to find out how many men had taken such leave over the previous five years, what percentage they constituted of all people taking such leave, whether the State party conducted regular time-use surveys on men's and women's daily activities and how the delegation would assess the "Family-Friendly Municipality" programme mentioned in the replies to the list of issues.

34. With respect to the recent criminalization of domestic violence, she wished to know how many of the cases prosecuted for slight intentional bodily injury in 2019 had ultimately resulted in conviction and punishment. She was interested in learning whether the public understood that domestic violence in intimate relationships or between spouses was now a criminal offence and, in light of the reported increase in cases of domestic violence during the COVID-19 pandemic, whether any measures had been taken in response and whether specific legislation on domestic violence was being considered.

35. Noting the rise from €64 to €109 in the guaranteed minimum income, she wished to know whether that amount was sufficient to support an adequate standard of living and if it would be adjusted every year. As there had been reports that between 23.3 per cent and a third of the population had been at risk of poverty in 2017, she wished to learn about the Government's poverty reduction and prevention measures.

36. She would welcome information on the situation of homeless people and any measures being taken to reduce homelessness. As wait times for affordable housing could range from 5 to 25 years, depending on the municipality, she would like details of the Government's new affordable housing strategy, including how long it would take to meet the needs of all people requiring affordable housing. Reports indicated that the bill on residential tenancy would weaken the protections that tenants had traditionally enjoyed and could lead to evictions. What measures were planned to mitigate such negative effects?

37. She would like to know whether Latvia had a universal health insurance system and, if not, what proportion of people were covered by health insurance. In the light of reports of disproportionately long waiting lists for State-funded health-care services, she wished to hear what percentage of patients were obliged to pay for services. She would also like to know whether the ongoing health system reform would address the acute shortage of health-care personnel and the fact that health-care funding as a percentage of GDP remained among the lowest in Europe.

38. The Committee on the Rights of the Child, in its concluding observations of 2016 ([CRC/C/LVA/CO/3-5](#)), had expressed concern at the high rates of teenage pregnancy and

limited access to free contraception for adolescents; moreover, it had been reported that “morality amendments” to the Education Law had restricted teachers’ possibilities to talk with their students about health issues. In that context, she wished to know whether the morality provisions still existed and whether teachers were prohibited from giving information on sexual and reproductive health. To what extent did schools provide age-appropriate education and information on sexual and reproductive health? She would also like information on the teenage pregnancy rate over the previous five years and the measures taken to address the issue.

39. **Ms. Zvīdriņa** (Latvia) said that the law did not allow employers to ask potential employees about their family status and health, but the Ombudsperson’s Office had reported that 30 per cent of employers still did so; however, that figure had fallen since 2011. The State Labour Inspectorate monitored employment portals to detect discriminatory vacancy announcements and had, in some cases, imposed administrative sanctions on employers that discriminated against employees on the grounds of family status.

40. Labour market policy measures, including wage subsidies, played a significant role in supporting persons of working age who faced situations of poverty. The Government had taken steps to support young people who were not in education, training or employment. Measures to reduce school dropout rates, which took the form of individual support for children, had proved highly effective.

41. **Ms. Medina** (Latvia) said that several information campaigns had been organized in Latvia to increase awareness that domestic and intimate partner violence was a criminal offence. In 2020, the public-service radio network had launched a fundraising campaign for victims of domestic violence, which had been accompanied by awareness-raising activities. Furthermore, the parliament had set up a working group, composed of legislators and representatives of ministries and non-governmental organizations, to develop and implement a plan to tackle domestic violence. It was expected that funding would soon be agreed and the plan, which consisted of 40 legislative and practical measures, would be adopted in the coming months.

42. A proposed amendment to the Civil Procedure Law would, if adopted, grant the courts greater latitude in dealing with perpetrators of domestic violence, including the power to order them to attend courses aimed at changing their behaviour. The State-funded courses would involve additional training for family mediators and judges working on domestic violence cases. The Government had already agreed to extend police powers to intervene in cases of domestic violence and to help victims bring their claims before the courts. In addition, the Ministry of Welfare was implementing the Barnahus model, whereby professionals from various disciplines, including law enforcement, worked together under one roof to assess the situation of child victims of abuse.

43. The Government had been considering and would shortly take a decision on the establishment of an agency to provide early intervention services for young children with health or behavioural issues. It had approved a plan developed by Ministry of Welfare to strengthen the institutional oversight of various State and municipal agencies responsible for the protection of children’s rights.

44. **Ms. Celmiņa** (Latvia) said that the Government planned to roll out a social housing programme, with funding from the European Union, in the next two years. The programme would target municipalities with a shortage of social housing and would benefit the lowest income groups, including homeless persons. Homelessness was a problem that mainly affected the larger cities, which had developed municipal programmes to provide housing, health and other social services for persons in need. The Government was also taking steps to develop a programme to encourage developers to build affordable rental housing for families with slightly higher but still limited incomes.

45. The amount of the new guaranteed minimum income was equivalent to 20 per cent of the median income; however, that did not include a number of other benefits provided by the social security system, such as housing benefit and support for access to food, health care, education and legal assistance. Municipalities also provided various benefits to meet the health and education needs of persons with functional impairments. In general, households were able to provide for their basic needs.

46. One case of sexual violence against a child in a long-term care institution had been recorded in 2019. The State Inspectorate for the Protection of Children's Rights conducted thorough monitoring and regular inspections of institutions in order to prevent, detect and put an end to such cases. The authorities avoided placing children and adults in the same institution and ensured that children lived separately from adults with functional impairments.

47. The vast majority of fathers took paternity leave after the birth of their child. New parents could also take parental leave after their maternity or paternity leave had ended. While families could divide parental leave as they saw fit, in most cases it was taken by women; in 2020, men had accounted for fewer than 4,000 of the 21,000 beneficiaries. The Government no longer conducted time-use surveys on the daily activities of men and women, considering that they were too expensive; instead, it monitored the trends that were reported in international surveys and studies. The "Family-Friendly Municipality" programme had been well received by local authorities and the public. Under the programme, the municipalities identified as having the most diverse and affordable services for families with children received a financial reward, which they typically used to develop children's facilities or to hold events for children.

48. **Ms. Ravenberg** (Country Task Force) said that she was concerned at reports that some municipalities were not upholding the right of children to obtain free preschool education, as they did not cover the full cost of private preschool for children who resided within the municipality but were not given places in the municipal kindergarten. She would appreciate clarification of whether, in such cases, the State or the municipality covered the full cost or only the local government's average cost per student, meaning that parents were obliged to make up the difference.

49. The amendments to the Education Law providing for secondary education to be taught only in Latvian suggested that the State party had abolished its successful bilingual education system and no longer guaranteed the right of all citizens to receive education in their mother tongue. She therefore wished to know whether Latvia, in pursuing education reform, had taken its international obligations into account. Had the Government held consultations with civil society organizations representing the interests of national minorities, and if so, what had been the outcome? Noting that some educational content had been broadcast on television during the pandemic, she asked why the only minority language content provided had been lessons in the languages themselves. Given that a significant percentage of the Latvian population spoke a minority language as their mother tongue and that children strongly benefited from receiving education in their native language, she asked whether the State party had considered repealing the amendments to the Education Law that had reduced the scope of minority language teaching and which conflicted with the right of everyone to receive education.

50. The Committee was also concerned that the Education Law granted minors who were third-country nationals or stateless persons without a legitimate basis for residence in Latvia the right to only basic education. It would therefore be grateful for information on measures taken to ensure that unaccompanied minors enjoyed equal access to free preschool preparation and secondary and vocational education, like other children.

51. The Committee welcomed the ongoing process of deinstitutionalization and the development of community-based services to facilitate the social inclusion of persons with disabilities. However, it had received reports that mainstream schools were failing to create an inclusive environment for all children with disabilities and that some mainstream schools refused to accept children with disabilities. It would therefore appreciate further details on measures taken, including legislative or regulatory amendments, to ensure the full access of persons with disabilities to inclusive education and lifelong learning. Information on the scope of the deinstitutionalization process would also be welcome. It would be interesting to know whether efforts such as awareness-raising campaigns and training for officials, teachers and other stakeholders were being undertaken to reduce stigmatization of and discrimination against children with disabilities and their families in mainstream schools. What resources had been invested in such efforts and in the development of community-based services, had an evaluation been carried out and did schools receive systematic support for their efforts to ensure inclusive education?

52. Lastly, she would appreciate further details on the accessibility of cultural sites for persons with disabilities, including information on measures taken to meet the specific needs of persons with physical, intellectual, visual and hearing impairments.

The meeting rose at 6 p.m.