



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Sixty-ninth session

### Summary record of the 13th meeting\*

Held via videoconference on Tuesday, 23 February 2021, at 4 p.m. Central European Time

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

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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*

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\* No summary record was issued for the 12th meeting.

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*In the absence of Mr. Zerbini Ribeiro Leão, 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 (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. **Mr. Peļšs** (Latvia), introducing the second periodic report of Latvia (E/C.12/LVA/2), said that, since the submission of the report in 2019, the Constitutional Court had delivered several judgments pertaining to economic, social and cultural rights, including the rights to social security, to family life, to education and to an adequate standard of living. The judgments had created the momentum for the Government to embark on reforms in many areas with a view to strengthening rights and increasing social equality. In one judgment, the Court had found that the Labour Law provision granting paternity leave to the father did not sufficiently protect the right to family life in the case of same-sex couples and had concluded that the same rights must be given to the mother's same-sex partner, where appropriate. The Court had ordered parliament to establish a comprehensive domestic legal framework allowing same-sex couples to enjoy their right to family life, as enshrined in article 10 of the Covenant.
3. In judgments concerning the right to social security, the Court had ruled that the Law on State Social Insurance failed to ensure the right to social insurance for employees with certain categories of disabilities; that the State social benefits paid to unemployed persons with disabilities and older persons were insufficient; that the system for determining the amount of old-age pensions failed to ensure the right to social security in old age; and that the level of the guaranteed minimum income did not sufficiently ensure the right to social security.
4. In 2020, the Court had delivered two judgments on the use of the Latvian language in education. In the first, it had ruled that the requirement for privately owned higher education institutions to provide education only in Latvian was contrary to the academic freedom of those institutions. The Court had emphasized that less restrictive measures were available to achieve the goal of strengthening the use of the State language at the highest level of education. In the second, it had concluded that the requirements on the use of Latvian in kindergartens had not disproportionately affected the right to education or the rights of persons belonging to minorities.
5. The Government had made progress in several areas since its previous report. It had achieved some success in promoting the naturalization of non-citizens: the fall, of about 10,000 persons each year, in the size of that group could be attributed to the availability of free Latvian language courses and "encouragement activities" for non-citizens wishing to take the naturalization exams. The naturalization procedure had been simplified and the Law on the Discontinuation of Non-Citizen Status for Children, enacted in 2019, provided that children born to non-citizen parents after 1 January 2020 would be automatically recognized as Latvian citizens. Non-citizens were not stateless persons and had the same rights as Latvian citizens, except for the rights to vote, to enter the civil service or to hold positions linked to national security. Latvia had created all the preconditions to allow persons with non-citizen status to acquire citizenship and its legislation in that area was regarded as among the most liberal in Europe.
6. Since 1996, the Government had been implementing an education reform at all levels of education, to ensure that young adults could enter the labour market with equal opportunities and an equal command of the Latvian language. One aspect of the reform was the transition to Latvian as the primary language of public education, to tackle the negative consequences of the Russification that had taken place during the Soviet occupation.

7. In 2020, the fight against the coronavirus disease (COVID-19) pandemic had highlighted the importance of disease prevention, demonstrating that preventive measures not only helped reduce morbidity, but also protected the health-care system. Experience had shown the importance of educating the whole of society and each individual about their responsibility to prevent the spread of disease. The Government was committed to providing universal access to health care and, accordingly, had steadily increased the health budget from €947.1 million in 2017 to €1.44 billion in 2021. It had also introduced plans to increase the remuneration of medical practitioners, over a period of seven years, to a level three times the Latvian average wage.

8. The Government had issued guidelines on the accessibility of public buildings and public spaces and a resolution on the accessibility of cultural heritage. It considered that cultural heritage contributed to the quality of life and equal opportunities of everyone.

9. The national human rights institution – the Ombudsperson’s Office – played an influential role. It had instituted the proceedings in several of the aforementioned Constitutional Court cases related to social security and had thus been a driving force for change in that field. The Ombudsperson’s functions included examining individual applications in different areas of human rights, providing legal assistance to individuals, conducting independent research and preparing reports, including on economic, social and cultural rights. The Ombudsperson’s Office had a staff of 51 employees and its budget had risen from about €1.5 million in 2018 to almost €1.8 million in 2021.

10. **Mr. Caunhye** (Country Rapporteur) said that he would be interested to know whether the State party had consulted civil society organizations and, if so, which ones, in the preparation of the report and the replies to the list of issues ([E/C.12/LVA/RQ/2](#)). He would be grateful if the State party could indicate the steps it had taken to ratify the Optional Protocol and describe its legislative and policy measures aimed at ensuring the application of the Covenant in its domestic legal order. It would be useful to know what measures the State party had taken to strengthen the independence of the Ombudsperson’s Office, for example, by providing in law for the functional immunity of the Ombudsperson in order to protect him or her from dismissal for political reasons.

11. Noting that Latvia had committed itself to achieving climate neutrality by 2050 and to reducing its greenhouse gas emissions by at least 40 per cent by 2030, he wondered what practical steps it had taken to achieve its emission reduction targets under the Paris Agreement. He would appreciate statistical data on the progress achieved in meeting those targets.

12. Furthermore, the Committee would welcome detailed information on the legal aid provided to migrants, asylum seekers, stateless persons, non-citizens and ethnic minorities to enable them to exercise their economic, social and cultural rights and on any steps taken to amend the Civil Procedure Law to ensure that vulnerable groups were not subjected to prohibitive interpretation costs.

13. To determine whether the State party was using the maximum available resources to ensure the realization of Covenant rights, the Committee would appreciate additional information on the proportion of public revenue that was generated through taxes; the percentage of total revenue generated from the personal income taxes collected from the wealthiest decile of the population; public expenditure as a percentage of gross domestic product (GDP) and the proportion of the State budget allocated to social priorities such as food, health, education, housing, water and sanitation, and social security. Information on trends relating to the proportion of the population living below the poverty line and to levels of inequality, defined as the ratio between the total income of the wealthiest decile and the total income of the poorest 40 per cent of the population, would also be welcome. The Committee would be interested to hear about any cases of corruption in which high level officials had been convicted by the courts.

14. The State party might also describe the measures it had taken to protect the enjoyment of economic, social and cultural rights by vulnerable and marginalized individuals and groups from the impact of austerity measures and the COVID-19 pandemic, including details of preventive measures, vaccination programmes and initiatives adopted to address the harsh socioeconomic consequences of the pandemic.

15. Welcoming the recent Constitutional Court judgments, he asked what measures had been taken to ensure that the State party's non-discrimination legislation was comprehensive and in conformity with article 2 (2) of the Covenant; what legislative or administrative measures had been adopted to ensure that ethnic minorities, stateless persons, non-citizens, refugees, asylum-seekers and persons with disabilities enjoyed all economic, social and cultural rights on an equal footing with Latvian citizens; what progress had been made in prohibiting direct or indirect forms of discrimination; and how victims of discrimination, including discrimination on grounds not specified in the State party's anti-discrimination laws, could seek and obtain remedies. He would be interested to hear whether the parliament had introduced legislative amendments to ensure that the Education Law did not unduly restrict access to education in minority languages and that language policies did not impede equal access to employment and socioeconomic rights. While Latvia was to be commended for the enactment of the Law on the Discontinuation of Non-Citizen Status for Children, he was curious to know how that law applied to children born to non-citizen parents before 1 January 2020, for instance, in the form of transitional provisions.

16. The Committee would be grateful for more information about the State party's efforts to adopt a legal framework to regulate gender reassignment, recognize same-sex partnerships and combat discrimination and stigmatization based on sexual orientation and gender identity. Information on convictions for harassment of and discrimination against lesbian, gay, bisexual, transgender and intersex persons would also be welcome. The reporting State might also specify how it was implementing its plans and policies to promote the equal rights of men and women; what were the outcomes of its efforts to mainstream a gender perspective in legislation and policies; and what practical steps it had taken to narrow the gender pay gap.

*The meeting was suspended at 4.35 p.m. and resumed at 4.40 p.m.*

17. **Ms. Līce** (Latvia) said that the State party's draft periodic reports to the human rights treaty bodies were published on the Government's website and social media accounts and all interested non-governmental organizations (NGOs) were invited to provide additional information to the drafters or to submit shadow reports directly to the treaty body concerned. Previously, the Government's practice had been to send draft periodic reports to specific NGOs and to include only information submitted by those organizations in the reports. It had changed its approach, however, in order to gather information from a wider variety of sources.

18. Ratification of the Optional Protocol to the Covenant was still under consideration. In the meantime, various other mechanisms were available to individuals seeking protection of their social and economic rights. The Constitutional Court, for example, played an active role in ensuring that Covenant rights were upheld in Latvia, and the European Court of Human Rights exercised oversight of the Government's efforts to realize the rights established in the European Convention on Human Rights, which included the rights to non-discrimination, to education and to property.

19. The State did not adopt specific legislative or administrative measures to implement the Covenant or other international instruments at the domestic level. Rather, it took a broad, horizontal approach to the protection of human rights based on constitutional protections and the compliance of national legislation with the Constitution; the Constitutional Court referred directly to the Covenant and the Committee's general comments in its judgments and assessed the compatibility of national legislation with the Covenant's provisions.

20. Non-citizen status had been introduced in the early 1990s as a special temporary status for ex-citizens of the former Soviet Union who had emigrated to Latvia before the dissolution of the Soviet Union but were not eligible for Latvian citizenship. The Government had established a clear path for such persons to acquire Latvian citizenship. Non-citizens were permanent citizens *ex lege* who enjoyed a greater degree of protection than stateless persons.

21. **Mr. Pelšs** (Latvia) said that vaccination against COVID-19 would be offered to all inhabitants of Latvia free of charge, regardless of their status, in an order based on an assessment of health risks. A broad information campaign would be conducted to encourage take-up of the vaccine. With regard to national climate targets, much had been achieved in recent years. Latvia already relied heavily on hydroelectric and biomass energy and was well

on its way to meeting its climate goals; the delegation would provide a written reply with detailed information on the steps taken in that regard.

22. **Mr. Gūte** (Latvia) said that the Ombudsperson was a State official and was therefore protected under legislation on the protection of State officials. Any attempt to dismiss the Ombudsperson for political reasons was punishable under that legislation. The State had taken measures to uphold the independence of the Office, which was regulated by law. The Constitution guaranteed all persons in Latvia equal access to justice and therefore to legal aid, where necessary, regardless of their status or background. Asylum seekers were informed of their rights in a language that they could understand and were provided with free legal assistance.

23. **Ms. Medina** (Latvia) said that the 2016 amendment of the Civil Procedure Law had not put an end to the provision of free interpretation services during court proceedings but, rather, had restricted such services to vulnerable and indigent persons who did not understand Latvian. All persons who received legal aid or who were exempt from the payment of court expenses had the right to receive free translation and interpretation during court proceedings.

24. With regard to the legislative measures taken in response to the COVID-19 pandemic, the parliament had adopted a law in early 2020 granting special powers to the Government and providing for special measures during the pandemic to ensure the continuance of court proceedings, the provision of assistance to vulnerable groups and the continued accessibility of public services. It had also adopted a special law that provided for the payment of compensation for loss of earnings caused by COVID-19-related restrictions. The Government regularly assessed the situation and provided additional assistance where necessary. For example, it had recently earmarked a further €500 million in special assistance for persons who had lost earnings as a result of the restrictions.

25. **Ms. Zvīdriņa** (Latvia) said that, since 2016, the State Employment Agency had been implementing a special project to integrate refugees, asylum seekers and persons with alternative status into the labour market. Workshops on the labour market were held for asylum seekers and a special mentoring programme and language courses were provided in workplaces. Employers cooperated actively with the Ministry of Welfare's integration efforts.

26. The gender pay gap in Latvia was average for the region. Nonetheless, a series of measures had been taken to reduce it even further, such as career guidance for school students and awareness-raising activities. The State planned to participate in future European Commission initiatives to ensure increased pay transparency.

27. In response to the rise in unemployment rates as a result of the COVID-19 pandemic and their effect on vulnerable groups, the Government had taken a number of measures to support employee retention, including short-time work schemes, and had enhanced the unemployment benefits system, including through the continued payment of unemployment assistance to persons who no longer received unemployment benefits.

28. **Ms. Celmiņa** (Latvia) said that public expenditure on social protection had been increasing over the previous six years and currently represented almost 15 per cent of GDP. Spending on assistance for persons with disabilities accounted for approximately 1.5 per cent of GDP, spending on health stood at 3.7 per cent of GDP and spending on assistance for older persons represented 7 per cent of GDP. The number of persons exposed to poverty and social exclusion had been decreasing since 2014 and, as at 2019, represented 27.3 per cent of the population. The rate of monetary poverty among the general population was 22.9 per cent, while that rate among children was falling rapidly as a result of public investments such as child benefits and currently sat at 14 per cent.

29. The Ministry of Welfare had taken a number of measures to support vulnerable groups during the COVID-19 pandemic. Special assistance had been introduced for persons on sickness and unemployment benefits and municipal social assistance had been reinforced. The Government had conducted a comprehensive assessment of its minimum income benefits system and introduced major changes to the thresholds in January 2021. The Ministry of Welfare used the same method for calculating minimum income thresholds for both municipal social assistance and State social security benefits, with the lowest currently

set at 20 per cent of the median income. Persons living in poverty received social assistance both in monetary form and in the form of exemption from payment in various areas. There were several income categories used to calculate social assistance entitlements.

30. Various plans and programmes on gender equality had been implemented in recent years. The Ministry of Welfare took a gender-mainstreaming approach and had established the Gender Equality Committee, which was composed of seven representatives of civil society. A new planning document would address major areas where inequality persisted. All budgetary statistics were disaggregated by gender. Various initiatives had been carried out to sensitize the public to gender issues and improve women's access to the labour market.

31. The Government had taken major steps towards ensuring a human-rights-based approach to disability assessment. For example, it was currently working with the World Bank to strengthen its disability assessment system, basing it more on the social model rather than the medical model. It took a mainstreaming approach to disability issues and prohibited discrimination on the ground of disability in access to public services. Persons with disabilities had also received additional support during the COVID-19 pandemic; for example, periodic disability benefit that had been due to expire had been automatically renewed.

32. **Ms. Shin** (Country Task Force) said that, while she appreciated that the Constitutional Court and the European Court of Human Rights played an active role in upholding human rights in Latvia, she would appreciate further clarification of the State party's apparent reluctance to ratify the Optional Protocol to the Covenant. With regard to the participation of civil society in the preparation of periodic reports, she wondered whether the State party had considered both soliciting opinions from a wide range of interested NGOs and targeting certain specialized NGOs for direct meetings and in-depth discussions on particular issues. For example, consultations with organizations of persons with disabilities might help the Government to understand the impact of its disability policies on the persons affected by those policies.

33. **Mr. Abashidze** said that he would like to hear a response to the Committee's request in the list of issues for information on the steps taken to enact comprehensive anti-discrimination legislation. The European Commission against Racism and Intolerance had noted, in a report on Latvia published in March 2019, that certain domestic laws failed to include language and nationality as prohibited grounds of discrimination and the Committee on the Elimination of Discrimination against Women had commented in its concluding observations ([CEDAW/C/LVA/CO/4-7](#)) on the vertical and horizontal gender occupational segregation faced by women from ethnic minority groups, who were also subject to multiple forms of discrimination in access to education, employment and health and other services. He wished to know whether the Constitutional Court had taken a position on those concerns. He would appreciate information on cases where the Ombudsperson's Office had, on its own initiative, assisted minority groups or raised issues regarding discriminatory legislative provisions before parliament or the Government.

34. **Mr. Abdel-Moneim** said that he would like to know whether the Government was considering using tax revenues to adjust income levels in order to achieve greater social equality.

35. **Mr. Amarti** said that he would appreciate more detailed information on the violations of economic, social and cultural rights referred to in the periodic report, the follow-up provided to the resulting complaints received by the Ombudsperson's Office and the action taken by the public authorities to remedy any harm suffered by the complainants.

36. **Ms. Līce** (Latvia) said that the Constitution included a comprehensive prohibition on any form of discrimination. The provisions of the Constitution were self-executing and could be invoked by a court or an individual appearing before a court. The general prohibitions on discrimination contained in the international instruments binding on Latvia had been translated into domestic sectoral laws. The prohibition of discrimination was ensured horizontally in all sectors and individuals claiming to be victims of discrimination could approach the courts of general jurisdiction to seek remedies. As the burden of proof was on the stronger party – for example, the employer in employment cases – to demonstrate that the discrimination had not occurred, the laws protected the weaker party in all discrimination

cases. Ratification of the Optional Protocol was still on the State party's agenda and would continue to be considered.

37. **Ms. Medina** (Latvia) said that NGOs played an active role in all policy and legislative matters, participating in government meetings and parliamentary deliberations, where they promoted the rights of different groups. The Ombudsperson's Office participated in the legislative process, at both government and parliamentary levels, and in committee debates. The Ombudsperson was empowered to ask the Constitutional Court to review legislation, and the Constitutional Court judgments on social matters mentioned previously had resulted from proceedings initiated by the Ombudsperson.

38. **Ms. Zvīdriņa** (Latvia) said that the Ministries of Welfare and Finance were working together to study the impact on equality of the employment tax system, which covered both personal income tax and social security contributions, and to make the system fairer. A recent reform had introduced differentiated rates for income tax and for non-taxable income. The Government had recognized that adjustments to the social security contributions system were needed in order to cover individuals who lacked sufficient social insurance.

39. The Government recognized that it was important to involve NGOs representing persons with disabilities in improving its policies and would organize consultations with them.

40. **Ms. Arkle** (Latvia) said that the Government funded compulsory primary and secondary education in seven national minority languages, regardless of the number of students concerned. The standards were the same for all schools, whether they offered instruction in Latvian or in minority languages. Diversity education, including education on human rights, multiculturalism, tolerance and gender equality, was integrated into various school subjects. The Ministry of Education and Science had established a consultative council on national minority education in 2001, bringing together parents, representatives of NGOs, minority schools and other State institutions and members of the Roma community.

41. **Mr. Barks** (Latvia) said that the issue of citizenship for the children of non-citizens born before 1 January 2020 was addressed under the previous legal framework. A child would be recognized as a citizen of Latvia when his or her birth was registered if one of the parents expressed a wish for the child to have Latvian citizenship. In addition, the Office of Citizenship and Immigration Affairs had sent letters to the parents of non-citizens and stateless persons informing them of naturalization opportunities and inviting them to apply to have their child recognized as a Latvian citizen. Almost 90 per cent of the 2,000 recipients had responded.

42. **Mr. Peļšs** (Latvia) said that, in responding to the coronavirus disease (COVID-19) pandemic, the Government had put special emphasis on trying to help disadvantaged groups. The general approach had been to treat different tax regimes equally and not base the assistance provided exclusively on individuals' previous tax payments, including social tax payments. For example, it had recently been decided that families with children would receive a lump sum payment of €500 per child, regardless of any tax regime considerations. From the outset of the pandemic, COVID-19 tests had been provided free to individuals with symptoms, with no requirement to consult a doctor first. Free face masks were also being provided to members of socially disadvantaged groups and those with lower income levels.

43. **Mr. Hennebel** (Country Task Force) said that he would appreciate more detailed information on the implementation of the amendments to the Labour Law mentioned in paragraph 46 of the State party report and their impact on the job security of employees who were in their first six months of trade union membership or had taken long-term medical leave, including any change to the conditions under which an employer could terminate an employment contract or the protection given to employees' rights. He would like to learn how the significant regional disparities in employment opportunities were being addressed and would welcome data on the state of the labour market, the unemployment rate and the impact on them of the COVID-19 pandemic.

44. He would be interested to find out whether the requirement regarding employment-related language skills under article 6 of the Law on State Language had affected the employment opportunities of members of linguistic minorities. He would appreciate

information on the employment of persons with disabilities and persons over 50 years of age and the results of any measures taken to promote and monitor the employment of those groups, including the role played by social partners and associations. He also wished to learn what was being done to fight workplace discrimination based on factors such as language, disability, nationality, gender and sexual orientation and to prevent discrimination against members of the Roma community in hiring.

45. He would like appreciate information on any measures taken to ensure that the minimum wage was sufficient to provide workers and their families with a decent standard of living, the relevant monitoring and assessment mechanisms and the involvement of social partners in those efforts. He was also interested in learning about any measures taken to reduce the gender pay gap, including their results, and mechanisms used to measure any changes in the gap. He was curious about the high number of workplace accidents and, especially, the fact that workplace deaths were concentrated in the manufacturing, transportation, storage, wholesale and retail sectors. He wished to know whether steps had been taken to raise the awareness of employers and employees about workplace safety and to increase workplace inspections. He would be interested to find out how liability was determined for violations of workplace safety measures and whether the State party was considering ratifying the International Labour Organization Prevention of Major Industrial Accidents Convention, 1993 (No. 174).

46. He would appreciate information on efforts made to counter discrimination based on trade union membership, to fully guarantee the right to form trade unions and to promote trade union activities in the public and private sectors, including in multinational companies. He wished to hear how the Government ensured that everyone, without discrimination, had equal and effective access to all aspects of the social security system, how the system's effectiveness was assessed and what was being done to facilitate and eliminate obstacles, especially bureaucratic ones, to accessing social services.

47. He wished to know what steps had been taken to increase unemployment benefits and to ensure equitable access to social assistance services and social housing and how the criteria for need and poverty were defined and measured. He would like to hear what had been done to increase the minimum amount of retirement pensions, to counter any possible discrimination, including on the basis of gender or disability, affecting pensions and to harmonize the various pension regimes that existed. He was curious to find out how the State party was ensuring the non-repetition of the violations of the Convention for the Protection of Human Rights and Fundamental Freedoms that had been found by the European Court of Human Rights in its 2009 judgment in the case of *Andrejeva v. Latvia*.

*The meeting rose at 5.55 p.m.*