

Latvia, CEDAW, A/59/38 part II (2004)

30. The Committee considered the combined initial, second and third periodic report of Latvia (CEDAW/C/LVA/1-3) at its 659th and 664th meetings, held on 14 and 19 July 2004 (see CEDAW/C/SR.659 and 664).

Introduction by the State party

31. In introducing the combined initial, second and third periodic report of Latvia, the representative noted that Latvia had ratified numerous international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women which entered into force in May 1992. Women's rights were guaranteed through constitutional and legislative provisions. The Government had also taken steps to protect and promote gender equality in public policy and at all levels of administration. Parliamentary, ministerial and multidisciplinary bodies, councils and secretariats had also been established, and various programmes and policies were in place. Adoption by the Cabinet of Ministers of the Programme for the Implementation of Gender Equality (2005-2006) was anticipated in the near future.

32. The representative noted that since 1991, a gradual shift had taken place in traditional perceptions about gender stereotypes and equality. During recent years, women had been increasingly using their constitutional right to vote and to be elected. In the last legislative elections in 2002, the number of women who stood as candidates increased to 28.9 per cent of all candidates. Out of this number, 18 women had been elected to the eighth Saeima which had a total of 100 seats, and subsequently a number of them had been elected to chair commissions of the Saeima. The post of President of Latvia, who was at the same time the Commander-in-Chief of the Armed Forces, was also held by a woman. Women held a number of ministerial posts within the Government, as well as the post of the Commissioner to the European Union (EU), and the posts of ambassadors and diplomats in the diplomatic service. The proportion of women in the State Civil Service was 40 per cent.

33. The Labour Law and Labour Protection Law protected women's equal right to work and safe working conditions and included the right to equal remuneration for work of equal value. The Labour Law also provided for the protection of pregnant women and working mothers and guaranteed paid maternity leave. Individuals had the right to seek remedies in court in cases where they believed that these rights had been violated. In addition, a number of other mechanisms, including the State Labour Inspectorate and the Latvian National Human Rights Office, supervised compliance with the provisions of the law.

34. Yet, in 2002, women had received an average of 81.5 per cent of men's remuneration. The representative suggested that this was due to the concentration of women in certain industries characterized by lower remuneration.

35. The representative also pointed to the growing concern about the gender-related nature of poverty. As retirement benefits were

dependent upon and calculated proportionally to social insurance contributions, women generally received lower pensions. Women, especially those of pre-retirement age, were also at a greater risk of unemployment. Women with small children had greater difficulties finding well-paid jobs.

36. The quality of and access to health care had improved in Latvia, yet the available health-care services were not always satisfactory. The Law on Sexual and Reproductive Health had been adopted in 2002 and a number of national and community-based health-care centres provided specific services related to reproductive health care. A set of lectures for family doctors had been developed to address the prevention of sexually transmitted diseases. The representative stated that the rate of drug addiction and the spread of HIV/AIDS were rapidly increasing in Latvia.

37. The representative noted that Latvian law enforcement institutions had not always paid sufficient attention to the manifestations of physical violence inflicted on women in the family, nor had national laws recognized work- or family-based psychological violence. For a number of years, the Central Criminal Police Board had been actively cooperating with the crisis centre “Skalbes” through organizing educational and informative seminars for State police officers. There had been an increase in the number of female police officers, who had been trained on skills for communications with victims of sexual abuse.

38. Sex tourism and human trafficking had increased in Latvia. In 1992, Latvia had ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the Programme for the Prevention of Human Trafficking (2004-2008) had been adopted by the Cabinet of Ministers. A series of additional measures had been undertaken including victim rehabilitation programmes and collaborative information seminars for potential victims, training for law enforcement personnel and strengthened international cooperation between law enforcement agencies.

39. In concluding, the representative noted that in academic year 2002/03, 61.7 per cent of students enrolled in higher educational institutions had been women. To implement the Programme of Gender Equality, the Ministry of Education and Science planned to develop methodological and teaching materials and to organize continuing education. Steps needed to be taken to eliminate gender stereotyping in textbooks.

Concluding comments of the Committee

Introduction

40. The Committee commends the State party’s accession to the Convention without reservations. It expresses its appreciation to the State party for its combined initial, second and third periodic report, which, although long overdue, complied with the Committee’s guidelines for the preparation of initial reports.

41. The Committee commends the State party on its delegation, made up of representatives of different ministries with responsibility for several areas of the Convention. It expresses appreciation to the State party for the oral presentation, which added new information on implementation of the Convention and placed the report within a historical and political context, and for the extensive written responses and further clarification to the questions orally posed by the Committee.

Positive aspects

42. The Committee commends the State party for including in the Satversme (Constitution), chapter 8 on Fundamental Human Rights (enacted in October 1998), which stipulates that the State shall recognize and protect fundamental human rights under the Constitution, laws and international treaties to which Latvia is bound.

43. The Committee welcomes progress in legislative reform, in particular the Labour Law (1 June 2002) which prohibits direct and indirect discrimination, and regulates job advertisements, job interviews and issues of equal remuneration and liability for gender-based discrimination, and the Law on Sexual and Reproductive Health of the Population (1 July 2002), under which information on family health and welfare and family planning is made available.

44. The Committee notes with appreciation that, since 1999, a woman has held the highest public office, that of President. It also notes with appreciation that women parliamentarians chair the Parliament (Saeima) Commissions on Human Rights and Public Affairs, on the Implementation of the Citizenship Law, and on Social and Labour Affairs.

Principal areas of concern and recommendations

45. The Committee expresses concern that, while the Constitution includes the prohibition of discrimination and the principle of equality, neither the definition of discrimination in article 1 of the Convention nor the principle of the equality of men and women as set forth in article 2 (a) of the Convention has been included in the Constitution or other appropriate legislation.

46. The Committee recommends that a definition of “discrimination against women” in line with that set out in article 1 of the Convention and the principle of equality of men and women in line with article 2 (a) of the Convention be included in the Constitution or other appropriate domestic legislation, including the new anti-discrimination law.

47. Although international human rights treaties are directly applicable, the Committee is concerned that neither women in general, nor the judiciary or law enforcement personnel in particular are sufficiently familiar with the Convention and the opportunities for its application by domestic courts.

48. The Committee calls upon the State party to take additional measures to disseminate information about the Convention and implement programmes for judges and lawyers that include the

application of the Convention at the domestic level. It also recommends that sustained awareness-raising campaigns targeting women and non-governmental organizations working on women's issues be undertaken to encourage and equip women to avail themselves of procedures and remedies for violations of their rights under the Convention.

49. The Committee is concerned that the Department on Social Policy Development at the Ministry of Welfare lacks sufficient power, visibility and human and financial means to effectively coordinate among the different mechanisms related to gender issues, including the Working Party on the Coordination of Gender Equality, the Gender Equality Council and the Parliamentary Subcommittee on Gender Equality. It is also concerned that the apparent weakness of the national machinery for gender equality and the lack of a clear division of responsibilities may have a negative impact on efforts at gender mainstreaming and on the effective implementation of the Convention.

50. The Committee recommends that the State party strengthen its national machinery for gender equality, clearly define the mandates and the responsibilities of the different mechanisms related to gender issues and the interaction among them, and allocate sufficient budgetary resources to them so as to ensure that they can fully and adequately perform all their functions.

51. The Committee is concerned at the lack of a comprehensive gender equality law. The Committee is furthermore concerned that the State party's apparent hesitation in utilizing temporary special measures in accordance with article 4, paragraph 1, of the Convention may indicate a lack of understanding of the purpose of such measures and the reasons for their application.

52. The Committee recommends that the State party adopt a comprehensive gender equality law. It furthermore recommends that the State party clearly distinguish between general social policies adopted to improve the situation of women and girls, such as the Programme for the Implementation of Gender Equality, and temporary special measures taken under article 4, paragraph 1, of the Convention to accelerate the achievement of a concrete goal for women of de facto equality, in line with general recommendation 25, in various areas of their lives.

53. The Committee is concerned about the persistence of patriarchal attitudes and traditional stereotypes regarding the role of men and women in the family and in society at large. It is also concerned that efforts to eradicate negative stereotypes are not comprehensive and ongoing.

54. The Committee recommends that the State party intensify its efforts, inter alia, by strengthening specific programmes directed at both women and men and at the media, to change stereotypic roles and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society.

55. The Committee regrets the lack of sufficient data and information with regard to the prevalence of violence against women, including domestic violence, and the lack of comprehensive legislation on violence against women. It is concerned that this may indicate that violence against women, particularly domestic violence, continues to be considered a private matter between the perpetrator and the victim. The Committee is concerned that marital rape is not a separate offence in the criminal code and that there are no available data on this form of domestic violence.

56. The Committee urges the State party to strengthen its system of data collection disaggregated by sex and information on the nature and scope of violence against women, including within the family, and to include this information in its next periodic report. In the light of its general recommendation 19, the Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished. Women victims of violence should have immediate means of redress and protection, including protection or restraining orders and access to legal aid. The Committee recommends that measures be taken to provide sufficient numbers of shelters for women victims of violence and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and can adequately respond to them. The Committee urges the State party to criminalize marital rape as a separate offence, prosecute offenders and provide data on this form of domestic violence in its next periodic report.

57. While recognizing the legislative and other measures, including the adoption of the National Action Plan to Combat Trafficking in Persons of 2002, that have been taken to address the issue of trafficking in women and girls, including the establishment of a special police unit and the strengthening of international cooperation and the promotion of awareness-raising events, the Committee is concerned at the increase in trafficking in women and girls. It regrets that insufficient information is given as to the actual size of the problem.

58. The Committee recommends the full implementation and funding of a national strategy to combat trafficking in women and girls, which should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends that the State party address the causes of trafficking and introduce measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives and social support, and rehabilitation and reintegration measures for women

and girls who have been victims of trafficking, including special shelters for women victims of trafficking. The Committee further urges the State party to make the issue of trafficking in women and girls a high priority and to include in its next report comprehensive information and data on the issue and on the impact of measures taken.

59. The Committee is concerned about the lack of sufficient information and data on prostitution in Latvia. Moreover, the Committee is concerned about the involvement of under-age girls in prostitution, and the high demand for under-age prostitutes, as well as the reported insufficient rehabilitation and social integration services available to them.

60. The Committee calls on the State party to take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the demand for prostitution. The Committee calls upon the State party to ensure that under-age girl prostitutes are offered the support they need to be rehabilitated and reintegrated into society. The Committee also urges the development of programmes of action and the adoption of all appropriate measures to create educational and employment opportunities for young girls at risk of entering prostitution, and to combat and eradicate the exploitation of these young girls, including the prosecution of, and strong penalties for, those who exploit them.

61. While welcoming the information that there has been a slight increase of women elected to the eighth Saeima (Parliament), the Committee is concerned that women's representation in that body is low. It is also concerned at the low representation of women in decision-making bodies in political and public life in general.

62. The Committee recommends that the State party utilize temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the number of women at decision-making levels in both elected and appointed governmental bodies, and towards that end, to establish clear timetables and targets. It also recommends that the State party conduct, on a regular basis, awareness-raising campaigns regarding the importance of women's participation in political decision-making.

63. The Committee is concerned about the limited efforts of the State party to involve women's non-governmental organizations in the preparation of the report. It is also concerned about a lack of transparency guiding interaction between the State party and non-governmental organizations as service providers, inter alia, with respect to funding of such services.

64. The Committee recommends that the State party engage in a broader consultative process with women's non-governmental organizations, including organizations that represent minority women, when preparing its next periodic report. It also recommends that the State party develop widely accessible regulations on funding of women's non-governmental

organizations as service providers, and apply the regulations with transparency.

65. The Committee is concerned about gender stereotyping in textbooks and other teaching materials. The Committee also regrets that insufficient data disaggregated by sex have been provided with regard to the choices that both sexes make regarding vocational, scientific and technical training and higher education.

66. The Committee recommends that the State party strengthen its efforts to eliminate gender stereotyping and encourage diversification of the educational choices of boys and girls through counselling. The Committee also requests that data disaggregated by sex with regard to educational choices be provided in the next periodic report.

67. The Committee notes with concern that, despite law reform in the field of employment, the position of women in the labour market remains disadvantaged and is characterized by strong occupational segregation, a substantial wage gap, inter alia, between rural and urban areas, higher unemployment than that among men, and hidden gender discrimination in the workplace and in remuneration.

68. The Committee recommends that efforts be made to eliminate occupational segregation and to ensure equal opportunities for women and men in the labour market in rural as well as in urban areas through, inter alia, the use of gender bias-free job evaluation and wage-setting schemes and temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted. The Committee further requests the State party to include data and information on women in decision-making positions in both private and public companies.

69. While noting a steady decrease in the number of abortions, the Committee is concerned that the abortion rate remains high.

70. The Committee recommends that further measures be taken to guarantee effective access of women to health-care information and services, particularly regarding sexual and reproductive health, in order to prevent recourse to abortion and protect women from its negative health effects. It further recommends that programmes and policies be adopted to increase the knowledge of and access to contraceptive methods with the understanding that family planning is the responsibility of both partners.

71. The Committee is concerned at the spread of HIV/AIDS, the increase in the infection rates of women and the absence of a strategic national plan to address the issue of HIV/AIDS and how it affects women.

72. The Committee urges the State party to take comprehensive measures to combat the spread of HIV/AIDS, to take strong preventive measures and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance. The Committee also recommends that sex education, particularly targeting adolescents, be made widely available, with special attention to the prevention and further control of HIV/AIDS.

73. The Committee is concerned about the fact that insufficient information was provided on the situation of minority women, particularly from the Russian-speaking minority, and on that of older women.

74. The Committee calls upon the State party to provide, in its next periodic report, a comprehensive picture of the situation of minority women, including data disaggregated by sex and nationality, in the areas of health, education and employment and citizenship. It also requests comprehensive information on older women's health and economic situation.

75. The Committee urges the State party to sign and ratify or accede to the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment of article 20, paragraph 1, of the Convention on the meeting time of the Committee.

76. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee encourages the State party to ensure the wide participation of all ministries, public bodies and entities in the preparation of the report. It further encourages the State party to involve the Parliament in a discussion of the report before its submission to the Committee.

77. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.

78. The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Latvia to consider ratifying the treaty to which it is not yet a party, i.e. the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

79. The Committee requests the wide dissemination in Latvia of the present concluding comments in order to make the people, in particular government officials and politicians, parliamentarians and women's non-governmental organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women as well as the further steps that are required in this regard. The Committee requests the State party to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".