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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under
articles 16 and 17 of the Covenant**

Addendum

LATVIA* **

[12 August 2005]

* The information submitted by Latvia in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.123).

** This report has not been edited before being submitted for translation.

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Introduction

1. The Initial Report of Latvia on the implementation of the 1966 International Covenant on Economic, Social and Cultural Rights (hereafter - the Covenant), binding upon Latvia since 14 July 1992, is prepared in accordance with Article 16 of the Covenant. This Initial Report presents information concerning the time period until 1 January 2002. The Report is elaborated in accordance with the General Guidelines regarding the form and contents of initial reports adopted by the Committee on Economic, Social and Cultural Rights (hereafter - the Committee) on 1976 and revised in 1990.

2. A special working group was established to draft this Report, representing the Ministry of Foreign Affairs (MFA), the Ministry of Justice (MoJ), the Ministry of Interior (MoI), the Ministry of Defence (MD), the Ministry of Welfare (MW), the Ministry of Economy (ME), the Ministry of Culture (MC) and the Ministry of Education and Science (MES), and chaired by the Representative of the Cabinet of Ministers (CM) before the international human rights organizations pursuant to the "Regulations on Representation of the Cabinet of Ministers at International Human Rights Institutions of 17 March 1998". National Human Rights Office (NHRO), Human Rights Institute of the Faculty of Law of the University of Latvia, the non-governmental organisation of persons with disabilities *Apeirons* and club *Māja* submitted comments on the draft report elaborated by the working group. The updated report was reviewed and adopted by the CM on 16 April 2003.

CHAPTER 1

Article 1 of the Covenant

Right to self-determination

3. The initial report of Latvia on the implementation of the 1966 International Covenant on Civil and Political Rights (CCPR/C/81/Add.1/Rev.1, paragraphs 59-63) provides information on the right to self-determination exercised by Latvia's people in 1920 when *Satversmes Sapulce* (Constitutional Assembly) was elected which in 1922 adopted the *Satversme* (Constitution) still in force.

4. The *Satversme* states that only public referendum may amend its Articles, which touch upon the right to self-determination:

(a) Article 1 of the *Satversme* states that "Latvia is an independent democratic republic";

(b) Article 2 of the *Satversme* states that "The sovereign power of the Latvian State is vested upon the people of Latvia";

(c) Article 3 of the *Satversme* states that "The territory of the Latvian State, within the borders established by international agreements, consists of Vidzeme, Latgale, Kurzeme and Zemgale";

(d) Article 6 of the *Satversme* states that "The *Saeima* (Parliament) shall be elected in general, equal and direct elections, and by secret ballot based on proportional representation".

5. The unambiguous will of the people of Latvia to exercise their right of self-determination was manifested during the elections of the Supreme Council (*Augstākā Padome*) in 1990 when the majority of mandates in the Council were won by those nominees who supported the establishment of democratic and politically independent Latvia. The transition period for the restoration of the international legal capacity of Latvia and its *de facto* independence ended with the enactment of the Constitutional Law "On the Status of the Republic of Latvia as a State" on 21 August 1991.

6. From the point of international law, at present Latvia is not responsible for international obligations of any other territory; likewise Latvia has no colonies. At the same time Latvia has repeatedly expressed its support to the right of self-determination of nations.

Exploitation of natural resources

7. According to the Law On Environment Protection of 6 August 1991 the natural resources in Latvia are defined components of the nature, including land, soil, subterranean depths, flora and fauna, that have economic, social or cultural value. In Latvia natural resources are included in the civil transactions and may be object of the civil law transactions.

8. Article 105 of the *Satversme* stipulates that everyone has the right to own a property, which may not be used contrary to the public interests. Thus, the right to acquire ownership over natural resources has been secured at the constitutional level. The freedom to use property is also secured at the constitutional level - these rights may be subject to restrictions only in circumstances provided for by law; expropriation of property for public purposes is allowed only in exceptional cases on the basis of a separate law and in return for fair compensation. In Latvia restrictions on the individual use of natural resources are established following the principle that natural resources are not merely private property, since they have to be utilised for the benefit of society. For this reason, the State, in the manner prescribed by law, may impose restrictions on the owners of natural resources.

9. The right to land ownership is regulated by several laws depending on the category of land. In accordance with the Law On the Use and Utilization of Land of 21 June 1991 the whole territory of Latvia constitutes the State land fund, which, according to the administrative division, consists of two categories of land - urban land and rural land. Urban land is the land within the administrative borders of cities and towns. The rest of Latvia's territory outside cities and towns is considered to be a rural land.

10. In accordance with the Law On Privatisation of Land in Rural Areas of 9 June 1992 the following persons may become owners of rural land:

- (a) Citizens of Latvia; State and local governments; State and municipal enterprises;
- (b) Enterprises registered in the Latvian Commercial Register, providing that (a) more than one half of their statutory capital belongs to citizens of Latvia, State or municipality; either to one of these persons or to several of them jointly; (b) more than one half of their statutory capital belongs to the natural persons or legal entities from the states with which Latvia has concluded international agreements on promotion and mutual protection of

investments approved by the *Saeima* until 31 December 1996 (this provision applies also to natural persons or legal entities from those States with which international agreements have been concluded after 31 December 1996, if these agreements provide for the right of natural persons or legal entities registered in Latvia to acquire land ownership in the respective State); (c) more than half of their statutory capital belongs to several persons mentioned in (a) and (b) jointly; (d) they are public joint-stock companies whose shares are being quoted at the stock exchange;

(c) Religious organisations registered in Latvia, who have been active in Latvia at least three years since the registration.

11. Other natural persons or legal entities may not become owners of rural land in the borderland areas, land in the dune protected belt of the Baltic Sea and the Riga Gulf and in the protective belt of other public water bodies and water flows, excluding cases when construction works are planned on this land in accordance with the district general plan, as well as the state reserve land, land used for agricultural and forestry purposes in accordance with the district general plan.

12. If a natural person who is not a citizen of Latvia acquires ownership of land as a result of inheritance, she/he within the period of one month has to obtain consent for further ownership of this land from the chairman of the respective municipal council. The respective application has to be accompanied by the court judgement confirming the right of inheritance or the testament with the note on its entry into force. If the municipal council, based on the restrictions for acquiring is not given, the land has to be expropriated within two years.

13. The Law On the Land reform in the Cities of the Republic of Latvia of 20 November 1991 provides that the following persons may become owners of urban land in accordance with the Civil Law and other laws:

(a) Citizens of Latvia;

(b) State and municipal enterprises;

(c) Enterprises registered in the Latvian Commercial Register, providing that (a) more than one half of their statutory capital belongs to citizens of Latvia, State or municipality; either to one of these persons or to several of them jointly; (b) more than one half of their statutory capital belongs to the natural persons or legal entities from the states with which Latvia has concluded international agreements on promotion and mutual protection of investments approved by the *Saeima* until 31 December 1996 (this provision applies also to natural persons or legal entities from those States with which international agreements have been concluded after 31 December 1996, if these agreements provide for the right of natural persons or legal entities registered in Latvia to acquire land ownership in the respective State); (c) more than half of their statutory capital belongs to several persons mentioned in (a) and (b) jointly; (d) they are public joint-stock companies whose shares are being quoted at the stock exchange;

(d) Religious organisations that were registered in Latvia until 21 July 1940.

14. Other natural persons or legal entities may not become owners of rural land in the borderland areas, land in the dune protected belt of the Baltic Sea and the Riga Gulf and in the protective belt of other public water bodies and water flows, excluding cases when construction works are planned on this land in accordance with the district general plan, as well as the state reserve land, land used for agricultural and forestry purposes in accordance with the district general plan.

15. Natural persons who are not citizens of Latvia, but have acquire urban land as a result of inheritance, are subject to the same restrictions as in the case of rural land.

16. Majority of the restrictions on the person's discretion to use the land property are related to specially protected nature territories. According to the provisions of the Law On Specially Protected Territories of 2 March 1993, land in protected territories may be owned by the State, local governments, as well as by natural persons and legal entities. Land owned by the State, or under the jurisdiction of the State in nature reserves and restricted areas, or in zones of nature reserves and restricted areas of other protected territories cannot be privatised or alienated. Land ownership rights in the protected territories may be restored to the former land owners or their heirs and the land can be transferred into the ownership of natural and legal persons only if these persons undertake to observe the protection and utilisation regulations of the protected territories, as well as the nature protection plan.

17. One of the restrictions on the discretion to use the land property in the protected territories is the provision that the State has the right of first refusal to such land and that the landowners are obliged to inform the regional environmental board of their intention to sell the land in the protected territories.

18. The Law On Specially Protected Nature Territories also stipulates that in cases when the protection and utilisation regulations of protected territories are violated, as well as in cases when the nature protection plans are not observed, the State has the right to expropriate land from its owner according to the procedure established by law.

19. According to the Law On the Subterranean Depth of 2 May 1996, the subterranean depth and all natural resources located therein are the property of the owner of the land. The landowner may utilise the subterranean depth insofar as this Law and other legal acts this right.

20. The utilisation of the subterranean depth is based on the principle that, firstly, it is a non-renewable value that has to be used for the landowner's, the State's and the society's benefit simultaneously. Secondly, the value of the subterranean depth is not included in the cadastral value of the real estate and is not subject to the real estate tax. The utilisation of the subterranean depth of the owned land or the land at person's disposal for private purposes is free of charge. The utilisation of the subterranean depth for commercial purposes is allowed if a relevant permit has been obtained as prescribed by the Law. Thirdly, while utilising the subterranean depth, the regulations concerning the use and protection of the specially protected nature territories and objects, protection of cultural monuments, as well as other rules restricting the use of subterranean depths have to be taken into account. Fourthly, in order to ensure a rational use and

protection of the subterranean depth the State and the local governments may, in the cases and according to the procedure prescribed by this Law and other legal acts, restrict, suspend or terminate activities related to the utilisation of the subterranean depth of any natural person or legal entity.

21. The subterranean depth may be utilised by the landowner, by a person who has received the land in permanent use, by a natural or legal persons, including foreign individuals and legal entities, which have concluded agreement with the landowner.

22. The main requirements that have to be observed pursuant to the Law On the Subterranean Depth by those who utilise the subterranean depth in order to preserve it are the following: thorough and complex research of the subterranean depth; rational extraction of the natural mineral resources, as well as exploitation of by-products found in the deposits; usage of subterranean depth, not allowing harmful influence on the deposits of natural mineral resources or on the quantities of the subterranean depth; usage of the subterranean depth, not allowing its pollution by sewage or ecologically harmful substances stored in underground and surface constructions and storages; regulation and control of the usage of the subterranean depth.

23. Pursuant to the Law On Coercive Expropriation of Real Estate for State or Public Needs of 15 September 1992, coercive expropriation of the real estate for the State or public needs shall be permissible only in exceptional cases and on the basis of a specific law. This Law provides for a monetary compensation in case of expropriation of the real estate. The proposal to expropriate the real estate shall be submitted by the Government following the suggestion from the respective State administration or local government institution, if this institution cannot obtain the real estate upon an agreement with the owner. When the respective law is adopted, the institution that had suggested the expropriation shall offer the owner to conclude an agreement on the expropriation of the real estate offering what it considers a fair compensation or equally valuable real estate as an exchange. If the compensation is fixed by the agreement or the value of the expropriated real estate is compensated by exchanging it to another property, a formal agreement to that effect shall be concluded. If an agreement cannot be reached, the case shall be examined by the court on the basis of an application from the respective institution.

24. The right to utilise continental shelf and exclusive economic zone is regulated by the Law On the Continental Shelf and Exclusive Economic Zone of the Republic of Latvia of 2 February 1993, which stipulates that the natural resources of the continental shelf shall be the property of the Republic of Latvia. The exploration and processing of the continental shelf and its natural resources shall be allowed only in case a special permit is received.

25. On the continental shelf and in the exclusive economic zone the natural and legal persons may conduct scientific research of natural resources; develop natural resources; harvest living natural resources; install equipment and devices, create artificial islands and operate them; lay submarine cables and pipelines; work with explosives (on the continental shelf). Legal entities and natural persons may carry out the above works provided that a permit has been obtained and a licence has been issued in accordance with the procedure prescribed by the CM. Harvesting and processing of living natural resources on the continental shelf and the exclusive economic

zone shall be permitted only within the scope of the issued licence. Scientific activity of foreign legal entities and natural persons on the continental shelf and in the exclusive economic zone shall be permitted only in cases where this is required for the exploration of the marine environment for the benefit of peace and humanity.

26. The Latvian laws do not provide for the ownership of air. The national environment quality requirements regarding the quality of air, as well as procedures for evaluation of air pollution and measures to protect the air in order to avoid, prevent and minimise the harmful impact of air pollution to human health and environment, are established by the Regulation of the CM Nr. 219 of 15 June 1995 "*On the Quality of Air*".

27. The Civil Law stipulates that depending on the ownership rights, there are private and public waters.

28. The public waters include littoral zone, as well as lakes and rivers listed in the Civil Law. The rest of the waters are private. The list of public waters shall be amended only by legislative process. If, by including private waters in the list of public waters, or by expropriating parts of real estate, or by placing limitations in existing appliances, damage has been caused to a person, she/he shall be entitled to an adequate compensation from the State. The public waters are at the State's possession as far as private persons do not own them. The littoral zone belongs to the State to the point reached by the highest breakers of the sea. Pursuant to the Civil Law, everybody shall be entitled to the every day's use of the public rivers as long as it does not cause harm to the society and does not interfere with the rights of the landowner.

29. The rights to private waters in Latvia result from the rights to land. Flowing water, however, cannot be owned - ownership of a river means the ownership of a riverbed and the right to utilise a river, including the power of its waters. Not only standing, but also flowing private waters, which are located within the boundaries of one landowner, shall belong to her/him with the right to use them, according to her/his own discretion, but waters which cover or adjoin the parcels of land of several owners shall be in a joint ownership of such owners and each of them shall have the right to use that part of the water which covers or adjoins her/his land. The right of a landowner to install equipment that utilise water power shall be wholly unrestricted only in cases where a river on which such installations are to be installed, begins within the boundaries of such land and losses cannot be caused to neighbours at the upper end by the obstruction or damming of the water.

30. Pursuant to the Civil Law every person shall have fishing rights within the boundaries of her/his property and an owner may restrict the fishing rights of third persons, as far as it is not otherwise prescribed by law. Every Latvian citizen can fish freely in littoral waters in accordance with the procedure provided for in the Fishery Law. In jointly owned waters fishing rights shall belong to every shoreline owner in that part of waters which are closer to her/his land than that of another person. Fishing rights in public rivers shall belong to every shoreline owner along their boundary in that part of the waters which are closer to her/his land than that of another person. The Civil Law also lists lakes and rivers where fishing rights shall belong only to the State.

31. The Civil Law stipulates that a person who owns fishing rights may use a towpath for fishing needs. Pursuant to the Fishery Law of 12 April 1995, coastal landowners shall have the right to use a towpath as far as such rights are not restricted by this Law, other laws and legal acts. The width of a natural towpath is: 1) along the shores of private waters - 4 metres; 2) along the shores of other waters - 10 metres; 3) along the seacoast - 20 metres. The use of a towpath free of charge is provided for: 1) pedestrians; 2) monitoring of fish resources and waters; 3) guarding borders; and 4) performing environmental protection and fire safety measures. A towpath shall not be determined if the private waters in their entirety and the dry land adjacent to them belong to the same owner and fishing rights in such waters do not belong to the State.

32. The catching, utilisation, research, conservation, enhancement and monitoring of fish resources in inland waters, territorial waters and economic zone of Latvia is regulated by the Fishery Law of 12 April 1995. According to this Law the fish resources in the Latvia's inland waters and territorial waters shall be under the State's control. The Fishery Law states that in respect of fishing rights, the waters of Latvia shall be categorised as follows: public waters (listed in the Civil Law), which are owned by the State and the fishing rights regarding which belongs to the State; waters, for which the fishing rights belong to the State (listed in the Civil Law); private waters, where the fishing rights belong to the owner of the waters and are utilised in accordance with legal acts in force.

33. Within the economic zone of Latvia, as well as in international waters and waters of other states in which Latvia has been allotted a catch quota in conformity with the decisions of international fisheries organizations or in accordance with international agreements, the fishing rights in the amount of the quota allotted belong to Latvia. In the territorial waters of Latvia and waters of the Gulf of Riga fishing rights shall belong to legal and natural persons registered in Latvia and such rights shall be exercised in accordance with legal acts in force. Fishing rights in public rivers shall belong to each owner of land on the shore, in that part of the waters along the boundary of the property of the owner closer to their land than the land of another owner, and shall be exercised in accordance with the legal acts in force. Fishing rights in private waters (except in regard to those waters where fishing rights belong only to the State) shall belong to the owners of the waters, and such rights shall be exercised in accordance with the legal acts in force. The above-mentioned commercial fishing rights may be exercised if the catch limit is unrestricted, that part of the limit of fishing gear as relates to commercial fishing is unrestricted, or there are unrestricted commercial fishing locations, in the relevant waters or part of them.

34. The Fishery Law also stipulates that each inhabitant of Latvia shall have the right to engage in amateur fishing - angling - in all waters of Latvia, if amateur fishing - angling - is not prohibited therein, with the exception of lakes which are privately owned or are located within the boundary of the land parcel of a land owner and in which fishing rights do not belong to the State.

35. The Law on Forests of 24 February 2000 provides for a sustainable management of the forests of Latvia, by granting equal rights, immunity of the ownership rights and independence of economic activity, as well as determining equal obligations. The subject matter of this Law is forest and forestland. For the purposes of this Law, a forest shall be an ecosystem in all stages of

its development, dominated by trees, the height of which at the particular location may reach at least seven metres and the present or potential projection of the crown of which shall be at least 20 per cent of the area occupied by the forest stand. The forestland shall be the land covered by forest, land under the forest infrastructure facilities, as well as adjacent overflowing clearings, marshes and glades. The following shall not be regarded as forest: tree-covered areas apart from forests, the size of which does not exceed 0.1 hectare; rows of trees of artificial or natural origin, the width of which is less than 20 metres; orchards, parks, cemeteries and forest tree seed orchards.

36. Pursuant to the Law on Forests natural persons shall have rights to access and freely move within a State or a local government forest, unless provided otherwise by legal acts. Transport shall be used only to drive along forest roads, except in cases when it is permitted to move in the forest also for the purpose of forest management and protection. Access and free movement of natural persons in other forests may be restricted by the owner or the lawful possessor of the forest. Forest non-timber material values - wild berries, fruit, nuts, mushrooms and medicinal plants - may be gathered by persons at their own discretion, unless the forest owner or the lawful possessor has not set restrictions in accordance with the Law on Forests. The same applies to the use of recreational, environment-stabilising and ecological qualities inherent in a forest.

37. Taking into account that as a natural resource the forest serves not only its owner, but also the society as a whole, the State has placed upon the owner of the forest a duty to regenerate a forest within three to ten years (for particular tree species) after the performance of felling (including the year of the felling) or the impact of other factors, if the basal area of the forest stand has become, due to such impact, smaller than the critical basal area, and to ensure maintenance of the regenerated forest stand. The owner of the forest also has a duty to take measures to reduce the possibility of the forest damage and restrict its distribution; to monitor forest situation and to notify the State Forest Service of determined forest damage.

38. Pursuant to the Civil Law wild animals shall become the property of the person who has captured or killed them, as far as the law does not stipulate otherwise. The acquisition of the ownership over a captured or killed wild animal shall not depend on whether it was captured or killed in the land belonging to the persons concerned or to somebody else. The landowner shall have a right to restrict other persons from capturing or hunting animals on her/his land, and in the case of a breach of such prohibition - to demand redress from the trespasser. The Law on Hunting of 1 June 1995 stipulates that wild mammals and birds, whose processed products are being used by the national economy are considered as game. The hunting area, in its turn, shall be an area suitable as a habitat for game and as an area for hunting.

39. The hunting resources in Latvia are administered (registered and protected) by the State. The hunting resources shall be used in such a way as not to cause damage to other sectors of economy, and to ensure protection and preservation of the game species, their gene pool and habitat.

CHAPTER 2

Article 2 of the Covenant

40. In order to evaluate measures taken by Latvia to secure the rights provided by the Covenant objectively, it has to be taken into account that in the time-period between 1940 and 1990 the Latvia's independency existed only *de iure*, while *de facto* the territory of Latvia was controlled by the former USSR. Therefore, Latvia was not in the position to influence the economic processes that took place in its territory which in the circumstances of planned economy were administered from Moscow.

41. During the inter-war period Latvia was an independent state largely integrated into world economics, its national economy was dominated by private property. In 1940 Latvia was occupied by the Soviet Union and centralised planning was introduced. Manufacturing and service enterprises, houses, agricultural land and equipment were nationalised. Big and, from the Soviet perspective, modern industrial complexes were established in Latvia. During this period, every second motorbike, every fifth radio and every eighth washing machine in the Soviet Union was manufactured in Latvia. During the Perestroika period Latvia introduced various economic reforms, which were permitted by the Soviet laws: among all former Soviet republics a Latvian enterprise was the first to receive a licence for foreign currency exchange, the first private banks, farms, manufacturing enterprises were established in Latvia.

42. Upon restoration of Latvia's independence, the unitary planned economy was restructured into market economy, which was based on precisely defined principles - democracy, rule of law, respect for human rights, active international cooperation with a view of joining NATO and EU. The compliance with these principles guarantees stability and security for the Latvian State, thus promoting further development of the State.

43. One of the main processes in the transition to the market economy is privatisation, which should be divided into two periods in Latvia: decentralised period until 1994, and centralised period - when the Privatisation agency was established in 1994.

44. Until 1994 several important enterprises were privatised in Latvia, which were modernised afterwards, they expanded production and now successfully compete in both domestic and foreign markets. A number of food processing enterprises, including the biggest producer of sweets in the Baltic's the factory "*Laima*" attracted private capital. Among the biggest foreign investment projects until 1994 the privatisation of the "*Brocēnu šīfera kombināts*" by the *Reademix Group* from Germany should be mentioned. The private capital attracted by the stevedore companies locate in the port of Ventspils should be also noted.

45. Among the various legal acts that initially regulated privatisation, the Law On the Bank of Latvia of 19 May 1992 should be mentioned; this Law created preconditions for the development of the private financial sector on the basis of the State banks network. The Central Bank of Latvia was restructured by the Privatisation Fund of the Latvian banks established in 1993, which created 8 private joint-stock companies on the basis of 15 divisions of the Bank of Latvia; 11 other divisions were sold in auctions to 4 commercial banks, while 21 divisions were merged into *Unibanka*, which two years later was privatised by the Privatisation Agency.

46. The period until 1994 is traditionally called *small privatisation* because of the large-scale transfer of the small services owned by municipalities into the private ownership. During this period Latvian municipalities sold or leased approximately 3500 small objects - shops, cafes, hairdressing saloons, dry-cleaners and others.

47. The Law, which provided for a unitary model of privatisation, was adopted in 1994. The Privatisation Agency was set up in accordance with the German *Treuhand* model, which guaranteed the highest degree of independence.

48. In 1996 was a turning point of the privatisation process - following the Government's instructions; the Privatisation Agency took over more than 300 enterprises, including big monopolies. In co-operation with the consultants from the German Ministry of Finance four international tenders took place. Simultaneously the Privatisation Agency elaborated a programme of public privatisation based on privatisation certificates. Since 1995 stocks of 85 enterprises have been offered in exchange for certificates in public auctions. Usually about 25% of the shares of the enterprise were obtained for certificates. These enterprises were the first Latvian companies, which were sold in public stock exchange.

49. Because of the programme of public privatisation for privatisation certificates, approximately 111,000 persons, mostly individuals, in Latvia own securities. Thus, around 4% of Latvia's inhabitants are shareholders. Privatisation certificates having total value of 1.791 billion US dollars were discharged through public tenders.

50. An absolute majority of products at the Latvian stock exchange have been given to it by privatisation. 60 out of approximately 65 joint stock companies quoted in 2000 at the Riga Stock Exchange had become open to public through privatisation process.

51. In the spring of 2000, only few big state owned enterprises had remained: *Latvijas pasts* (Latvian Post), *Latvijas dzelzceļš* (Latvian Railway), *Lidosta Rīga* (Riga Airport). Currently, only the first steps in privatisation of the social care and education establishments have been taken.

52. Latvia has attracted a significant amount of foreign investments, thus becoming one of the leading States in the Central and Eastern Europe in the amount of investments per one inhabitant. Simultaneously with the privatisation the investment climate in Latvia has improved. The legislative efforts are still under way in order to avoid decrease in investments in the coming years. The speed of economic development and positive tendencies in Latvia has also been noted by *The Economist Intelligence Unit* in its 2001 report. This report evaluates states from the perspective of implementing advancing policies or worsening its position. The evaluation is based on the following criteria: political risk, economic risk, economic structure and liquidation risk. In total, Latvia is the leader of the 2001 report and also takes the first place regarding the improvement of economic risk. The report recognises that Latvia had the biggest successes in elimination of general risk, economic policy risk and banking sector's risk. GDP growth for more than 6%, a deliberate fiscal policy, national currency being tied to the SDR has been singled out as the basis of Latvia's rapid development.

53. Despite the significant achievements and economic development, the polarisation of society continues in Latvia. The results of the household budget surveys show that average household income per person is increasing, but simultaneously the income of the poorest members of society are decreasing even more.

54. In its comments on the draft report the NHRO recognises that insufficient resources continue to affect negatively the level of enjoyment of social rights in Latvia. The NHRO is of the opinion that because of this reason the existing legal norms are not always fully implemented and that envisaged social guarantees and benefits do not always ensure the fulfilment of basic needs. Thus, for example, out of 969 written complaints received by the NHRO and out of 3,939 oral advises provided in 2001, 100 written complaints and 584 oral advices related to the right to social security, while 163 written complaints and 936 advises concerned the right to housing.

Prohibition of discrimination

55. On 15 October 1998 the *Satversme* was supplemented by a new Chapter “*Fundamental Human Rights*”, thus placing the protection of human rights at the constitutional level. With the entry into force of these amendments to the *Satversme* the Constitutional Law Rights and Obligations of a Citizen and a Person of 10 December 1991 became null and void.

56. Article 89 of *Satversme* prescribes that “the State shall recognise and protect fundamental human freedoms under the present *Satversme*, laws and international treaties binding upon Latvia”. Article 91, in its turn, contains both the principle of the prohibition of discrimination, as well as the principle of equality. The said Article stipulates: “all people in Latvia shall be equal before the law and court. Human rights shall be exercised without any discrimination”.

57. The interpretation of the term of “*racial discrimination*” is provided in the Latvian Criminal Law, which came into effect on April 1, 1999. Article 78 of the Criminal Law (*Violation of national or racial equality, restriction of human rights*) recognizes that any action manifesting itself as “a deliberate direct or indirect restriction of economic, political or social rights of a person or the direct or indirect granting of advantages to a person because of his/her race or nationality” is criminally punishable.

58. The Labour Law of 20 June 2001 defines indirect discrimination. Pursuant to Article 29, Paragraph 4 of this Law, “indirect discrimination may occur when obviously neutral regulations, criteria or practice cause unfavourable impact on a considerably larger part of persons of the same gender, except in cases when such regulations, criteria or practice is applicable and necessary and may be justified by objective circumstances unrelated to gender”. Article 29, Paragraph 5 of the above Law, on its turn, relates the definition of indirect discrimination also to actions performed based on, among other, a person’s race, colour, national origin.

59. The discrimination is prohibited also by other legal acts in force. Article 7 of the Law On the Press and Other Forms of Mass Media provides that “publication of information which is a State secret or another secret especially protected by law, which calls for violence and overthrow of the existing power, promotes war, cruelty, racial, national or religious superiority and intolerance, incites to commit a crime shall be prohibited”.

60. Article 10 of the Law on Meetings, Street Processions and Pickets provides that “during the aforesaid events [meetings, street processions and pickets] it is prohibited to inveigh against the independence of the Republic of Latvia, express proposals regarding the overthrow of Latvia’s State structure by means of violence, to invite the non-compliance with the laws, to advocate violence, ethnic or racial hatred, the ideology of nazism, fascism or communism, to perform war propaganda, as well as to eulogise or invite the commitment of criminal offences and other violations of law.”

61. Latvia has also expressed its attitude towards the unacceptability of expression of ideas based on racial superiority or hatred and inciting racial discrimination in Article 11 of the Law On Citizenship which provides that “Latvian citizenship shall not be granted to persons who have, after 4 May 1990, expressed fascism, chauvinism, national socialism, communism or other totalitarian ideas or have incited to national or racial hatred or discord, if established by court judgement”.

62. According to the above-mentioned Article 78 of the Criminal Law the penalty for acts amounting to discrimination is imprisonment for a period of up to three years or a fine of up to sixty minimum monthly salaries. Furthermore, a sentence of imprisonment for a period of up to ten years may be imposed on persons guilty of the aforesaid acts if linked to violence, fraud or threats, also if such acts were perpetrated by a group of persons or a Government official or a member of the management of an enterprise or organization.

63. Latvia is a State Party to several important international human rights instruments. Already on 4 May 1990 the Supreme Council of the Republic of Latvia declared that Latvia recognises the binding nature 1966 Convention on the Elimination of All Forms of Racial Discrimination; 1960 Convention Against Discrimination in Education; 1979 Convention on Elimination of Discrimination Against Women; 1989 Convention on the Rights of the Child as well as other conventions and declarations.

64. On 27 June 1997 the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols became effective with respect to Latvia (except for Protocol No. 6, which entered into force with respect to Latvia on 1 June 1999, and Protocol No. 7, which entered into force on 1 September 1997). Latvia has also recognised the competence of the European Court of Human Rights to receive and review complaints on alleged violations of human rights in Latvia. On 4 November 2000 Latvia signed the 12th Additional Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms that provides for the prohibition of discrimination as a separate right.

Rights of persons with disabilities

65. Core Law that establishes social guarantees for persons with disabilities is the Law On the Medical and Social Protection of Persons With Disabilities adopted on 29 September 1992. This Law provides for rights of persons with disabilities and obligations of the state and local governments towards the persons with disabilities in Latvia.

66. There is no one single institution in Latvia that would deal with all issues concerning persons with disabilities. Every institution is responsible for these issues within the scope of its competence. In order to promote participation of various institutions in integration of persons with disabilities a concept *Equal Opportunities For All* was drafted in 1998. On 30 June 1998 this concept was adopted by the CM. The aim of the concept is to define basic provisions in order to create equal opportunities for all members of the society to perform the role of an individual depending on age and gender, social and cultural factors. Everyone has to respect the needs and rights of other members of the society. The basic provisions of the concept to large extent correspond to those of the UN Declaration of the Rights of Disabled Persons and UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities. The concept has been elaborated for the period up to 2010, and various State and local institutions and non-governmental organizations are involved in the implementation of this concept. In order to assess the progress of the integration of persons with disabilities following the adoption of the concept, in 2001 the MW conducted a survey on the integration of the persons with disabilities by questioning relevant ministries, municipalities and NGOs.

67. The State guarantees certain services for persons in various situations of life, but the amount of these services is not always sufficient and they are not always timely available. Thus person's quality of life and recovering of capacity to work to large extent depends on the motivation of the person and individually available resources.

68. Despite the fact that the Law On the Medical and Social Protection of Persons with Disabilities prohibits to discriminate the persons with disabilities in respect of employment, as well as that the Labour Law, which directly prohibits discrimination of persons with disabilities in establishing and during the employment relationships, there are cases when employers are not willing to establish employment relations with persons with disabilities.

69. Assistance regarding employment issues to the persons with disabilities, who has acquired the status of unemployed pursuant to the Law On Support for Unemployed Persons and Persons Seeking Employment of 9 May 2002, is provided by the State Employment Agency, which offers these persons possibilities to engage in one of the active employment measures - occupational training, retraining and raising of qualification, measures to increase competitiveness, paid temporary public works and measures for particular groups of persons, for example, to participate in the programme *Subsidised workplaces for persons with disabilities who are unemployed*.

70. However, the experience shows that the involvement ratio of the employers in this programme is low. Among the reasons of such low responsiveness of employers the following could be mentioned - additional expenses incurred in order to adjust the workplaces to the requirements of persons with disabilities, the lack of financial incentives or subsidies, as well as insufficient amount and assortment of technical aid. Sometimes successful integration of persons with disabilities in the open job market is terminated because of the deterioration in the state of health of these persons.

71. The guarantees for equal opportunities include such support for persons with disabilities as to enable them to assume responsibilities equal to other members of the society. Often neither persons with disabilities, nor the society is ready for that. In order to promote integration of persons with disabilities, in 1997 the National Council of Disabilities Affairs was established, where representatives of ministries, the Association of Latvian municipalities and NGOs meet at least once every three months in order to evaluate the problems the persons with disabilities face in the country, to formulate proposals for adoption and implementation of legal acts and for addressing concrete problems of persons with disabilities in economic, political and cultural life. The National Council of Disabilities Affairs ensures distribution of information regarding disability and provides the opportunity to participate with concrete proposals in the formulation of policies regarding the integration of persons with disabilities.

Rights of the elderly

72. The existing legal acts do not provide for a definition of an “elderly person”. Therefore, the possibilities to enjoy the right contained in the Covenant without any discrimination on the basis of age are described in the analysis of the implementation of various Articles of the Covenant.

73. Persons who have reached the retirement age pursuant to the Law On State Pensions of 2 November 1995, as participants of the pension scheme have the right to the old-age pension. The pension system introduced in 1996 is still being arranged according to the initial guidelines. In order to minimise the differentiation of elderly poor persons, the minimum amount of the old-age pension has been increased. As one of the latest measures to improve the pension system the restoration of the right to social security for working pensioners, i.e., the right to receive full pension while working, should be mentioned.

74. Article 1 of the Latvian Labour Code of 14 April 1972 prescribes that “In the Republic of Latvia persons shall be guaranteed equal employment rights regardless of race, colour, sex, age, religious, political or other beliefs, ethnic or social origin and their property status.” Article 15 of the Labour Code states that “Upon employing a person, it shall not be permitted to apply implicit or explicit restrictions on rights, implicit or explicit preferences because of race, colour of skin, sex, age, religion, political or other views, ethnicity, social origin and property status, except the restrictions and privileges set by laws and other legislative acts.”

75. Article 7 of the Latvian Labour Law that entered into force on 1 June 2002 states that everyone’s right to work, to fair, safe and healthy working conditions, as well as to a fair remuneration shall be ensured without any direct or indirect discrimination - irrespective of a person’s race, skin colour, gender, age, disability, religious, political or other opinion, ethnic or social origin, property, marital or other status. Article 29, in its turn, stipulates that when establishing employment relationships, as well as during the employment, in particular, when promoting an employee, determining working conditions, work remuneration or vocational training, as well as when giving notice of termination of an employment contract, the differential treatment based on race, skin colour, age, disability, religious, political or other opinion, national or social origin, property, marital or other status of an employee shall be prohibited.

Article 3 of the Covenant

76. Gender equality at the constitutional level is determined by Article 91 of Chapter 8 *Fundamental Human Rights* in the *Satversme* of Latvia, which prescribes that “all people in Latvia shall be equal before the law and court”, as well as that “human rights shall be exercised without any discrimination”. The above principles prohibiting discrimination and securing equality are applied in the exercise of any rights - civic, political, economic, social, cultural. Besides, the 1979 Convention on Elimination of All Forms of Discrimination Against Women forms part of the legal system of Latvia, as it is binding with respect to Latvia from 14 May 1992.

Historic development of the understanding about gender equality

77. The development of social and cultural conduct of men and women in Latvia has been determined by the national history and culture that have been influenced by the various political regimes that have existed in the territory of Latvia and the dominant cultural forms. Mostly it was influenced by culture of the traditional native population of Latvia, Christian traditions and norms of canon law, traditions of democracy and authoritarian regime during the period of independent statehood between the World War I and the World War II, the culture of the Soviet period and the position of a woman in the society, political and social culture developed after the restoration of independence.

78. The traditional cultural base of the native population in Latvia is a patriarchal peasant family where a woman has the role of mother. In this context a woman enjoys particular respect and receives privileges, however in the social structure of the society a woman holds the position that is characteristic for the model of the patriarchal family.

79. The impact of Christian traditions and norms of canon law on the role of a woman in the society in the territory of Latvia is basically related to the influence of Catholicism (in Latgale) and Lutheranism (in Kurzeme and Vidzeme), which are the most widespread confessions in Latvia. However during the Soviet period this tradition lost most of its influence.

80. Democracy and gender equality during the period when the territory of Latvia was incorporated into the Russian Empire, developed more rapidly, due to the higher educational and living standards of the population. The activity of both genders during the Revolution of 1905 and during the process of the development of a civic society until the World War I may be viewed as the first confirmation of the fact that these ideas had rooted in the society.

81. Upon the foundation of the state in 1918, women and men acquired equal political and civil rights, which were also extensively exercised during the period of democracy as well as during the period of authoritarian regime.

82. During the Soviet period a brutal concept on the equality of men and women was cultivated, which often led to ill-considered equalisation of social functions, disregarding the specific physiological and psychological needs of women. Although this concept was based on the general recognition and implementation of women's rights, it often achieved a reverse effect degrading the woman as a full-fledged member of the society.

83. Since the restoration of independence in 1991 the attitude towards the gender equality in Latvia has been slowly changing. The society has an access to information on the feminist movement and activities of women's organisations, movements, activities of political parties and associations, which are related to the change of stereotypes. On the whole, all mass media gradually and more consistently reveal the change of stereotypes in the attitude of the public opinion to the issue of gender equality. When addressing the issue of gender equality, various models of mutual relationships are offered, this problem is given a more tolerant assessment; increasingly more frequently it is the individual choice of the woman and its significance is emphasised.

Legal acts securing gender equality and their application in practice

84. Legal acts containing norms, discriminating women, are not characteristic for Latvia. On the contrary, a number of laws and other legal acts in force prohibit gender discrimination. The new Labour Law that becomes effective as of 1 June 2002 contains also the definition of indirect discrimination and its prohibition. Under Section 4 of Article 29 of the above Law "indirect discrimination shall exist if obviously neutral provisions, criteria or practice cause unfavourable consequences for a considerably larger part of persons of one gender, except cases when such provisions, criteria or practice is appropriate and necessary and can be justified by objective conditions that are not related to the gender."

85. Likewise Latvia has adopted measures necessary for the prevention of discrimination against women in political and public life, there are no restrictions on active and passive voting rights based on the gender of the person. When choosing the place where to vote during the elections of the *Saeima* or local governments, the woman is not bound by the male members of her family or their place of residence - persons enjoy the right to choose the place of voting on equal basis, irrespective of their gender. The Law On *Saeima* Elections stipulates that at *Saeima* elections a person may vote at any polling station in the country. At local elections the person may vote at her/his discretion in the territory of the local government where the person has registered residence or real estate registered in accordance with the procedure prescribed by law. A person, who has no permanent residence registration on the day of elections, has the right to vote in the administrative territory of the local government where the person had her/his last registered place of residence.

86. According to the data provided by the Central Electoral Commission on the participation of women at *Saeima* and local elections, women are active in exercising their passive voting rights (see the table below).

| | Women | | Men | |
|---|-------------------|-------------------|-------------------|-------------------|
| | Candidates | Elected | Candidates | Elected |
| Local elections of 1997 | 4 843 (41%) | no data | 7 099 (59%) | no data |
| Elections of the 7th <i>Saeima</i> in 1998 | 288 (26.64%) | 17 (17%) | 793 (73.36%) | 83 (83%) |
| Local elections of 2001 | 5 933 (43.75%) | 1 784 (41.15%) | 7 627 (56.25%) | 2 551 (58.85%) |

87. The legislation of Latvia does not restrict the participation of women in the formulation of national policy and to hold public offices, as well as to perform all public functions at all levels of public administration. Since August 1999 the highest office in the country - the President's - is held by a woman who at the same time is also the Commander-in-Chief of the National Armed Forces. It should be noted that, according to the statistics, Mrs Vaira Vīķe-Freiberga has been the most popular politician in the country since her election. Women are represented also at the main body of the executive power in Latvia - the CM. There are no gender-related restrictions on the right to hold an office in the Civil Service.

88. In Latvia the right to work as an unalienable right is guaranteed to women to the same extent as to men. Article 1 of the Labour Code (as in force until 1 June 2002) of Latvia stipulates, "in the Republic of Latvia, natural persons shall be ensured equality in labour relationships irrespective of their race, colour, gender, age, religious, political or other opinion, national or social origin, and welfare". On its turn, the above-mentioned new Labour Law stipulates that every individual shall enjoy equal rights to work, fair, safe working conditions that are not hazardous for health, as well as to a fair remuneration for work. These rights shall be ensured without any direct or indirect discrimination, irrespective of the race, colour, gender, age, religious, political or other affiliation, national or social origin, the material situation or the family status of the person or other circumstances. To ensure these rights it is also prohibited to penalise an employee or in any other way to directly or indirectly incur consequences unfavourable for the person because the employee exercises her/his rights in a permissible manner within the framework of the employment relationships.

89. The Labour Code does not prescribe requirements in respect of the criteria for the selection of employees. The new Labour Law, in its turn, includes the prohibition of gender discrimination when selecting employees. It is stipulated that job advertisements should not be addressed either only to men or women, except cases when belonging to a specific gender is an objective and justified prerequisite for the performance of the respective assignment or the respective occupation.

90. The legislation of Latvia does not prescribe any differences in career promotion for women and men. Career opportunities, which are not gender-restricted, in the private sector are regulated following the principle of prohibiting unequal treatment. The Law On Civil Service, in its turn, establishes the procedure for testing the suitability of applicants for the position of a civil servant as well as identifies requirements, which do not include gender-based discrimination. The rights of a civil servant include application for the recruitment procedure for vacancies of civil servants of the highest qualification, as well as participation in programmes to acquire expertise and skills necessary for the performance of official duties. According to information provided by the National Civil Service Board, as of 31 December 2000 the proportion of men and women in the State Civil Service is 40% and 60% respectively, and this is the largest difference in the proportion of men and women since the implementation of the Civil Service in the country.

91. Table 1 gives a summary of statistics on the employment of women and men not only in the public sector but also in all areas of national economy, trade, manufacturing and services.

**Average number of employed persons according to their
occupation (in thousands) (from 1995 to 2001)¹**

| | Men | | | | | | | Women | | | | | | |
|--|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
| Employed in all occupations | 534.3 | 494.0 | 508.3 | 511.8 | 502.9 | 479.7 | 486.4 | 511.3 | 454.7 | 482.0 | 474.3 | 465.6 | 461.4 | 475.7 |
| Agriculture, hunting and wood-processing | 118.7 | 98.0 | 117.9 | 106.1 | 89.7 | 77.5 | 87.7 | 69.5 | 60.7 | 90.1 | 77.2 | 66.8 | 56.4 | 55.1 |
| Agriculture and hunting | 105.9 | 80.0 | 99.6 | 88.7 | 72.5 | 61.2 | 67.5 | 67.8 | 58.6 | 87.7 | 75.2 | 64.7 | 53.3 | 52.3 |
| Wood-processing | 12.8 | 18.0 | 18.3 | 17.4 | 17.2 | 16.3 | 20.2 | 1.7 | 2.1 | 2.4 | 2.1 | 2.0 | 3.1 | 2.7 |
| Fishing | 4.5 | 3.6 | 4.0 | 3.5 | 3.7 | 1.3 | 1.9 | 0.7 | 1.4 | 1.2 | 1.1 | 0.7 | 0.8 | 0.5 |
| Industry - total | 118.3 | 123.0 | 119.1 | 122.5 | 117.1 | 113.8 | 105.8 | 95.4 | 84.0 | 85.2 | 85.7 | 76.0 | 79.2 | 80.5 |
| Mining and quarry processing | 2.2 | 1.9 | 0.7 | 0.9 | 1.1 | 1.6 | 1.1 | 0.9 | 0.6 | 0.1 | 0.1 | 0.1 | 0.2 | 0.3 |
| Manufacturing | 102.7 | 104.7 | 102.4 | 104.7 | 100.4 | 97.3 | 88.9 | 90.7 | 78.7 | 80.5 | 78.6 | 69.9 | 72.9 | 76.7 |
| Supply of electricity, gas and water | 13.4 | 16.4 | 16.0 | 16.9 | 15.5 | 15.0 | 15.8 | 3.8 | 4.8 | 4.6 | 7.0 | 6.1 | 6.1 | 3.5 |
| Construction works | 48.1 | 43.5 | 45.5 | 48.1 | 51.6 | 51.0 | 62.1 | 8.3 | 7.6 | 6.0 | 5.9 | 6.3 | 5.1 | 5.8 |
| Wholesale and retail sale; repair of cars, motorbikes, goods for individual use and home equipment | 56.9 | 53.3 | 58.4 | 60.0 | 64.9 | 60.6 | 61.2 | 89.7 | 63.7 | 74.1 | 84.9 | 77.0 | 84.7 | 89.6 |
| Hotels and restaurants | 5.8 | 4.7 | 4.7 | 3.9 | 4.9 | 5.6 | 5.1 | 17.2 | 10.9 | 11.2 | 13.6 | 15.8 | 16.5 | 17.1 |
| Transport, storage and communications | 60.7 | 56.2 | 58.1 | 55.3 | 55.5 | 55.2 | 54.1 | 31.3 | 28.1 | 23.5 | 23.3 | 26.1 | 23.5 | 24.1 |
| Financial mediation | 4.8 | 4.9 | 3.6 | 3.4 | 3.8 | 4.7 | 4.8 | 9.1 | 9.5 | 7.0 | 8.3 | 7.8 | 7.6 | 8.9 |
| Operations with immovable property, rent and other commercial activities | 27.6 | 18.2 | 14.9 | 17.9 | 21.4 | 23.5 | 22.0 | 22.6 | 13.3 | 11.5 | 16.1 | 19.3 | 21.3 | 18.9 |
| Public administration and defence; social security | 33.6 | 34.7 | 33.4 | 39.1 | 41.1 | 39.6 | 38.0 | 23.5 | 25.4 | 24.7 | 28.0 | 33.1 | 31.4 | 29.5 |
| Education | 18.9 | 20.2 | 18.2 | 20.2 | 18.8 | 18.5 | 16.0 | 71.6 | 74.6 | 74.1 | 63.9 | 68.2 | 68.2 | 72.3 |
| Health and social security | 10.7 | 10.6 | 8.9 | 11.5 | 9.9 | 6.7 | 8.0 | 54.1 | 47.2 | 44.3 | 40.7 | 42.4 | 41.3 | 41.8 |
| Other services | 25.7 | 22.5 | 20.8 | 19.5 | 20.0 | 20.6 | 18.7 | 18.3 | 27.9 | 27.6 | 24.8 | 24.2 | 23.7 | 30.4 |

92. Pursuant to the Law On Education of 29 October 1998 access to education in Latvia does not depend on the person's gender. No separate education for girls and boys exists in Latvia, it is also not stipulated by the effective legislation. Due to this reason, there are no schools of different quality in Latvia, boys and girls have equal access to school premises, equipment and the teaching staff. As admission rules to educational establishments do not stipulate any admission restrictions based on gender, and admission to educational establishments is effected on the basis of a competition or student's place of residence, girls have access to any speciality at vocational educational centres, colleges and higher education establishments.

| | Number of students | Number of girls | Number of girls % |
|---|--------------------|-----------------|-------------------|
| 2000/2001 school year | | | |
| Attend comprehensive (day) schools | 344 822 | 173 238 | 50.24 |
| 1999/2000 school year | | | |
| Number of students who have completed Grades 1-4 at comprehensive (day) schools | 133 039 | 64 542 | 48.51 |
| Number of students who have completed Grades 5-9 at comprehensive (day) schools | 159 601 | 78 128 | 48.95 |
| Number of students who have completed Grades 10-12 at comprehensive (day) schools | 341 788 | 172 523 | 50.48 |
| Number of graduates at evening school | 11 765 | 5 844 | 49.67 |

Activities undertaken to promote gender equality

93. Since January 1999 the Social Policy Development Department at the MW is the competent institution for co-ordination of the issues of gender equality in the country. In 2000 a Division on Integration of Society and Gender Equality was established. The main tasks of the co-ordinator of gender equality issues are: to co-ordinate gender equality issues at the MW and to co-operate with other public agencies as well as non-governmental organisations, to organise seminars, to collect and collate materials on gender equality issues and trends of development in this area; to co-operate with international organisations and their experts on matters pertaining to gender equality; to formulate proposals and projects related to gender equality issues.

94. Currently a concept on implementation of gender equality, which incorporates the main directions of activities for addressing gender equality issues, is being developed.

95. Women in Latvia are involved directly and indirectly in solving the gender equality problems. Conferences are organised to discuss this issue (for example, in May of 2001 the first national conference on gender equality was organised jointly by the MW and the Latvian Gender Equality Association). Women-writers, philosophers, actresses, business women and women-politicians, when publicly expressing their views and attitude to life, assert the intellectual abilities of women and the diversity of opinion on the gender equality issue.

96. The majority of journalists working in the news, cultural, art and family programmes of the two national television channels of Latvia and two large commercial television channels are women. The family programmes broadcasted by both television channels emphasise the equal responsibility and care of both parents for their family, equal opportunities in developing a professional career. Neither can any special contra-position of men and women be felt in broadcasts presented by the Latvia National Radio nor commercial radio stations; it can be observed that professional qualities of a woman and her career development are emphasised. More frequently when the discussions on public issues are held, the radio broadcasts recognise that the right of a woman to freedom of choice is a value.

97. The Latvian courts have applied the Convention of 1979 On Elimination of All Forms of Discrimination Against Women several times in order to decide on the issue of gender discrimination. For example, court referred to the above 1979 Convention, the *Satversme* and the Labour Code when it delivered the decision that the refusal to hire a woman for the position of a prison guard, justifying it by the fact that the applicant was a woman and the work of a prison guard involved difficult physical conditions and specific requirements, was in the violation of the fundamental right of the applicant to freely choose her occupation and place of work. In another case court ruled that a lower salary paid to a woman in comparison with other employees, who were men, did not comply with the prohibition of discrimination and the right to receive equal remuneration for work of equal value. The above court practice shows that gender equality in such a relevant area as employment relationships is guaranteed not only in the legal acts but also by court practice, which ensures the genuine application of the equality principle.

Articles 4 and 5 of the Covenant

98. Article 89 of the *Satversme* of Latvia prescribes that “the State shall recognise and protect fundamental human liberties under the present *Satversme*, laws and international treaties binding for Latvia”.

99. The *Satversme* does not permit restrictions on the majority of rights guaranteed by the Covenant. Article 116 of the *Satversme* provides for exhaustive list of rights, which may be restricted in cases prescribed by law, for the protection of the rights of other persons, democracy, public safety, well-being and morals - the right of an individual to the inviolability of privacy, residence and correspondence, the right to free movement in the territory of Latvia and to choose one’s domicile, the right to freely leave Latvia, the right to freedom of speech and opinion, the right to have free access to information and to disseminate it, the right to freedom of association and meetings, the right to freely choose one’s occupation and the right to strike. The above Article of the *Satversme* stipulates that the freedom to manifest one’s religion may also be restricted on the basis of these provisions.

100. Alongside with Article 116, Article 105 of the *Satversme* provides restrictions on the right to property. The said Article stipulates that “everybody shall have a right to property. The property must not be used contrary to the interests of the society. The right to property may be restricted solely in accordance with the law. Coercive expropriation of the property for public interests shall be permissible only in exceptional cases on the basis of a separate law for a fair compensation”.

101. Article 78 of the Criminal Law prescribes liability for the violation of national or racial equality and for the limitation of human rights. Pursuant this Article an intentional promotion of national or racial hatred or enmity, intentional restriction, directly or indirectly, of economic, political, or social rights of individuals or creating, directly or indirectly, privileges for individuals based on their racial or national origin, shall be punished by deprivation of liberty for a term up to three years or a fine up to sixty times of the minimum monthly salary. If the above activities are associated with violence, fraud or threats, as well as if committed by a group of persons, a public official or a responsible employee of an enterprise (company) or organisation, they are punished by deprivation of liberty for a term of up to ten years.

CHAPTER 3

Article 6 of the Covenant

The right to work; the right to freely choose one's occupation

102. Article 106 of the *Satversme* prescribes that “everyone shall enjoy the right to freely choose one's occupation and workplace according to one's abilities and qualifications”. This Article must be read in conjunction with Article 91 of the *Satversme* that stipulates that “all human beings in Latvia shall be equal before the law and the courts”, as well as that “human rights shall be exercised without discrimination of any kind”.

103. Article 15 of the Labour Code provides guarantees upon being hired: “Upon hiring a person no direct or indirect restrictions of rights shall be permissible, no direct or indirect advantages shall be established depending on race, colour, age, religious, political or other opinion, national or social origin and welfare, except those restrictions and privileges that are prescribed by laws and other legal acts”.

104. In 20 June 2001 a new Labour Law was enacted that became effective as of 1 June 2002. Article 7 of the said Law prescribes that everyone shall enjoy equal rights to work and that these rights shall be secured without any direct or indirect discrimination.

105. The tables below present statistical information on trends in the employment of the population as well as information on the number of the unemployed and its breakdown by age and gender. According to the survey of the labour force carried out by the CSD in 2001, the largest number of the unemployed in 2001 was in the processing industry - 166.4 thousand; in trade - 149.0 thousand; in agriculture - 143.0 thousand; in education - 87.0 thousand.

Annual average number of the employed population (in thousands)²

| | 1998 | 1999 | 2000 | 2001 |
|---|------|------|------|------|
| Total number of employed persons | 986 | 968 | 941 | 962 |
| Of whom | | | | |
| In the public sector (%) | 34 | 32 | 32 | 30 |
| In the private sector (%) | 66 | 68 | 68 | 70 |
| By type of activity | | | | |
| Agriculture | 183 | 156 | 134 | 143 |
| Industry | 208 | 193 | 193 | 186 |
| Construction | 54 | 58 | 56 | 68 |
| Trade | 145 | 142 | 145 | 151 |
| Transport, storage and communications | 79 | 82 | 79 | 78 |
| Financial mediation and operations with real estate | 46 | 52 | 57 | 55 |
| Public administration, education and health care | 203 | 213 | 206 | 206 |
| Other sectors | 68 | 72 | 71 | 76 |

106. The unemployment rate and its dynamics, as well as the unemployment rates among women, young people, the elderly and the disabled are characterised by the following data:

**Unemployment rate in Latvia at the end of the reporting period
(%)³**

| Month | 1997 | 1998 | 1999 | 2000 | 2001 |
|-------|------|------|------|------|------|
| 1 | 7.3 | 7.0 | 9.4 | 9.1 | 7.9 |
| 2 | 7.5 | 7.0 | 9.8 | 9.1 | 8.0 |
| 3 | 7.7 | 7.1 | 10.1 | 9.0 | 8.1 |
| 4 | 7.8 | 7.1 | 10.2 | 9.0 | 8.0 |
| 5 | 7.9 | 7.0 | 10.1 | 8.6 | 7.9 |
| 6 | 7.8 | 7.2 | 10.0 | 8.4 | 7.8 |
| 7 | 7.7 | 7.3 | 9.9 | 8.2 | 7.7 |
| 8 | 7.5 | 7.4 | 9.8 | 8.1 | 7.7 |
| 9 | 7.3 | 7.6 | 9.5 | 7.9 | 7.6 |
| 10 | 7.1 | 8.2 | 9.3 | 7.8 | 7.6 |
| 11 | 7.0 | 8.8 | 9.1 | 7.8 | 7.6 |
| 12 | 7.0 | 9.2 | 9.1 | 7.8 | 7.7 |

Number of unemployed women at the end of the reporting period

| Month | 1999 | % of the number of the unemployed | 2000 | % of the number of the unemployed | 2001 | % of the number of the unemployed |
|-------|--------|-----------------------------------|--------|-----------------------------------|--------|-----------------------------------|
| 1 | 66 513 | 58.2 | 61 811 | 56.7 | 53 805 | 57.3 |
| 2 | 68 132 | 58.0 | 61 425 | 56.3 | 54 330 | 56.7 |
| 3 | 69 509 | 57.7 | 60 890 | 56.1 | 54 657 | 56.5 |
| 4 | 70 316 | 57.7 | 60 626 | 56.3 | 54 358 | 56.6 |
| 5 | 69 632 | 57.6 | 58 152 | 56.3 | 53 564 | 56.5 |
| 6 | 69 613 | 57.9 | 57 173 | 56.8 | 53 498 | 57.1 |
| 7 | 69 247 | 58.1 | 56 602 | 57.5 | 53 191 | 57.5 |
| 8 | 68 526 | 58.3 | 55 831 | 57.6 | 53 159 | 57.7 |
| 9 | 66 455 | 58.1 | 54 514 | 57.8 | 52 657 | 57.7 |
| 10 | 64 551 | 58.2 | 54 018 | 58.2 | 52 477 | 57.9 |
| 11 | 63 308 | 57.9 | 53 942 | 58.1 | 52 455 | 57.7 |
| 12 | 62 830 | 57.4 | 53 768 | 57.6 | 52 573 | 57.4 |

107. Activities undertaken in the country to improve the employment situation have been coordinated in the annual National Employment Plan. It should be recognised that no national employment strategy has been formulated in Latvia so far. The National Employment Plan for 2001 has been drafted on the basis of the employment guidelines adopted by the European Council for 2000, the results of the analysis of the National Employment Plan for 2000 and the experience acquired in defining employment activities.

Number of unemployed young people at the age from 15-24

| 1999 | % of the number of the unemployed | 2000 | % of the number of the unemployed | 2001 | % of the number of the unemployed |
|--------|-----------------------------------|--------|-----------------------------------|--------|-----------------------------------|
| 18 366 | 16.1 | 15 956 | 14.6 | 13 618 | 14.5 |
| 19 069 | 16.2 | 16 342 | 15.0 | 14 089 | 14.7 |
| 19 720 | 16.4 | 16 199 | 14.9 | 14 230 | 14.7 |
| 19 565 | 16.1 | 15 872 | 14.7 | 13 943 | 14.5 |
| 18 925 | 15.7 | 15 011 | 14.5 | 13 629 | 14.4 |
| 18 086 | 15.1 | 14 309 | 14.2 | 13 147 | 14.0 |
| 18 306 | 15.4 | 14 420 | 14.6 | 13 317 | 14.4 |
| 18 024 | 15.3 | 14 573 | 15.0 | 13 623 | 14.8 |
| 17 306 | 15.1 | 14 055 | 14.9 | 13 474 | 14.8 |
| 16 700 | 15.0 | 13 707 | 14.8 | 13 365 | 14.8 |
| 16 369 | 15.0 | 13 794 | 14.9 | 13 612 | 15.0 |
| 16 226 | 14.8 | 13 713 | 14.7 | 13 374 | 14.6 |

Women from the age of 50 to the retirement age and men from the age of 55 to the retirement age as prescribed by the Law on State Pensions

| Month | 1999 | % of the number of the unemployed | 2000 | % of the number of the unemployed | 2001 | % of the number of the unemployed |
|-------|--------|-----------------------------------|--------|-----------------------------------|--------|-----------------------------------|
| 1 | 15 218 | 13.3 | 15 120 | 13.9 | 13 881 | 14.8 |
| 2 | 15 554 | 13.2 | 15 200 | 13.9 | 14 041 | 14.7 |
| 3 | 15 918 | 13.2 | 15 307 | 14.1 | 14 265 | 14.7 |
| 4 | 16 289 | 13.4 | 15 428 | 14.3 | 14 324 | 14.9 |
| 5 | 16 356 | 13.5 | 15 043 | 14.6 | 14 287 | 15.1 |
| 6 | 16 535 | 13.8 | 14 792 | 14.7 | 14 176 | 15.1 |
| 7 | 16 479 | 13.8 | 14 533 | 14.8 | 14 043 | 15.2 |
| 8 | 16 245 | 13.8 | 14 203 | 14.7 | 13 960 | 15.1 |
| 9 | 15 748 | 13.8 | 13 949 | 14.8 | 13 867 | 15.2 |
| 10 | 15 252 | 13.7 | 13 675 | 14.7 | 13 782 | 15.2 |
| 11 | 15 054 | 13.8 | 13 638 | 14.7 | 13 758 | 15.1 |
| 12 | 15 025 | 13.7 | 13 745 | 14.7 | 13 977 | 15.3 |

108. When the employment promotion activities are selected, due regard is given to their priority in the economic, social and political situation of Latvia. The Plan pays utmost attention to active employment policies in promoting employment, thus supporting the personal initiative of the unemployed in changing their status in the labour market. The National Employment Plan for 2000 included 36 employment promotion activities, 43 activities of the kind have been projected for 2001 with the total funding of 16 million LVL (approximately 9% more than for a comparable range of activities planned for 2000). The Latvian employment policy for 2001 includes the following topical areas:

- 1) the improvement of the quality of the labour force;
- 2) the promotion of the employment of young people;
- 3) the reduction of the length of the unemployment period;
- 4) the integration of the unemployed of the pre-retirement age into the labour market;
- 5) the improvement of the services provided to persons seeking employment and the unemployed.

Number of the disabled unemployed at the end of the reporting period

| Month | 1999 | % of the number of the unemployed | 2000 | % of the number of the unemployed | 2001 | % of the number of the unemployed |
|-------|-------|-----------------------------------|-------|-----------------------------------|-------|-----------------------------------|
| 1 | 1 108 | 1.0 | 1 451 | 1.3 | 1 521 | 1.6 |
| 2 | 1 174 | 1.0 | 1 503 | 1.4 | 1 614 | 1.7 |
| 3 | 1 240 | 1.0 | 1 541 | 1.4 | 1 653 | 1.7 |
| 4 | 1 273 | 1.0 | 1 530 | 1.4 | 1 655 | 1.7 |
| 5 | 1 280 | 1.1 | 1 454 | 1.4 | 1 618 | 1.7 |
| 6 | 1 319 | 1.1 | 1 439 | 1.4 | 1 619 | 1.7 |
| 7 | 1 286 | 1.1 | 1 414 | 1.4 | 1 615 | 1.7 |
| 8 | 1 252 | 1.1 | 1 404 | 1.4 | 1 639 | 1.8 |
| 9 | 1 239 | 1.1 | 1 442 | 1.5 | 1 670 | 1.8 |
| 10 | 1 287 | 1.2 | 1 441 | 1.6 | 1 711 | 1.9 |
| 11 | 1 350 | 1.2 | 1 479 | 1.6 | 1 733 | 1.9 |
| 12 | 1 431 | 1.3 | 1 504 | 1.6 | 1 804 | 2.0 |

109. The Law On Support to the Unemployed and Persons Seeking Employment stipulates the possibility to organize new active employment policies for the unemployed, in particular persons at the age of 15 to 25; persons whose disability has been established; persons after the child-care leave; persons who have no more than five years left till the retirement age prescribed by the Law On State Pensions; persons who have been registered and have been on record with the State Employment Agency for more than a year (the long - term unemployed); persons who have served their sentences at penitentiaries. The Law prescribes the competence of public and municipal institutions in the area of promoting employment and reducing unemployment (in formulating and implementing the Latvian National Employment Plan, in stimulating entrepreneurship, in organising and implementing active employment policies, in providing services to the unemployed and persons seeking employment).

110. In accordance with the legal acts of Latvia a person may hold simultaneously several positions and may be employed in several workplaces, of which one is the principal place of work. In many cases people who are employed in several work places, alongside with their basic occupation work at educational establishments or are involved in research, as well as act as experts in specific areas where the number of respective specialists in Latvia is comparatively small.

| | May 2000 | | May 2001 | |
|--|--------------|-----|--------------|-----|
| | In thousands | % | In thousands | % |
| Total number of employees | 968.7 | | 963.9 | |
| Employees who have more than one workplace | 45.1 | 4.7 | 47.7 | 4.9 |

Possibilities of the unemployed to upgrade the qualification and requalify

111. Under Article 7 of the Law On Employment (of 23 December 1991) an unemployed person has the right and the duty to participate in the active employment policies organised by the State Employment Agency, including training and re-qualification.

112. Under the said Law the unemployed person has the following rights: to receive information about vacancies; to receive an offer of appropriate work; to get involved in vocational training and undergo re-qualification; to receive an unemployment benefit; to receive a scholarship during the period of vocational training and requalification; to participate in temporary social work for remuneration and other active employment policies organised by the State Employment Agency; to appeal against the decision of the State Employment Agency before the court.

113. In their turn, duties of an unemployed person include: to seek work independently and with the assistance of the State Employment Agency; to visit the State Employment Agency once a month; to appear at the State Employment Agency within two working days from the date of receiving summons; to participate in active employment policies organised by the State Employment Agency (in vocational training and requalification courses, work practice with the employer or a specialist after vocational training; in the work of the club for the persons seeking employment, in implementation of individual working plan and other activities), as well as to perform paid temporary social work in accordance with the employment contract; the duty of persons who have less than five years till they reach the age that makes them eligible for the old-age pension in accordance with the Law On State Pensions is to participate in activities that are aimed at integration into the labour market; to notify the State Employment Agency: a) within three working days - about changes that form the basis for the loss of the status of an unemployed; b) within three working days - about the change of the place of residence; c) within three weeks since the beginning of the sickness period - about the period of sickness that has exceeded two weeks.

114. Article 12 of the Law On Employment provides that the training of the unemployed person who have reached the age of 18, is financed from the employment special budget while the training for those unemployed who are under the age of 18 is financed from the central government basic budget, earmarked for vocational education: "The unemployed who has reached the age of 18 shall enjoy the right to vocational training or requalification following the appointment of the State Employment Agency if the said person: 1) fails to find work because of lack of professional knowledge; 2) fails to find work in the profession or speciality acquired earlier; 3) has lost professional skills.

115. Vocational training, requalification and upgrading of the qualifications of the unemployed is an active employment policy that helps the unemployed to return to the labour market quicker by increasing the competitiveness of the unemployed, and it is organised taking into consideration the development of manufacturing industries, as well as modern technologies and the demand among employers for highly qualified employees.

116. The possibilities of the unemployed to receive vocational training, requalification and upgrading of qualifications are provided by the State Employment agency (see the table below).

| | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|---|--------|--------|--------|--------|--------|--------|--------|
| Have expressed the wish to study, to requalify or to upgrade their qualifications | 13 857 | 16 589 | 15 337 | 24 542 | 29 395 | 28 025 | 31 192 |
| Have been sent for training, requalification or the upgrading of qualifications | 6 339 | 8 831 | 7 950 | 16 602 | 9 704 | 10 267 | 10 269 |

117. Under Article 12 of the Law On Employment the training of the unemployed who have reached the age of 18, is financed from the employment special budget while the training for those unemployed who are under the age of 18 is financed from the national central government basic budget, earmarked for vocational education.

Possibilities for persons with disabilities to acquire vocational training and enter the labour market

118. Since 1998 when the CM adopted the concept *Equal Opportunities for Everyone*, a particular attention of the society has been paid to the integration of the persons with disabilities in the society.

119. The aim of the concept *Equal Opportunities for Everyone* is to outline guidelines for creating equal opportunities for all members of the society, including persons with disabilities, to participate in the social processes of the country considering the person's age, gender, social and cultural factors. Every individual should respect the needs of other members of the society and every individual has the right that her/his needs are respected.

120. The occupational rehabilitation of persons with disabilities should be viewed as one of the most topical groups of activities for ensuring an appropriate social functioning of persons with disabilities. It gives an opportunity to these persons to acquire a profession that corresponds to their physical and mental abilities and to integrate into the labour market. In 2001 LVL 637,649 were expended on occupational rehabilitation for the persons with disabilities, providing occupational rehabilitation to 288 people per year.

121. People with severe or moderate disability and those who due to sickness or an injury are unable to work in their original profession, can acquire 13 various professions at occupational rehabilitation centres. In 2001, 134 persons with disabilities graduated from the occupational rehabilitation centres, having acquired a profession.

122. On 28 August 2001 the CM adopted Regulation No. 383 *On Procedure for Receiving Occupational Rehabilitation Services and Requirements for Providers of Occupational Rehabilitation Services*, defining requirements for providers of occupational rehabilitation services and the procedure for receiving the said services.

123. Currently there are 2 occupational rehabilitation centres in Latvia: the Republican Rehabilitation Centre (RRC) and the Vocational Training and Rehabilitation Centre (VTRC) *Alsviķi*.

124. The Republican Rehabilitation Centre provides appropriate vocational training and rehabilitation services to the persons with disabilities. In 2000 the College RRC provided vocational basic, secondary and first level professional higher (college) education in full-time, part-time and long-distance learning departments for young people as well as adults, taking into consideration the severity and nature of their functional disorders. According to the data of the College RRC, depending on the acquired profession 805 of the RRC graduates enter the labour market. The RRC provides the following training: full-time studies (college) in economics, accounting and taxation, secondary special education - a marketing specialist in manufacturing, a mechanic of programmed automated systems, a commercial agent in manufacturing; vocational education - an assembler of electronic equipment, a commercial agent, a cook, secretary; part-time studies (college) - economics, accounting and taxation, marketing and sales, human resource management; long - distance learning (secondary special education) - a social insurance specialist, a marketing specialist in manufacturing; likewise the PRC also provides services for the persons with disabilities in establishing occupational suitability. Alongside with studies the RRC provides medical and psychological assistance, organises sports and recreation activities for its students.

125. The VTRC *Alsviķi* is an institution of occupational rehabilitation, subordinated to the Ministry of Welfare. In 2001 the VTRC *Alsviķi* had 95 students, 28 students graduated the Centre. The VTRC *Alsviķi* offers training in the following professions: a tailor/dressmaker, a house-help, a self-employed craftsman (working at home), a shoemaker.

126. The first difficulties have emerged in the work of rehabilitation centres - it is often difficult for students to find a place for training practice outside the centre; in some professions it is difficult to find jobs. Irrespective of the above difficulties, young persons with disabilities willingly use the opportunities to acquire a suitable profession. It is the duty of occupational rehabilitation centres to cooperate with employers, the State Employment Agency, relatives of the persons with disabilities, non-governmental organisations, representing interests of the persons with disabilities, and local governments if the persons with disabilities have their permanent place of residence in their administrative territory, to ensure the efficiency of occupational rehabilitation services and the involvement of the said persons in the labour market.

127. In its comments to the draft report *Apeirons*, the Association of the Persons with disabilities and their Friends, has mentioned an example of a positive initiative, aimed at involving the disabled into the labour market - special training groups for the persons with disabilities organised by the State Employment Agency in the following specialities: computer training, computer operator, computer-based processing of information, making wicker products, the speciality of a tinker-roofer, interior finishing operations as well as the implementation of the

project *THINK in the Baltic* - within the framework of the given project it is planned to employ with the help of information and telecommunication technologies 20 persons with disabilities. The above project was started in 2002 and already 150 persons with disabilities have applied for the 20 vacancies that only indicate the high demand for such work. The project has been planned for a period of two years.

Article 7 of the Covenant

Right to a fair salary

128. Article 107 of the *Satversme* prescribes that every employee shall have the right to receive, for the performed work, appropriate remuneration that is not less than the minimum state's salary.

129. Besides, in Latvia conditions of employment contracts must not aggravate the situation of employees. It is prescribed by Article 7 of the Labour Code: "Conditions of employment contracts, which in comparison with labour legislation acts of the Republic of Latvia aggravate the situation of employees, shall not be valid".

Right to minimum wages

130. Article 84 of the Latvian Labour Code prescribes: "The minimum wage (per hourly tariff rates, the monthly wages and the basic monthly salary) shall be established by the CM of the Republic of Latvia". The minimum monthly wage is the lowest salary that all employers must secure to their employees for work the normal working hours (40 hours per week).

131. The purpose of establishing the minimum monthly wage is to guarantee at least the survival minimum to all employees - those working in the private sector, as well as those employed in the public sector. Thus, a uniform minimum monthly wage rate is established nationwide and it is mandatory for all employers, irrespective of their status and the form of property. When establishing the minimum monthly wage rate in the country, note is taken of the subsistence minimum established by the state at the given period of time. The said norm is prescribed by Article 83 of the Latvian Labour Code: "The minimum monthly wages at the principal place of work within the frame of normal working time shall not be below the subsistence minimum established by the state in the Republic of Latvia at the given period of time", as well as Article 84: "The minimum wages shall not be below the subsistence minimum established by the state".

132. The subsistence minimum is calculated by the CSD, following the instruction from the CM, and in accordance with the Labour Code of Latvia it should serve as the basis for establishing the minimum monthly wage in the country. In view of constraints of the national budget in funding the budgetary area that should be financed from the national budget, for years the CM has been establishing the minimum monthly wage below the subsistence minimum (see the table below).

133. The minimum monthly wage (basic salary) is established by Regulation of the CM No. 103 *On Minimum Wages* (of 6 March 2001) and it is LVL 60 (the minimum per hourly tariff rate - LVL 0.355).

134. The minimum monthly wage has been raised periodically (see the table). Prior to raising the minimum monthly wage (the basic salary) the issue is coordinated at the National Trilateral Cooperation Council (employers, the state and trade unions). The main factor influencing the amount of the minimum monthly wage is the possibilities of the national budget that determine the increase in the minimum monthly wage of employees working at institutions financed from the national budget. Note should be taken of the fact that in the event of raising the minimum wage, the monthly salary scales of employees, financed from the national budget, should be reviewed and increased, resulting in a considerable increase in the amounts of required budgetary funds.

**Remuneration, minimum monthly salary and the
subsistence minimum (1993-2001)**

| Year | Average minimum monthly wage per year in LVL | Average subsistence minimum per year in LVL | Average minimum monthly wage in % of the subsistence minimum | Average minimum monthly wage of employees working in national economy in LVL | Average minimum monthly wage in % of the average wage of employees working in national economy |
|------|--|---|--|--|--|
| 1993 | 12.50 | 37.59 | 33.3 | 47.23 | 26.5 |
| 1994 | 22.00 | 51.50 | 42.7 | 71.87 | 30.6 |
| 1995 | 28.00 | 63.82 | 43.9 | 89.50 | 31.3 |
| 1996 | 35.50 | 73.78 | 48.1 | 98.73 | 36.0 |
| 1997 | 38.00 | 78.78 | 48.2 | 120.03 | 31.7 |
| 1998 | 42.00 | 82.15 | 51.1 | 133.30 | 31.5 |
| 1999 | 50.00 | 83.18 | 60.1 | 140.99 | 35.5 |
| 2000 | 50.00 | 84.47 | 59.2 | 149.53 | 33.4 |
| 2001 | 55.00 | 86.93 | 63.3 | 159.30 | 34.5 |

135. On 1 August 2000 the CM passed the decision on increasing the minimum monthly wage as of 1 July 2001. The given decision served as the basis for formulating and adopting Regulation of the CM No. 103 *On Minimum Wages* (of 6 March 2001) that prescribed that as of 1 July 2001 the minimum monthly wages in the country would be LVL 60 (the minimum per hourly tariff rate - LVL 0.355).

136. The salary may be less than the minimum monthly wage established by the government only if the employee performs incomplete working time (an part-time working day or part-time week) that is established in accordance with Article 52 of the Labour Code: "If an employee agrees with an employer, then upon hiring an employee, as well as later, the employee may perform a part-time working day or a part-time working week. If it is requested by a pregnant woman, by a spouse who has a child under the age of 14, or a father who brings up a child to the age of 14 alone (a child with disabilities up to the age of 16), the guardian of children of the above mentioned age or a person who, according to a medical statement, takes care of a sick family member, the employer shall establish a part-time working day or a part-time working week for them. In the given cases remuneration shall be proportional to the working time or shall depend on the output".

137. Specific articles of the Labour Code provide cases when employees are guaranteed the minimum monthly wage:

- 1) Article 97 of the Labour Code prescribes: “If an employee is not guilty for the failure to fulfil the work norms, she/he shall be paid as it were for a fulfilled work norm. In the said case the monthly wage shall not be less than the minimum wage.”
- 2) Article 98 of the Labour Code prescribes: “If an employee is not guilty for the manufacture of a defective product, she/he shall be paid wage that shall be equal to the average wage. In the given case the monthly wage of the employee shall not be below the minimum wage”.

138. Article 185 of the Labour Code, in its turn, establishes remuneration for young people: “Employees who are under the age of 18 and who work part-time on daily basis shall be paid for their work according to the work performed but not less than the minimum wage established in the country.”

139. In 2000, upon conducting preventive activities, the State Labour Inspection discovered several cases when a total of 30 employees had not been ensured the minimum monthly wage established in the country. Besides, during the inspection of enterprises in 2000 the State Labour Inspection detected 2451 case when employers had failed to comply with requirements of the Latvian Labour Code in respect of remuneration for work. In all cases inspectors of the State Labour Inspection issued statements - ordering the employer to remedy the discovered violation by a specific deadline; in several cases employers were held administratively liable and fined. According to the data of the State Labour Inspection, in comparison with the preceding years in 2000 more violations of legislation in respect of remuneration were discovered as inspectors as well as employees themselves started paying more attention to this issue.

Right to equal remuneration

140. The right to an equal remuneration at the Constitutional level is granted by Article 107 of the *Satversme*, stipulating that every person shall have a right to receive appropriate remuneration for work performed.

141. The Contract Law, which is a part of the Civil Law provides that an employer must pay the employee the respective remuneration for work performed. Remuneration may be established in cash as well as in kind, or both taken together.

142. When the employer fails to comply with the legal acts in force, sanctions may be imposed on the employer in accordance with Article 41 of the Latvian Code of Administrative Offences: “A penalty in the amount of up to two hundred fifty LVL shall be imposed on employers or public officers for failure to comply with the laws on labour or labour protection or other legal acts regulating these issues (...)”.

143. In order to improve the legal regulation in this area, as well as to promote the implementation of the principle of equal remuneration for work, a new Labour Law was drafted and adopted by the *Saeima* on 20 June 2001, which includes a norm directly prescribing the duty of the employer to ensure equal remuneration for work to men and women if they performed work of equal value or the same work. Likewise the new Labour Law provides the explanation

of the term “remuneration for work”: “Remuneration for work shall be the wage payable to an employee on regular basis that shall include the salary and other additional payments as well as bonuses or remuneration of any other kind in relation to work prescribed by legal acts, the collective agreement or the employment contract.” The Labour Law also provides a different regulation for the dismissal benefits, i.e., its amount will depend on the length of the period the given employee has worked for the respective employer.

144. Part 1 of Article 60 of the Labour Law that became effective as of 1 June 2000 provides that it is the duty of the employer to establish equal remuneration for work for men and women for the same work or for work of equal value. Part 2 of the above Article provides that “in the event of the employer having violated provisions contained in Part 1 of the given Article, the employee shall have the right to demand remuneration that is usually paid by the employer for the same work or for work of equal value. The employee may submit a claim to court provided by Part 2 of the present Article within a month’s time from the date when the employee learnt or should have learnt about the violation of Part 1 of the present Article.”

145. Remuneration for employees of public and municipal enterprises, institutions and organisations, irrespective of their gender, is established by negotiating parties within the frame of the funding of the respective enterprise, institution and organisation in collective agreements or an employment contract (Article 85 of the Labour Code). Under the said Article: “The employer shall select the denominations of positions, crafts, professions and specialities according to the Classifier of Professions while the qualification categories shall be awarded to employees in line with the work to be performed.”

146. There are several legal acts in Latvia (for example, the Law On Judiciary, the Law On State Control, the Law On Prosecutor’s Office and Regulations of the CM) that regulate remuneration systems for employees working at institutions financed from the national budget. In this case remuneration for employees is established depending on the position held and the category of qualification.

147. Each of these legal acts ensures compliance with the principle *equal pay for work of equal value*. However, taking into consideration the fact that the remuneration for employees working at various institutions, financed from the national budget, is regulated by specific legal acts, the said principle is not always followed and there are differences in remuneration for work of equal value at various institutions. However, this discrimination is not related to the gender, age, nationality or religious affiliation of the person but is due to the existence of diverse remuneration systems - the review of the official salaries in these systems was not mutually coordinated, thus considerable differences have appeared in the basic salaries and other payments for work of a similar kind. In order to eliminate the existing differences and to improve the situation in the area of remuneration, the Ministry of Finance has started work on the implementation of the remuneration reform that includes the development of two new remuneration systems.

148. At present the first stage of the reform of remuneration is being implemented: the development of a uniform remuneration system for officials and employees of public administration agencies, which is one of the elements in the reform of public administration. In accordance with the new remuneration system the remuneration for civil servants and employees

of public administration institutions will be established taking into account the qualification categories of positions which will be determined by assessing the position according to the job assessment methodology and the qualification category of civil servants and employees which will be awarded on the basis of the job assessment methodology.

149. Thus, in the new remuneration system the determining factor will be the contribution of the civil servant and the employee, the improvement of the quality of performance; the remuneration of each civil servant and employee will depend on the person's performance results. According to what was stated above, the new remuneration system also respects the principle of gender equality; the remuneration of a specific person does not depend on the person's race, colour, gender, age, religious, political or other opinion, ethnic or social origin and welfare.

150. According to statistics, equality for men and women in the payment for work exists in normative acts; however the social balance between them has not been achieved. Women are facing unequal possibilities of receiving remuneration in the labour market more frequently than men. There are a comparatively low number of women - employers (see the table, data of the CSD).

**Breakdown of the number of the employed population
by status of employment in %**

| | Employees | | Employers | | Self-employed | | Unpaid family members, relatives | |
|------|-----------|-------|-----------|-------|---------------|-------|----------------------------------|-------|
| | Men | Women | Men | Women | Men | Women | Men | Women |
| 1995 | 51.7 | 48.3 | 70.3 | 29.7 | 64.6 | 35.4 | 45.3 | 54.7 |
| 1996 | 50.9 | 49.1 | 72.2 | 27.8 | 61.4 | 38.6 | 45.0 | 55.0 |
| 1997 | 50.5 | 49.5 | 74.2 | 25.8 | 55.5 | 44.5 | 42.7 | 57.3 |
| 1998 | 51.2 | 48.8 | 69.2 | 30.8 | 56.7 | 43.3 | 44.8 | 55.2 |
| 1999 | 51.3 | 48.7 | 68.6 | 31.4 | 54.7 | 45.3 | 46.3 | 53.7 |
| 2000 | 50.1 | 49.9 | 70.9 | 29.1 | 52.6 | 47.4 | 45.5 | 54.5 |
| 2001 | 49.2 | 50.8 | 73.0 | 27.0 | 54.9 | 45.1 | 48.5 | 51.5 |

151. Likewise, according to the information provided by the CSD, the average gross monthly wage of women is lower than the remuneration of men in all professions (see the table).

Average gross wage of men and women working in the national economy

| | Women | Men | Wages of women against the wages of men in % |
|------|--------|--------|--|
| 1995 | 72.64 | 92.82 | 78.3 |
| 1996 | 79.07 | 100.73 | 78.5 |
| 1997 | 97.91 | 122.83 | 79.7 |
| 1998 | 109.26 | 137.71 | 79.3 |
| 1999 | 118.48 | 148.10 | 80.0 |
| 2000 | 126.16 | 160.45 | 78.6 |
| 2001 | 133.39 | 166.41 | 80.2 |

152. Problems are related to the gender segregation in the labour market - the division of employment in the so-called male and female industries. Currently women dominate in such employment sectors as education, health care, social care, and their average wages as well possibilities of career growth are lower than in the sectors dominated by men.

Right to safe and healthy working conditions

153. The implementation of this provision contained in the Covenant is ensured in Latvia by the Law On Labour Protection, Regulations of the CM, Orders of the MW and other legal acts, prescribing labour safety requirements. The State Labour Inspection supervises the compliance with these requirements pursuant to the Law On State Labour Inspection and Regulations of the CM *On State Labour Inspection*.

154. In the area of labour protection the legal acts of Latvia are harmonised with the requirements of the European Union by transposing EU Directives. In the area of labour safety there is a total of 25 EU Directives of which 15 have already been transposed as Regulations of the CM and they have been implemented. Requirements of the EU Framework Directive 89/391/EEC on labour safety and health (*Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work*) have been incorporated in the new Law On Labour Protection, which was adopted by the *Saeima* in 20 June 2001. The Law On Labour Protection has become effective as of 1 January 2002 and replaces the Law On Labour Protection of 4 May 1993. In addition to EU Directives, national legal acts on labour safety and health are being developed for those sectors of national economy where there is an increased risk for the health and safety of employees, for example: work at electric installations, forest processing and timber industry, gas industry etc.

155. The Law On Labour Protection, adopted on 20 June 2001, provides that the Law is applicable in all areas of employment if not provided otherwise by other laws. As concerns the self-employed, the law provides that it is their duty to take care of their safety and health at work, as well as the safety and health of those persons who are influenced or may be influenced by their work. Besides, the Law also prescribes that those employees who have been accorded special protection under legal acts (persons under the age of 18, pregnant women, women in the post-natal period, the persons with disabilities, employees who are included in lists mentioned in Part 2 of Article 7 of the said Law) have a right to additional relieves, determined by the employer in accordance with the working environment risk assessment, as well as the statement of a physician.

156. Article 4 of the Law On Labour Protection establishes the general labour protection principles that the employer follows in undertaking labour protection measures. They are as follows: the working environment is arranged in a way that helps to avoid any working environment risk or to reduce the impact of an inevitable working environment risk; work is adapted to the individual, in most part, concerning the arrangement of the place of work, the working equipment as well as the choice of work and manufacturing methods, paying particular

attention to possibilities of facilitating monotonous work and work with a fixed rhythm and reducing its negative impact on health; note is taken of the development of technique, hygiene and medicine; the dangerous is substituted by the safe or the less hazardous; a harmonised and comprehensive system of labour protection measures is developed; collective labour protection measures are preferred to individual labour protection activities; the impact of the working environment risk on the safety and health of employees who in accordance with the legal acts have been accorded a special protection is eliminated; employees are given instructions and provided training in the area of labour protection; cooperation is developed with employees and their safety representatives in the area of labour protection.

157. Article 146 of the Criminal Law prescribes criminal liability for failure to comply with the labour protection rules. A violation of requirements contained in legal acts regulating labour safety or technical safety, if it is committed by the manager of the enterprise, institution or organisation or any other person who is responsible for compliance with the above rules, and if the said offence has resulted in bodily damage incurring a health disorder or a permanent loss of the ability to work, is punished by deprivation of liberty for a period of up to two years or detention in custody, or a fine in the amount of up to forty minimum monthly wage, depriving or without depriving the person of the right to engage in specific activities for a period of up to five years.

158. Compliance with the legal acts in force is ensured by the State Labour Inspection that acts in accordance with the Regulation of the CM Nr.53 of 14 March 1995. Clause 2 of the said Regulation provides that the State Labour Inspection exercises public control and supervision over compliance with laws and other legal acts enacted in the area of labour, labour protection, employment and the technical supervision of dangerous equipment. The State Labour Inspection also exercises supervision in the area of remuneration for work, including the minimum wages.

159. It should be noted that information gained as a result of the survey conducted by the State Labour Inspection shows that at present approximately 55% of employers have no clear understanding of normative acts on labour protection. According to the data of the survey, 61% of employees in Latvia are provided with personal protective equipment, 45% of employers assess risks before providing protective equipment and 35% of enterprises undertake collective protective measures for risk prevention. The main problems related to labour safety and health measures at enterprises are the high financial expenditures, the acquisition of information, the purchase of harmless technology, lack of qualified labour protection specialists, insufficient training and the availability of appropriate personal protective equipment.

160. According to the data of the State Labour Inspection, in 2001 there were 1314 accidents at work in total, of which 413 accidents were severe or of average severity, and 68 accidents had a lethal outcome. In comparison with the preceding year the total number of accidents at work has decreased by almost 100 cases or 7%, however, the number of lethal accidents has undergone a dramatic increase (see the table). The considerable increase in the number of lethal accidents can be explained by the failure to comply with requirements of labour protection legislation, as well as accidents that took place in 2001 causing the death of several employees.

Breakdown of accidents by year

| | 1997 | 1998 | 1999 | 2000 | 2001 |
|----------------------------|-------|-------|-------|-------|-------|
| Number of accidents | 1 328 | 1 364 | 1 422 | 1 408 | 1 314 |
| Including lethal accidents | 57 | 58 | 64 | 49 | 68 |

161. The analysis of the statistics on accidents at work allows concluding that the most common reasons of accidents are: poor organisation of work (34%) and failure to comply with labour safety rules and instructions (33%). In 2001 the most dangerous types of activity, taking into account the number of accidents, still remained timber processing (22% of the total number of accidents), use of mechanisms and equipment (10%), and construction (7.6%).

162. Men suffer in accidents more often than women, as men work in the dangerous industries more frequently. The length of in-service time or experience is also a significant factor because, according to statistics, most frequently accidents have been suffered by employees with the shortest in-service time (up to one year). However, the fact that most frequently accidents have happened to employees in the age group from 26 to 40 and from 41 to 55 can be explained by the fact that the largest part of employees fall into these age groups. The breakdown of accidents by gender, age and the length of the in-service period is presented in the table.

Breakdown of data on victims of accidents by gender, age and length of in-service period

| | 2001 | 2000 |
|--|-------|-------|
| Breakdown of data on victims of accidents by gender | 1 314 | 1 408 |
| Women | 356 | 389 |
| Men | 958 | 1 019 |
| Breakdown of data on victims of accidents by age | 1 314 | 1 408 |
| Under the age of 18 | 82 | 115 |
| From 18 to 25 years of age | 244 | 275 |
| From 26 to 40 years of age | 414 | 456 |
| From 41 to 55 years of age | 418 | 425 |
| From 56 to 60 years of age | 100 | 88 |
| Over the age of 60 | 56 | 49 |
| Breakdown of data on victims of accidents by length of in-service period | 1 314 | 1 408 |
| Up to 1 year | 464 | 515 |
| From 1 to 3 years | 366 | 421 |
| From 4 to 10 years | 286 | 295 |
| From 11 to 15 years | 51 | 48 |
| From 16 to 20 years | 38 | 33 |
| Over 20 years | 109 | 96 |

Right to be promoted based on experience and competence

163. Article 1 of the Labour Code stipulates the general norm of the equality of employees, providing the following: "In the Republic of Latvia natural persons shall be ensured equality in

labour relations irrespective of race, colour, gender, and age, religious, political or other affiliation, ethnic or social origin and welfare". It follows from the above legal norm that it is prohibited to discriminate an employee on the grounds of any of the above factors. It applies also to the possibilities of promotion.

164. Article 29 of the Labour Law that became effective as of 1 June 2002 prescribes that: "Upon establishing employment relations as well as during the existence of employment relations, in particular in the event of promoting an employee, determining the conditions of work, remuneration for work or vocational training as well as terminating an employment contract, it shall be prohibited to treat the employee differently in view of the person's gender." If in the event of a dispute the employee indicates circumstances that might be the basis for the person's direct or indirect discrimination on the grounds of gender, it is the employer's duty to prove that the different treatment is based on objective circumstances that are not related to the employee's gender or that the gender of the employee is an objective and justified prerequisite for the performance of the respective work or the respective occupation.

165. These provisions apply also to the prohibition of a different treatment on the grounds of the employee's race, colour, gender, and age, religious, political or other affiliation, ethnic or social origin and welfare. It follows from the above that any discrimination against the employee is prohibited and all employees are provided equal possibilities of promotion subject to no other considerations than those of the length of in-service period and qualifications.

166. Absence of restrictions on possibilities of career promotion in the private sector on the grounds of gender or any other feature ensues from the principle of prohibiting a different treatment. The Law On Civil Service, in its turn, provides the procedure for testing the suitability of an applicant for the office of a civil servant and the requirements that do not include discriminatory demands. A civil servant has the right to apply for vacancies in the offices of civil servants of a higher qualification category as well as to participate in training programmes to acquire skills necessary for the performance of official duties.

167. According to the information provided by the Board of the Civil Service, on 21 January 2000 the ratio of women and men in the Civil Service was 60% women and 40% men, and it is the highest difference in the proportion of men and women since the introduction of the Civil Service in the country.

168. The analysis of the ratio of women and men in the breakdown by position shows that the domination of men in the leading positions of the Civil Service persists, although the proportion of women in the given positions tends to grow. For example, in comparison with the situation on 21 January 1999 the proportion of women in the office of State Secretaries has increased, in 2000 it was 27% (3), in 1999 - 16% (2). The proportion of women in the office of Deputy State Secretaries has remained almost unchanged - in 2000 - 36% (10), in 1999 - 37%. There has been an increase in the number of women holding the office of a head of public civil institutions (including the position of the head of territorial offices). At the end of 2000 there were 53% (109) women - heads of agencies, i.e., by 6% more than at the end of 1999. In comparison with the end of 1997 the number of women in the position of a manager of an institution has increased 2.5 times. Significant reasons that should be mentioned concerning the ratio of women

and men, as well as the development trends, are that women are more attracted by the stable job in the Civil Service, regular incomes and additional social guarantees while the decline in the number of men in the Civil Service can be explained by the low remuneration in the Civil Service in comparison with the private sector.

Right to a reasonable limitation of working hours

169. In general, working hours in Latvia must not exceed 40 hours per week, as provided by Article 45 of the Labour Code. There are categories of employees to whom reduced working hours apply. Under Article 46 of the Latvian Labour Code reduced working hours shall be established as follows: for employees at the age from 16 to 18 - 35 hours per week, for persons under the age of 16 - 24 hours per week; employees who work in hazardous or hard working conditions - no more than 35 hours per week; for women with children under the age of three - 35 hours per week.”

170. The provisions of the Labour Code apply to all employees and employers irrespective of their status and the form of property when employment relations are established on the basis of an employment contract. Restrictions concerning night work have been established for employees under the age of 18, pregnant women, women who have a child under the age of three, fathers who bring up a child under the age of three alone, as well as guardians of children at the given age.

171. In its turn, part-time working day shall be established upon the agreement with the employer if it is requested by a pregnant woman, by a spouse who has a child under the age of 14, a father who brings up a child under the age of 14 (a child with disabilities under the age of 16), the guardian of a child of the said age or a person who takes care of a sick family member according to a medical statement.

172. The Labour Law prohibits to employ children in permanent jobs, as well as following the physician's statement it is prohibited to employ pregnant women and women during the post-natal period for up to one year or in the case of a breastfeeding woman - during the whole period of breast feeding, if it is recognised that the respective work poses a threat to the safety and health of the woman or her child. The Labour Law establishes relieves for persons under the age of 18.

173. In accordance with the Labour Law the employer shall establish part-time working day if it is requested by a pregnant woman, a woman during the postnatal period for of up to one year, a breast-feeding woman - during the whole period of breastfeeding, as well as an employee who has a child under the age of 14 or a child with disabilities under the age of 16. Besides, the employee's refusal to shift from a full working time to the part-time working day or vice versa cannot serves as grounds for the termination of the employment contract or any other limitation of the rights of the employee. The Labour Law prohibits overtime and night employment of persons who are under the age of 18, pregnant women and women during the post-natal period for up to one year, a breastfeeding woman during the whole period of breastfeeding. An employee with a child under the age of three may be employed during the night only with employee's consent.

Average number of hours per week actually worked by employees who are employed on part-time basis in their basic activity by gender and area of activity (hours, average per week)

| | May 2000 | | | May 2001 | | |
|--|----------|------|-------|----------|------|-------|
| | Total | Men | Women | Total | Men | Women |
| Part-time working day in total | 24.4 | 25.6 | 23.4 | 22.4 | 23.7 | 21.6 |
| Out of the total number by area of activity: | | | | | | |
| Agriculture and fishing | 26.3 | 25.1 | 27.7 | 24.6 | 24.7 | 24.6 |
| Manufacturing and construction | 28.1 | 30.1 | 22.4 | 23.8 | 25.9 | 20.9 |
| Services | 21.0 | 22.2 | 20.6 | 20.3 | 21.1 | 20.0 |

Right to rest period

174. Pursuant to Article 107 of the *Satversme* every employee shall enjoy the right to weekly holidays and a paid annual vacation.

175. Issues of rest, leisure and working time, as well as remuneration for work during public holidays in Latvia are regulated by the Labour Code. Article 2 of the Labour Code prescribes that every employee shall have a right to rest in accordance with the laws on the restrictions of the working day and the working week. Part 1 of Article 60 of the Law provides a break for rest and meals: "Employees shall be given a break for rest and meals that shall not exceed two hours. The break shall not be included in the working time. A break for rest and meals, as a rule, shall be provided not later than four hours after the beginning of working day."

176. Article 141 of the new Labour Law provides that the rest shall be period of time when the employee does not have to perform her/his professional duties and which the person may use at his/her discretion. The rest period covers breaks during the working day, a day's rest, and a week's rest, public holidays and vacations.

177. The Labour Law provides that a day's rest shall not be less than successive 12 hours within 24 hours period. The week's rest, in its turn, shall not be less than 42 successive hours within a seven-day period. These provisions may be not applied if the summary working time is set.

178. As concerns the person's right to breaks during working day, the Labour Law provides the right of each employee to a break during the working time if the length of the working time during the day exceeds six hours. This break shall not be less than 30 minutes. An employee who has a child under the age of a year and a half, is given additional breaks for feeding the child and the employee notifies the employer about the necessity of such breaks in due time.

179. It is allowed to engage employees in work during the public holidays only in specific cases as provided by Article 66 of the Labour Law: "It shall be allowed to engage specific employees in work during the public holidays in the following cases: to prevent or eliminate a

natural disaster, a failure in production or to liquidate their consequences without delay; to prevent accidents, damages or destruction of property; to perform urgent contingent tasks if the regular operation of the whole enterprise, institution or organisation or their separate entities depend on the immediate performance of the said tasks; to perform urgent loading and unloading operations, as well as related transport operations, thus preventing or eliminating the idle time of means of transport and the accumulation of cargoes at the points of dispatch and destination”.

180. It is a duty of an employer to pay the employee for the work performed during public holidays an amount that is equal to a double amount of the per hourly or daily wage rate established for the given employee. The Labour Code also includes a norm providing that another holiday may be granted to the employee at her/his request for work performed during public holidays.

Right to paid vacations

181. In Latvia the right of an employee to a paid annual vacation is guaranteed by the *Satversme*, Article 106 of the *Satversme* providing that every individual shall enjoy the right to a paid annual vacation.

182. Article 69 of the Labour Code secures this right once more, providing that all employees shall be granted annual vacations, retaining the work place (position) and the average wage. A monetary compensation of the vacation shall not be allowed, except cases when an employee who has not used her/his vacation, is released.

183. Employees are granted an annual vacation for a year's work and it is not less than four calendar weeks long, public holidays exclusive. In their turn, employees who are under the age of 18 are granted an annual vacation that is equal to one calendar month. It includes also Saturdays and Sundays, thus the vacation granted to this group of individuals depends on the number of days in a month (in February - 28 or 29 days, in the remaining months - 30 or 31 days respectively). A vacation for the first year of work if the person has worked without interruption for six months, may be granted to women before the pregnancy and childbirth leave or immediately after the leave, as well as to women who have children under the age of 12, as well as employees who are under the age of 18, individuals who have been subjected without justification to political repressions and in other cases provided by law. The vacation for the second and subsequent years of work may be granted at any time in the course of the year of work according to the sequence followed in granting leaves. Women with three or more children under the age of 16 or a disabled child, have the right to an additional leave of three working days.

184. The Labour Law provides that every employee has a right to a paid annual vacation. This vacation must not be less than four calendar weeks, public holidays exclusive. Persons under the age of 18 are granted one month long paid annual vacation. In exceptional cases when granting a full paid annual vacation to an employee in the current year may have an adverse effect on the normal progress of work at the enterprise, it is allowed to transfer part of the vacation to the following year with the employee's written consent. These provisions are not applicable to persons under the age of 18, pregnant women and women during the post-natal period of up to one year, to breast-feeding women- during the whole period of breastfeeding.

A monetary compensation for a paid annual vacation is not permissible except cases when employment relations are terminated and the employee has not used her/his paid annual vacation. In contrast to the Labour Code, the Labour Law provides that a three-day long additional leave is granted to employees who have three or more children under the age of 16 or a child with disabilities without any distinction in gender. The employee may request a paid annual vacation for the first year of work if the employer has employed her/him for at least six months without interruption. It is the duty of the employer to grant a full vacation. A woman is granted a paid annual vacation before the pregnancy and childbirth leave or immediately after it, following her request, irrespective of the time the woman has worked for the respective employer.

Article 8 of the Covenant

Right to form trade unions; the right of trade unions to function freely

185. Article 108 of the *Satversme* prescribes that the state protects the freedom to form trade unions. Already on 13 December 1990 the Law On Trade Unions was enacted, regulating the establishment, activities of trade unions and their relations with public agencies. Under Article 1 of the said Law “trade unions shall be independent non-governmental organisations that express, represent and defend the labour and other social and economic rights and interests of its members in accordance with laws effective in Latvia and charters of trade unions of Latvia, as well as in accordance with principles and provisions prescribed by the Universal Human Rights Declaration and other international covenants and conventions.”

186. Article 4 of the Law provides that “trade unions shall be independent in their activities from public agencies and administrative institutions, other organisations and shall be mutually equal in rights. They shall operate in accordance with laws effective in Latvia. Any activity aimed at subordinating trade unions directly or indirectly to public or other institutions and organisations, or obstructing activities of trade unions provided by law and charters shall be prohibited.”

187. After the establishment of a trade union it has to be registered with the MoJ, which reviews the application and the charter. Under the Law On Trade Unions a trade union is registered if no less than 50 members or no less than one fourth of employees working in an enterprise, institution, organisation or industry have joined the specific trade union. In the event of a violation of the requirements prescribed by the Law On Trade Unions or the charter providing activities that are contrary to the normative acts effective in Latvia, the MoJ has the right to refuse to register the trade union. In such a case the trade union may appeal against the decision of the Ministry in court.

188. The Law On Trade Unions provides extensive rights of trade unions in defending rights and interests of their members. Trade unions have the right to participate in the elaboration of economic and social development programmes, laws and other normative acts that have an influence on the working conditions and remuneration, price formation, social insurance, health care and other issues of labour and social development. Trade unions have the right to receive free information from public agencies on the social and economic situation of the population and changes in this situation, as well as to request that the national government establishes a justified subsistence minimum, balances wages, pensions, scholarships and benefits at least once a year, taking into account the increase in the consumer price index.

189. Trade unions have the right to request that officials who fail to comply with the legal acts in force are held liable or even dismissed. Collegiate institutions of trade unions have the right to submit statements about the change of decisions taken by administrative and economic institutions, as well as to request the suspension of these decisions if they are contrary to legal norms that are incorporated in the Law On Trade Unions, as well as if they ignore the social and economic rights of employees and their legitimate interests.

190. Under Article 4 of the Law On Trade Unions trade unions have the right to join international trade union organisations, to enter into agreements and treaties with these international organisations, as well as foreign trade unions.

191. The National Trilateral Cooperation Council has been established, consisting of representatives nominated by the CM, the Latvian Confederation of Employers and the Union of Free Trade Unions of Latvia. The main task of the Council is to ensure and promote cooperation among the government, employers' organisations and organisations of employees (trade unions) at the national level with the purpose of ensuring coordinated addressing of social economic development problems that corresponds to the interests of the society and the state, by developing and implementing a strategy, programmes and normative acts on social and economic issues that would guarantee social stability and the improvement of the welfare level in the country, and would enhance the co-responsibility of social partners for decisions taken and their execution.

192. The new Labour Law also provides that employees as well as employers have the right to form organisations and to join these organisations in order to defend their social, economic and professional rights and interests. Under Article 8 of the Labour Law the affiliation of an employee to such an organisation or the employee's wish to join such an organisation cannot serve as grounds for the refusal to conclude an employment contract, to terminate an employment contract or to infringe the rights of the employee in any other manner.

193. For the purposes of the Labour Law, a trade union is a form of employees' representation for the defence of rights and interests of employees, and they have the following rights:

- 1) to request and to receive information from the employer about the economic and social situation of the enterprise;
- 2) to receive timely information and to consult the employer before the employer takes decisions that might affect interests of employees, in particular decisions which may have a significant impact on remuneration, working conditions and employment at the enterprise. Consultations for the purposes of the given Law are an exchange of opinion and a dialogue between representatives of employees and the employer;
- 3) to participate in the establishment and improvement of terms of remuneration for work, the working environment, the conditions of work and the working time, as well as in the protection of the safety and health of employees;
- 4) to enter the territory of the enterprise, as well as to have access to work places;

- 5) to organise meetings of employees on the territory and premises of the enterprise;
- 6) to supervise compliance with normative acts, the collective agreement and the internal rules of the enterprise in the employment relationships.

194. On 29 April 1999 the Law On Organisations of Employers and their Associations was enacted, providing the legal status and system of employers' organisations, as well as their rights and obligations in relations with trade unions, public and municipal institutions. Under the said Law the task of employers' organisations is to represent the interests of their members in relations with trade unions and public and municipal institutions. The Law, in particular, provides that employers' organisations must not directly or indirectly infringe the rights of employees to join in trade unions or to influence their work.

195. Under the Law On Organisations of Employers and their Associations there may be the following types of associations of employers' organisations:

- 1) the Latvian Association of Employers' Organisations;
- 2) an association of employers' organisations of an industry;
- 3) a territorial association of employers' organisations.

196. Article 11 of the Law provides relations between employers' organisations and their associations and trade unions taking into account the above classification. Under the given Article the Latvian Association of Employers' Organisations conducts negotiations, comes to an agreement on the general principles of cooperation, conducts negotiations on the resolution of conflict situations with an association of Latvian industrial trade unions and an association of professional trade unions that represents more than half of the employees in the country. Employers' organisations of industries and their associations conduct negotiations, enter into an agreement with trade unions of industries, and promote the prevention of conflicts caused by strikes and other conflicts at the industry level. In their turn, territorial employers' organisations and their associations conduct negotiations, enter into an agreement with territorial trade unions, and promote the prevention of conflicts caused by strikes and other conflicts at the territorial level.

Right to strike

197. Pursuant to Article 108 of the *Satversme* employees have the right to strike. The exercise of the given right is regulated by the Law On Strikes adopted in 23 April 1998.

198. Article 3 of the Law On Strikes provides that employees have the right to strike in order to protect their economic or professional interests, and that the right to strike shall be used as an ultimate measure if no agreement and conciliation have been reached in a labour dispute during pre-strike negotiations. Article 4 of the Law emphasizes that participation in a strike is voluntary and that an employee must not be forced to participate in a strike or must not be prevented from participating in a strike.

199. The said Law regulates in detail the pre-strike negotiations, as well as the procedure for announcing a strike and the supervision over the progress of a strike, as well as cases and the procedure when a strike may be declared illegal.

200. Under the Law On Strikes, in the event of a dispute between the employees and the employer and the dispute exceeding the boundaries of employment relations, it is the duty of employees or their representatives to submit demands to the employer, which are formulated in a concrete manner. If the employer's answer is negative, it is the duty of parties to the dispute to organise pre-strike negotiations that last for not more than a week. In the event of failing to reach an agreement on the resolution of the dispute during the pre-strike negotiations, it is the right of employees to announce a strike in accordance with the procedure prescribed by the Law.

201. The application of the strike, indicating the place and the time of the strike, the reasons of the strike, the number of strikers and their demands, shall be submitted to the respective employer, the State Labour Inspection and the Latvian Trilateral Advisory Council of Employers, the State and Trade unions at least 10 days before the beginning of the strike.

202. Only court may declare a strike or its application illegal if requirements of the Law On Strikes have not been complied with or if the strike has been announced during the period of the operation of a collective agreement that has already been concluded with the purpose of changing the terms of the said agreement, thus violating the procedure for amending terms of a collective agreement, or if the strike is a solidarity strike and it is not related to the failure to conclude or execute the framework agreement (on tariffs, labour and other social protection guarantees), or if the strike has been proposed to express political demands, political support or political protest. Likewise a strike shall be declared illegal if it refers to issues that have been negotiated and agreed upon by parties to the dispute already during the pre-strike negotiations.

203. The Law On Strikes provides that under the procedure prescribed by the present Law the proposal of a strike, the application and participation in a strike shall not be considered as a violation of the employment agreement and Labour Law and, thus cannot serve as the grounds for the dismissal of employees and that employees participating in a strike in accordance with the Law shall not be subjected to disciplinary penalty for it. The Law emphasizes that work places shall be retained for those employees participating in a strike pursuant to the procedure prescribed by the Law.

204. Under Article 16 of the Law On Strikes judges, prosecutors, police officers, firemen, boarder guards, officers of national security agencies, supervisors of penitentiaries and persons serving in the National Armed Forces are prohibited to go on a strike. The Law also stipulates that it is the duty of the employer and the strike committee to ensure that during the strike work is continued on the minimum scale in services necessary for the society, where the suspension of these services would cause threat to national security, the safety, health or life of the whole society or a specific group of the population or specific individuals. The Law On Strikes lists the following services as necessary for the society:

- 1) medical treatment and medical assistance;
- 2) public transport;

- 3) supply of portable water;
- 4) services producing and supplying electric power and gas;
- 5) communications;
- 6) air traffic control and those services providing air traffic control services with meteorological information;
- 7) services related to the safety of the movement of all means of transport;
- 8) waste and waste water collection and purification services;
- 9) storage, use and control of radioactive substances and waste;
- 10) civil defence services.

205. Latvia has ratified the International Labour Organisation Convention No. 98 of 1949 "On the right to form organizations and collective bargaining". The current report on the execution of the above Convention was sent to the International Labour Organization in September 2001. The legal acts contained in the said Convention have been incorporated in the following legal acts of Latvia:

- 1) the Satversme of the Republic of Latvia;
- 2) the Law On Collective Agreements of 26 March 1991;
- 3) the Law On Trade Unions of 13 December 1990;
- 4) the Labour Code of Latvia;
- 5) the Law On Non-governmental Organisations and Their Associations of 15 December 1992;
- 6) the Code of Administrative Offences of the Republic of Latvia;
- 7) the Law On Strikes of 23 April 1998;
- 8) the Law On Organisations of Employers and Their Associations of 29 April 1999;
- 9) the Criminal Law;
- 10) the Law On the National Human Rights Office of 5 December 1996.

Article 9 of the Covenant

206. The establishment and development of the social security system in Latvia cannot be viewed separately from the political changes that have taken place in Latvia during the last ten years and that have had a significant impact on the development of the country on the whole.

207. During the years of Soviet regime the state exercised control over every area of the life of each individual, leaving no space for any private initiative. As a result the state also assumed full responsibility for satisfying the daily needs of each inhabitant; besides, everyone was guaranteed a certain social security level. Upon receiving these guarantees the individual was not requested to show any personal initiative or assuming responsibility for her/his living standards.

208. Thus, with the restoration of independence in 1991 the issue of the relations between the state and the individual in providing social security became topical. The implementation of the liberal social policy was started in Latvia, emphasizing the responsibility of the individual for the improvement of her/his situation, at the same time laying the foundation for a guaranteed state social assistance system for those who were unable to provide for themselves or to overcome particular difficulties of life and who did not receive sufficient assistance from anyone else.

209. According with the Constitutional Law of 1991 "On Rights and Obligations of a Citizen and Person", everyone enjoyed a right to insurance benefits in the event of old age, sickness, full or partial loss of the working ability, in case of loss of a relative, as well as a right to an unemployment benefit. The above Law became ineffective following the enactment of amendments to the *Satversme* in 1998 and at present Article 109 of the *Satversme* provides "that everyone shall enjoy the right to social insurance in the event of old age, inability to work, unemployment and other cases provided by law."

210. On 7 September 1995 the Law On Social Security was enacted within the frame of the reform of the social security system, providing the development of a social security system and the principles of its operation, the main social rights and responsibilities of individuals, basic conditions for their exercise, as well as regulating types of social services. Article 2 of the Law formulates the basic principles of the social security system:

- 1) social services are provided on equal basis, irrespective of gender, race, nationality, religious affiliation;
- 2) solidarity;
- 3) social insurance and assistance;
- 4) prevention;
- 5) self-government;
- 6) an individual approach.

211. On 26 October 1995 the Law On Social Assistance was also enacted while in 1 October 1997 - a new Law On State Social Insurance that corresponded to contemporary requirements.

212. Revenues in the state social insurance special budget in 2001 amounted to LVL 489.5 million or 10.2% of GDP while expenditures constituted LVL 498.8 million or 10.4% of GDP. Thus, in 2001 the deficit of the social insurance special budget reached LVL 9.2 million.

213. The deficit in the social insurance special budget exists already since 1999 and at the end of 2001 the accumulated deficit reached LVL 73.8 million. For the State Social Insurance Agency to be able to provide the payment of social insurance services (pensions, benefits) within the amounts and time frames prescribed by legal acts, a loan was taken from the central government basic budget, paying an interest for the loan (in 2001 it was 3.55 per year for a short-term loan and 9.325 per year for a long-term loan).

Social insurance budget

| | Million LVL | | % GDP | |
|------|-------------|--------------|----------|--------------|
| | Revenues | Expenditures | Revenues | Expenditures |
| 1998 | 438.3 | 445.5 | 12.2 | 12.4 |
| 1999 | 460.2 | 517.8 | 11.8 | 13.3 |
| 2000 | 474.6 | 503.8 | 11.0 | 11.6 |

214. As the NHRO points out in its statement, one of largest groups of complaints that the NHRO receives, is complaints that the employer has failed to make social insurance contribution payments for the employees or has made them only in part, and that the employer is in the process of insolvency, and as a result the person is denied the right to receive social insurance services. Article 1 of the Interim provisions of the Law On Social Insurance provided that a socially insured person was a person for whom compulsory contribution payments had been actually made. Thus, in cases when the employer failed to perform this duty, the employee had no possibility of exercising her/his right to social security. In 27 February 2001 the *Satversmes Tiesa* (Constitutional Court) reviewed the case *On Compliance of Article 1 of the Interim provisions of the Law On Social Insurance to Articles 1 and 109 of the Satversme of the Republic of Latvia, Article 9 and Article 11 Part 1 of the UN International Covenant on Civil and Political Rights* and declared this norm to be invalid as of the date of the publication of the judgement. Though welcoming such a judgment passed by the Constitutional Court, the NHRO still expresses its concern that the judgement still fails to completely resolve the issue of the rights of those individuals to social insurance for whom social insurance contribution payments had not been made till the date of the publication of the judgement.

215. At present the following benefits (pensions) are granted within the social security system in Latvia:

- 1) an old-age pension;
- 2) a disability pension;
- 3) a survivor's pension;
- 4) a maternity benefit;
- 5) a sickness benefit;
- 6) a benefit in the case of an accident at work or an occupational disease;
- 7) an unemployment benefit;
- 8) a benefit for families with children.

216. The social insurance reform that was started in the middle of the 90s is a significant step not only towards providing benefits and pensions, but also in increasing the labour resources and related financial resources for providing social guarantees to the population, as well as in aligning labour relations as the linking of the pension and benefit amounts with the contribution payments made by the socially insured person stimulates a decrease in the proportion of shadow economy, a more precise declaration of income and an increase on the revenue side in national budget. Thus, in 1998 the payroll fund (amount of salary in the country) from which the social insurance contribution payments were made, had increased by 12% in comparison with the preceding year, in 1999 it was 11.7%, in 2000 - 6.8%, in 2001 - 8.4%, exceeding the average growth rates of wages and testifying to the growth of labour resources in official economy and an increase in the declared wage amounts. The more awareness of personal involvement and responsibility for social security and social insurance contribution payments increases, the larger portion of GDP is expended on improving the welfare of the population and for the accrual or funds to ensure the payment of pensions in future.

Old-age pension

217. The development of a new pension system was one of the main elements of the social security reform. The aim of the pension reform was to establish a financially stable (risk-diversified) pension system that would be based on contribution payments made by the insured person and that would include the component of pensions of the solidarity of generations, as well as the component of the actual accrual of the pension capital, thus in the conditions of the rapid demographic aging of the population providing a stable substitution of earned income in the long-term. Notwithstanding the considerable difficulties of the transition period, the pension system of Latvia has been internationally recognised to be one of the most up-to-date and efficient.

218. In view of the socio-economic conditions and the demographic situation in the country the pension system is established as a three-tier system: the first tier - the compulsory generation solidarity State pension scheme, the second tier - the compulsory funded State pension scheme; the third tier - the voluntary private pension scheme. The simultaneous existence of the three tiers of the pension system ensures the long-term stability of the pension system.

219. The first tier is a pension scheme that is based on social insurance contribution payments and that operates according to the principle of the solidarity of generations. In accordance with the Law On State Social Insurance the scheme encompasses all the economically active population of the country who have reached the age of 15 (employees, self-employed) and specific economically inactive categories of the population (persons with disabilities who do not work, persons who take care of a child under the age of one and a half, persons who receive unemployment, sickness or maternity benefits etc.). Persons who are not subject to compulsory social insurance in Latvia and who have reached the age of 15 may join pension insurance on a voluntary basis.

220. The operation of the pension scheme is regulated by the Law On State Pensions, enacted on 2 November 1995. Under the given Law, women and men who have reached the age of 62 and whose insurance period is not less than 10 years are entitled to the old age pension. It must be noted that the retirement age - 62 years - has been raised in comparison with the retirement

age established during the Soviet period. At the same time the equalization of the retirement age between men and women and the increase of the retirement age has been gradual (currently the retirement age for women is 58 years, as of 1 July 2001 - 58.5 years for women, 61 years for men). The Law also stipulates that until 1 July 2005 men and women whose insurance period is not less than 30 years may retire early - 2 years before they reach the retirement age prescribed by the Law.

221. The operation of the pension scheme of the first tier is based on insurance principles: the pension amount is based on the notional pension capital that has been accrued during the person's working life, i.e., information about contribution payments made for pension insurance that is divided by the projected life expectancy at the respective age upon retirement. As the projected life expectancy for women is considerably higher than that of men, the principle of gender solidarity is applied and calculations use the average projected life expectancy for men and women. The notional pension capital accrues an interest like in the case of the funded pension scheme; however, in contrast to the funded pension scheme where the growth of the capital depends on the return on the investment, the growth of the first tier capital depends on the wage growth in the country. In this scheme the pension amount depends on the amount of social insurance contribution payments made, the capital index and the retirement age, ensuring the insured person a certain part of the substitution of the previous incomes (about 40-50% depending on the retirement age).

222. Until 31 December 2006 the amount of old-age pensions for person who have reached the retirement age prescribed by law, shall not be less than the state social insurance benefit (Ls 30) to which the following coefficients are applied: in the event of the insurance period not exceeding 20 years - 1.1; for persons whose insurance period exceeds 20 years but does not exceed 30 years - 1.3; in the event of the insurance period exceeding 30 years - 1.5. Until 2002 pensions were indexed by the consumer price index on regular basis, however as of 2002 changes in the insurance contribution wages will also be taken into consideration in the indexation of pensions. Thus, until 31 December 2005 state pensions if their amount does not exceed a triple amount of the state social insurance benefit, are indexed taking into account the actual consumer price index as well as 25% of the actual increase in the insurance contribution wages while pensions that exceed a triple amount of the state social insurance benefit but do not exceed the amount that is equal to five times the state social insurance benefit, are indexed by the consumer price index. During the period from 2006 till 2010 the consumer price index and the 25% wage index will be applied to all pensions which will not exceed the amount equal to five times the state social insurance benefit, while as of 2011 50% of the actual increase in the insurance contribution wages will be used in the consumer price/wages index.

223. Pensioners have a right to work irrespective of their age. A working pensioner continues to make social insurance contribution payments and to accrue the notional pension capital that is used for increasing the pension amount once in three years. The payment of pensions is financed by social insurance contribution payments (the state social insurance special budget).

224. The second tier of the pension system - the compulsory funded State pension scheme is based on the principle of investing individual social insurance contribution payments, providing that part of the person's social insurance contribution payments for old-age pensions will be invested. This gives a possibility to acquire additional pension capital without increasing the

total social insurance contribution payment rate for old-age pensions, thus ensuring a higher income substitution level in old age. Participation in the second tier of the pension system is compulsory to all those economically active inhabitants who until 1 July 2001 had not reached the age of 30, while those in the age group of 30 - 49 years of age can participate in the scheme on voluntary basis. Gradually all employees will be involved in the second tier. The operation of the scheme is regulated by the Law On State Funded Pensions that was enacted in 17 February 2000 and became effective as of 1 July 2001. Until 2003 resources of the funded pension scheme are managed by the State Treasury while in the following years the participant of the scheme will have the opportunity to choose the manager of funds - either the State Treasury or any of the private administrators of funds licensed by the Commission on Financial and Capital Markets.

225. The third tier of the pension system is the voluntary private pension scheme, i.e., private pension funds, where everyone can participate and accrue additional resources for his/her pension in old age. The operation of the system is regulated by the Law of 5 June 1997 On Private Pension Funds, effective as of 1 July 1998. Under the Law there are closed and open pension funds. Only persons who are employees of the founders of pension funds may be participants of pension plans of the closed pension fund.

Disability pension

226. The right of person to disability pension is regulated by the Law On State Pensions. Under Article 14 of the Law persons with disabilities whose insurance period is not less than 3 years have a right to a disability pension.

227. Persons with disabilities are persons who have a long-term or permanent restriction of physical or mental abilities that impedes their integration into the society, as well as limits their ability to work fully or partly. The medical examination concerning disability, aimed at establishing the degree of the restriction of the individual's physical or mental abilities on individual basis and assessing the ability of the disabled person to integrate into the society, is conducted by the Inspectorate of Quality Expertise of Medical Care and Working Capability.

228. The pension amount for persons with the I and II disability category (severe disability) depends on the disability category, the person's insurance period and the average wage for any 36-consecutive months during the last five years prior to the receipt of the pension. The minimum pension amount has been established. For the persons with disabilities of the I and II disability category the pension amount shall be not less than the state social insurance benefit (LVL 30) with the respective coefficients applied: 1.6 - for the persons with disabilities of the I category, 1.4 - for the persons with disabilities of the II category. In the event of the III disability category (moderate disability) the pension is granted in the amount of the state social insurance benefit, i.e., LVL 30 (per month).

229. The payment of the disability pension is provided for the whole disability period until the person reaches the retirement age required for the old-age pension. Upon reaching the retirement age the disability pension is substituted by the old-age pension that must be not less than the disability pension during the disability period. The disability pensions are indexed in the same manner as all other state pensions.

230. Under the Law On State Social Insurance the economically active population over the age of 15 (employees, the self-employed), except those who have reached the retirement age and the persons with disabilities of the I and II disability category are included in the disability insurance scheme on compulsory basis. The spouse of a self-employed person, who is not subject to compulsory social insurance in the Republic of Latvia and has not reached the age that makes the person eligible for a state old-age pension, may join disability insurance voluntarily. The payment of disability pensions is financed from the social insurance contribution payments (the state social insurance special budget).

231. A person who has the III category disability may receive an unemployment benefit as in accordance with the Law "On State Social Insurance" the person is subject to insurance against unemployment while the persons with disabilities of the I and II disability category are not subject to insurance against unemployment as the risk of the loss of the ability to work has already set in and, thus, the legal acts in force do not provide any right for them to receive an unemployment benefit.

Maternity benefit

232. Under the Law On Maternity and Sickness Insurance of 6 November 1995 a person, upon leaving for the maternity leave, is granted a state social insurance benefit - the maternity benefit. In its turn, the Law On State Social Insurance of 1 October 1997 provides that all employees and the self-employed are subject to maternity insurance.

233. Article 5 of the Law On Maternity and Sickness Insurance provides that the maternity benefit is a benefit that is granted and paid to a woman for the period of the pregnancy and childbirth leave if the woman is absent from work and thus loses income for salaried work or if a self-employed woman loses her income. The pregnancy and childbirth leave lasts for 56 calendar days. Summing up the number of these days, the maternity benefit is granted for 112 calendar days. The same Article also provides that if the woman has registered with a physician by the 12th week of pregnancy, she is granted an additional paid leave of 14 calendar days, thus the length of the pregnancy leave and the benefit period is extended from 56 to 70 calendar days. Likewise, in the event of complications arising during the pregnancy period, the childbirth or the post-natal period, as well as in the event of the birth of two or more children, the woman is granted an additional paid leave of 14 calendar days; thus the period of the post-natal leave is extended from 56 to 70 calendar days.

234. Article 6 of the above Law prescribes that fathers or other persons who actually take care of the child at home and have lost their salaried income, and are subject to maternity insurance if the child's mother has died during the birth or by the 42nd day of the post-natal period, if the mother has refused to take care of the child and to bring up the child pursuant to the procedure laid down by law, or if the mother is unable to take care of the child till the 42nd day of the post-natal period due to illness, injury or any other health condition - related reason, have a right to the maternity benefit. Under Article 7 of the Law On Maternity and Sickness Insurance in the event of a family having adopted a child who has not yet reached the age of two months, the maternity benefit is granted for 56 calendar days, starting with the date of the child's adoption. The average insurance contribution wage of the calendar day for the calculation of benefits shall not exceed 50% of 1/365 of the annual maximum amount of the state social insurance compulsory contribution object that was in force on the date when the insurance event occurred.

235. Article 10 of the Law On Maternity and Sickness Insurance provides that the maternity benefit is granted in the 100% amount of the average insurance contribution wage of the beneficiary. The period for the calculation of the average insurance contribution wage is provided in Article 31 and Article 32 of the Law: for employees - the period of six calendar months that expires two calendar months before the month when the insurance event occurred; for the self-employed - the period of 12 calendar months that expires three calendar months before the quarter of the year when the insurance event occurred.

236. In Latvia the maternity benefit is granted to all socially insured persons who on the date when the insurance event occurred are subject to maternity insurance, no special qualification period is set (for example, the length of the in-service time or the period of social insurance contribution payments). Women, who have been released due to the liquidation of an institution, enterprise or an organisation, are granted the maternity benefit according to the general procedure if the right to the pregnancy leave has originated not later than 210 days after the person was released.

237. In accordance with Article 67 of the Convention of the International Labour Organisation On Social Insurance Minimum Standards, the maternity benefit amount in 2001 two times exceeded the minimum norms prescribed by the Convention (see the table).

| Type of the benefit | The amount of the benefit in accordance with minimum norms of the ILO Convention No. 102* | The amount of the benefit in accordance with Latvian legal acts LVL/month**4 | Assessment |
|---------------------|---|--|---|
| Maternity benefit | 54.46 Ls | 120.37 Ls | Maternity benefit exceeds the minimum social insurance norms prescribed by the ILO Convention No. 102 |

* The amount of the benefit in the event of maternity was calculated taking into account conditions contained in Article 67 of the 102nd Convention of the International Labour Organization, providing that the amount of the benefit should be 45% of the wage of a typical benefit recipient (a man with a wife and two children). Under Paragraph 7 of Article 65 a typical benefit recipient is a person who is employed in the largest group of economic activities with the largest number of economically active male individuals. According to the results of the survey on professions conducted by the CSD in 2001, in Latvia this is the group of employees working in the processing industry whose average gross wage in 2001 was LVL 148.26 per month.

238. In comparison with 1991 expenditures on maternity benefits have increased from 0.2 million LVL to 5.7 million in 2001, as well as the average benefit amount (per day) has increased from 0.06 LVL in 1991 to 4.52 LVL in 2001. In 2001 the ratio of maternity benefits against the total expenditures from the GDP constituted 0.12%.

239. At the same time the maternity benefit is not received by those mothers who do not work and who do not make compulsory social insurance contribution payments; in 2000 only 47% of all mothers who had given a birth received a maternity benefit.

Sickness benefit

240. The sickness benefit in material terms is a health care (at hospitals and out-patient clinics, including pharmaceutical products and dentistry for children), which is financed from the state budgetary resources; in its turn, the sickness benefit in financial terms is the state social insurance benefit which is granted and paid in view of the setting in of an insurance case - temporary inability for work in accordance with the Law On Maternity and Sickness Insurance.

241. The sickness benefit is granted to socially insured persons (employees and the self-employed) if the said persons have been socially insured pursuant to the Law On State Social Insurance, and if during the period of their inability to work they do not come to work and lose salaried income due to the following reasons: the loss of the ability to work as a result of a disease or an injury; the necessity to receive medical assistance or treatment of preventive nature; isolation required due to quarantine; treatment at a sanatorium or health resort during the period of recuperation after an illness or an injury if according to the medical statement such treatment is necessary to recover the working ability; stay at an in - patient institution in view of making prosthetic or orthetic appliances; the necessity to take care of a sick child under the age of 14.

242. The right to receive a sickness benefit is enjoyed also by persons whose temporary inability to work has occurred within a month after the end of the employment period if social insurance contribution payments have been made at least for two months before the end of the employment period.

243. The sickness benefit paid is equal to 80% of the average monthly wage from which the insured person is making insurance contribution. Compensation - sickness money - for the first 14 days of the inability to work is paid by the employer from its own funds while the subsequent period of temporary inability to work till the recovery of the ability for work or till the degree of the loss of the ability of work is established is paid by the State Social Insurance Agency.

244. The benefit is not paid for the period of inability to work that exceeds 52 weeks, counting from the first day of inability to work if inability to work is uninterrupted. Likewise the benefit is not paid for the period of inability to work that exceeds 78 weeks in the course of three years if inability to work recurs at certain intervals. An exception of this provision is the case when inability to work has been caused by tuberculosis. Tuberculosis patients are granted and paid the benefit for the time till the recovery of their ability to work or till the date when disability is established.

245. If temporary inability to work has been caused by the sickness or injury of the employee that is not related to an accident at work, the duty of the employer is to pay its employees sickness benefit from its own resources and it shall be not less than 75% of the employee's average wage for the second and third day of temporary inability to work but not more than 80% of the employees average wage - for the period from the fourth to the fourteenth day of temporary inability to work, if the employee has been issued the sickness list A. The sickness benefit is paid for those days of temporary inability to work that would have been workdays for the employee if her/his temporary inability to work had not set in. The sickness benefit is not paid for the first day of inability to work except the cases when temporary inability to work has been caused by an accident at work.

246. If temporary inability to work has been caused by an accident at work, then in accordance with the Law On Compulsory Social Insurance Against Accidents at Work and Occupational Diseases of 2 November 1995, it is the employers' duty to pay sickness money to the employee from its own resources for the first 14 calendar days of inability to work in the amount of 80% of the monthly average insurance contribution wage.

247. Under the Law On Maternity and Sickness Insurance a sickness benefit is granted and paid in the amount of 80% of the insured person's monthly average insurance contribution wage.

248. The average insurance contribution wage for the calculation of the sickness benefit is determined on the basis of the insured person's insurance contribution wage - for employees it is for a period of six calendar months, ending the said period two months before the month when the insurance case occurred while for the self-employed - for a period of twelve months which ends three calendar months before the quarter of the year when the insurance case occurred. The average insurance contribution wage for the calculation of the sickness benefit must not exceed 50% of 1/365 of the annual maximum amount of the state social insurance compulsory contribution object that was in effect on the date when the insurance case occurred.

249. The sickness benefit is not granted if during the sickness period the employee works at her/his place of work; if inability to work has occurred during the time when a person committed a crime or it has occurred as a result of the said crime and it has been established by court; if a person has harmed herself/himself or the health of a person in her/his care, knowingly and considerably, and it has been established by a physician or if the person has attempted to get a benefit in a fraudulent way and it has been stated by a physician or the State Social Insurance Agency.

250. The payment of the sickness benefit is terminated if during the period of inability to work a person has failed to follow the rules established by the physician without any valid reason, if a person has failed to visit the physician or to appear before the medical experts' commission without any valid reason, as well as for the time when a person has been on full state sustenance, when a person is detained in custody or in prison.

251. Pursuant to Article 67 of the 102nd Convention of the International Labour Organisation in 2001 the sickness benefit exceeded the minimum norms provided by the Convention.

| Type of the benefit | The amount of benefit in accordance with minimum norms of the ILO Convention No. 102* | The amount of benefit in accordance with Latvian legal acts LVL/month ⁵ | Assessment |
|---------------------|---|--|--|
| Sickness benefit | LVL 54.46 | LVL 81.74 | The benefit exceeds the social insurance minimum norms provided by the 102 nd Convention of the ILO |

* The amount of sickness benefit was calculated taking into account conditions contained in Article 67 of the 102nd Convention of the International Labour Organization, providing that the benefit amount should be 45% of the wage of a typical benefit recipient (a man with a wife and two children). Under Paragraph 7 of Article 65 a typical benefit recipient is a person who is employed in the largest group of economic activities with the largest number of economically active male individuals. According to the results of the survey on professions conducted by the CSD in 2001, in Latvia these are persons employed in the processing industry whose average gross wages in 2001 was LVL 148.26 per month.

252. In comparison with 1991, the expenditures on sickness benefits increased from 0.8 million LVL to 9.6 million LVL in 2001, likewise the average amount of sickness benefit (per day) increased from 0.07 LVL in 1991 to 3.68 LVL in 2001 (see the table). In 2001 the ratio of sickness benefits against the total expenditures from GDP constituted 0.2%. In 2001 the average amount of sickness benefit was LVL 81.74.

| Quantitative indicators of sickness insurance | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|--|-------|-------|-------|-------|-------|-------|-------|
| Expenditures in million LVL (in actual prices) | 15.0 | 13.6 | 3.1 | 5.6 | 7.6 | 8.4 | 9.6 |
| Number of paid sickness days (average per month, in thousands) | 362.7 | 298.1 | 105.7 | 163.3 | 177.7 | 190.7 | 213.1 |
| Average amount of sickness benefit per day | 3.46 | 3.82 | 2.70 | 2.87 | 3.48 | 3.64 | 3.68 |

Benefit in the case of an accident at work or an occupational disease

253. The protection of persons who have suffered an accident at work is regulated by the Law On Compulsory Social Insurance Against Accidents at Work and Occupational Diseases of 2 November 1995, providing that an insured person, who has suffered an accident at work or has contracted an occupational disease, enjoys the right to the following types of insurance indemnity:

- 1) a sickness benefit for the period of temporary inability to work that is related to an accident at work or an occupational disease (maximum 52 calendar weeks);
- 2) compensation for the loss of ability to work if the Inspectorate of Quality Expertise of Medical Care and Working Capability has established a partial or full loss of ability to work that has been caused by an accident at work or an occupational disease;
- 3) a one-time benefit that may be substituted by compensation for the loss of ability to work if the Inspectorate of Quality Expertise of Medical Care and Working Capability has established permanent loss of ability to work in the range from 10 to 24 %;
- 4) compensation of additional expenses - treatment and medical and occupational rehabilitation costs, transport expenses for visiting a medical treatment institution or a rehabilitation institution, costs related to the services of an escort, costs incurred by the purchase and repairs of technically auxiliary devices, costs of the care for an insured person, if the said expenses exceed the expenditures provided by the health care basic programme and/or the social care basic programme for rehabilitation;
- 5) services for the recovery of the ability of work and the integration of victims into the society: medical treatment, care, medical rehabilitation, retraining, occupational rehabilitation;
- 6) compensation for the loss of a provider in the event of the death of an insured person to his/her family members who are incapable of work whom the insured person supported in part or in full.

254. Amount of monetary benefits depends on the salaried income of the insured period during the preceding period (the person's average insurance contribution wage for a six-month period, ending the said period two calendar months before the month when the insurance case set in) and on the degree of the loss of the person's ability to work. Pursuant to the Law On State Social Insurance all employees who have reached the age of 15 are subject to social insurance against accidents at work and occupational diseases.

Unemployment benefit

255. The first officially registered unemployed persons appeared at the beginning of the 90s as a result of economic crisis in Latvia. Thus, a necessity appeared to provide social protection to individuals who had lost their salaried income. Already on 23 December 1991 the Law On Employment entered into force, aimed at providing a compensation of income in the event of unemployment in the amount of 90% or 70% of the state fixed minimum monthly wage, as well as promoting the upgrading of the existing qualifications or requalification to meet the demands of market economy.

256. Within the framework of implementing the social insurance reform in respect of insurance against unemployment, on 5 December 1995 a new Law On Compulsory Social Insurance Against Unemployment was enacted, providing that the unemployment benefit amount had to be proportional to the individual contribution wage of the person, the length of the insurance period and the length of the period during which the benefit was received. During the further development of the system of services in the event of unemployment on 1 January 2000 a new Law On Insurance Against Unemployment was enacted, providing a compensation of income for an insured person in the event of unemployment, the granting of an unemployment benefit in proportion to social insurance contribution payments made and the length of the insurance period, as well as providing the upgrading of qualifications and retraining of the unemployed person. All employees and specific vulnerable categories of the population are subject to insurance against unemployment. In comparison with the previous legal acts, the presently applicable Law has been significantly improved: the distribution of the employment special budget funds has been determined for financing active and passive employment policies; a new social insurance service has been provided - a funeral allowance in the event of the death of unemployed person etc.

257. To be eligible for unemployment benefit, the following conditions must be met: the applicant for the benefit must be socially insured against unemployment; the applicant for the benefit must have the status of unemployed person and social insurance compulsory contribution payments must have been made for the applicant for at least 9 months during the period of the last 12 months.

258. If during the last 12 months prior to the date when applicants have been granted the status of the unemployed they have made contribution payments for at least 9 months, the amount of unemployment benefit is established in proportion to the length of the insurance period and income from which contribution payments are made for the event of unemployment: with the insurance period of 1 to 9 years - 50% of the average insurance contribution wage; with the insurance period of 10 to 19 years - 55% of the average insurance contribution wage; with the insurance period of 20 to 29 years - 60% of the average insurance contribution wage; with the insurance period of over 30 years - 65% of the average insurance contribution wage.

259. The amount of benefit is fixed, taking into account the unemployed person's average insurance contribution wage for a period of six calendar months, ending the said period two calendar months before the month when the person has received the status of the unemployed.

260. The above unemployment benefit is payable depending on the length of unemployment period: a full amount is paid during the first three months, during the following three months - 75% of the granted unemployment benefit but not more than 80% of the average monthly insurance contribution wage fixed in the country (at present it is 80 LVL); for the last three months - 50% of the granted unemployment benefit but not more than 40% of the average monthly insurance contribution wage fixed in the country (at present it is 50 LVL). The granted monthly unemployment benefit must not exceed a double amount of the average monthly insurance contribution wage fixed in the country (at present it is 250 LVL).

261. The unemployed persons for whom contribution payments during the last 12 months (not less than 9 months) have been made by the state, receive an unemployment benefit of 60% of the double amount of the state social insurance benefit that is in force on the date when the person applies for the unemployment benefit (at present it is 35 LVL) if during the given period they have belonged to one of the following categories: mothers and other persons bringing up a child under the age of one year and nine months; persons who have been discharged into reserve after active public service.

262. The unemployed for whom contribution payments during the last 12 months have not been made or have been made for less than 9 months, receive an unemployment benefit of 60% of the double amount of the state social insurance benefit that is in force on the date when the person applies for the unemployment benefit (at present it is 35 LVL) if during the given period they have belonged to one of the following categories: persons who have gained their ability to work after disability; persons who have taken care of a disabled child under the age of 16.

263. Pursuant to Article 67 of the 102nd Convention of the International Labour Organization the unemployment benefit is below the minimum norms prescribed by the Convention (see the table).

| Type of the benefit | The amount of benefit in accordance with minimum norms of the ILO Convention No. 102* | The amount of benefit in accordance with Latvian legal acts LVL/month ⁶ | Assessment |
|----------------------|---|--|---|
| Unemployment benefit | 54.46 Ls | 40.55 Ls | The unemployment benefit is below the minimum social insurance norms prescribed by the 102 nd ILO Convention |

* The amount of benefit in the event of unemployment was calculated taking into account conditions contained in Article 67 of the 102nd Convention of the International Labour Organization, providing that the benefit amount should be 45% of the wage of a typical beneficiary (a man with a wife and two children). Under Paragraph 7 of Article 65 a typical benefit recipient is a person who is employed in the largest group of economic activities with the largest number of economically active male individuals. According to the results of the survey on professions conducted by the CSD in 2001, in Latvia this is the group of employees working in the processing industry whose average gross wage in 2001 was LVL 148.26 per month.

264. In 2001 the ratio of unemployment benefits against the total expenditures constituted 0.39% of GDP. In 2001 the average number of recipients of the unemployment benefit per month was 45.5 thousand people, the average insurance contribution wage from which the unemployment benefit was calculated in 2001, was 117.61 LVL and the average unemployment benefit amount granted in 2001 was 40.55 LVL (see the table).

| Quantitative indicators of insurance against unemployment | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|--|-------|-------|-------|-------|-------|-------|-------|
| Expenditures in million LVL (in actual prices) | 7.3 | 9.6 | 11.4 | 14.7 | 27.5 | 21.5 | 18.4 |
| Number of recipients of the unemployment benefit (average per month, in thousands) | 27.0 | 28.7 | 30.9 | 30.7 | 47.7 | 39.8 | 45.5 |
| Average unemployment benefit, in LVL per month | 23.20 | 27.77 | 30.38 | 40.08 | 48.07 | 45.30 | 40.55 |

Support to families with children

265. In order to provide support to families with children, the system of state social benefits for families with children, established in 1991, grants the family state benefit to such families and an additional payment for a child with disabilities, a child care allowance and a childbirth benefit. The procedure for granting and paying the state social benefits to families with children is regulated by the Law On Social Assistance of 26 October 1995.

266. Under the Law On Social Assistance the state family benefit is granted to families with children. The family state benefit has a universal character; it is granted to every child. The family state benefit is a monthly benefit and Latvian citizens, non-citizens, foreigners and stateless persons who have a personal identity code, except persons who have received a temporary residence permit, are eligible for this benefit. No special qualification period has been established.

267. The Law On Social Assistance provides that the family state benefit is granted for every child who is under 15 or is over the age of 15, attends a general educational establishment and has not entered marriage but not longer than until the age of 20. In the latter case the benefit is granted for the time while the child attends school.

268. Persons who bring up a child with disabilities, who has not yet reached the age of 16, are granted an additional payment of the family state benefit. The purpose of the above additional payment is to provide support to families who take care of a child with disabilities, to promote his/her integration into the society. The additional payment to the family state benefit for a child with disabilities is 35 LVL per month.

269. Taking the total amount of 1.5% of GDP in 2001 and the personal income tax relief for a dependent child, as well as the family state benefit in 2001 as the basis, the family state benefit amount for each child should be 10.12 LVL. Currently the family state benefit in Latvia is as follows (see the table):

| | |
|--|--|
| For children born until 1 January 1999 | For children born after 1 January 1999 |
| For the first child - 4.25 LVL | For the first child - 6.00 LVL |
| For the second child - 5.10 LVL | For the second child - 7.20 LVL |
| For the third child - 6.80 LVL | For the third child - 9.60 LVL |
| For the fourth and subsequent children 7.65 LVL | For the fourth and subsequent children 10.80 LVL |

270. The ratio of the total amount of the family state benefit and the personal income tax relief for a dependent child in GDP (see the table):

| | |
|------|-------------|
| 1993 | ~ 2.49% GDP |
| 1994 | ~ 2.20% GDP |
| 1995 | ~ 1.89% GDP |
| 1996 | ~ 1.61% GDP |
| 1997 | ~ 1.43% GDP |
| 1998 | ~ 1.27% GDP |
| 1999 | ~ 1.18% GDP |
| 2000 | ~ 1.12% GDP |
| 2001 | ~ 0.73% GDP |

271. The child care allowance is a regular monthly benefit that does not depend on the number of children and which is granted to a person who takes care of a child under the age of 3, is not employed or is employed on part-time basis, and does not receive the maternity benefit. The amount of the childcare allowance for a child under the age of a year and a half is 30 LVL per month. Persons who take care of a child from the age of one year and a half to three years receive a benefit in the amount of 7.50 LVL per month.

272. The childbirth benefit as a single benefit is granted to one of the parents of the child or a person who has adopted or assumed guardianship over a child under the age of one year. The childbirth benefit constitutes 50% of the value of a baby's layette, currently it is 98 LVL. If the mother has registered with a physician by the 12th week of her pregnancy and follows all the directions given by the physician, the benefit is 196 LVL.

273. In order to support families who have additional expenses due to the upbringing of children, the Law On Personal Income Tax prescribes incentives when one of the providers pays the personal income tax, which is equal to half of the untaxable annual minimum - the total annual amount of the minimum monthly untaxable minimums (currently the untaxable minimum is 21 LVL) - for one underage child; for a child while she/he continues her/his general or special education but only until the child reaches the age of 24; for a grandchild or a child taken over for upbringing if it is not possible to collect alimony from the child's parents and also during the period the child continues her/his general or special education but only until the child reaches the age of 24; for a brother, a sister under the age of 18 if they have no parents who are able to work; for dependents; for a person on whose behalf alimony is collected from the payer following the court's judgement; for person under the guardian of the payers. Incentives amount to 10.50 LVL for each of the above persons.

Survivor's pension

274. The right to a survivor's pension is regulated by the Law On State Pensions. Under the said Law the survivor's pension if the provider has been a socially insured person, can be received by family members of the deceased who are unable to work and have been the insured person's dependants: children under the age of 18, brothers, sisters, grandchildren under the age of 18 if they have no parents who are able to work. Persons belonging to the above categories enjoy the right to the pension till the age of 24 if they attend general, vocational educational institutions or are full-time university students. In their turn, children, sisters, brothers, grandchildren of the deceased provider, acquire the right to the pension, irrespective of their age, if they have been disabled prior to reaching the age of 18. The legal acts of Latvia do not prescribe the survivor's pension to the surviving spouse (the widow, the widower).

275. The survivor's pension is paid on a monthly basis, and the amount of pension is calculated on the basis of the provider's possible old-age pension, assuming that the respective person would have continued to work till the retirement age prescribed by the Law On State Pensions and would have continued to make contributions towards pension within the previous amounts. The survivor's pension for one child has been established in the amount of 50% of the provider's possible old-age pension, for two children - 75%, for three and more children - 90% of the provider's possible old-age pension.

276. The survivor's pension for children, who have lost both parents, is calculated taking into account the possible old-age pension of both parents. The minimum pension amount has been established: the total pension amount shall not be less than the state social insurance benefit (30 LVL), at the same time, each child's share should not be less than 50% of the state social insurance benefit for. The granted pension amount is protected against inflation by regular pension indexation (once a year), taking into account the consumer price index changes and as of 2002 also a certain part of the insurance contribution wage index.

277. As the survivor's pension is calculated on the basis of the possible old-age pension, the range of insured persons is analogous to the state pension insurance (see old-age pensions). The payment of survivor's pensions is financed from the social insurance contribution payments (the state social insurance special budget).

Article 10 of the Covenant

278. Pursuant to Article 110 of the *Satversme*: "the state shall protect and support marriage, the family, the rights of parents and rights of the child. The state shall provide special support to disabled children, children left without parental care or who have suffered from violence." Thus, the state ensures the protection of the family at the constitutional level.

Protection of the rights of a child

279. On 19 June 1998 the Law On Protection of Children's Rights was adopted; the aim of the Law is to prescribe the rights, freedoms of a child and their protection, taking into account the fact that a child as a physically and intellectually immature person requires a special protection and care. Likewise, the Law includes basic provisions that are followed in controlling the child's behaviour and in establishing the child's responsibility; the Law regulates rights, duties and responsibility of parents and other natural and legal persons, as well as the state and local governments in respecting the child's rights.

280. Article 3 of the Law provides that the state guarantees the rights and freedoms to all children without discrimination - irrespective of the race, nationality, gender, language, party affiliation, political and religious views, national, ethnic or social origin, material and health condition, birth or other conditions of the child, the child's parents, guardians, family members.

281. In order to promote respect for the rights of a child in this country, in 1995 the National Centre for the Protection of the Rights of a Child was established under the supervision of the MES. The task of the Centre is to supervise compliance with laws and normative acts in the area of the protection of children's rights, to formulate proposals for ensuring the required amendments in legal acts on the protection of children's rights, as well as to coordinate activities of public and municipal institutions in the area of the protection of children's rights. Likewise, it is the task of the Centre to present a report once in five years on the implementation of the Convention on the Rights of the Child of 1989 in Latvia.

282. In January 2001 the UN Committee on Children's Rights reviewed the initial national report of Latvia on the implementation of the Convention on the Rights of the Child of 1989 in Latvia. In its final conclusions the Committee on Children's Rights gave, inter alia, a positive assessment of the activities undertaken in harmonizing national legal acts with principles of the Convention, in particular, noting amendments to the Law On Citizenship, adopted by the referendum in 1998. Yet at the same time the Committee on Children's Rights expressed several proposals and recommendations for a more complete implementation of the norms contained in the 1989 Convention, for example, to continue activities within the frame of the policy for promoting the health of children and teenagers, to assess the legal acts in force and the practice of their application concerning juvenile delinquents, as well as concerning all minors who participate in court proceedings in any status.

283. Information on recommendations and suggestions of the Committee on Children's Rights was submitted to the *Saeima* as well as the CM, which on 27 March 2001 entrusted the National Centre for the Protection of Children's Rights with the task of presenting information about the implementation of recommendations given by the Committee on the Rights of the Child upon the submission of the next report of Latvia on the implementation of the Convention on the Rights of the Child of 1989 to the CM.

284. Currently the next report of Latvia is being prepared on the implementation of the 1989 Convention and this report will include information also on activities undertaken in implement recommendations and proposals of the Committee on Children's Rights.

285. Latvia has also ratified the 1919 Convention No. 5 of the International Labour Organisation On the Minimum Age of Children, the 1919 Convention No. 6 of the International Labour Organisation On Children's Work at Night in Industry, the 1920 Convention No. 7 of the International Labour Organisation On Establishing the Minimum Age of Children upon Allowing Them to Work on High Seas, the 1973 Convention No. 138 of the International Labour Organisation On the Minimum Age for Hiring. The current report on the implementation of the 1920 Convention No. 7 of the International Labour Organisation On Establishing the Minimum Age of Children upon Allowing Them to Work on High Seas and the 1973 Convention No. 138 of the International Labour Organisation On the Minimum Age for Hiring was sent to the International Labour Organisation in September 2001. On the whole, normative acts in effect in Latvia comply with requirements of the Conventions.

286. In view of the growing topicality of a new, until recently little studied, problem which relates to the research on the impact of the “Internet” network environment on the youth and children, the *National Programme for the Prevention of the Sexual Abuse of Children 2000-2004* included also tasks aimed at reducing the possibilities of disseminating child pornography on the Internet and reducing the possibilities of children to use violent, erotic and pornographic materials in the Internet. Following the guidelines of the above Programme a working group was established at the Ministry of Transport and Communications on 6 December 2001 following the order of the Prime Minister, which started work on the formulation of the draft *Concept On Protection of Children’s Rights on the Internet*.

Parental duty to take care of their underage children

287. In accordance with the requirements of the Covenant, Article 179 of the Civil Law provides that it is the parents’ duty in proportion to their material and social position to take care of the life and welfare of their dependant children, to provide them with nutrition, i.e., to provide food, housing, clothes, to take care of them, to bring them up and educate. Taking care of children until they can support themselves, is the responsibility of the father and the mother proportionally to their material situation.

288. Likewise, Article 184 of the Civil Law prescribes the duty of parents to prepare an underage child for useful activity, besides taking into account, as far as possible, the individuality, abilities and inclinations of the child.

289. If parents abuse their parental power and treat children in a particularly bad manner, pursuant to norms contained in the Civil Law, court may deprive the guilty parent of parental power, leaving the children in the parental power of the other parent as well as to appoint a guardian for the children if the power used by the other parent does not provide sufficient protection for children against the harmful influence of the guilty parent or if both parents are at fault.

290. The identification of families which do not exert sufficient effort to ensure the development or upbringing of the child, where the child is not prepared for useful activity or parents abuse their parental power, is the competence of the Orphan’s court and the Parish Court. They decide on suspending parental power.

Reasons for the placement of children at social care institutions

| | Social care institutions for children - orphans | | | | Children’s homes - shelters | | | | Specialized social care centres for children | | | |
|--|---|------|------|------|-----------------------------|-------|-------|-------|--|------|------|------|
| | 1998 | 1999 | 2000 | 2001 | 1998 | 1999 | 2000 | 2001 | 1998 | 1999 | 2000 | 2001 |
| Orphans | 2 | 12 | 8 | 5 | 115 | 165 | 195 | 196 | - | - | - | 3 |
| Due the child’s illness | 259 | 241 | 247 | ... | 7 | 1 | 19 | ... | 456 | 462 | 453 | ... |
| Parental power suspended by the decision of the Orphan’s court | 240 | 255 | 223 | 306 | 1 329 | 1 327 | 1 434 | 1 522 | - | - | - | 17 |
| Parental power terminated by court judgement | 20 | 13 | 21 | 15 | 399 | 424 | 467 | 452 | - | - | - | 29 |
| Social conditions | ... | 94 | ... | ... | ... | 436 | ... | ... | - | - | ... | ... |
| Abandoned children | 94 | 68 | 84 | ... | 32 | 41 | 22 | ... | - | - | - | ... |
| Other reasons for placement | 182 | 36 | 157 | 346 | 504 | 62 | 275 | 308 | - | - | - | 370 |

291. In 2001 Orphan's Courts and Parish courts suspended the parental power of 1,691 persons (1,057 - mothers, 234 - fathers), i.e., by 207 cases more than in the preceding year. There were 1,973 children in the care and upbringing of these people (in the preceding year - 2,331). Parental power was restored to 269 persons (for comparison - 337 persons in the preceding year) (to 214 mothers and 55 fathers) with 335 children in their care (in the preceding year - 413 children). In 2001 434 children were transferred from medical institutions to care institution, including 330 children to social care institutions for orphans.

Protection of families taking care of minors

292. In order to provide more comprehensive protection and assistance to families whose duty is to take care of minors, these families are provided social insurance and social assistance services and special norms prescribed by legal acts regulating labour relations are applied to these families.

293. There is a general family benefit system in Latvia, which forms part of the national social security system. Payments of these benefits are financed from the state budget. The right to receive these state benefits is not related to the social insurance contribution payments that the person has made. In accordance with the Law On Social Assistance the right to receive social assistance is enjoyed by Latvian citizens, non-citizens, foreigners and stateless persons who have been granted a personal identity code, except those persons who have received a temporary residence permit, without discrimination on the grounds of gender.

294. Before the reform of the social security system, being implemented in the area of family benefits since 1996, family benefits were granted in accordance with the "Basic Regulations for Providing State Social Insurance Benefits", issued by the Council of Ministers of the USSR and the All Union Central Council of Trade Unions on 23 February 1984 and Regulation of the CM No. 304 On Benefits and Scholarships, adopted on 17 October 1995.

295. The Law On Social Assistance, which became effective as of 28 November 1995, provides for the following state social benefits to families - the childcare allowance, the childbirth benefit, the family state benefit.

296. General assistance to families with children includes also the following assistance: additional payment to the family state benefit in accordance with the procedure prescribed by the CM; granting a benefit to the guardian for the upbringing of the child and for the performance of guardian's duties; institutional care, adoption, guardianship, foster families; granting municipal the social assistance benefits to poor families.

297. Under the Law On Social Assistance the family state benefit is granted to persons who bring up a child. The family state benefit has a universal character, it is granted for each child who is under the age of 15 or is over 15 years of age and attends comprehensive school and is not married but no longer than until the child reaches the age of 20. If the family state benefit has been granted to a child with disabilities under the age of 16, an additional payment to the benefit is made in the amount approved by the CM.

298. In Latvia the family state benefit for children born before 1 January 1999, is 4.25 LVL for the first child, 5.10 LVL or 1.2 times more - for the second child, 6.80 LVL or 1.6 times

more - for the third child and 7.65 LVL or 1.8 times more - for the fourth child and subsequent children. The family state benefit for children born after 1 January 1999 is 6 LVL for the first child, 7.20 LVL or 1.2 times more - for the second child, 9.60 LVL or 1.6 times more - for the third child and 10.80 LVL or 1.8 times more - for the fourth child and subsequent children.

299. The Law On Social Assistance provides that the child care allowance is a regular monthly benefit that does not depend on the number of children and which is granted to a person who takes care of a child under the age of 3, is not employed or is employed on a part-time basis, does not receive the maternity benefit. The amount of the childcare allowance for a child under the age of one year and a half is 30 LVL per month. The benefit for persons, who take care of a one and a half to three years old child, is 7.50 LVL per month.

300. The childbirth benefit (a one-time lump sum benefit) is granted to one of the child's parents. Pursuant to the Law On Social Assistance the childbirth benefit is paid to one of the child's parents or to a person who has adopted or has become a guardian of a child under the age of one year. The childbirth benefit amount constitutes 50% of the value of a neonate's layette, currently 98 LVL. If the mother has registered with a physician by the 12th week of her pregnancy and follows all instructions given by the physician, the amount of benefit is doubled - 196 LVL.

301. Family benefits are administered by the State Social Insurance Agency.

302. The Labour Code includes a separate chapter regulating the work of women. The above legal norms provide guarantees for female employees: jobs where it is prohibited to employ women; restrictions on the work of women during the night; prohibition to involve women in night work and overtime work, as well as during holidays and public holidays; to send on business trips pregnant women and women who have a child under the age of 3; restrictions of overtime work and business trips for women who have a child under the age of 14; restrictions on involving women in on-duty shifts; transfer of pregnant women and women who have a child under the age of 3 to easier jobs; leaves for pregnancy and childbirth periods, as well as leaves for taking care of a child under the age of 3; joining the annual vacation to the leave for pregnancy and childbirth; the time of granting the annual vacation to women who have a child under the age of 14; relieves to women in addition to relieves prescribed by legislative acts; guarantees to persons who bring up children without mother; breaks for feeding the child; guarantees to pregnant women and women who have a small child under the age of 14.

303. Currently the above norms are applicable only to mothers; however there are exceptions when these privileges can be enjoyed also by the child's father. Such a norm has been included in Part 6 of Article 176 of the Labour Code: "Guarantees and relieves prescribed by Paragraph 1 Article 35, Article 51, Paragraph 2 of Part 1 in Article 78, Article 170, Article 171, Part 1 of Article 171, Part 2 of Article 174, Article 175, Article 177, as well as Part 2 of Article 178 of the present Code shall apply also to fathers who bring up an underage child under the age of 14 alone or a child with disabilities (under the age of 16), as well as guardians of children of the given age."

304. In accordance with the above provisions of Article 35 of the Labour Code "In the event of productivity and qualifications being equal, the preference is given to: 1) women who have a child under the age of 14 (a disabled child under the age of 16) or employees who have two or more dependants."

305. Article 170 of the Labour Code prescribes prohibition to engage pregnant women and women who have a child under the age of three in night work, overtime work, work during holidays, public holidays as well as to send them on business trips: "It shall not be allowed to engage pregnant women, as well as women who have a child under the age of three in night work, overtime work, work during holidays, public holidays and to send them on business trips." The same norm applies to fathers and guardians.

306. In accordance with Article 171 of the Labour Code it is not allowed to engage women who have a child under the age of 14 or a child with disabilities under the age of 16, as well as fathers and guardians who bring up children alone, in overtime work or to send them on business trips without their consent, as well as to involve them in on-duty shifts after the end of the work day, at night, during holidays and public holidays. Likewise, these persons enjoy a right to have their annual vacation in summer or at any other time that is appropriate for the employee, following the employee's application. Under the collective agreement the employer establishes labour, social and household services at its own expense for working mothers, as well as fathers and guardians who bring up children alone in addition to relieves prescribed by legal acts. The above norm is included in Article 175 of the Labour Code.

307. Article 177 of the Labour Code prescribes breaks for the child feeding; the right to these breaks is enjoyed not only by the mother of the child but also by the father or guardians: "Women who have children under the age of one and a half years shall be granted also additional breaks for the child feeding alongside with the usual break for rest and meals. These breaks that are not less than 30 minutes long, shall be granted at least after every three hours. In the event of two or more children under the age of a year and a half, at least one-hour long break shall be granted. At the request of the mother breaks for the child feeding may be merged, added to the lunch break or transferred to the end of the working day (the work-shift), reducing the length of the working day (the shift) respectively. The length of breaks and the procedure of granting breaks shall be established by the employer in accordance with the collective agreement, taking into account the mother's wishes. Breaks for feeding a child shall be included in the working time and they shall be paid for according to the average wage."

308. Part 2 of Article 178 of the Labour Code prescribes prohibition at the employer's initiative to lay off pregnant women and women with a child under the age of three. An exception is the case when an enterprise, institution or organisation goes into full liquidation. In accordance with Article 176 of the Labour Code this norm applies to the child's father or guardians.

309. The Labour Law that becomes effective as of 1 June 2002, stipulates that it will be possible for the child's father as well as the mother to use the childcare leave. This norm has been incorporated into the Law with the purpose of promoting the harmonisation of professional and family duties, thus stimulating also the employment of women. The norm included in the Labour Law provides: "Every employee shall enjoy the right to a childcare leave in view of the birth or adoption of a child. The said leave shall be granted for a period that shall not exceed one year and a half till the date when the child reaches the age of eight. The childcare leave shall be granted at the employee's request in full or in parts. It shall be the duty of the employee to notify

the employer in writing one month in advance about the beginning and the duration of the childcare leave or its part. The time that the employee spends in the childcare leave shall be included in the overall length of in-service time. The previous job shall be retained for the employee who uses the childcare leave. If it is not possible the employer will provide similar work or work of the same value.”

The right to enter marriage by consent

310. Taking into consideration the fact that in accordance with the *Satversme* human rights in Latvia are exercised without discrimination, the equality of the man and the woman also in matters related to marriage and family relations has been recognized at the constitutional level. Besides, in Latvia marriage is based on the free consent of the man and the woman, as well as their legal equality.

311. Pursuant to the Civil Law the person may enter marriage from the age of 18 without discrimination on the grounds of gender. In exceptional cases a person who has reached the age of 16 may marry with the consent of parents or guardians, if the person marries a person of full age. If parents or guardians declining to give their consent without any relevant reason, the consent may be given by Orphan’s Court at the place of residence of the parents or the appointed guardians. In Latvia marriage that has been concluded prior to the spouses reach the minimum age prescribed by law, is declared null and void. The said marriage is not declared null and void if it is followed by the wife’s pregnancy or if the spouses have reached the minimum age prescribed by law by the time court announces its judgement.

312. In Latvia persons of both genders enjoy equal rights in choosing the spouse and the choice ensues from the free will of each person. This principle is respected by the bride and the groom confirming their desire to marry during the marriage ceremony. Marriage where one of the spouses at the moment of entering marriage has limited capacity due to a mental disease or imbecility or has been in a condition that has rendered the person incapable of understanding the significance of her/his actions or to manage her/his actions, is to be declared null and void; likewise, a spouse may challenge the validity of marriage if the person has entered marriage under threat that is punishable by law.

313. If the future spouse has been chosen as a result of coercion exerted by the other future spouse or any other person, such marriage can be considered to be fictitious, i.e., without the purpose of starting a family, and it may be declared null and void.

314. Within the meaning of legal acts of Latvia engagement is a mutual promise to enter into marriage. It precludes the engagement of children, as this promise cannot be given either by the guardians of the minor or by other persons.

315. Article 84 of the Civil Law provides that: “Marriage shall incur the duty of the husband and the wife to be mutually faithful, to cohabite, to take care of each other and together to take care of the welfare of their family”, while Article 85 stipulates: “Both spouses shall enjoy equal rights in arranging the family life. In case of disputes spouses shall try to seek agreement. Spouses may go to court seeking the resolution of a dispute”.

Special protection of mothers

316. In Latvia pregnancy and childbirth leaves are granted and during these leaves benefits are provided.

317. The Labour Code provides that the pregnancy leave of fifty six calendar days and the childbirth leave of fifty six calendar days, summed together, making a total of one hundred twelve calendar days, irrespective of the number of days of the pregnancy leave that have been used before the childbirth. Women who have registered at a medical preventive institution by the 12th week of their pregnancy and which continued during the whole pregnancy period, are granted an additional pregnancy leave of fourteen calendar days, adding it to the pregnancy leave and calculating a total of seventy calendar days. If there have been complications during the pregnancy, during the birth or during the post-natal period, as well as in the event of the birth of two or more children, the woman is granted an additional childbirth leave of fourteen calendar days, adding it to the childbirth leave and calculating a total of seventy calendar days. Women are granted at their request a childcare leave to take care of the child till the child reaches the age of three, receiving a state social benefit for this period. The time spent taking care of the child till the child reaches the age of three is included in the general and interrupted in-service period.

318. The Law also provides that before the pregnancy and childbirth leave or immediately after the leave the woman is granted the annual vacation following her application, irrespective of the length of service with the respective employer.

319. The provisions of the new Labour Law concerning the length of the pregnancy and childbirth leave and the procedure of its calculation, as well as the additional pregnancy and childbirth leaves, correspond to the provisions of the Labour Code; taking into account the long-term existence of these norms and their self-explanatory meaning for the society, it prevents the mass occurrence of errors in calculating pregnancy and childbirth leaves and enables women to forecast the duration of these leaves.

320. In accordance with the Labour Law, leaves granted in view of pregnancy and childbirth, are not included in the paid annual vacation.

321. The Labour Law provides that every employee, irrespective of the gender, enjoys the right to a childcare leave in view of the birth or adoption of a child. This leave is granted for a period that does not exceed a year and a half, till the date when the child reaches the age of eight. The childcare leave is granted at the employee's request in full or in parts. It is the duty of the employee to notify the employer in writing in advance about the beginning and the duration of the childcare leave or its part. The time that the employee spends in the childcare leave is included in the overall length of in-service period. The previous job is retained for the employee who makes use of the childcare leave. If it is not possible the employer provides similar work or work of the same value.

322. Upon taking the pregnancy and childbirth leave, the person is granted a state social insurance benefit - the maternity benefit if the said person is socially insured in accordance with the Law On State Social Insurance.

323. Before the reform of the social security system social benefits during the pregnancy and childbirth leaves were granted in accordance with the *Basic regulations for providing state social insurance benefits*, issued by the Council of Ministers of the USSR and the All Union Central Council of Trade Unions on 23 February 1984 and the *Regulation of the All Union Central Council of Trade Unions On Procedure for Providing State Social Insurance Benefits*, adopted on 12 November 1984, which regulated the procedure for calculating and granting maternity benefits until 1 January 1997.

324. Maternity insurance is regulated by the Law of 6 November 1995 On Maternity and Sickness Insurance (became effective as of 1 January 1997). Following the entry into force of this Law, the compensation of income in the event of maternity was provided in proportion to social insurance contribution payments made.

325. Pursuant to the Law On Maternity and Sickness Insurance, maternity benefits are granted and paid for the whole period of the pregnancy and childbirth leave if the woman does not come to work and thus loses her salaried income or a self-employed woman loses her income. The purpose of the Law is to ensure a compensation of income upon the short-term loss of the ability to work that is related to the period of sickness, pre-natal and post-natal period.

326. In accordance with the Law On Maternity and Sickness Insurance the maternity benefit is granted in the amount of 100% of the average insurance contribution wage of the beneficiary. Under Article 67 of the 102nd Convention of the International Labour Organisation in 2000 the amount of maternity benefit exceeded the minimum norms prescribed by the Convention more than two times. The average insurance contribution wage for the calculation of the maternity benefit is determined on the basis of the insured person's insurance contribution wage - for employees for a period of six calendar months, ending the period two calendar months before the month when the insurance case occurred while for the self-employed - for a period of 12 calendar months, ending the period three calendar months before the quarter of the year when the insurance case occurred. The average insurance contribution wage of the calendar day for the calculation of benefits shall not exceed 50% of 1/365 of the annual maximum amount of the state social insurance compulsory contribution object that was in effect on the date when the insurance case occurred.

Quantitative indicators of maternity insurance⁷

| Quantitative indicators of maternity insurance | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|---|------|------|------|------|------|-------|-------|
| Expenditures (in million LVL, in actual prices) | 2.5 | 2.6 | 2.7 | 3.9 | 4.8 | 4.9 | 5.7 |
| Number of paid maternity days (average per month, in thousands) | 70.2 | 63.7 | 74.3 | 95.3 | 96.0 | 102.1 | 106.7 |
| Average maternity benefit amount per day | 2.91 | 3.35 | 2.98 | 3.48 | 4.00 | 4.01 | 4.52 |

327. Calculations show that in 2000 47% of all mothers who had given birth to children received a maternity benefit. In comparison with the preceding year the number of those who have claimed the maternity benefit, has increased by 7%. However, still the majority of children are born to women who do not work and do not make compulsory social insurance contribution payments and thus are not eligible for the maternity benefit (see the table).

| | 1997 | 1998 | 1999 | 2000 | 2001 |
|---|--------|--------|--------|--------|--------|
| Number of children born | 18 830 | 18 540 | 19 530 | 20 248 | 19 690 |
| Number of the recipients of the maternity benefit | 6 639 | 8 410 | 8 854 | 9 463 | 11 811 |

328. In the economic situation of Latvia where women frequently lose their jobs during pregnancy or are unable to find a new working place while expecting the child and are forced to become unemployed, the norm included in the Law On Maternity and Sickness Insurance becomes particularly relevant as it provides that women who have become unemployed due to the liquidation of an institution, enterprise or an organisation, are granted the maternity benefit according to the general procedure, if the right to the pregnancy leave has occurred not later than 210 days after they have been released.

329. Pursuant to the Law On State Social Insurance, the Law On Social Security, the Law On Social Tax, the Law On State Pensions, the Law On Compulsory Social Insurance Against Unemployment, the Law On Insurance Against Accidents at Work and Occupational Diseases the receipt of the maternity benefit does not restrict receiving of any other benefit or social insurance services.

330. In accordance with the Law On State Social Insurance, social insurance is compulsory also for persons who receive maternity benefits. Persons, who take care of child under the age of a year and a half, are in addition subjected to pension insurance and insurance against unemployment. Contribution payments to the state social insurance budget are made from the state central government basic budget. These contribution payments are made from the disability, maternity and sickness special budget.

331. Article 6 of the Law On Maternity and Sickness Insurance provides the right to the maternity benefit to fathers or other persons who actually take care of the child at home, are subject to maternity insurance and have lost salaried income if: 1) the child's mother has died during the birth or by the 42nd day of the post-natal period; 2) the mother has refused to take care of the child and bring up the child following the procedure prescribed by the legal acts; 3) the mother is unable to take care of the child by the 42nd day of the post-natal period due to sickness, an injury or other health - related reasons.

332. Maternity benefits are granted, calculated and paid by the State Social Insurance Agency in accordance with Regulation of the CM No. 270 *On Procedure for Calculating the Average Insurance Contribution Wage and On Procedure for Granting, Calculating and Paying State Social Insurance Benefits*, adopted on 28 July 1998. The benefit is granted within 10 days' time after the State Social Insurance Agency has received the requested documents for granting the benefit.

333. Regulation of the CM No. 13 *On Financing of Health Care*, adopted on 12 January 1999, provides that all women receive free medical assistance during their pregnancy and childbirth, i.e., pregnant women and women during the post-natal period till the 42nd day are exempt from the payment of the patient's fee if they receive medical services that are related to pregnancy and post-natal period observation and the progress of pregnancy.

Protection of children and young persons against discrimination based on their descent

334. Taking into account the fact that Article 91 of the *Satversme* provides that all people in Latvia are equal before the law and the courts and human rights are exercised without discrimination; the state has stipulated the prohibition of discrimination against children and teenagers based on their descent.

335. The civil equality of children born out-of-wedlock in their rights to inheritance is provided by Article 400 of the Civil Law, stipulating that children born to parents who are not bound by marriage, if their descent on the mother's side and on the father's side has been established in accordance with the procedure prescribed by law, inherit in the same way as children born in wedlock.

336. Although the paternity of children born out-of-wedlock is recognised on a voluntary basis by mutual agreement of parents, the decisive factor is the willingness or unwillingness of the potential father to recognise paternity. The woman has no right to unilaterally determine who the father of her child is if the man does not agree to it. In this case the matter is settled only through court, the child's mother submitting an application to court requesting the establishment of paternity. This legislative norm is particularly significant in view of the increase in the number of those children who are born in unregistered partnerships (see the table).

Children born in unregistered partnership

| Year | Children born in unregistered partnership, % |
|------|--|
| 1993 | 23.0 |
| 1994 | 26.4 |
| 1995 | 29.9 |
| 1996 | 33.1 |
| 1997 | 34.8 |
| 1998 | 37.1 |
| 1999 | 39.1 |
| 2000 | 40.3 |
| 2001 | 42.1 |

Protection of children and young persons against economic and social exploitation

337. In labour relations minors (persons under the age of 18) are considered to be equal to adults as concerns labour protection, the working time, leaves and other terms of work they are provided relieves prescribed by the Labour Code, the Labour Law that became effective as of 1 June 2002 and other legal acts of Latvia.

338. Under Article 1 of the Labour Code and Article 7 of the Labour Law that prescribe the equality of employees in the Republic of Latvia, children are provided equality in labour relations irrespective of race, colour, gender, age, religious, political or other affiliation, national or social origin, the material or family situation and other conditions.

339. Article 160 of the Labour Code prohibits hiring persons who are under the age of 15 for permanent work. In exceptional cases children from the age of 13 may be employed in easy work that is not hazardous for health and morality during the out-of-school time with the consent of parents or persons who substitute parents and following a medical examination. The list of jobs where it is prohibited to employ school children under the age of 15 is adopted by the CM.

340. Similar provisions are contained in Article 37 of the Labour Law that prohibits employing on permanent basis persons who are under the age of 15 or who continue to acquire primary education till they reach the age of 18. In exceptional cases when one of the parents (guardian) has given a written consent and permission has been given by the State Labour Inspection, the child may be employed as a performer at cultural, art, sports and advertising events if the said occupation is not hazardous for the child's safety, health, morality and development and does not obstruct the education of the child. The procedure for issuing permits for employing children in the capacity of performers at cultural, art, sports and advertising events, as well as restrictions that are to be included in the permit concerning the conditions of work and terms of employment, are provided by the CM. In their turn, children under the age of 13 may be employed in easy work that is not hazardous for the child's safety, health, morality and development in exceptional cases and during the out-of-school time if one of the parents (guardian) has given a written consent. The list of jobs in which it is allowed to employ children from the age of 13, is provided by the CM.

341. In accordance with Article 182 of the Labour Code, it is prohibited to employ persons under the age of 18 in heavy work and work where working conditions are hazardous for human health and morality of the young persons. The list of heavy jobs and jobs with working conditions that are hazardous and dangerous for the health of the young persons, is adopted by the CM. Minors are not allowed to carry and move weights that exceed the maximum norms prescribed by legislative acts.

342. Article 37 of the Labour Law, in its turn, emphasizes that it is prohibited to employ teenagers, i.e., persons from 15 to 18 years of age, for work in special conditions that involve an increased risk for their safety, health, morality and development. Jobs in which the employment of teenagers is prohibited, as well as exceptions when employment in such jobs is permitted in relation to the vocational training of the teenager are provided by the CM.

343. Article 37 of the Labour Law also provides that it is the employer's duty, prior to entering into an employment contract, to inform one of the parents (guardian) of the child or the teenager about the risk assessment of the working environment and labour protection measures at the specific place of work. Besides, persons who are under the age of 18, are hired only after a medical examination and these persons must undergo a compulsory medical examination on annual basis till they reach the age of 18.

344. Under Article 46 of the Labour Code persons who are under the age of 18 are granted a reduced working time - for employees from 16 to 18 years of age it is 35 hours per week, while persons under the age of 16 are granted 24 hours per week. Persons, who have not reached the age of 18, must not be employed in night work and overtime and during holidays.

345. Article 132 of the Labour Law, in its turn, provides even shorter working hours for persons who have reached the age of 13, prescribing that they must not be employed for more than two hours per day and not more than 10 hours per week if work is performed during the study year and not more than four hours per day and not more than 20 hours per week if work is performed during holidays of educational institution. Teenagers, i.e., persons from the age of 15 to 18, must not be employed for more than seven hours per day and more than 35 hours per week. The Labour Law also prohibits employing persons under the age of 18 at night, overtime and during holidays.

346. If the employer violates the provisions of the Labour Code (the Labour Law) in respect of the employment of children, the State Labour Inspection has the right to impose an administrative penalty in accordance with Article 41, Part 1 of the Code of Administrative Offences: "The employer or the official shall be fined in the amount of up to 250 LVL for the violation of the Labour Law or the Law On Labour Protection or other legal acts regulating the given issues."

347. Labour protection of children is regulated by the Labour Code (until 31 May 2002), the Law On Labour (becomes effective as of 1 June 2002), Regulation of the CM No. 291 of 24 July 1992 *On Jobs Where it is Prohibited to Employ Schoolchildren under the Age of Fifteen*, Regulation of the CM No. 289 of 24 July 1992 *On Norms in Carrying or Moving Weight for Women and Young Persons*, Regulation of the CM No. 10 of 8 January 2002 *On Jobs Where it is Prohibited to Employ Children under the Age of 13*, Regulation of the CM No. 205 of 28 May 2002 *On Procedure for Issuing Permits for Employing Children - Performers in Cultural, Art, Sports and Advertising Events as well as Restrictions Included in the Permit* and Regulation of the CM No. 206 of 28 May 2002 *On Jobs Where it is Prohibited to Employ Underage Persons and Exceptions When Employment is Allowed in Relation to the Vocational Training of the Teenager*.

348. Specific issues related to the employment of children are regulated also by the Law On Protection of the Rights of the Child of 19 June 1998. Article 3, Part 2 of the above Law prescribes the principle of the equality of child rights - the rights and freedoms of a child are provided by the state to all children without discrimination - regardless of the race, nationality, gender, language, party affiliation, political and religious opinion, ethnic or social origin, domicile, welfare and health, birth or other circumstances of the child, the child's parents, guardians, family members.

349. Article 15, Part 1 of the Law On Protection of the Rights of the Child protects against economic exploitation, employment in dangerous conditions or conditions that are hazardous for the child's health, physical, psychic or moral development, and night work or during the time that obstructs the child's educational process. It has been planned to prohibit employment of children in jobs that are related to the manufacture, as well as trade or advertising of alcoholic beverages or tobacco products.

Article 11 of the Covenant

350. After the restoration of the independence of Latvia in 1991, Latvia like most countries, previously governed by communist dictatorships, identified the establishment of a market-oriented, democratic and law-based society as its aim. Like in other post-communist

countries, this significant transformation of the society was followed by a period of economic crisis, which brought about a rapid decline of the Gross Domestic Product, in particular in industrial manufacturing; for some time inflation approached hyperinflation. Alongside with privatisation and denationalisation of property, the influence of the private sector started to expand rapidly.

351. In Latvia, like in other countries, the collapse of the communist regime, the rebirth of democracy and market economy radically expanded the social, economic and cultural opportunities of the population. However, the growth of opportunities was followed by the increasing social vulnerability of the population. During the years of Soviet power the state controlled every area in the life of the individual, leaving no place for private initiative. As a result, the state also assumed full responsibility for satisfying the daily needs of every inhabitant; besides, everyone was guaranteed one single social security level. Upon receiving these guarantees the individual was not asked to manifest any personal initiative or to assume responsibility for her/his own living standards. After the collapse of the Soviet Union Latvia started to implement totally different forms of management, transition to market economy took place.

Changes in the social security system

352. The change of the political regime and the form of economic management was supported by the majority of the population. However, these changes were not linked with changes in the social security system and guarantees in the conscience of the population; it was expected that the guarantees provided by the previous system would remain. However, the rapid collapse of the economy, inflations, the banking crisis etc. required the reconsideration of the system and mechanism of guaranteeing social guarantees as Latvia was not able to provide the same social guarantees as the former Soviet Union. The government was forced to seek other solutions and models for distributing responsibility.

353. After the restoration of the independence of Latvia the state declared the responsibility of the individual for the improvement of her/his situation. The population encountered new social risks - unemployment, inability to earn sufficient income, which resulted in financial, moral or physical losses for the individual. An issue that became topical was the question of providing social assistance, both material and socio-psychological, to those inhabitants who were unable to provide for themselves or overcome particular life difficulties and did not receive sufficient assistance from anyone else. On these grounds, the development of a new social security system, including the system of social assistance, was started.

354. The social security system is a social institute consolidated by law that protects members of the society in the event of a social risk and provides those unable to work with means of subsistence. The basic principles of the operation of the social security system are regulated by the Law On Social Security. Issues related to the social assistance are regulated by the Law On Social Assistance and other legal acts regulating issues related to various groups of the population. Both these laws were adopted in 1995 within the framework of the social security reform.

355. In 1997 the development of the welfare system project in Latvia was finalised and in June of the same year the Agreement on Loan between the Republic of Latvia and the World Bank was signed; as a result Latvia received a World Bank's loan in the amount DEM 30,400,000 for the implementation of the large-scale project.

356. The project of the welfare system reform in Latvia was implemented from 1997 till 2002. It covered several areas of welfare with the purpose of establishing a more economical and efficient social welfare system that would provide a possibility to protect the economic rights and health of each individual.

357. As a result, the following improvements of the welfare system were achieved: the balance of the social insurance budget, the administration of the social insurance fund; servicing the social insurance clients; the quality of the formulation and analysis of the social policy; the provision of information to the *Saeima*, the Government and the population about social policy developments in the country. As a result of the reform, professional supervision over the operation of the private pension fund was introduced and the provision of social assistance services became more economical.

Social insurance reform

358. The social insurance reform started in the middle of the 90s is a significant step not only towards providing benefits and pensions but also towards increasing the labour resources and related financial resources to provide social guarantees to the population, as well as towards aligning labour relations as the linking of the pension and benefit amounts with the contribution payments made by the socially insured person stimulates a decrease in the proportion of shadow economy, a more precise declaration of income and an increase of revenue in the state budget. Thus, in 1998 the payroll fund (salary amounts in the country) from which social insurance contribution payments were made, had increased by 12% against the preceding year, in 1999 it was 11.7%, in 2000 - 6.8%, in 2001 - 8.4%, exceeding the average growth of wages and testifying the growth of labour resources in official economy and an increase in the declared wage amounts. As awareness of personal co-participation and responsibility for social security increased and social insurance contribution payments are made, an increasingly larger portion of GDP is expended on improving the welfare of the population and for the accrual of funds to ensure the payment of pensions in future.

359. The aim of the social insurance system reform is to establish a stable and sustainable social insurance system that is based on the following principles: the scale of the social insurance service (a pension, an unemployment benefit, a sickness benefit etc.) corresponds to the size of the social insurance contribution payments made; solidarity exists between social insurance contribution payers and recipients of social insurance services - social contribution payments are paid to those who need them at the respective period of time.

360. In 1991, the social tax was introduced. The social insurance budget was formed of incomes from employers, employees, self-employed persons, national budget resources and other revenues.

361. In 1996, the personified records of the social tax were introduced, i.e., an insurance account was opened for every socially insured person for the registration of the social tax payments.

362. Until 1997 the social insurance of employees was performed by enterprises, institutions, organisations without any deductions from wages of employees as costs on social insurance were included in the production costs of products. Thus, the contribution of every employee in social insurance was not related to the scale of social insurance services and the employee was not interested in developing her/his social insurance. Transition to market economy required changes in the social insurance system and a new source of funding was necessary for the development of an independent system.

363. In 1998, the Law On State Social Insurance became effective, introducing changes in the area of financing social insurance. The term *social tax* was substituted by *social insurance contributions*, thus emphasizing principles of social insurance. Social insurance costs were introduced as a compulsory payment to the social insurance budget; at the same time a definite category of the population was offered the option of making contribution payments for pension insurance on voluntary basis.

364. The above Law introduced several significant changes in the area of financing social insurance. The range of socially insured persons was systematized, i.e., persons subject to social insurance were divided into two categories - persons subject to compulsory social insurance and persons who joined the state pension insurance system on voluntary basis. A differentiated rate of social insurance contribution payments was established, i.e., persons are insured and they make social insurance contribution payments against those risks, which may occur in reality. The object of the social insurance contributions of employees was harmonised with the object of the personal income tax. The social insurance contribution object was determined, as well as its maximum amount and the minimum amount for the self-employed and persons who had joined pension insurance on voluntary basis. Four special budgets were established in the state social insurance budget - the state pension special budget, the employment special budget, the special budget for accidents at work and special budget of sickness, disability and maternity.

365. In 1994, the State Social Insurance Fund was established to administer the social tax and to provide social services, and was transformed into a non-profit organisation, public joint-stock company State Social Insurance Agency in 1998. The establishment of the new agency was a necessary also for the purpose of separating executive functions from the development of sectoral policy, done by the Social Insurance Department of the MW.

Social insurance system

366. Social insurance ensures social stability and security in the society, granting to every payer of social insurance contributions a substitution of income that corresponds to the person's contribution payments at the time when the person loses her/his current income, upon becoming unemployed, taking the maternity leave, falling ill, becoming disabled, retiring, suffering an accident at work or losing the provider of the family. A more detailed analysis of the right of the population to receive these services is presented in the discussion of Article 9 of the Covenant.

Reform of the social assistance system

367. Until 1995, social guarantees for various groups of the population were provided by different, mutually unrelated laws. At the same time social assistance manifested itself in most part as relieves in receiving some service or as a payment for some service.

368. The social assistance system during the pre-reform period was characterised by the following features: social assistance services were mostly focused on institutional care rather than the gradual reintegration of people into the society; possibilities of compensating low income were mainly offered to those groups of the population who had no permanent place of work or who faced the highest risk of declining into poverty or becoming unemployed; municipal benefits were granted mostly to persons belonging to a particular social group (a pensioner, a person with disabilities, a single elderly person etc.) but not on the basis of assessing the person's funds and needs.

369. Regulation of the CM of 18 November 1993 *On Procedure for Recognising Families to be Poor* and Recommendations of the CM *On Granting Apartment Benefits to Families with Low-Income* was the first attempt to make the right of a person to municipal social benefits depending on the level of his/her income, not on the basis of the person's belonging to some specific social group.

370. In 1995, several laws were adopted in the area of social security, establishing a uniform social security system. The Law On Social Assistance structures the social assistance system, making it purposeful and in line with the needs of the community and its notions about social assistance. The Law separates functions of the state and local governments in providing social assistance, continuing the process of decentralising the organisation and provision of social assistance services that was started in 1994.

371. However, the year 1996 should be considered to be the beginning of the reform in the social assistance system. The basic document, defining the objectives and areas of the reform, is *The White Paper on the Development of the Social Assistance System*. In accordance with the above reform a social assistance system is to be developed that guarantees the integration of persons into social and economic life. Besides, clients should be given the possibility to receive social assistance service and rehabilitation that is the most appropriate for the client's needs as close to the person's place of residence as possible. In order to achieve in the course of the reform objectives set for the social assistance system, the legal basis is developed in several directions: the simplification of the system of social benefits, the implementation of services that correspond to the needs of the client, the provision of information to the population about their rights and duties.

372. The simplification of the social benefit system is undertaken by combining benefits for similar purposes and by ensuring that municipal social benefits are received by the poorest part of the population in the respective local government. The four municipal social benefits prescribed by the Law On Social Assistance are to be substituted by one benefit - a benefit for ensuring a minimum income. The purpose of the new benefit would be to provide assistance to the poorest families without developing the dependence of these families on social assistance benefits. Respective amendments to the Law On Social Assistance have been drafted and submitted for review to the *Saeima*.

373. In order to introduce quality social assistance services that correspond to needs of the client, it is envisaged to introduce changes in the system of financing social assistance that would stimulate the interest of local governments to develop forms of social assistance services as close as possible to the client's place of residence as an alternative to institutional care. One of the priority issues is the development of alternative forms of care for children deprived of parental care.

374. As every inhabitant has the right to be informed about possibilities of receiving assistance in difficult life situations and her/his duties, the strategy "On Informing the Society About Social Assistance" was developed and implemented from December 2001 till July 2002; within the framework of the Strategy information booklets were disseminated, videos demonstrated, radio broadcasts and other information activities were undertaken.

375. The commenced changes included the change of institutions operating in the social assistance system. Thus in 1996 the Social Assistance Fund was established, providing the administrative and financial management of social assistance providers, as well as summarizing information about services provided. In its turn, the development of the social assistance policy and its implementation became the basic task of the Social Assistance Department at the MW in the course of the reform.

System of social assistance

376. The purpose of the social assistance is to ensure that a person who is unable to provide for herself/himself or to overcome particular life difficulties and who does not receive sufficient assistance from anyone else, has a right to personal and material assistance that corresponds to the needs of the given person, gives possibilities for self-help and stimulates the persons' integration into the life of the society. Social assistance provides support to inhabitants, increasing their self-help possibilities and stimulating their integration into the society. The social assistance system as a component of the Latvian social security system must fulfil the following main tasks: to guarantee social security and protection for inhabitants of the country who do not receive the necessary support from the social insurance system; to develop a realistic model of the system that is compatible and corresponds to the aims and standards of social security in West European countries; to guarantee people their social rights and their enjoyment, giving a sense of security in complicated life situations and at the same time stimulating the activity of the person herself/himself.

377. The right to receive social assistance is enjoyed by Latvian citizens, non-citizens, foreigners and stateless persons who have been granted a personal identity code, except persons who have received temporary residence permits. The right to receive social assistance services does not depend on the contribution payments made by the persons.

378. Responsibility for providing social assistance is divided between the state and local governments depending on the group of the population and the type of the service that is to be provided. Services provided by various social assistance providers constitute a component of the social assistance system. Social assistance services have three main directions: financial assistance, social rehabilitation, and social care.

Financial assistance

379. Financial assistance includes the state social benefit system and municipal social assistance benefits. The state social benefit system is a mechanism for providing material support to persons who have found themselves in particular situations related to an inevitable increase in expense or inability to earn an income, and who are unable to compensate it from social insurance contribution payments. The system of municipal social assistance benefits, in its turn, forms a safety net for persons who have found themselves in poverty or in another social risk situation, do not receive sufficient income from work, social insurance contribution payments or state social benefits and who perform duties of co-participation. Municipal social benefits are based on the assessment of the situation and incomes of a specific person.

380. The Law On Social Assistance lists the state social benefits paid on regular basis: the state social insurance benefit; the childcare allowance; the family state benefit; the benefit to a guardian for the maintenance of a child; allowance for the performance of guardian's duties; an allowance for the compensation of transport expenses for the persons with mobility problems; an allowance for the performance of duties of a foster family.

381. One-time lump-sum state social benefits are as follows: the childbirth benefit, the funeral allowance.

382. The person's right to receive the state social benefits depends on the social group the person belongs to, but it is not related to the person's material situation during the period of receiving the benefit. The amount of state social benefits is not linked to any definite income threshold. Expenditures on state social benefits have been increasing with every year, and these expenditures dominate in national budget expenditures on social assistance. In 1999 57.23 million LVL or 1.5% GDP were expended for this purpose. The largest share of resources has been allocated to family state benefits - 30.1 million LVL or 0.8% GDP. A survey on the availability of social assistance services for families at the local governments that was conducted in 1999 shows that, irrespective of the negligible benefit amount, families consider the above benefit to be very useful. In 2000, 58.6 million LVL or 1.35% GDP were expended on state social benefits.

383. The Law On Social Assistance lists the following types of municipal social benefits: the poor family social assistance benefit - for the stabilization of the family income at a definite level; the apartment benefit - assistance to the family in paying the rent, utility services and covering expenses related to the purchase of fuel; the benefit for care - for the care of a person at the retirement age, a person with disabilities or a child with disabilities, if they require such care according to the certificate issued by a doctor and if the local government is unable to provide the given service to the person; the funeral allowance - to cover the minimum funeral costs in the event of the person's death if the person is not eligible for any other funeral allowance; a benefit for a single pensioner (until the end of 1999).

384. In addition to the benefits listed in the Law, local governments grant also for other benefits within their budgetary possibilities. The most widespread benefits are the following: benefit for food and meals. This, for example, covers the payment for the child's meals at school or at the kindergarten; a benefit for upbringing and education of children - support is provided to the family to enable to supply children with materials needed for school, clothes etc. to ensure the wholesome development of the child; a benefit to cover expenses related to medical services.

385. The task of the social assistance benefits is to provide short-term support and the benefit is only one form of social assistance. However, the social assistance benefits constitute the largest share of the local budget expenditures for social assistance activities (see the table).

**Funds from parish and town budgets expended on various
municipal social assistance activities, in thousands LVL**

| | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|--------------------|----------|---------|----------|----------|----------|----------|
| Institutional care | 3 564.5 | 3 486.2 | 4 567.9 | 5 175.1 | 4 974.9 | 6 060.2 |
| Home care | 646.7 | 109.2 | 825.7 | 838.9 | 1 014 | 1 078 |
| Benefits | 14 242.5 | 1 353.3 | 13 693.5 | 13 664.7 | 14 259.9 | 15 410.9 |

386. In 2001, the local governments spent 15.4 million LVL on municipal social assistance benefits; in comparison with 2000 the amount of funds earmarked for municipal social benefits has increased by approximately 1.15 million LVL. If the amount of funds spent on municipal social benefits prescribed by the Law On Social Assistance has not increased significantly over the years, then every year increasingly more funds are being allocated from local budgets for several benefits not mentioned in the Law (see the table).

**Funds spent for the most important municipal social benefits,
in thousands LVL**

| | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|---|---------|---------|---------|---------|---------|---------|
| Poor family social assistance benefit | 4 291.5 | 1 229.4 | 1 197.8 | 1 074.9 | 1 065.4 | 1 063.6 |
| Apartment benefits | 6 199.3 | 5 466.5 | 5 849.7 | 5 015.6 | 4 549.2 | 4 789.8 |
| Benefits for care | 34.7 | 40.6 | 72 | 99.2 | 212.3 | 376.3 |
| Free meals at school, kindergarten | 2 142.5 | 2 342.3 | 2 107.2 | 1 943.1 | 2 256.6 | 2 302.6 |
| Payment for medical services | 400.1 | 1 148.1 | 1 168.5 | 1 227.9 | 1 503.6 | 2 061.3 |
| Related to the upbringing, education of a child | - | - | 993.4 | 1 030.5 | 1 184.7 | 581.6 |

387. In order to ensure that the system of municipal social assistance benefits is focused on the poorest inhabitants of local governments, to prevent the stratification of the society, social exclusion and to prevent the inheriting of poverty by future generations, in 1999 work was started on changing the system of municipal social assistance benefits. The Concept *On Ensuring the Minimum Income Level to the Poorest Inhabitants* was developed and adopted on 8 February 2000. In 2000 the adopted Concept was used as the basis for draft amendments to the Law On Social Assistance. The above amendments provide only one means-tested municipal social assistance benefit. After ensuring the guaranteed minimum income level benefit to all inhabitants who are eligible for the benefit, local governments will have the right, like before and within their budgetary constraints, to pay benefits for other purposes to other inhabitants as well.

In 2000, from 1 July till 31 December (for six months), 20 local governments participated in the pilot project on the implementation of the guaranteed minimum income level benefit. Currently amendments to the Law On Social Assistance are reviewed by the *Saeima*.

388. The Law On Social Assistance every local government must establish social assistance services on its territory. Possibilities for the population to receive social assistance services that correspond to specific needs depend on several factors. They are as follows: financial possibilities of local governments; the understanding that the head of the local government has about social assistance; the professionalism of social workers at local governments; information about social assistance services.

389. At present the CM has already adopted a single procedure for receiving the social assistance services in the country and the provision of the service that meets the specific needs of the individual. In order to ensure a uniform quality of the provided services on the whole territory of the country, irrespective of the affiliation and location of the provider of services and to achieve a uniform understanding of the content and quality of social assistance services among all service providers, uniform requirements for providers of social services were developed and adopted by the CM in 2000. Requirements regulate the content of services that are to be provided and define the operative ideology of the service - providing institution for social assistance service providers of various types and specialization.

390. In order to improve the administration of public functions in the area of social assistance, emphasizing the focus on the recipient of the service, a public agency - the Social Assistance Fund - has been established, which organizes annual public procurement tenders for the provision of social assistance services among legal persons. In 2001 tenders were held for the provision of the following services: the right to provide social care for children; the right to provide social care for people with mental disorders; the right to provide social rehabilitation for abused children at institutions; the right to provide social rehabilitation services for persons with impaired eyesight; the right to provide social rehabilitation services; the right to provide occupational rehabilitation services; the right to provide social rehabilitation services for persons with impaired hearing.

Social care

391. Social care services is the assistance provided to persons in satisfying their basic needs in cases when the person is unable to provide herself/himself partly or fully. Social care includes institutional care and alternative care.

392. In Latvia social care services are financed from the national budget, as well as local budgets. Over the recent years the social assistance system in Latvia has been undergoing a rapid development, new types of services have appeared - day centres, service apartments etc.; new service providers have entered the service market - alongside with the traditional state and municipal care institutions there are non-governmental organisations that offer quality services.

393. In order to promote these activities, in 2000 the MW developed a concept with the aim to find a solution for the development of effective social care services that would meet the needs of

the client, transferring the responsibility to the local governments for selecting the most optimal type of social care and funding of the service as well as with the purpose of developing a system for providing social services that would be based on market principles and would promote the development of qualitative and less expensive social care services.

Social assistance services for children

394. Basic tasks of social assistance services intended for children are to provide conditions that would be, as far as possible, equal to home conditions, a family environment. These services are provided to orphans and children deprived of parental care, as well as children with disabilities depending on their individual situation and needs. These services include the placement of the child with a foster family, placement with the family of a guardian or placement in a care and education establishments.

395. Foster families are specifically trained families who provide care for a period of up to one year to a child who due to different reasons cannot stay with her/his own family. Foster families receive remuneration from the national budget in the amount of 38 LVL per month for the performance of foster family duties while local governments cover expenses of supporting the child from their own local budgets.

396. The Orphan's Court (Parish Court) appoints a guardian to a child who has been orphaned or deprived of parental care; the guardian takes the place of the child's real parents. The duty of the guardian is to provide care and upbringing for the child until parental power is restored or the child comes of age. Guardians receive a benefit from the state budget for the performance of guardian's duties and a benefit for child's support. The benefit for the performance of guardian's duties is 38 LVL and it does not depend on the number of children placed under guardianship. The guardian receives a benefit in the amount of 32 LVL for each child entrusted to her/his guardianship. In the event of the guardian receiving the survivor's pension for the child placed under guardianship, the state social insurance benefit that has been granted in view of the loss of the provider, or the family state benefit, the benefit for the maintenance of the child is reduced to the amount of the survivor's pension, the state social insurance benefit, the family state benefit (except the additional payment for a child with disabilities under the age of 16) respectively.

397. If the Orphan's Court (Parish court) has failed to find a possibility for an orphan or a child deprived of parental care to grow up in a family environment, it adopts the decision on placing the child in a care and education establishments. Children receive social care services at care centres for orphans, specialised social care centres for children and children's homes - shelters depending on their health condition and age. Care centres for orphans are financed from the state budget and care is provided to children under the age of two and to children with disabilities under the age of four. Specialised social care centres for children are also financed from the state budget and care is provided to disabled children with severe mental disorders. Orphanages are financed from the local budgets and care is provided to children from the age of 2 to 18 (see the distribution of children among various care institution in the table).

Number of persons who have been admitted and who have left social institutions for children during a year

| | | 1997 | 1998 | 1999 | 2000 | 2001 |
|--------------------------------|----------|------|------|------|------|------|
| Care centres for orphans | admitted | 482 | 558 | 463 | 382 | 365 |
| | left | 490 | 521 | 541 | 361 | 433 |
| Orphanages | admitted | 625 | 890 | 756 | 646 | 631 |
| | left | 466 | 635 | 644 | 672 | 575 |
| Specialised child care centres | admitted | 82 | 42 | 80 | 38 | 31 |
| Care centres | left | 73 | 34 | 74 | 47 | 65 |

Social assistance services for adults

398. Social care services for adults are provided by the state or local governments depending on the group of persons the recipient of the service belongs to and depending on the type of service. The duty of the state is to provide institutional social care services to persons with mental disorders and to people with special needs.

399. Home care is a social care service provided by local governments that enables persons with limited ability to take care of themselves to stay at their home and in the daily routine they are used to. The following persons are eligible for the service: persons who due to their age or health disorders are incapable of taking care of themselves and to undertake daily household tasks, as well as children with disabilities and adults with mental or physical disorders if their family members are incapable of providing the necessary care to them due to objective reasons. In 2001, home care was provided to 6,687 people (in 2000 - 6,818).

400. Local governments also provide day centre services. Day centres provide care, the development of skills, education and leisure activities to various groups of people (the elderly, persons with mental disorders etc.), at the same time providing support also to their family members. In 2001, day centres for persons with mental disorders (the state participates in the funding of centres with budgetary resources) provided care services to 281 person, at other day centres - to 18,238 persons (the elderly, the disabled etc.).

401. Care institutions for adults, in their turn, provide social and medical care and/or rehabilitation for individuals. These services are also financed from the state budget as well as local budgets.

402. Social care institutions for persons with mental disorders and specialised social care institutions are financed from the state budget. In 2001, there were 27 specialised social care institutions (homes) for people with mental disorders and one social care and rehabilitation institution for people with impaired eyesight. The number of residents of these institutions increases every year. State-financed social care is highly demanded, there are no vacancies and clients have to be placed on a waiting list to enter these social care institutions.

403. In 2001, social care to people at the retirement age and people with physical disorders was provided by 60 old people's homes financed by local governments, with 4,513 residents, of whom 24% were persons with disabilities.

404. Over the recent years social care institutions for adults, as well as for children have been focusing more attention on the improvement of the living conditions of clients and on providing options for engaging in leisure activities. The main areas of work identified are the consolidation of clients' household skills and their development with the aim of returning the person to independent life outside the institution.

Social rehabilitation

405. Social rehabilitation is a set of activities focused on the restoration and/or stabilisation of the person's ability to function, on the recovery of the social status and integration into the society.

406. Taking note of the fact that major part of social rehabilitation work is undertaken at the client's place of residence, and it is provided by the social assistance service of the respective local government, it must be emphasized that a large part of social rehabilitation services is also financed from the state budget. For example, in 2000, a state-funded social rehabilitation programme for abused children was started in Latvia. The state financed also a special training course for those specialists - psychologists, psychotherapists and social workers who would provide assistance to these children. Likewise, there are state-financed social rehabilitation programmes for people with impaired eyesight and hearing, for the occupational rehabilitation of the persons with disabilities etc.

407. The MW has undertaken considerable effort to establish a legal basis for matters that are relevant for people with special needs. To promote the integration of these people into the society, the concept *Equal Opportunities for Everyone* has been drafted and adopted by the CM with a plan of activities for the period until 2010. The National Council of Disabilities Affairs has been established, involving non-governmental organisations of the persons with disabilities as well as representatives of other public and municipal institutions. The Council supervises the implementation of the above Concept in the country. The system of auxiliary technical devices is underway in Latvia to provide access to quality technical auxiliary devices for the disabled.

408. In order to promote the integration of people with mental disorders into the society, the state co-participates with its funding in maintaining day centres for these people. A significant part in the establishment of such centres is played by non-governmental organisations that cooperate successfully with foreign donors as well as local governments and are able to offer a targeted quality service.

Rehabilitation services for abused children

409. Since 2000, children who are victims of illegal actions, have been offered assistance financed from the state budget, needed by the child for the recovery of her/his physical and mental health and for the child's integration into the society.

410. In 2001, social rehabilitation at their place of residence was provided to 690 children who had suffered from violence. Social rehabilitation at institutions was provided to 491 children. If according to the statement given by specialists a family member or a person who takes care of the child should also stay at the rehabilitation institution, the institution pays for the stay of the accompanying person from the national budget resources. In 2001, payment was made for the stay of 83 accompanying persons at rehabilitation institutions.

411. In 2001, training was provided to 60 specialists - social workers, psychologists and psychotherapists who will provide social rehabilitation at local governments to children who have suffered from illegal actions.

Article 12 of the Covenant

Public health

412. The average life expectancy in Latvia in 2000 was 64.9 years for men and 76.0 years for women. In 2001, the expectancy had increased to 65.2 years for men and 76.6 years for women. Life expectancy depends in part on biological factors, but a stable role in this area is played by differences in the way in which members of both genders fall prey to various disorders. One must also consider unfavourable risk factors such as smoking, alcoholism, obesity, etc. Over the last several years, the mortality rate in Latvia has slowly declined, and life expectancy has increased.

413. The structure of causes of death has not changed very much in Latvia over the last 10 years. Circulatory diseases are the most common cause of death, followed by tumour-related diseases. External causes of death are the third most common - motor vehicle accidents, suicides, murders and drowning.

414. An analysis of the situation in Latvia shows that the number of people who die from external causes of death has been declining, but the greatest number of deaths occurs among people of working age (15 to 59). In this age group, there has also been an increasing number of people who die from alcohol poisoning.

415. There are gender-based differences in the mortality rate. Over the last three years, mortality among men has been 1.1 to 1.2 times higher than mortality among women. More working age men than working age women died during that period. Of every 1,000 residents, 7.0 men and 3.2 women of working age died in 2000, and in 2001 the numbers were 8.5 men and 2.5 women.

416. There is still a relatively high rate of infection with certain infectious diseases (diphtheria, tuberculosis and HIV/AIDS), as well as with non-infectious diseases. In 2001, the incidence of all types of tuberculosis increased from 70.5 cases per 100,000 residents in the previous year to 72.9 cases per 100,000 residents. The spread of HIV/AIDS is also on the rise - the number of cases nearly doubled between 2000 and 2001. 806 new instances of HIV infection and 42 new cases of AIDS were registered in 2001. A total of 13 people with the infection died in 2001, six of them after they had developed AIDS. There is still a high level of malignant tumours. Among people who become disabled, tumour-related disorders have, for some time now, been the primary cause.

Environmental health

417. Improving environmental hygiene and reducing the influence of harmful environmental risk factors in relation to human health - these are issues that are regulated by the Law On Epidemiological Safety, which was adopted on December 11, 1997, and which sets out rules on

epidemiological safety in Latvia. It specifies the rights and obligations of governmental institutions, local governments, individuals and legal entities in this area, and it addresses the issue of liability when the Law is violated. Latvia has adopted a series of legal acts to regulate the way in which people are protected against the influence of harmful environmental risk factors (for instance, the safety of cosmetics, chemicals and toys).

418. In relation to the law on epidemiological safety, the CM has issued regulations to specify hygienic requirements related to the provision of safe and harmless services at hairdressing salons⁸, cosmetic salons⁹, saunas¹⁰, hotels¹¹, social care institutions¹² and public swimming pools¹³. There are also regulations that seek to prohibit any deterioration in the sanitary conditions of areas that are adjacent to cemeteries.¹⁴

419. In order to prevent the risk of infecting others with specific infectious diseases, people who were found to be infected with those diseases or who are suspected of being infected by qualified professionals may not be employed in certain jobs and may not take part in educational training for those jobs.¹⁵

420. In order to protect consumer interests and health and to ensure the rights of individuals to enjoy safe and healthy food, the CM issued regulations in support of the Law On Supervising Food Circulation (February 19, 1998), setting out hygienic requirements in all phases of the process of circulating food. There are requirements concerning the harmlessness of food products, including mineral water, genetically modified organisms, alcoholic beverages, etc.¹⁶

421. The National Sanitary Inspectorate, which is an agency of the WM, monitors the observance of hygienic and anti-epidemic requirements, and it has the right to conduct such inspections anywhere in Latvia.¹⁷

Public health policies

422. The WM elaborates and implements policies and strategies in several areas of public health. Public health is the primary phase in improving health care for the country's residents. A national strategy on public health was elaborated in Latvia in 2000 and adopted by the CM on 6 March 2001. The document describes the situation with public health in Latvia, pointing at the main problems and the possible solutions. A programme of activities in relation to the public health strategy was elaborated in 2002, defining the resources that are needed to achieve the relevant goals, as well as the institutions that are responsible for these processes.

423. Health care is a fundamental component of the public health. It includes care by physicians and pharmacists, and it is aimed at ensuring, maintaining and restoring people's health. There are three defined phases in the health care system. The primary health care is the main element in the national health care system. It is the first level of health care and involves several components. Services to patients are offered by primary health care specialists - family doctors, internists or paediatricians. Secondary health care involves specialised in-patient or out-patient health care that involves medical aid that is of an emergency, acute, or planned nature - rapid and high-quality diagnosis, as well as intensive treatment and rehabilitation, the aim being to ensure that the patient recovers as quickly as possible and that the manifestations of

her or his disease are reduced to the level where further treatment can take place at the primary health care level. The tertiary health care level provides highly specialised medical services that are provided in specialised treatment centres or institutions by qualified specialists from one or more sectors of medicine. This involves the use of technologically varied and complicated equipment for diagnosis and treatment.

424. Pharmaceutical services provide the medications that are needed for preventive care or treatment. Some require a prescription, others do not. Pharmacists play a key role in informing patients about the need to visit the doctor.

425. Laws and regulations concerning the health care and the social care include provisions, which provide for the principle of equality in the availability of health care services. Unfortunately, the limited health care budget in Latvia does not allow everyone to receive the services at the sufficient extent.

Health care financing

426. The Law On Medical Treatment of June 12, 1997, states that anyone has the right to receive emergency medical care. The CM has defined procedures whereby state guaranteed medical aid is offered to Latvia's citizens, non-citizens, foreigners and stateless persons who have a personal code and who are registered in the Population Register, as well as to the detained, arrested or imprisoned individuals. The aid is provided when and where necessary. Foreigners and stateless persons without a personal code and without registration in the Population Register can receive medical aid for a fee, provided that they are in Latvia legally.

427. On 12 January 1999, pursuant to the Law On Medical Treatment, the CM issued Regulations Nr.13 On Health Care Financing. The Regulations specify the procedure for health care financing, the way in which money is received and used by the mandatory health insurance system and by other aspects of health care, as well as the extent to which medical services are financed from the basic national budget, the special budget and the resources of those who receive the services. The Regulations also set out the health care services for which the state does not pay from the state budget.

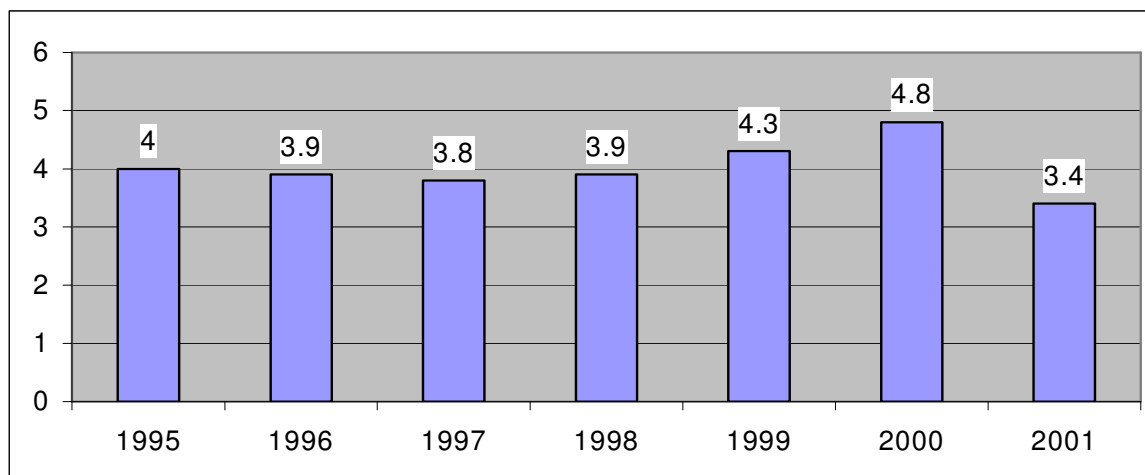
428. Expenditures on health care and autopsy services that have been provided in Latvia for foreigners and stateless persons who have not received residency permit and have not paid the income tax for at least the past six months must be covered by the foreigners or stateless persons themselves, or by their insurance companies, unless international agreements specify another procedure, or the individual or legal entity which signed the invitation that allowed the foreigner to receive an entry visa and a residency permit has guaranteed coverage of health care expenditures for the relevant foreigner or stateless person.

429. Medical institutions collect a patient fee, which is a direct payment for medical services that is collected by the medical institution in the context of minimal health care services for patients. The total fee that is paid by a patient may not exceed 80 LVL over the course of a calendar year. There is no fee for children under the age of 18; for all residents who are undergoing preventive care in accordance with WM procedures; for pregnant women and for

women 42 days after childbirth when medical services are aimed at preventing problems during pregnancy and after childbirth; for residents who are receiving vaccination in accordance with existing norms or who are receiving passive immuno-therapy; for people who are classified as politically repressed; for people who suffered health problems as a result of dealing with the nuclear accident at the Chernobyl nuclear power plant; for the poor, as recognised by the CM regulations; for tuberculosis patients and people who are being tested for TB; for people who are undergoing treatment of infectious diseases when the diseases have been confirmed through laboratory analysis and are subject to registration in accordance with the CM regulations on the registration of infectious diseases; for people who receive emergency medical aid (primary emergency medical aid in the pre-hospitalisation period, primary and secondary emergency medical in-patient treatment for the first two days after hospitalisation, as well as intensive in-patient care); and for people who are housed in specialised social care centres and local government social care centres.

430. Financing for health care over the last 10 years has amounted to between 3 and 6% of GDP.

**Government financing for health care, % of GDP,¹⁸
1995-2001**



Health care system reform

431. The health care reform begun in Latvia in 1993. The main goal of the reform was to introduce a health care system in Latvia that is focused on local residents and that is rational and accessible, the system of health care providers has been decentralised. In order to reach these goals; several basic tasks were assigned at the beginning of the process:

1. Health care financing reform;
2. Establishment of an effective structure of health care service providers;
3. Elaboration and implementation of public health policies.

432. In 1997, the Latvian Government, in co-operation with the World Bank, prepared a project On Health Care Reform and signed a contract, which involved a World Bank loan for the implementation of the project. By 31 December 2002, it was planned to introduce the necessary changes in the structure of the health care system, to train specialists and to develop the basic scheme of the reform, and to produce policy models, strategies, concepts and mechanisms for their implementation and supervision.

Infant mortality

433. Although since 1996 infant mortality decreased, it increased slightly in 2001, as compared to 2000 (see the table, which contains data from the Health Statistics and Medical Technology Agency).

Infant mortality

| | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|-----------------------|------|------|------|------|------|------|
| The number of cases | 315 | 289 | 276 | 219 | 210 | 217 |
| Per 1,000 live births | 15.8 | 15.2 | 14.9 | 11.4 | 10.4 | 11.0 |

434. In 2000, the deaths of infants were caused by a variety of factors: 46.2% of infants died because of perinatal pathologies, 32% - of inborn anomalies, 5.2% of injuries, poisoning and other external factors, 1.9% - of infectious or parasitic disease, and 1.4% - of problems with the respiratory system. If we compare these indicators with data from 1999, we find that thanks to the improvements in the quality and technologies of the health care, the incidence of perinatal pathologies has declined in terms of infant mortality, as has the extent to which infants die from infectious or parasitic diseases or respiratory problems. There has been a higher incidence of infant deaths that are caused by inborn anomalies, however. The proportions of so-called preventable deaths (death from injuries, poisoning or other external factors) remain high. In 2001, 41.5% of infant mortalities were caused by perinatal pathologies, 34.5% - by inborn anomalies, 5.1% - by injuries, poisoning and other external factors, 2.3% - by infectious and parasitic diseases, and 3.2% - by respiratory system diseases. When we compare these indicators to data from 2000, we find that the proportion of deaths caused by perinatal pathologies continues to decline, while infant deaths from inborn anomalies, infectious and parasitic diseases and respiratory problems has increased. Positive changes in terms of reducing the incidence of infant mortality have occurred as a result of steps that have been taken over the last several years to encourage women to begin medical examinations and treatment no later than the 12th week of pregnancy.

435. In 2001, the incidence of infant deaths caused by perinatal problems increased for the first time since 1995. The number of live births declined and the number of infants who died between birth and the age of six days increased in comparison to the situation in 2000. The only reduction was in the number of stillborn babies (see the table, which contains data from the Health Statistics and Medical Technology Agency).

| Weight in grams | Live births | | | | Stillborn | | | | Died from 0-6 days | | | |
|----------------------|------------------|--------|------------|------|------------------|------|------------|------|--------------------|------|------------|------|
| | Absolute numbers | | Proportion | | Absolute numbers | | Proportion | | Absolute numbers | | Proportion | |
| | 2000 | 2001 | 2000 | 2001 | 2000 | 2001 | 2000 | 2001 | 2000 | 2001 | 2000 | 2001 |
| < 500 | 2 | 1 | 0.01 | 0.01 | 2 | 2 | 1.3 | 1.4 | 2 | 1 | 2.2 | 1.0 |
| 500-999 | 53 | 51 | 0.3 | 0.3 | 34 | 39 | 21.5 | 28.3 | 21 | 28 | 22.6 | 26.7 |
| 1,000-1,499 | 109 | 88 | 0.5 | 0.4 | 23 | 14 | 14.6 | 10.1 | 14 | 8 | 15.1 | 7.6 |
| 1,500-1,999 | 230 | 221 | 1.1 | 1.1 | 20 | 17 | 12.7 | 12.3 | 6 | 8 | 6.5 | 7.6 |
| 2,000-2,499 | 687 | 651 | 3.4 | 3.3 | 20 | 22 | 12.7 | 15.9 | 4 | 9 | 4.3 | 8.6 |
| 2,500-2,999 | 2 634 | 2 565 | 13.0 | 13.0 | 18 | 17 | 11.4 | 12.3 | 6 | 12 | 6.5 | 11.4 |
| 3,000-3,499 | 6 889 | 6 836 | 34.1 | 34.8 | 19 | 12 | 12.0 | 8.7 | 15 | 25 | 16.1 | 23.8 |
| 3,500-3,999 | 6 891 | 6 625 | 34.1 | 33.7 | 15 | 12 | 9.5 | 8.7 | 17 | 9 | 18.3 | 8.6 |
| 4,000 and up | 2 691 | 2 620 | 13.3 | 13.3 | 5 | 3 | 3.2 | 2.2 | 8 | 5 | 8.6 | 4.8 |
| Weight not indicated | | | | | 2 | | 1.3 | | | | | |
| Total | 20 186 | 19 658 | 100 | 100 | 158 | 138 | 100 | 100 | 93 | 105 | 100 | 100 |

The quality of drinking water

436. The quality of drinking water in Latvia is supervised by the Public Health Agency. The aim of monitoring the quality of drinking water is to make note of instances of pollution in a timely way and to protect people against the consequences that can occur from polluted water. Another goal is to provide information to the public about the quality of drinking water.

437. Most drinking water in Latvia comes from subterranean streams, where the quality of water is fine and unchanging. Out-of-date delivery networks, however, significantly diminish that level of quality.

438. In 2000, an average of 58.3% of drinking water in Latvia was not in line with quality standards in terms of chemical indicators (up from 51% in 1999). That is largely because of the high content of iron in drinking water - something that does not create any direct threats against human health. The best chemical quality of drinking water is found in the Riga District, while the worst is in the Rezekne District.

439. In 2000, an average of 6.4% of drinking water in Latvia was not in line with quality standards in terms of microbiological indicators (down from 14.1% in 1999). The worst problems were found in the Tukums, Ventspils, Gulbene and Jekabpils Districts. No microbiological pollution has ever been found in underground streams in Riga and Jelgava Districts.

The fight against infectious disease

440. Thanks to years of planned immunisation of children, the incidence of a number of infectious diseases in Latvia has declined by 99% in comparison to the pre-vaccination period. Poliomyelitis has been liquidated altogether. Problems remain, however. Diphtheria is still present in Latvia despite increasing immunisation. In 2000, doctors faced an increase in the incidence of epidemic parotitis among children and adolescents - in 2001 the incidence of this disease increased by a factor of 3.5 in comparison to the previous year, reaching a level

of 288.8 incidents per 100,000 residents. 72% of those who suffer from epidemic parotitis were children. Vaccination programmes in Latvia are hindered by the fact that not all schools ensure systematic vaccination of students. As a result, only 95% of children were vaccinated against epidemic parotitis in 2001, and only 93.8% of children received vaccinations against diphtheria.

441. A campaign to immunise adults in 1994 and 1995 prevented a serious outbreak of diphtheria. The number of patients declined from 369 in 1995 to just 42 in 1997. In 1998, however, the incidence of diphtheria rose once again, and 67 patients were registered. In 1999, the number was 81, and in 2000 - it was up to 264, or 3.2 times more than in 1999. Out of those patients, 10 died. In 2001, the incidence of diphtheria was once again diminished to just 91 patients. 82% of diphtheria victims were adults. Five people died - twice less than in the previous year. An analysis of the incidence of diphtheria by age group shows that the greatest proportion of patients in 2000 were between 19 and 29 and then 50 years old or older. The problem is exacerbated by the fact that many diphtheria patients are seriously ill. In 2000, diphtheria was found in 12 of Latvia's administrative districts, as compared to just five districts in 2001. The largest number of cases - 28.1 per 100,000 residents was in Riga and 25.7 cases per 100,000 residents in Liepaja. The World Health Organisation has recommended that in any territory, at least 90% of residents should be vaccinated against diphtheria, but that level was reached only in the Aluksne, Ludza and Rezekne Districts. Close to the recommended level were the Saldus, Valka and Ventspils Districts.

442. Since 1997, there has been a positive trend - a reduction in the incidence of whooping cough, but over the last two years, the number of cases has been on the rise, reaching a level of 6.8 patients per 100,000 residents in 2001. In 2000 and 2001, the highest incidence of whooping cough was registered in Daugavpils, where there were 34.9 cases per 100,000 residents - far above the national average - in 2000, as well as 35.9 cases per 100,000 residents in 2001.

443. There were no recorded cases of measles in 1999 and 2000, but there was one child in the age group of one to six years to suffer from the measles in 2001. The incidence of the disease has rapidly declined since 1992, when there were 9.3 cases of measles per 100,000 residents. The vaccination level since 1997 has exceeded the WHO recommendation of 95% of all residents.

444. From November 1999, the incidence of epidemic parotitis increased significantly in several of Latvia's administrative territories, and the infection hit schools and other organised groups. Over the last 10 years, the highest incidence of epidemic parotitis was found in 1996 and 1997, when there were 330 cases in Daugavpils, mostly among schoolchildren.

445. The incidence of epidemic parotitis increased by 47.2 times between 1999 and 2000 (80.4 incidents per 100,000 residents in 2000, as compared to just 1.7 cases per 100,000 residents in 1999). A significant increase in the incidence of epidemic parotitis was also registered in 2001 - an increase of 3.5 times over the level in 2000. 72% of the patients have been children. The largest number of cases of epidemic parotitis has been registered among schoolchildren and members of the Latvian armed forces. Most of the cases have been established among people who were 15 months old at the time of vaccination and for whom 10 years or more had passed

since that immunisation. Among all patients who suffered from epidemic parotitis, 32% were in the age group of seven to 15, 34% were between 15 and 18, and 23% were between 18 and 30.

446. There have been several reasons for the increased incidence of epidemic parotitis - inadequate immunity among schoolchildren who received vaccination 10 years ago or more, a lack of immunity among young people who were born before vaccination was begun in 1983, as well as a low level of immunisation among some children who have received the vaccine. Thus, in 2000 the second shot was received only by 92% of the children who were supposed to get it at the age of eight. The World Health Organisation's recommended level of vaccination was achieved only in 2001. The WHO recommends that "collective immunity" will appear at the level where the circulation of the virus can be stopped only when at least 95% of children are vaccinated.

447. The incidence of German measles has declined considerably since vaccination began in 1993. However, in 2001 the incidence skyrocketed from 2.6 cases per 100,000 residents in 2000 to 15.1 cases in 2001 - nearly a six-fold increase.

448. The German measles were found in 12 of Latvia's administrative territories in 2000, out of which the Tukums District (21.9 cases per 100,000 residents) and the Valka District (20.3 cases) were worst hit. In 2001, the disease was registered in 17 administrative territories, with the city of Rezekne posting 307.0 cases per 100,000 residents, the Aluksne District registering 125.3 cases, and the Rezekne District registering 123.5 cases of the German measles per 100,000 residents. Children most often come down with the German measles during the first year of their lives, when the vaccination age has not yet been reached, but in 2001, the largest number of cases was found among those in the 18 to 29 age group, with slightly fewer cases in the 7-14 age group.

449. Immunisation of children up to the age of two has reached the World Health Organisation's recommended level of 95%. It was established that girls at the age of 12 have insufficient immunity, and that is a matter, which requires particular attention so as to reduce the spread of congenital German measles.

Immunisation of children

450. Epidemiological safety in Latvia is regulated by the Law On Epidemiological Safety, which was adopted on 11 December 1997, and took effect on 13 January 1998. It is the duty of the state to ensure that at least 95% of children in all age groups are vaccinated against those infectious diseases that can be prevented by vaccines. Thanks to a number of years during which children have been immunised in a well-targeted way, the incidence of a number of vaccine-regulated infectious diseases has decreased by more than 99% in Latvia in comparison to the pre-vaccination period. Poliomyelitis has been eradicated completely. There are, however, several problems, which remain. One is that not all schools ensure systematic vaccination of children, which makes it difficult to follow the desired vaccination schedule. It is also true that if the incidence of vaccine-dependent infectious diseases is to be reduced thoroughly, medical specialists and epidemiologists must work closely together to ensure that sufficient numbers of people, including children, are vaccinated.

The situation with immunisation in Latvia (data from the Public Health Agency)

| Disease | Age | Shots | Level of immunisation | | | | | |
|--------------------|-----|-------|-----------------------|------|------|------|------|------|
| | | | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
| Diphtheria | 1 | 3rd | 92.8 | 91.7 | 93.6 | 95.3 | 95.9 | 97.2 |
| | 2 | 4th | 85.7 | 87.3 | 87.7 | 90.6 | 91.5 | 92.6 |
| Tetanus | 7 | 5th | 89.9 | 94.7 | 94.7 | 90.5 | 85.7 | 86.9 |
| | 8 | 5th | | | | | 92.3 | 93.9 |
| | 14 | 6th | | | | | 82.2 | 85.1 |
| | 15 | 6th | 83.9 | 89.1 | 94.5 | 90.9 | 91.6 | 93.8 |
| Whooping cough | 1 | 3rd | 79.8 | 89.1 | 90.8 | 94.1 | 95.6 | 96.9 |
| | 2 | 4th | 82.3 | 85.5 | 85.7 | 89.3 | 89.7 | 92.3 |
| Poliomyelitis | 1 | 3rd | 92.8 | 91.6 | 94.0 | 95.2 | 95.8 | 97.3 |
| | 2 | 4th | 85.9 | 88.1 | 88.4 | 91.1 | 91.6 | 92.7 |
| | 7 | 5th | 89.5 | 93.5 | 91.2 | 92.4 | 85.1 | 87.4 |
| | 8 | 5th | | | | | 93.0 | 94.0 |
| | 14 | 6th | | | | | 84.1 | 87.4 |
| | 15 | 6th | 91.9 | 94.8 | 96.4 | 93.9 | 93.2 | 95.5 |
| Measles | 2 | 1st | 95.7 | 96.6 | 96.9 | 97.2 | 96.9 | 97.9 |
| | 7 | 2nd | - | - | 84.2 | 91.6 | 86.7 | 88.5 |
| | 8 | 2nd | | | | | 93.1 | 94.8 |
| | 12 | 2nd | 84.0 | 86.9 | 95.0 | 96.4 | | |
| Measles | 2 | 1st | 94.6 | 96.0 | 96.5 | 95.6 | 96.6 | 97.9 |
| | 12* | 2nd | 78.2 | 96.6 | 88.5 | 89.0 | 93.0 | 95.0 |
| Epidemic parotitis | 2 | 1st | 95.6 | 96.3 | 96.9 | 94.2 | 96.9 | 97.9 |
| | 7 | 2nd | - | - | 69.5 | 88.4 | 89.8 | 88.3 |
| | 8 | 2nd | | | | | 92.1 | 95.0 |
| Tuberculosis | 1 | 1st | 99.7 | 99.6 | 99.9 | 99.8 | 99.9 | 99.9 |
| Hepatitis B | 1 | 3rd | - | - | - | 94.2 | 95.0 | 96.1 |

* Girls.

The incidence of tuberculosis

451. For various socio-economic and political reasons, the incidence of tuberculosis in Latvia started to increase in 1990. By 1998 it increased by 2.5 times. In the subsequent years, the situation gradually became more stable.

452. Tuberculosis cases usually appear in the context of poverty, poor living conditions, lifestyles and risky habits. About one-half of tuberculosis patients in Latvia come from what is described as the socially unfavourable groups of society. These are homeless people, alcoholics, drug addicts and former inmates. It can also be said that many retired people and unemployed people live in conditions, which facilitate the spread of TB. Over the last few years, the incidence of TB among working age people who are unemployed has increased by 4.3 times.

453. There have been several groups of tuberculosis patients in Latvia over the last four years:

1. People who contracted the disease in prison from 13.6% to 10.6% (the incidence of TB in prisons declined over the last two years);
2. Unemployed people from 45% to 37%;
3. Alcoholics from 36 to 31%;

4. People who have not undergone health examination for a long time from 32 to 34%;
5. People with anamnestic contact with TM+ patients from 22 to 20%.

454. In 2001, there were 72.9 cases of the various kinds of tuberculosis per 100,000 residents in Latvia (see the table below).

The incidence of all types of tuberculosis in various age groups, per 100,000 residents

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|-------------|------|------|------|------|------|------|------|------|------|------|------|
| Total | 28.7 | 29.0 | 33.3 | 44.1 | 50.4 | 59.0 | 68.4 | 74.0 | 68.3 | 70.5 | 72.9 |
| Adults | 34.3 | 34.5 | 41.2 | 55.4 | 62.9 | 72.6 | 83.6 | 88.6 | 80.8 | 81.9 | 82.9 |
| Adolescents | 5.7 | 14.4 | 6.9 | 12.0 | 11.2 | 15.0 | 22.7 | 23.1 | 23.6 | 28.1 | 34.1 |
| Children | 7.5 | 6.1 | 7.8 | 9.5 | 12.0 | 16.9 | 18.1 | 26.4 | 27.9 | 32.6 | 38.9 |

455. There has been an increased incidence of TB among women and men. However, men constitute the majority of patients (see the table below). People of working age (18-54) suffer from tuberculosis more often than others. The incidence of TB among children is increasing. In the 1990s, the number of people contracting tuberculosis for the first time declined for the first time - to a level of 74 per 100,000 residents in 1998. In 2001, the number was 72.9 cases. In 2001, there were 162 children who suffered from various kinds of TB, as compared to 129 in 1999. These children mostly come from the social risk groups in which the spread of the disease is the greatest.

The incidence of tuberculosis among men and women

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|-------|------|------|------|------|------|------|-------|-------|-------|-------|-------|
| Men | 42.1 | 42.3 | 47.7 | 65.7 | 72.2 | 84.5 | 103.8 | 113.6 | 104.2 | 108.1 | 110.2 |
| Women | 17.2 | 18.6 | 20.8 | 25.4 | 31.5 | 37.0 | 37.3 | 39.9 | 37.3 | 38.1 | 41.0 |

456. It is a matter of some concern that many patients delay visits to the doctor, which means that many of them have allowed TB to develop to a far more serious level. This is made clear when one looks at the number of people who have died of TB within the first year after diagnosis - 80 (38.5%) in 2000 and 92 (30.5%) in 2001. It has to be said that 50% of TB patients who emit micro-bacteria are multi-resistant toward two or more medications, and that is one of the main reasons why treatment sometimes fails.

457. A positive factor is that the number of TB patients who avoid treatment has declined in recent years.

458. The number of people who have been checked for TB for preventive reasons has increased significantly. If in 1999 an average of 292 out of 1,000 residents were examined, then in 2001 the number was up to 481.

459. In 1994, Latvia based its national anti-tuberculosis programme on strategies and policies that were recommended by the WHO. This allowed for the establishment of methods for early detection, treatment and prevention, which were in line with global standards. In 1995, Latvia launched the DOTS (directly observed short-course therapy) strategy, which ensures that

medications are taken under the strict and direct supervision of medical personnel. The DOTS strategy was introduced nationwide in 1997, including places of detention. Treatment of TB patients who are dangerous in epidemiological terms is provided under in-patient conditions, and once the dangerous germs are gone, treatment is on an outpatient basis. There are 1,204 beds for adult TB patients and 53 beds for paediatric patients in terms of in-patient care (in 1992, when the epidemiological situation was similar, there were 5,535 beds).

460. With the aim of improving the system of administering care for multi-resistant TB patients:

1. There has been precise registration of multi-resistant TB patients;
2. A commission of physicians has been set up to supervise the treatment of multi-resistant TB patients;
3. All patients with multi-resistant TB are under supervision, their condition is monitored and treatment plans and medications are assigned.

461. Throughout the country, people have access to free TB diagnosis and directly observed treatment. There are various options for treatment:

1. For infectious patients, there is an intensive treatment phase on an inpatient basis, and then the DOTS strategy is implemented on an outpatient basis;
2. After short hospitalisation (two to three weeks to eradicate of the germs), the DOTS strategy is pursued on an outpatient basis;
3. When necessary, there is a full course of treatment on an inpatient basis.

462. Latvia's social services offer social aid to tuberculosis patients while they are under direct outpatient observation.

463. Ever since 1997 there has been an analysis of the cohort of treatment results, and this means that there are comparable data:

1. The percentage of patients who have contracted TB for the first time and who have stopped treatment before it is completed has declined from 10.5% to 4.5%;
2. Over the last three years, the percentage of patients who are cured after contracting tuberculosis for the first time has increased from 70% to 77.9%, but among those who have contracted the disease more than once, the cure rate is down from 50.5% to 42.2% because of a high rate of mortality and MR-TB.

Access to medical services for pregnant women

464. Latvia's total fertility rate (the number of pregnant women per 1,000 women of fertility age) has remained unchanged for several years, although in 2001 it declined from 84.5 in the previous year to 79.8 in 2001 mostly because of a lower number of abortions. The number of live births increased by 4.5% between 1999 and 2000, but then declined again by 2.7% in 2000.

The number of artificial abortions in 2001 declined by 9.2% in comparison with 2000 (and by 4.4% between 1999 and 2000), which suggests the more extensive use of contraceptives.

In 2001, for the third year in a row, the number of artificial abortions did not exceed the number of live births - 80 per 100 live births (85 in 2000 and 93 in 1999). In 2001, fewer first pregnancies were terminated than was the case in 2000 - 2,289, as opposed to 2,372 in 2000.

465. In 2000, there were 692 registered extra-uterine pregnancies - 34.3 per 1,000 live births. In 2001, the number declined to 615 cases (31.3 per 1,000 live births). The proportion of extra-uterine pregnancies has been declining, but the number remains high. This suggests an increased incidence in pelvic infections.

466. The number of girls under the age 14 who gave birth in 2001 increased to a level of 0.02% of all live births, as opposed to 0.005% in 2000, but this is a very low proportion which has shifted over the course of the last several years (0.02% in 1999 and 0.04% in 1998). The number of births among women who are older than 35 has been increasing - 10.3% of all births in 2001, 9.8% in 2000 and 9.0% in 1999.

467. Steps have been taken in Latvia over the last several years to encourage women to begin medical care before the 12th week of pregnancy. In 2001, 91.3% of pregnant women started the antenatal treatment before the 12th week of pregnancy - slightly more than in the previous years - 90.9% in 2000 and 89.3% in 1999. The percentage of women to undergo ultrasonograph testing before the 22nd week of pregnancy has declined from 89.5% of all pregnant women in 2000 to 86.4% of pregnant women in 2001. The percentage of women who gave birth without any antenatal care has declined to 3.3% in 2001, from 3.2% and 4.15% in 2000 and 1999 respectively.

468. Complications of pregnancy and extragenital pathologies in 2001 were suffered by 44.97% of all pregnant women under care, as opposed to 45.8% in 2000 and 47.1% in 1999. Problems included the possibility of spontaneous abortion (17.6% in 2001, 17.5% in 2000 and 17.7% in 1999), infectious or parasitic diseases (5.7% in 2001, 7.2% in 2000 and 6.4% in 1999), including STDs (5.0%, 6.1% and 5.2% respectively). Although the incidence of infectious and parasitic diseases declined in 2001, the incidence of syphilis and gonorrhoea remained unchanged - 0.9% and 0.19% of all pregnant women respectively.

469. The total fertility co-efficient (the average number of children that a woman could have during the course of her lifetime if the existing birth rate remains in place) increased slightly between 1998 and 2000 (1.18 in 1999 and 1.24 in 2000, as opposed to 1.11 in 1988), but in 2001 it declined again, to 1.21. That means that there were 584 less live births in 2001 than in 2000. The percentage of women dying during childbirth has declined from 43.2 per 10,000 live births in 1998 to 41.5 per 10,000 live births in 1999. In 2000, the figure was only 24.8 per 10,000, which indicates that the situation is improving. In 2001, like in 2000, five women died because of the pregnancy or post-birth complications, but the overall indicator increased to 25.4 per 10,000 live births, because the number of children who were born in 2001 was lower.

470. There is no data to indicate differences in the availability of medical services for women of various standards of living and for women in rural and urban areas. Data from certain studies in 1999 and 2000 suggested that rural women were more likely to reject medical services because of a lack of money to pay patient fees or because of fears of how much the entire process would cost.

The incidence of cancer

471. The incidence of malignant tumours continues to be significant in Latvia, but comparatively few of these tumours are diagnosed during preventive treatment (see the table below). The overall cancer indicators show that the quality of treatment does not ensure timely diagnosis. Although, since 1998, there have been fewer incidences of malignant tumours (8,567 first-time patients in 2001 as opposed to 8,685 in 2000), but over the course of the last 10 years, the incidence of such tumours has increased by a total of 9.6% (see the table). The increase in the indicators in 2001 was caused by the decrease of population according to the census of population.

472. An analysis of the structure of malignant tumours shows that there have been no significant changes over the last several years. Lung cancer is the leading form of cancer; followed by breast cancer, skin cancer, stomach cancer and prostate cancer.

Main indicators in relation to cancer (data from the Health Statistics and Medical Technology Agency)

| | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|---|-------|-------|-------|-------|-------|-------|
| The incidence of malignant tumours per 100,000 residents | 334.5 | 342.2 | 372.2 | 368.9 | 358.3 | 362.1 |
| Mortality from malignant tumours per 100,000 residents | 213.8 | 210.5 | 209.7 | 215.5 | 213.1 | 246.4 |
| Patients surviving for five years after diagnosis (%) | 56.9 | 57.6 | 56.6 | 56.5 | 56.9 | 57.9 |
| Lethality in the first year after a cancer diagnosis (on 1 January of the year) | 40.1 | 34.8 | 37.1 | 37.1 | 36.2 | 36.5 |
| The proportion of IV-stage cancer patients among all cancer patients (%) | 26.9 | 26.2 | 25.3 | 24.2 | 24.4 | 26.0 |
| Diagnosis of cancer-related pathologies during preventive examinations (%) | 3.1 | 1.9 | 2.0 | 1.5 | 1.5 | 1.2 |

473. Latvia has taken a number of steps to reduce the incidence of cancer. New diagnostic methods are being introduced - mammography screenings, for instance, began in Latvia in 1997. At the Latvian Cancer Centre, women who are older than 40 undergo mammography screenings.

| Year | 1997 | 1998 | 1999 | 2000 | 2001 |
|--------------------------|-------|-------|-------|-------|-------|
| Number of examined women | 2 408 | 7 747 | 5 439 | 4 384 | 5 969 |

474. In 1998, screening for the prostate-specific antigen began.

| Year | 1998 | 1999 | 2000 | 2001 |
|---|-------|-------|-------|---------|
| Number of examined men | 5 177 | 6 544 | 2 411 | 2 469 |
| Percentage of cases when pathologies were diagnosed | 27% | 23.3% | 30.5% | No data |

475. In 2001, several of Latvia's health insurance agencies invited doctors from the Latvian Cancer Centre to present lectures about benign and malignant breast tumours, about gynaecological disorders which relate to cancer, about head and neck diseases, risks developing cancer, help that can be given by family doctors and doctors at regional hospitals, etc. Cancer specialists from some administrative districts have been active in informing local residents about cancer. They appear on radio and television and publish articles in the local press.

476. Work is also continuing on training medical employees in this area of specialisation - seminars and congresses for doctors, as well as seminars for medical personnel with a secondary education in medicine.

477. It has to be noted that the International Atomic Energy Agency has nominated the Latvian Cancer Centre as an institution that is of European importance in terms of regional competence in the area of radiotherapy (the Latvian Cancer Centre right now is the only medical institution in Latvia and the Baltic States to offer radiotherapy).

Life expectancy

478. The table below presents information about the life expectancy of newborns (data: the CSD).

| Year | Latvia | | | Urban areas | | | Rural areas | | |
|------|--------|-------|-------|-------------|-------|-------|-------------|-------|-------|
| | Total | Men | Women | Total | Men | Women | Total | Men | Women |
| 1991 | 69.45 | 63.85 | 74.75 | 70.06 | 65.05 | 75.12 | 67.99 | 62.12 | 73.12 |
| 1992 | 68.74 | 63.25 | 74.83 | 69.46 | 63.87 | 74.95 | 67.97 | 60.95 | 74.17 |
| 1993 | 67.24 | 61.61 | 73.84 | 68.35 | 60.23 | 74.17 | 65.96 | 59.82 | 73.20 |
| 1994 | 66.38 | 60.72 | 72.87 | 66.17 | 60.15 | 73.35 | 65.03 | 59.51 | 72.87 |
| 1995 | 66.72 | 60.76 | 73.10 | 67.21 | 60.99 | 73.82 | 65.85 | 59.57 | 72.74 |
| 1996 | 69.29 | 63.94 | 75.62 | 70.26 | 64.25 | 75.97 | 67.73 | 61.42 | 74.93 |
| 1997 | 69.99 | 64.21 | 75.88 | 70.64 | 65.21 | 76.05 | 68.67 | 62.85 | 75.36 |
| 1998 | 69.90 | 64.08 | 75.54 | 70.75 | 65.17 | 75.88 | 68.06 | 62.16 | 74.87 |
| 1999 | 70.41 | 64.89 | 76.20 | 71.01 | 65.70 | 76.24 | 69.13 | 63.67 | 75.93 |
| 2000 | 70.74 | 64.93 | 75.98 | 71.53 | 65.99 | 76.64 | 69.17 | 63.46 | 75.76 |
| 2001 | 70.71 | 65.18 | 76.62 | 71.01 | 65.60 | 77.89 | 69.97 | 64.24 | 75.85 |

479. The table below shows the anticipated remaining life expectancy of people who are 60 years old in Latvia (data: CSD).

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|------|
| Men | 14.75 | 14.83 | 14.49 | 18.24 | 14.19 | 14.83 | 14.17 | 14.30 | 14.12 | 14.82 | 15.4 |
| Women | 20.00 | 20.57 | 20.11 | 19.71 | 19.33 | 21.22 | 21.27 | 20.92 | 21.49 | 21.30 | 21.5 |

The availability of an education in medicine

480. There are several educational establishments in Latvia where a medical education is available:

1. The University of Latvia
2. The Latvian Academy of Medicine
3. The Daugavpils University
4. The Riga No. 1 School of Medicine
5. The Riga Pauls Stradiņš No. 2 School of Medicine
6. The Riga Red Cross School of Medicine
7. The Riga No. 5 School of Medicine
8. The Liepaja School of Medicine
9. The Daugavpils School of Medicine
10. The Riga School of Cosmetology
11. The Professional Medical Education Centre.

481. The table below provides information about the number of people who have been admitted to and who have graduated from the establishments where a medical education can be obtained.

| | | Riga No. 1 School of Medicine | Riga No. 2 School of Medicine | Red Cross School of Medicine | Riga No. 5 School of Medicine | Liepaja School of Medicine | Daugavpils School of Medicine | Natl. average |
|--|-------------|-------------------------------------|-------------------------------------|------------------------------------|-------------------------------------|----------------------------------|-------------------------------------|------------------|
| 1994/95 1997 | Admitted | 54 | 52 | 81 | 124 | 50 | 24 | |
| | Graduated | 25 | 53 | 24 | 56 | 34 | 12 | |
| | In practice | 9 | 27 | 11 | 34 | 10 | 4 | |
| The share of admitted students who have graduated | | 46.3% | 101.9% | 29.6% | 45.2% | 68.0% | 50.0% | 56.8% |
| The share of admitted nursing students who enter practice | | 16.7% | 51.9% | 13.6% | 27.4% | 20.0% | 16.7% | 24.4% |
| The share of graduated nurses who enter practice | | 36.0% | 50.9% | 45.8% | 60.7% | 29.4% | 33.3% | 42.7% |
| 1995/96 1998 | Admitted | 45 | 54 | 85 | 97 | 50 | 18 | |
| | Graduated | 24 | 36 | 38 | 78 | 24 | 13 | |
| | In practice | 14 | 15 | 19 | 34 | 10 | 5 | |
| The share of admitted students who have graduated | | 53.3% | 66.7% | 44.7% | 80.4% | 48.0% | 72.2% | 60.9% |
| The share of graduated nurses who are in practice | | 31.1% | 27.8% | 22.4% | 35.1% | 20.0% | 27.8% | 27.3% |
| The share of admitted nursing students who are in practice | | 58.3% | 41.7% | 50.0% | 43.6% | 41.7% | 38.5% | 45.6% |
| 1996/97 1999 | Admitted | - | 76 | 148 | 161 | 52 | 28 | |
| | Graduated | - | 22 | 65 | 77 | 19 | 16 | |
| | In practice | - | 3 | 33 | 26 | 8 | 6 | |
| The share of admitted students who have graduated | | - | 28.9% | 43.9% | 47.8% | 36.5% | 57.1% | 42.9% |
| The share of graduated nurses who are in practice | | - | 3.9% | 22.3% | 16.1% | 15.4% | 21.4% | 15.8% |
| The share of admitted nursing students who are in practice | | - | 13.6% | 50.8% | 33.8% | 42.1% | 37.5% | 35.6% |
| 1997/98 2000 | Admitted | - | 63 | 150 | 125 | 51 | 31 | |
| | Graduated | - | 28 | 44 | 52 | 20 | 20 | |
| | In practice | - | 10 | 12 | 31 | 1 | 3 | |
| The share of admitted students who have graduated | | - | 44.4% | 29.3% | 41.6% | 39.2% | 64.5% | 43.8% |
| The share of graduated nurses who are in practice | | - | 15.9% | 8.0% | 24.8% | 2.0% | 9.7% | 12.1% |
| The share of admitted nursing students who are in practice | | - | 35.7% | 27.3% | 59.6% | 5.0% | 15.0% | 28.5% |
| 1998/99 2001 | Admitted | - | 55 | 109 | 136 | 67 | 31 | |
| | Graduated | - | 19 | 33 | 55 | 36 | 19 | |
| The share of admitted students who have graduated | | - | 34.5% | 30.3% | 40.4% | 53.7% | 61.3% | 44.0% |

482. The academic information centre the Latvian National Observatory conducted a study in 1999 *Analysis of the Conformity of the Latvian Professional Education System to New Economic Circumstances*, and it was found that the medical profession ranks between 5th and 9th place in terms of popularity among high school graduates.

483. The Council on Higher Education agreed that in the 2001/2002 academic years, the state would pay the tuition to 405 students in the thematic group *Health and Health and Social Care* - that represented 5.6% of all of the state-paid tuitions in Latvia's establishments of higher education (there were 7,182 in total).

Availability of health care

484. In 1996, the Government began to restructure the system of primary and secondary health care services in Latvia, the aim being to improve public health and to ensure that people have access to cost-effective health care services as close to their homes as possible. Primary health care in Latvia is based on the concept of family doctors. People began to register with family doctors in 1997. Family doctors, unlike other therapists and paediatricians, are capable of handling most of the health needs of all family members - preventive treatment, minor surgery, consultations on family planning, monitoring of normal pregnancies, etc. The main duty of the family doctor is to make sure that patients do not get sick. Family doctors evaluate people's health and recommend preventive programmes. When people get sick, doctors make sure that they receive the most effective available medical treatment, as well as post-treatment rehabilitation. When necessary, the family doctor can send a patient along to a specialist. A total of 88.65% of Latvia's residents report that they have registered with a family doctor. In order to improve the availability of health care services to Latvia's residents, simultaneously the work is also being done on improving the secondary health care system. The aim is to optimise the structure of service providers, particularly focusing on ways in improving co-ordination between the primary and secondary health care system, ensuring succession in the provision of services. The development of the emergency medical assistance system within the context of health care reforms is another factor in improving the availability of services.

The number of family doctors (data from the Health Statistics and Medical Technology Agency)

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|--------------------------|------|------|------|------|------|------|------|------|------|
| Number of family doctors | 45 | 68 | 141 | 302 | 391 | 488 | 801 | 966 | 970 |
| Per 10,000 residents | 0.2 | 0.3 | 0.6 | 1.2 | 1.6 | 2.0 | 3.3 | 4.1 | 4.1 |

485. The number of primary health care physicians (internists, family doctors, paediatricians) has been stable since 1996 - around 24% of all physicians. This indicates that the primary health care system has become more stable. Primary health care doctors are still retraining to become family doctors. In 1999, the proportion of family doctors was 42% of all primary health care physicians, but in 2000 and 2001 the percentage increased to 49% and then 51.6% of respectively at the end of the year.

Outpatient care (data from the Health Statistics and Medical Technology Agency)

| | 1997 | 1998 | 1999 | 2000 | 2001 |
|---|---------|---------|---------|---------|---------|
| Visits to the doctor, millions* | 11.0 | 11.3 | 11.8 | 11.4 | 11.3 |
| Per capita | 4.5 | 4.6 | 4.8 | 4.8 | 4.8 |
| Visits to the health care facilities of medical nurses and midwives (thousands) | 920.2 | 823.4 | 610.2 | 748.6 | 552.5 |
| Per capita | 0.4 | 0.3 | 0.25 | 0.3 | 0.23 |
| People treated by emergency aid facilities, departments and hospitals (thousands) | 545.0 | 542.3 | 514.3 | 505.8 | 505.7 |
| Per capita | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 |
| People treated by emergency medical services on an out-patient basis (thousands) | 39.2 | 41.9 | 38.4 | 35.7 | 28.4 |
| Per capita | 0.02 | 0.02 | 0.02 | 0.02 | 0.012 |
| Out-patient procedures | 131 980 | 113 238 | 111 069 | 111 285 | 115 557 |
| Patients of out-patient procedures | 107 060 | 104 122 | 100 102 | 103 854 | 108 202 |

* Not including visits to the dentist.

486. Many medical nurse and midwife facilities are being reorganised into full treatment facilities, and their number declined by 69 between 1999 and 2001, to a total of 303. The distribution of health care facilities remains inadequate in Latvia, because there are districts and parishes in which there is a lack of medical personnel even with a secondary medical education. That means that medical services simply are not available to people. That, in turn, means that people with chronic diseases will have to pay even more money for treatment as the seriousness of their disorder increases.

487. The number of outpatient procedures continues to increase, from 111,069 in 1999 to 111,285 in 2000 - an increase 0.2%. In 2001, the number decreased to 108,202. There were more procedures involving eyes, bones, muscular systems, the circulatory system, ears, throats, noses and abdomens in 2000 than in 1999, but there were fewer abortions and procedures involving female genitalia. In 2001, however, the number of procedures involving eyes, the circulatory system, the organs of the abdomen, as well as skin and subcutaneous tissue (the largest number of procedures involves skin and subcutaneous tissue) increased. As was the case in the previous year, abortions and procedures involving female genitalia were less common, as were procedures involving ear, nose, throat, bone and muscle systems, as well as breast glands.

488. In 2000, there were 23,368 patients in daytime in-patient treatment, among whom 4,142 (17.7%) were drug addicts. In 2001, there were 28,172 such patients, among them 3,833 (13.6%) drugs addicts. The activities of specialised (drug-related and psychiatric) daytime inpatient treatment facilities receded in 2000. There were fewer drug-related and psychiatric patients than in 1999, which meant that a greater share of patients were treated in general daytime in-patient facilities, hospitals and out-patient treatment institutions. A similar trend was in 2001, save for a greater number of patients in psychiatric daytime inpatient treatment facilities.

489. As is the case in the entire health care system, the area of primary health care suffers from an insufficient number of medical personnel with a secondary medical education, and this problem is becoming more serious. There were 15,344 such people in 1999, but already in 2000 - 14,934 people, which is 2.7% less, and in 2001 the number declined even further -

to 14,633. The number of nurses declined by 93 in 2000 (0.9%) and by 247 (2.5%) in 2001. In 2000, among all nurses, 25.1%, or 2,487, were outpatient nurses, but only 1,597 were certified. In 2001, the figures were 26.9%, 2607 and 1,627 respectively (see the table below, providing data from the Health Statistics and Medical Technology Agency).

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|--|------|------|------|------|------|------|------|------|------|------|------|
| Number of medical personnel with a secondary medical education per physician | 2.2 | 2.2 | 2.4 | 2.2 | 2.2 | 2.1 | 2.0 | 2.0 | 1.9 | 1.8 | 1.9 |
| Population per one physician | 219 | 248 | 276 | 296 | 304 | 290 | 300 | 306 | 301 | 298 | 303 |
| Population per one person with a secondary medical education | 97 | 112 | 118 | 132 | 135 | 140 | 147 | 156 | 159 | 159 | 161 |

Health care resources in Latvia

490. Health care services in Latvia in 2001 were available at 140 hospitals, 2,083 outpatient treatment institutions and 303 facilities with medical nurses and midwives.

491. The country's primary health care policies have led to a reduction in the number of facilities with medical nurses and midwives, and the number of permanent medical treatment facilities has increased at the same time. That has led to an increase in the number of outpatient treatment facilities. The number of doctor's practices increased by 548 between 2000 and 2001.

492. There were 390 less physicians in Latvia in 2001 than in 2000. The number of primary health care physicians (internists, family doctors, paediatricians), however, has not changed substantially over the last several years - 20% of all physicians in 2001.

493. The number of people with a secondary medical education has declined ever since 1997, except in just two areas - dental nurses and dental hygienists.

494. As in all of Europe, the largest percentage of medical personnel in Latvia are nurses, and they provide health care in all its levels - in 2000, nurses represented 38.1% of all medical personnel in the health care system in Latvia.

Article 13 of the Covenant

495. The right of every individual to acquire education in Latvia without discrimination is guaranteed at the constitutional level. The *Satversme* prescribes that everyone enjoys the right to education and the state ensures the right of every person to receive primary and secondary education without charge. In accordance with the *Satversme* primary education is compulsory.

496. The Law On Education, enacted on 29 October 1998 and effective as of 1 July 1999, provides that every citizen of Latvia and every person who has the right to the non-citizen's passport issued by the Republic of Latvia or who has been issued a permanent residence permit, as well as citizens of the member states of the European Union who have been issued a temporary residence permit and their children enjoy equal rights to acquire education irrespective of the financial and social position, race, nationality, gender, religious and political views, health condition, occupation and place of residence. Article 17 of the Law, in its turn, provides that it is the duty of each local government to provide the opportunity to children

residing in its administrative territory to receive pre-school education and primary education at an education establishments that is closest to the child's place of residence, to provide young persons with the possibility of acquiring secondary education, as well as to provide the possibility of undertaking hobby education and to support out-of-school activities as well as camps for children.

497. The purpose of the Law On Education is "to give every inhabitant of Latvia an opportunity to develop her/his mental and physical potential to become an independent and developed personality, a member of the democratic state of Latvia and the society."

Educational reform

498. Since the end of the 19th century Latvia has had a high educational level and the population has always considered education to be one of the most important indicators of social progress. Before the Soviet occupation Latvia was among the leading countries in Europe as to the number of inhabitants with university degrees.

499. Until the restoration of the independent statehood the educational system of Latvia was part of the single educational system of the USSR. Due to the quality methodology of teaching Latvia had a high level of knowledge, in particular in exact sciences - mathematics, chemistry, and physics. However, such subjects as history, social sciences as well as foreign languages were politicised. The course on the history of the Communist Party of the Soviet Union, on Marxist-Leninist philosophy, political economy and scientific communism were compulsory at higher education establishments. Likewise, teaching methods were unified and dogmatic: all schools were to work according to the same syllabus, there was one officially adopted textbook for every subject. Curricula for higher education were adopted in Moscow.

500. In Latvia changes in education started already at the end of the 80s when the Soviet military training was excluded from school and university curricula.

501. The Law On Education, enacted in June 1991, created preconditions for the further progress of the reform in the system of education. The Law provided equal rights to all inhabitants of Latvia to acquire education, the discretion of schools in organizing the study process, the autonomy of higher education establishments. The above Law with alterations and amendments was in effect until 1 June 1999 when the new Law On Education became effective.

502. In the course of implementing the reform in the Latvian educational system particular attention is focused on the structural alignment of the educational system, its harmonisation with the development trends in education in the world and international treaties that are binding for Latvia, the improvement of the quality of education that would ensure the growth of competitiveness.

Legal basis of the educational system

503. The *Saeima* adopts laws in the area of education and approves the state budget for education. The CM adopts legal acts that are related to education - Regulations of the CM. On the basis of the authorisation provided by the Law On Education the MES formulates legal acts and their amendments in the area of education.

504. In 1991, the Law On Education was adopted in Latvia. The 1995 Concept on Education of Latvia established the strategy for further changes in the area of education. On 29 October 1998 the new Law On Education was enacted, regulating the system of education in general, as well as prescribing the types of education, its levels and establishments.

505. The Law On Higher Education establishments was enacted in 1995. Higher education establishments enjoy quite considerable autonomy in administration; public funding is allocated from the state budget.

506. On 10 June 1999 the *Saeima* enacted the Law On General Education and the Law On Vocational Education. The purpose of the Law On General Education is to regulate activities of public, municipal education establishments and other persons involved in the process of providing general education, to establish their rights and responsibilities. The Law On Vocational Education regulates primary vocational education, secondary vocational education and higher professional education of the first level, as well as the awarding of the respective professional qualifications. The Law On Higher Educational Establishments as well as other legal acts regulate the higher professional education of the second level and the awarding the respective qualifications.

Educational policy, management and control of education

507. In accordance with the Law of 29 October 1998 On Education the MES implements a uniform national policy and development strategy in education.

508. At the national level the CM establishes the distribution of financial resources to all education establishments, as well as minimum wages and conditions of remuneration for employees of these establishments. The CM adopts samples of the licensing and accreditation documents of educational establishments, the procedure of their acquisition, as well as samples of certificates that are to be issued, takes decisions that are related to the reorganisation and closing of higher education establishments, research centres and other establishments that are subordinated to the state. The MES issues licences and writs of accreditation that are required in order to open educational establishments or to change their status. The Ministry also formulates standards of education, the content and procedure of education for teachers and enters into international cooperation agreements in the area of education.

509. Other ministries and departments, for example, the MA, the MW, and the MC may establish educational establishments as well. They develop and adopt the content of education, as well as administer and finance these educational establishments. In cooperation with the MES they organise the licensing of establishments and the accreditation of educational programmes at establishments in their subordination.

510. At the municipal level the local governments of cities/towns and districts form pre-school establishments and general primary schools and secondary schools (except private and state schools) and are responsible for these establishments. The responsible administrative institutions must ensure that the minimum number of schools prescribed by the MES is managed and maintained in their subordination. Local governments register children who have reached the compulsory schooling age prior to their entering educational establishments. Thus, the formation, reorganisation and closing of these establishments in cooperation with the MES (or

any other ministry), as well as compliance with laws at these establishments is the competence of the local government concerned. Local governments also offer services to each other to improve cooperation within the school network. The MES approves headmasters of schools appointed or dismissed by local governments, as well as provides organisational support with methodological literature or otherwise.

511. An educational establishment is managed by its manager (headmaster of a school, head of a university etc.) and the administrative staff in accordance with legal acts in the area of education. Establishments are relatively independent in their organisational work, in developing their own in-house rules, in recruiting teachers and in using their resources.

512. The founder of an educational establishment may be the state, a local government or any other legal or natural person. The founder provides financial resources to the management of the establishment, including salaries for the teaching staff in accordance with Regulations of the CM. Under the in-house rules of the establishment councils are established that provide assistance in managing the study process as well as financial resources.

513. Head of a higher educational establishment is elected in accordance with the charter of the respective higher education establishment; however, the appointment to the office must be first adopted by the CM and then by the *Saeima*.

514. Managers of private education establishments are appointed and dismissed by founders of the said establishments (legal entities or natural persons) in accordance with the charter or regulation of the establishment.

515. The state controls the quality of the educational system in two ways: through the licensing of the educational establishments and the accreditation of educational programmes, as well as through the assessment of the results of the study process.

Current educational system

516. The Law On Education, currently in force, provides the following levels of education: pre-school education, primary education; secondary education; higher education. The student enjoys the right to acquire education at every next level, transferring in succession from one level of education to another.

517. Three types of education have been established in Latvia: general, professional and academic education. It is possible to choose several forms of studies - full time studies, correspondence studies (long-distance learning is one of the types of correspondence studies), self-education and education in the family.

518. Universities (higher education establishments) have been granted considerable autonomy from the state as concerns the development and implementation of a system of standards and quality assurance, employment policy and financial activities. The Council on the Coordination of Higher Education serves as an establishment for coordinating higher education and assuring its quality. It has mostly the advisory role.

519. The table presents information on educational establishments in Latvia.

**General education - pre-school education establishments
(Information of the CSD)**

| | 2001 | 2000 | 1999 |
|--|--------|--------|--------|
| Pre-school educational establishments - total | 552 | 561 | 573 |
| Of which: public and municipal pre-school educational establishments | 540 | 549 | 561 |
| private pre-school educational establishments | 12 | 12 | 12 |
| Total number of children at pre-school educational establishments and groups | 61 451 | 61 759 | 65 097 |
| Of which: at public and municipal pre-school educational establishments | 60 578 | 60 901 | 64 461 |
| at private pre-school educational establishments | 873 | 858 | 636 |
| Breakdown of the number of children at pre-school educational establishments according to the language of instruction (in %) | | | |
| Latvian language of instruction | 72.5 | 72.5 | 72.4 |
| Russian language of instruction | 22.7 | 22.8 | 23.4 |
| Groups with Polish and other languages of instruction | 0.3 | 0.2 | 0.2 |
| Mixed Latvian/Russian language of instruction | 4.5 | 4.5 | 4.0 |
| Pedagogical staff of pre-school educational establishments | 8 157 | 8 245 | 8 460 |

General education - establishments of primary education, establishments of general secondary education, establishment of special education (information of the CSD)

| | Study year of 2001/2002 | Study year of 2000/2001 | Study year of 1999/2000 |
|--|----------------------------|----------------------------|----------------------------|
| General education establishments | 1 066 | 1 074 | 1 095 |
| Of which: general day schools | 965 | 973 | 1 001 |
| general evening (part-time/shift) schools | 37 | 37 | 38 |
| special schools | 64 | 64 | 56 |
| Number of students at general educational establishments | 351 989 | 359 818 | 361 432 |
| Of which: at general day schools | 326 772 | 334 572 | 338 577 |
| at general evening (part-time/shift) schools | 15 048 | 14 996 | 14 380 |
| at special schools and classes | 10 169 | 10 250 | 8 475 |
| Breakdown of students by level of education: | | | |
| At the first stage of primary education: | | | |
| grades 1-4 | 113 923 | 125 634 | 134 919 |
| grades 5-6 | 70 236 | 71 781 | 73 075 |
| At the second stage of primary education: | | | |
| grades 7-9 | 106 596 | 99 172 | 91 027 |
| At the stage of secondary education: | | | |
| grades 10-12 | 61 234 | 63 231 | 62 411 |
| Breakdown of general and special schools by language of instruction: | | | |
| Latvian schools | 735 | 734 | 737 |
| Two flow schools: Latvian/Russian schools | 149 | 154 | 160 |
| Russian schools | 175 | 179 | 190 |
| Polish schools | 5 | 5 | 5 |
| Ukrainian school | 1 | 1 | 1 |
| Byelorussian school/*including Lithuanian school | 1 | 1 | 2* |
| Number of students at general schools with special education by language of instruction: | | | |
| Latvian | 242 183 | 242 475 | 239 163 |
| Russian | 108 454 | 116 009 | 120 925 |
| Polish | 978 | 951 | 905 |
| Ukrainian, Byelorussian, Lithuanian | 374 | 383 | 439 |
| Number of the pedagogical staff working in general establishments | 33 739 | 34 042 | 34 761 |
| Of which: the number of teachers | 28 819 | 29 262 | 30 208 |

Vocational education - establishments of vocational education (information of the CSD)

| | Study year of 2000/2001 | Study year of 1999/2000 |
|---|----------------------------|----------------------------|
| Number of establishments of vocational education | 124 | 121 |
| Of which: subordinated to the Ministry of Education and Research | 49 | 52 |
| To the MA | 36 | 38 |
| To the MW | 7 | 6 |
| The MC | 15 | 15 |
| The MoI | 1 | |
| To local governments | 7 | 5 |
| Private | 9 | 5 |
| Number of students at establishments of vocational education | 48 625 | 47 703 |
| Of whom % study according to the Classification of Education of Latvia: | | |
| General studies | 1.4 | 1.5 |
| Humanities and Arts | 6.0 | 6.2 |
| Social Sciences, Business, Law | 17.5 | 16.5 |
| Natural Sciences and Mathematics | 2.2 | 1.7 |
| Engineering Sciences and Technology | 43.0 | 43.8 |
| Agriculture | 3.5 | 4.9 |
| Health and Social Care | 4.5 | 4.0 |
| Industry of Services | 21.9 | 21.4 |
| Number of the pedagogical staff working in establishments of vocational education | 5 439 | 5 380 |

Higher education - establishments (Information of the MES)

| | Study year of 2000/2001 | Study year of 1999/2000 |
|--|----------------------------|----------------------------|
| Number of establishments of higher education in Latvia | 34 | 33 |
| Of which: public establishments of higher education | 20 | 19 |
| establishments of higher education established by legal entities | 14 | 14 |
| Number of students at establishments of higher education | 101 270 | 89 509 |
| Of whom: in public establishments of higher education | 87 207 | 78 156 |
| establishments of higher education established by legal persons | 14 063 | 11 353 |

Pre-school education

520. In accordance with the Law On Education pre-school education is the level of education where the versatile development of a child takes place, health is strengthened and the child is prepared for primary education. The pre-school educational programme ensures that the child is prepared for the acquisition of primary education encompassing: the development of the individuality; mental, physical and social development; the development of initiative, inquisitiveness, independence and creativity; the strengthening of health; psychological readiness for starting primary education; the acquisition of basic skills in using the state language.

521. The Law of 10 June 1999 On General Education prescribes that the pre-school educational programme encompasses children up to the age of 7. As of 1 September 2002 it is compulsory that five-year old and six-year old children are prepared for school. It can be done at a pre-school education establishment, at school or in the family. The state prescribes the content

of the programme for preparing five-year old and six-year old children for school and guarantees the remuneration of teachers if the programme is implemented at a pre-school education establishment. Depending on the health condition and psychological readiness the acquisition of the pre-school educational programme may be extended or reduced by one year should the parents wish so and following a recommendation of a medical commission.

522. The enrolment of students into municipal general pre-school education establishments is conducted according to the sequence of submitting applications in accordance with the provisions of the Law On Education. In their turn, at private pre-school education establishments the procedure for the enrolment of students is established by the founder. Pre-school education establishments must not organize entrance examinations. In its turn, a child is admitted to a special pre-school educational group for the implementation of special pre-school education on the basis of the application submitted by parents (guardian) and the statement issued by a state or municipal pedagogical-medical commission.

Primary education

523. In Latvia primary education or the acquisition of primary education by the age of 18 is compulsory.

Share of the population studying in the programme of basic or primary education (the first level) and of primary education of the second degree (the second level), ratio against the number of the population at the age of 7-15 (data of the CSD)

| | |
|------|------|
| 1993 | 89.3 |
| 1994 | 88.8 |
| 1995 | 89.3 |
| 1996 | 90.9 |
| 1997 | 91.7 |
| 1998 | 92.4 |
| 1999 | 93.3 |
| 2000 | 96.5 |
| 2001 | 99.4 |

524. In Latvia the number of the population at the schooling age is rapidly declining: during the period from 1990 till 1998 the number of children born in one year decreased by 52% - from 37,918 in 1990 to 18,410 in 1998. The number of enrolled reflects this result and the number of the first grade students will continue to decline at least till 2003 when it will be less than half (48%) of the level in 1998.

525. In accordance with the Law On General Education of 10 June 1999, in Latvia primary education may be acquired at an educational establishment (an establishment of primary education, an establishment of secondary education, an establishment of vocational education or a special educational establishment; shift school, a boarding school, an establishment or a class of social or pedagogical correction) where primary educational programmes are implemented. Educational establishments implementing programmes of primary education shall not organise entrance examinations for any of the grades of primary education.

526. The Law On General Education provides that the acquisition of primary education starts in the calendar year when the child reaches the age of 7. Depending on the health condition and psychological readiness, a child may start primary education a year earlier or a year later according to the wishes of parents and the recommendation of the medical commission. Establishments (children's homes, medical institution, penitentiaries) where students under the age of 18 live permanently provide possibilities for acquiring the programme of primary education. It is allowed to exclude a student who acquires primary education at a state or municipal education establishment, from the list of students at the given establishment only after the decision has been coordinated with the local government in whose administrative territory the student resides, ensuring the continuation of education at another educational establishment.

527. It is compulsory for every local government, including the 26 districts, 483 civil parishes and seven larger cities, to ensure that children residing in their respective administrative territories have a possibility of acquiring pre-school education and primary education at an educational establishment that is closest to their place of residence.

General secondary education

528. In accordance with the Law On General Education of 10 June 1999, there are the following establishments of general secondary education depending on the structure of the education establishment and the organisation of the study process: secondary schools, shift schools, colleges.

529. In accordance with the Law On General Education every person without any age restriction has the right to start general secondary education providing that person has received the certificate of primary education. Upon enrolling students in the 10th grade, the state and municipal institution of comprehensive education has the right to hold entrance examinations in accordance with the national standard of primary education. Establishments of general secondary education do not have the right to hold entrance examinations in subjects where students have received the certificate of primary education.

Share of the population (%) studying in the programme of secondary education (the third level), ratio against the number of the population at the age of 16-18 (data of the CSD)

| | |
|------|------|
| 1993 | 82.9 |
| 1994 | 82.2 |
| 1995 | 82.6 |
| 1996 | 84.5 |
| 1997 | 85.9 |
| 1998 | 89.0 |
| 1999 | 94.8 |
| 2000 | 93.5 |
| 2001 | 90.3 |

530. Educational establishments have the right to develop programmes of general secondary education in the following areas: the area of comprehensive education that is determined by the group of educational programmes without special focus on specific subjects; the area of humanities and social sciences that is determined by the group of educational programmes with a special focus on subjects in humanities and social sciences; the area of mathematics, natural sciences and technique that is determined by the group of educational programmes with a special focus on subjects of mathematics, natural sciences and technical sciences; the professional area that is determined by the group of educational programmes with a special focus on the professional aspect. Programmes of general secondary education in the respective area may be combined with the programmes of minority education, including the native language of the minority, studies, which in their content are related to the identity of ethnic minorities and integration into the Latvian society.

Special education

531. Special educational programmes are implemented in Latvia to provide the general practical work skills and vocational education to students with mental or physical disorders and other special needs. Special education presents opportunities and creates conditions for students with special needs to acquire education that corresponds to the person's health condition, abilities and the development level at any educational establishment, providing pedagogical-psychological and medical correction for student, prepares the person for work and life in the society.

532. Special educational programmes are implemented according with the type of the development disorder of the student, the person's abilities and health condition that is determined by a pedagogical - medical commission. Individual special educational programmes for students with severe mental retardedness or other serious development disorders are envisaged for a period of 9 years. Depending on the health condition of students and possibilities of the educational establishment, the implementation of an individual educational programme for the development of working skills may last up to 12 years. Special educational programmes for students with mental development disorders are planned for a period of 9 years. If the establishment implementing the programme provides a possibility of acquiring general or vocational education, the programme may be implemented in a longer period of time but not longer than for 12 years. Special educational programmes for students with impaired hearing, eyesight and blind students are planned for a period of 10 years to acquire general primary education, three years being planned for the acquisition of general secondary education. Special educational programmes for deaf students are planned for a period of 11 years to acquire general primary education, three years being planned to obtain general secondary education. Special educational programmes for students with retarded psychic development and learning difficulties or severe speech impediments are planned for a period of 10 years for the acquisition of general primary education.

533. The integration of students with special needs in establishments and classes of general education has been started in the country, ensuring the acquisition of the special educational programme and promoting integration into the society.

Vocational education

534. Until the restoration of independence in 1990-1991 the system of establishments and programmes of vocational education developed according to the much-centralised policy followed in the Soviet Union. Vocational schools were closely linked to large industrial enterprises and collective agriculture. The network of education establishments was characterised by a high degree of specialisation and a large number of small one-profile schools.

535. The collapse of centralised economy and other changes that took place after 1990 influenced the very foundation of vocational education. The number of professions and specialities decreased from 1,000 during the Soviet period to 329 professions that were much more broadly defined. A shift of the emphasis has taken place and is still taking place in programmes and in the admission of students - it is a movement away from features characteristic for the economy of the preceding period to ensure that studies correspond to demands of the labour market, including the area of business/commerce, services, transport and communications.

536. Since the study year of 1990/91 the number of vocational schools and secondary special education establishments has decreased by 14%. These changes have appeared after reorganization undertaken in 1993 when secondary special pedagogical schools were transformed into establishments of higher education while the smaller schools specialising in specific aspects were merged and private education establishments were established.

537. In the conditions of the centrally managed Soviet economy vocational education was controlled by industrial sectors of the country and the respective sectoral ministries. In the system of market economy vocational education (the range of courses and skills that should be mastered) is determined by the demand in the private sector.

538. The following levels of vocational education have been established in the Latvian educational system: primary vocational education; secondary vocational education; higher professional education.

539. A possibility to obtain vocational education in Latvia is regulated by the Law On Vocational Education of 10 June 1999.

540. A person is enrolled in programmes of primary vocational education and vocational education without any restriction in respect of prior education and not earlier than in the calendar year when the person reaches the age of 15. A person is enrolled in programmes of secondary vocational education after the person has acquired general primary education or primary vocational education. Enrolment in educational programmes for professional upgrading is not regulated. The procedure followed by employees (trainees) in the course of studies in programmes of vocational education is prescribed by the above Law On Vocational Education, the Law On Craft of 2 February 1993 and other legal acts. A person is enrolled into programmes of further vocational education, which offer a possibility of achieving the second level of professional qualifications, without any restriction of prior education. The person is enrolled in programmes of further vocational education that allow acquiring the third level of professional qualifications, after the person has acquired vocational education or secondary education. A person is enrolled in programmes of further vocational education that give a possibility of

gaining the fourth level of professional qualifications and that are offered by colleges of higher education establishments, if the person has at least higher professional education of at least the first level. Terms of admission to a programme of vocational education are determined by the respective educational programme.

Higher education

541. The Law On Education and the Law On Higher Education Establishments, enacted on 2 November 1995, provides considerable independence to establishments of higher education from the state. This autonomy includes the right to determine the content and form of studies, additional conditions for the enrolment of students, the basic lines of research work, as well as the organisational and administrative structure. Within the framework of the Law On Higher Education Establishments, establishments of higher education have the right to take on employees and to determine their remuneration.

542. Establishments of higher education are legal persons and ensure self-management in accordance with the Charter of the respective education establishment. Charters of universities are adopted by the *Saeima* while charters of other higher education establishments are adopted by the CM.

543. The CM may take a decision to close an establishment of higher education.

544. Establishments of higher education in Latvia are divided into establishments of the university type and establishments of the non-university type. Universities are defined as establishments of higher education that encompass one or several areas of science and research, and which have the right to award scientific degrees up to the doctor's degree. There are five state establishments of higher education in Latvia that have been granted the status of a university. There are 14 other state establishments of higher education, which do not have the status of a university and which specialise in one or several areas. Six of them award degrees up to the PhD degree of the first level.

545. Recently several private higher education establishments have been established. Under the Law they can be divided into licensed and accredited higher education establishments. The MES is responsible for the licensing and accreditation of establishments of higher education in accordance with regulations of the CM. Education establishments are accredited on the basis of a systematic quality assessment procedure. Accreditation allows the educational establishments to issue diplomas and award degrees that are recognised by the state.

546. The Law On Establishments of Higher Education allows colleges supervised by higher education establishments to provide professional education for a period of time that is less than four years.

547. The acquisition of higher education in Latvia is regulated by the Law On Establishments of Higher Education, prescribing that every Latvian citizen, as well as persons who have permanent residence permits, enjoys the right to study at an establishment of higher education. Admission to higher education establishments is based on the competition and the results of centralised examinations. The Law On Establishments of Higher Education also provides that it is possible to start studies at later stages of studies if examinations for the preceding stages

of the programme of the respective higher education establishment have been passed at another higher education establishment or they are taken additionally at the respective higher education establishment. Foreigners may be enrolled in higher education establishments of Latvia provided their documents of secondary education comply with Latvian standards, their knowledge that is tested under the general procedure must correspond to requirements contained in conditions of admission to the respective higher education establishment and they should have a sufficiently good command of languages used in the study process. Foreigners who have not been issued a permanent residence permit, may take part in programme at higher education establishments of Latvia in accordance with international agreements on exchange (among higher education establishments) or within the framework of cooperation programmes of higher education establishments in accordance with admission conditions.

548. During the academic year of 2000/2001 higher education establishments implemented a total of 464 various study programmes and 166 academic programmes, 247 professional study programmes and 51 doctoral study programme. Taking into account study programmes that are the same, however implemented at several higher education establishments, the total number of study programmes is 556, of which 499 of the above programmes are implemented at state higher education establishments, 57 - at higher education establishments founded by legal entities.

549. Over the recent years the number of students enrolled in higher education establishments has undergone a considerable increase in comparison with the fall in the number of students that took place immediately after the restoration of independence. This increase in the number of students has been, to a large extent, financed by students themselves. The increase in the number of students is, first, related to the dramatic changes in the labour market and it also reflects changes in the value system. Like in other countries of the region, higher education offers options of solution for a considerable part of the population - young persons who are unable to find jobs. A degree of higher education gives better opportunities of finding a job as well as better prepares the person for active involvement in the public, professional as well as personal life. At present almost 40% of young people at the age of 19 to 23 acquire some of the forms of tertiary education.

550. There has been an increase also in the number of students (34%) who do not study on full-time basis, and the largest part of these students is correspondence students. Studies in the evening (part-time) and correspondence departments (on part-time basis) gives "a second opportunity" to older students, as well as a possibility to acquire education to those who want to improve their chances in the labour market.

551. Over the recent years a trend has emerged that the number of students studying in programmes of professional studies is growing. In 2000 professional qualifications were acquired by 44% of the total number of persons who received a degree or qualifications. The number of people who have been awarded a master's degree and professional qualifications after studies at the highest level is also increasing.

552. In Latvia, like in other former communist countries the main area of education was engineering sciences (50% in the former Soviet Union) while the number of students in social sciences constituted less than 10%. In the first half of the 90s changes in economy contributed to

changes in the number of students that could be observed in the engineering sciences. In 1998 it reached the level of 18% characteristic for industrialised countries. Changes can be observed also in other areas of studies. The number of students in agriculture, natural sciences, health care has also undergone a proportional decrease. The already high number of students studying pedagogy has become even higher.

Adult education

553. In adult education distinction should be made between formal and informal education. The procedure for implementing formal educational programmes for adults is prescribed by the Law On Vocational Education, the Law On Establishments of Higher Education and other legal acts. Informal educational programmes for adults determine the content of this education and its correspondence based on the interests of the state, employers and the development of the personality; adults have the right to study in these programmes in the course of their life, irrespective of the education they have acquired earlier. Informal educational programmes and study courses for adults are developed and implemented by educational establishments, as well as other legal or natural persons independently or in cooperation with clients. Educational establishments founded by the state and local governments have the right to implement informal educational programmes for adults without a licence, other legal entities and natural persons-after they have received a licence from the local government.

554. Adult education may be financed from the state budget and the local budget, as well as by resources of employers, own funds of students, donations and gifts as well as other resources.

Private educational establishments

555. In Latvia legal and natural persons have the right to found, reorganize and liquidate private educational establishments. The foundations, registration and accreditation of these private educational establishments follows the same procedure that has been established for state and municipal educational establishments, i.e., the procedure that has been prescribed by the Law On Education.

556. Private educational establishments may implement programmes of pre-school, primary, secondary and higher education.

557. Private educational establishments have the right to establish tuition fees for the acquisition of education at these establishments.

Funding of education

558. In accordance with Article 112 of the *Satversme* and the Law On General Education, the state provides the possibility of acquiring primary and secondary education free of charge.

559. Under the Law On Education payment for the acquisition of pre-school education, primary education and secondary education at an education establishments founded by the state or local governments is ensured from the state budget or local budgets in accordance with the procedure prescribed by the CM. The state and local governments participate in the financing of private establishments of primary and secondary education.

560. These rights of the population have been established also in the Law On General Education that provides that the state and municipal establishments of primary education and general secondary education are not allowed to establish tuition fees for the acquisition of the primary educational programme. Private establishments of primary education and general secondary education have the right to establish tuition fees.

561. Under the Law On Education payment for the acquisition of pre-school education, primary education and secondary education at an education establishments founded by the state or local government is ensured from the state budget or local budgets in accordance with the procedure prescribed by the CM.

562. In programmes of higher education the state covers the payment for the acquisition of education for a certain number of student slots according to the state order established for the respective year; as concerns other study places each higher education establishments may determine fees for the acquisition of education. A student may take a loan for studies in programmes of higher education. The received loan is to be returned or discharged in accordance with the procedure prescribed by the CM.

563. A person may study at the state expense only once. In the academic year of 2000/2001, 33% of the total number of students in Latvia studied at the expense of the state budget, 67% of the total number studied for funds of legal or natural persons. The number of paying students tends to increase.

564. In 1999 tuition fees constituted 21 % of the funding of the state higher education establishments. Tuition fees depend on the specific higher education establishment and the programme.

**Tuition fees at the higher education establishments of Latvia in
the academic year of 2000/01 (LVL)**

| | Bachelor's programme | Master's programme | Professional programme |
|--|----------------------|--------------------|------------------------|
| Full-time department (the first year of studies) | 100-1 802 | 200-1 200 | 50-1 802 |
| Part-time department | 380-413 | 60-900 | 160-990 |
| Correspondence department | 120-600 | 200-600 | 50-600 |

565. A foreigner or a stateless person pays tuition fees according to the contract that has been signed with the respective higher education establishment. For citizens of the European Union and their children who acquire education in Latvia, tuition fees are established and covered in accordance with the same procedure as prescribed for citizens and permanent residents of Latvia.

566. The state as well as the local governments provides funding for pre-school establishments, primary education and general secondary education. The state exercises direct oversight and provides funding for vocational schools, establishments of secondary vocational education, special schools as well as programmes of national education, special education and educational programmes of social correction. In 1997, the project of the information system of education in Latvia (LIIS) was started within the framework of the National Investment Programme; the principle of the project is: "equipment together with use -

for a trained user". Within the framework of the LIIS the education establishments in Latvia are equipped with information technologies, methodological materials are developed, teachers are trained, technologies installed, as well as programmes of higher education improved and long-distance learning programmes implemented. In 2000, another objective of the project was achieved-every secondary school was provided access to the Internet. On 29 November 2001 the Law On National Budget for 2002 was enacted, providing 3 million LVL within the framework of the National Investment Programme in the state budget for 2002 for the implementation of the LIIS project.

567. Teachers' salaries are financed by special-purpose grants from the state budget in accordance with the procedure prescribed by the CM. The state also provides funding for textbooks. This funding is included in the budget of the MES as a separate item and is channelled down to school boards on the basis of norms established per student.

568. Local governments provide funding for study materials, the maintenance and repairs of school buildings, the technical staff at school, meals of students and utilities. The CM establishes the minimum financing level for local governments.

Study loans

569. During the period of the Soviet regime higher education was without charge. However, the number of students was strictly planned and limited. At present, the insufficient budgetary resources and the ever growing number of those who wish to study has created an unusual combination of state-financed studies and studies for tuition fees. Students in Latvia can take a study loan and a student's loan.

570. The student's loan is intended for satisfying the social needs of the student while the study loan is envisaged for the coverage of tuition fees. The procedure for granting loans is prescribed by Regulation of the CM *On Procedure for the Granting, Repayment and Discharge of a Study Loan and Student's Loan from Resources of a Credit Institution with State - Provided Guarantees*. The said loans are issued upon the guarantee by two natural persons. The credit institution issues a loan to students from poor families after it has received the guarantee from the respective local government.

571. In accordance with Regulation of the CM No.220 of 29 May 2001 *On Procedure for the Granting, Repayment and Discharge of a Study Loan and Student's Loan from Resources of a Credit Institution with State - Provided Guarantees*, that became effective as of 11 July 2001, the following students may apply for the loan - citizens of the Republic of Latvia and persons who have the passport of a non-citizen of the Republic of Latvia - who have good success in studies in state - accredited study programmes.

572. The loan amount per student does not exceed tuition fees established for studies. The MES determines the maximum loan amount for each study programme. During the study period the loan is interest-free. The interest is calculated starting with the twelfth month after the completion of studies or with the third month after the studies have been terminated, applying an annual 5% interest rate. The interest is calculated on monthly basis from the remaining outstanding loan amount.

Minority education

573. It is possible in Latvia to acquire education by studying in minority educational programmes. In accordance with the Law On Education, minority educational programmes according to national standards of education are developed by educational establishments, using as the basis sample programmes of comprehensive education approved by the Ministry of Education and Science. Minority educational programmes include in addition content that is necessary for acquainting oneself with the respective ethnic culture and for the integration of ethnic minorities in Latvia. The MES determines those subjects in the educational programmes of minorities that are to be studied in the state language. Currently there are more than 200 minority schools in Latvia - 179 Russian schools, 6 Polish schools, 2 Jewish schools, one Ukrainian school, one Estonian school, one Lithuanian school and one Byelorussian school, as well as Roma classes in several schools.

574. In accordance with the Law On General Education, programme of primary education may be combined with a programme of minority education, including the native language of the respective ethnic minority, the content of studies that is related to the identity of the ethnic minority and integration in the Latvian society. The same conditions apply to programmes of general secondary education in this area.

Language of instruction

575. The state stimulates the alignment of the education system with the Law On State Language. The Law On State Language prescribes that the Latvian language is the state language. This situation has developed as a result of the establishment of two autonomous educational systems during the period of Soviet occupation in Latvia - the Latvian educational system and the Russian educational system, each of them having their own syllabus, the length of the study period and the language of instruction.

576. Already after the incorporation of Latvia into the Soviet Union in 1945 the Russian language streams were introduced in all higher education establishments and in every school in which Russian children entered, Russian language classes were opened.

577. Educational establishments in which the studies were in Latvian differed from those in which the studies were in Russian. First, there were different study programmes and a different length of the study period - the Russian language schools had a 10-year long study programme while Latvian language schools worked according to an 11-year long study plan - it was justified by the fact that students attending Latvian language schools were to learn the Russian language. Study programmes for schools with Latvian as the language of instruction prescribed that the Russian language studies were mandatory and were to be studied for 4 lessons per week in the course of 10 years while at schools with Russian as the language of instruction the Latvian language was studied for 9 years - 2 lessons per week. Insufficient attention was paid also to the quality of the Latvian language lessons at Russian language schools that can be explained by the political situation in the country.

578. Study plans started to change only in the academic year of 1988/1989 when the number of lessons of the Latvian language at Russian language schools began to increase.

579. The Law On Education, effective at present, prescribes that education at the state and municipal educational establishments is in the state language. Education in different language may be acquired at private educational establishments, as well as the state and municipal educational establishments where programmes of minority education are implemented, i.e., where education can be acquired bilingually. Since 1 September 1999 studies at establishments of higher education are conducted in the state language. The Law On Education prescribes that as of 1 September 2004 studies in the 10th grade of the state and municipal education establishments of general secondary education, as well as in the first year of state and municipal vocational education establishments will take place only in the state language.

580. In order to acquire primary education or secondary education, every student studies the state language and takes state language proficiency examinations within the scale and in accordance with the procedure prescribed by the MES. Examinations of professional qualifications are to be taken only in the state language. Research papers necessary for acquiring an academic (Bachelor's and Master's) degree and a scientific (Doctor's) degree are to be written and presented in the state language, except in cases provided by other laws. The upgrading of qualifications and retraining that is financed from the state budget and local budgets, is held in the state language.

The right of parents to choose educational establishments for their children

581. In accordance with the Law On Education in Latvia parents of children or persons who exercise parental power, have the right to choose the establishments of pre-school education and primary education where the child acquires education, taking into account the wishes of the child.

Gender equality in the acquisition of education

582. In accordance with the *Satversme* and the Law On Education the right of the individual to acquire education is not infringed in any way on the grounds of gender.

583. There is no separate education for girls and for boys in Latvia, neither is it provided by legal acts in effect. As a result, schools of differing quality do not exist in Latvia: there is equality for boys and girls in the accessibility to the school premises, equipment and the teaching staff. As conditions of enrolment into education establishments do not stipulate any restrictions depending on the gender and admission to educational establishments is based on the results of competition or account is taken of the student's place of residence, girls have access to the acquisition of any speciality at study centres of vocational education, at colleges and higher education establishments.

584. In Latvia everybody enjoys equal possibilities of engaging in sports and physical activities as the educational programme implemented by the educational establishments provides it. In accordance with Regulations of the CM sports is included in the compulsory content of standards of state primary education, state general secondary education and vocational education at all levels. The draft Law On Sports, adopted by the CM on 5 June 2001, does not provide any restrictions concerning genders.

585. Persons who have left school before graduation or who have left it, interrupting studies, have the possibility of acquiring or completing primary education or acquiring secondary education at evening schools.

Employees of educational establishments

586. In accordance with the Law On Education a person who has a pedagogical education or who is in the process of acquiring pedagogical education that corresponds to the requirements of professional qualifications prescribed by the CM, has the right to work as a teacher. In order to begin private practice of a teacher a person needs a certificate, issued by the Ministry of Education and Science. All teachers working at education establishments and in private practice are registered with the Register of Teachers.

587. Education necessary for teacher's work is acquired at educational establishments, which offer the respective accredited professional and academic study programmes. Professional qualification of a teacher is confirmed by a diploma of higher pedagogical education or a respective certificate. Professional qualifications of a teacher are upgraded through self-education and at establishments that implement respective programmes of further education.

588. In Latvia the following persons are not allowed to work as teachers: a person who has been sentenced for an intentional crime and has not been exonerated; a person whose capacity has been limited in accordance with the procedure prescribed by legal acts; at education establishments founded by the state or local governments - a person who does not have a document issued in accordance with the procedure prescribed by the CM that verifies the highest proficiency level of the state language, except for citizens of other countries and stateless persons who participate in the implementation of specific educational programmes on the basis of an international agreement at higher education establishments, as well as teachers working at education establishments founded by foreign countries or their branches; a person who has been deprived of parental power by a court judgement.

589. A teacher has the right to participate in the self-management of the education establishment; to receive a state-guaranteed paid annual leave of 8 weeks; to receive in accordance with the procedure laid down by the CM a paid sabbatical of up to three months or an unpaid leave of up to six months on the basis of an agreement on the development of study aids; to use 30 calendar days in the course of three years for the professional upgrade, retaining the basic salary at the education establishments where the teacher works on full time basis; to receive the financial support that is necessary for pedagogical work.

Remuneration of teachers

590. In accordance with the Law On Education remuneration for teachers' work is established in line with the teacher's professional qualifications, the length of the in-service time and the workload. The minimum salary of a teacher with the lowest professional qualifications must not be below the amount that is equal to two minimum monthly salaries.

591. Salaries of teachers at state and municipal education establishments, including those for the training of five-year olds and six-year olds as of 1 September 2002, are provided from the state budget and special - purpose grants. The remuneration of other teachers at municipal pre-school education establishments is provided from the local budgets.

592. The local governments of some cities have introduced schemes of additional payments to salaries of their teachers. For example, the Riga School Board has adopted a salary-rise of about 25% in 1998 and a salary-rise of 30% in 1999. Thus, school principals are given the possibility of attracting good employees; however, it stimulates differences among local governments that may provide additional funding for teachers' salaries and those local governments that do not have such resources. Usually, the situation with financial resources is better in cities/towns, and they attract teachers from poorer local governments.

593. Teachers of primary schools and secondary schools receive about 75% of the average monthly salaries in the country. At establishments of higher education teachers receive only slightly higher salaries. Taking into account the high cost of living, in particular, in city centres, teachers must seek additional sources of income outside school or take on larger workloads at their own schools.

594. The actual remuneration of teachers is determined by the formula where the basic salary is established for a workload of 21 lessons per week. Depending on the professional qualifications and the work experience, the salary is within the range of 90 LVL to 130 LVL. If the workload exceeds 21 lessons, the salary is increased proportionally. The average workload of teachers in Latvia is 1.3 workloads. It means that according to the mathematical calculation there are about 41,000 teachers working while the actual number of teachers is only 37,000. Thus, teachers raise their salary artificially, by increasing the workload from 21 lessons to 27 lessons per week.

595. The insufficient salary level for teachers affects the educational system and it is one of the most important issues of the educational policy in Latvia in conducting educational reforms.

596. The low teachers' salary level in Latvia affects the quality of education. It prevents young people from choosing a profession of a teacher; it does not encourage young graduates with pedagogical education to work at education establishments, in particular those who have learnt foreign languages or the new technologies; besides it affects also the status of the profession and morals. Young teachers are more willing to choose well-paid work.

597. The teaching staff is ageing; many teachers who work are close to the retirement age. However, there are not enough young teachers who have been trained in the modern teaching methods and might take their place.

598. In Latvia, the private sector absorbs approximately half of the graduates of pedagogical higher education establishments. On the labour market professional education acquired by teachers is highly valued and the educational system often loses people with good management features, an innovative approach and creative potential. It is particularly difficult to attract teachers of English, German languages and Computer skills to schools as in the business sector they are offered salaries that are two to four times higher, better career possibilities and a higher social status.

599. In order to gradually eliminate consequences caused by the low teachers' salary rate in the educational system, on 22 August 2000 the CM approved a schedule for the teachers' salary rise according to which 3.31 million LVL were budgeted for the increase of teachers' salaries (as of 1 September 2002) in the state budget for 2001, 10.90 million LVL (as of 1 January 2002) - in

the state budget for 2002 and 4.94 million LVL (as of 1 September 2003) - in the state budget for 2003, and 4.43 million LVL (as of 1 September 2003) in the budgets of the MES, the MA and the MW, as well as for special purpose grants for local governments. Financial resources from the MES, the MA, the MC, the MoI, the MW and the MoJ, saved as a result of activities undertaken within the framework of the reform of the educational system, were to be directed for raising teachers' salaries as of 1 September 2000. Thus, according to the schedule adopted for raising teachers' salaries as of 1 September 2000 the teacher's monthly salary rate was raised by 10 LVL in comparison with 1999; as of 1 September 2001 - by 13 LVL in comparison with 2000 (including the raising of the monthly salary rate by 3 LVL as of 1 July 2001 in line with the increase in the minimum salaries in the country); as of 1 September 2002 - by 17 LVL in comparison with 2001.

Teachers' qualifications

600. About one third of teachers working at primary schools and secondary schools lack the respective professional qualifications or they teach subjects that they have not been qualified to teach. Low salaries, low status, and the unwillingness of well-educated graduates to work in teaching professions, has resulted in the shortage of qualified teachers, in particular in some specific subjects and in several regions.

601. In Latvia, several independent pedagogical higher education establishments offer various programmes for the upgrading of the initial pedagogical education and qualifications. Many teachers are also willing to improve their education by acquiring a Master's degree.

602. Until 1990 all possibilities for upgrading teachers' qualifications were provided by a single centralised institution supervised by the Ministry of Education and Science. Teachers were to take compulsory, state-financed courses at least once in five years. In 1990 this requirement was revoked and the funding was divided on the basis of the public tender. A range of organisations started offering training. Currently costs related to the upgrading of qualifications are covered, in most part, by the local governments and by teachers themselves if they can afford it.

Article 14 of the Covenant

603. In accordance with Article 112 of the *Satversme* the state provides free of charge compulsory primary education, as well as secondary education.

Article 15 of the Covenant

604. Article 113 of the *Satversme* provides that "the State shall recognise the freedom of scientific research, artistic and other creative activity and shall protect copyright and patent rights." Article 114, in its turn, provides that "persons belonging to ethnic minorities shall have the right to preserve and develop their language and their ethnic and cultural identity". These Articles of the *Satversme* should be read in the context of Article 91 that consolidates the principle of equality and the prohibition of discrimination.

Culture

605. With the restoration of independence the development and the consolidation of the legal basis became one of the priorities in the cultural policy of Latvia, as it was necessary to establish a new system, effecting transition from the totalitarian system to a democratic society with its values. During this transition period the greatest test was the necessity to retain and protect values and identify of national culture.

606. Since 1991 several legal acts have been enacted that regulate the area of culture; several new laws are being drafted - the Law On Films, the Law On Status and Organisation of Professional Creative Work etc. Latvia has acceded to several international agreements in the area of culture - the Berne Convention of 1886 On the Protection of Literature and Works of Art, the 1954 European Cultural Convention, the 1961 Rome Convention On the Protection of Performers, Producers and Broadcasting Organisations, the 1971 Convention on the Protection of Producers of Phonograms against Unauthorised Use of Their Phonograms (Universal Copyright Convention), the 1972 Convention for the Protection of the World Cultural and Natural Heritage, the 1989 European Television Without Frontiers Convention, the 1992 European Convention on Cinematography Co-production etc.

607. In 1995 the *Saeima* adopted the Basic Guidelines of Cultural Policy in Latvia, defining the basic principles, aims and tasks of the cultural policy, and which were formulated in accordance with the basic principles of cultural policy provided for by documents of the UNESCO and the Council of Europe. The Basic Guidelines emphasize that the core principle of the national cultural policy of Latvia is non-intervention in the regulation of creative processes, at the same time providing favourable conditions and the necessary resources for the progress of the cultural process, for the promotion of the positive creative initiative of the individual and the people as well as the functioning of the cultural infrastructure; the basic aim of the cultural policy is a free, creatively active, morally rich, humane, nationally self-confident personality in the morally developed, humane society of a democratic national state.

Funding of culture

608. In 1998 the Foundation of Cultural Capital - a public non-profit joint-stock company-started its operation, introducing a new philosophy in the financing of culture - the distribution of national budgetary resources on the basis of competition where decision-makers would be experts from various areas selected in a democratic way. The Law "On Foundation of Cultural Capital", enacted in 1997, stipulates that the purpose of the Foundation is to provide financial support and to promote the development of the creativity in all areas of culture and arts and the preservation of the cultural heritage. In order to achieve this aim the Foundation of Cultural Capital promoted the development of international contacts, the advertising of Latvian culture and arts abroad, finances creative and research projects of natural and legal persons in the area of culture, stimulates the dissemination of newly-created cultural values, their accessibility for wider public.

609. The access to the financial resources of the Foundation of Cultural Capital is provided on the basis of competition, and any natural or legal person may participate in the competition by submitting a justified project application (that complies with the regulation of the competition of

the Foundation of Cultural Capital). Many of the projects supported by the Foundation of Cultural Capital promote the cultural identity as a factor stimulating mutual understanding as well as promote the awareness of and advertise the cultural heritage of ethnic minorities. Each of the sectoral councils in the Foundation of Cultural Capital (in accordance with the Law there are 7 councils at the Foundation of Cultural Capital - the Council on Literature, the Council on Music and Dance, the Council on Theatre, the Council on Films, the Council on Visual Arts and Photography, the Council on Cultural Heritage and the Council on Traditional Culture) ensures that providing funding to separate projects, the cultural heritage of the respective sector is retained. The Foundation of Cultural Capital also supports the acquisition of professional education in various areas of culture and arts as well as activities of other kinds, aimed at preserving, developing and spreading the culture.

610. There are also other foundations that operate and are accessible in Latvia and support cultural projects - the Culture Fund, the Soros Foundation Latvia, and the Fund of Creativity etc.

Institutional structure

611. The area of professional theatres in Latvia is dominated by theatres subsidized by the state and local governments; they are visited by approximately 90% of all theatregoers. All theatres that are subsidized by the state and local governments have permanent professional troupes, which operate as stationary repertoire.

612. The share of the state grant in the budgetary structure of theatres that belong to the state constitutes an average of 35%; the funding provided by the local governments in Latvia is only less than 5%. At present, only some local governments where the professional theatres are located participate with direct grants in the operation of professional theatres. The city of Liepaja has taken over in its possession the Liepaja Theatre, taking over the costs of the maintenance of the premises and part of the expenses required for the work of its administration-33.7% of the theatre's budget in 1998. Local governments of Daugavpils and Valmiera support the theatre with annual allocations (22.2% and 2.4% respectively in budgets of theatres in 1998), amounts and the terms of allocations not being stipulated by contract relations. Some local governments reach an agreement with theatres about support during their guest performances in their respective territories. This practice is particularly actively used by the Valmiera Theatre in the Vidzeme and Latgale regions, non-governmental theatres (the Liepaja Travelling Puppet Theatre). The Riga City Council has signed an agreement on trilateral cooperation with the MC and the Art Theatre about gradual involvement in the financing of this theatre. Since 1998 a significant role in the financing of professional theatres in Latvia has been played by the Foundation of Cultural Capital. Grants of the Foundation provide part of resources necessary for programmes of new performances at professional theatres, for studies of theatrical professionals and in-service training abroad, for the participation of theatres in international events, for the organisation of festivals in Latvia.

613. Non-governmental theatres that operate in the status of limited liability companies, non-profit limited liability companies or non-governmental organisations, receive funding from the state and local governments very rarely in the form of specific commissioned orders. Since 1998 when the Foundation of Cultural Capital was established, these theatres have the opportunity to apply for state budgetary resources within the framework of the grants of the

Foundation, however, to receive these resources they have to survive tough competition with the state and municipal theatres, which also apply for Foundation grants and are much stronger as concerns the personnel resources.

614. It should be recognized that theatrical activity is concentrated in Riga. There is one theatre in cities of several regions; however, long distances make theatrical performances almost inaccessible for residents of rural areas. The budget allocated to theatres does not allow them to organize tours, that are why additional public funding is required - support programmes that would provide additional subsidies for theatrical performances.

615. Professional theatre art is distributed unevenly on the territory of the country. There are potential spectators in the regions of Latvia who are interested in the most recent theatre performances; at the same time performances at the five professional theatres in Riga and in particular theatres in three regions - the Daugavpils Theatre, the Liepaja Theatre, the Valmiera Theatre - lack audiences. The number of theatre tours has been declining with every year. According to the data of the National Centre of Folk Art, in 1997, 724 theatre performances were presented in the regions, in 1998 - 565, in 1999 - 494, over these years the number of spectators has declined from 125,919 in 1997 to 73,458 in 1999.

616. The number of spectators at performances of professional theatres (in particular regional theatres - in Liepaja, Valmiera, Daugavpils) constitutes 30 - 70 % of the total number of seats in the auditorium. Performances are not presented as frequently as it would be possible in view of the troupe and to ensure that returns cover the investments into the performance. Although the marketing of all professional theatres - information, the discount price policy etc. - develops, the potential spectators in regions with low purchasing ability cannot afford a visit to the theatre.

617. In the 26 districts of Latvia there are about 191,000 potential spectators (according to data of the National Centre of Folk Art - spectators at performances of amateur theatres in 1999) who do not receive any information and insight into the professional theatre. According to the studies conducted by the *Baltic Data* in Latgale in 1998, 33% of the population had never seen a single theatre performance. The main causes for the decrease in the number of visits to the theatre is the low purchasing ability and the high costs of theatre tours.

618. As concerns scientific research, support is provided to scientific tours and participation at various seminars. The involvement into the life of European theatres is achieved, in most part, with the help of the ITI Latvian Centre and the Latvian New Theatre Institute, as well as by participating in various international theatre organisations - ITI, ASSITEJ. Joint projects are as follows - in 2000, the European project *Hotel Europe* in the framework of which the Latvian New Theatre Institute produced the performance *Snake*, since 1995 the New Theatre Festival *Homo Novus* has been held every second year. In 2001, it took place within the framework of the Month of European Culture. Long-term training for managers of theatres is provided in cooperation with the Netherlands Management Association. Likewise seminars for stage designers, stage light specialists, conferences, regular visits of specialists are organized, as well as cooperation with foreign producers is developed.

619. The Law On Libraries of 21 May 1998 regulates public relations in the area of libraries in Latvia, determining the basic principles for the operation of libraries, the tasks, rights and duties, funding, the library system and the mutual interrelationships as well as rights and

obligations of users of libraries and their employees. Printed editions, electronic editions, manuscripts and other documents in the collection of libraries, irrespective of the political, ideological, religious or other affiliation of the author, or information contained in them, are accessible for every person in accordance with the procedure established by libraries. Libraries are independent in the formation of their collections. They must not be restricted by political, ideological or religious motives; restrictions in the formation of the library collection may be set only by law.

620. Every library has the duty of providing access to the National Library Collection and information resources, to ensure the provision of efficient and quality services to users of libraries; to provide the possibility for users of libraries to use library services irrespective of their gender, age, race, nationality, physical condition, the place of residence and location as well as other factors and to install appropriate library equipment for persons with motoric disorders and impaired eyesight. The duty of the state and municipal libraries is to make information prepared and published by the public and municipal institutions available for users of libraries. The duty of libraries providing services to children and young people is to pay particular attention to the improvement of the quality of the library collection by implementing new information technologies in order to stimulate the desire of children and young persons to read and to develop their skills in the use of information technologies and equipment. Services of the state and municipal libraries, and the use of information systems of libraries are free of charge. Types of library services that are provided for a fee are determined by the regulation (charter) of the library and rules on the use of libraries.

621. The following libraries operate in Latvia: the Latvian National Library, the Latvian Academic Library, 962 public libraries (including 910 municipal public libraries) 1,123 school libraries (1,060 libraries at comprehensive schools, 63 libraries at establishments of vocational education); 40 special libraries, 20 libraries of higher education establishments.

622. Library services encompass all areas of activities and all age groups of the population. Approximately 44% of the total number of inhabitants in Latvia has registered as library users. Every user has visited a library on the average 13 times per year, has received an average of 42 books and other publications. There is one library per 2,200 inhabitants and an average of 26 books and other publications at the disposal of each inhabitant.

623. Modern information technologies are used only in a small part of libraries - in the state libraries as well as in few public libraries and school libraries. It means that clients of the other libraries must limit themselves with resources of the local libraries and thus they are separated from the information sources of other libraries in Latvia and in the world that could be accessed through the Internet. To improve the situation, activities should be undertaken nationwide, establishing a single communication network for the needs of the local governments, schools and libraries. In view of this on 29 November 2001 the *Saeima* enacted the Law On National Budget for 2002 that prescribes funding in the amount of 358,000 LVL for the establishment of a single information network of public libraries in Latvia - a pilot project *Establishment of the Network of Academic Libraries - District Libraries - Civil Parish Libraries and Data Exchange*. On 6 November 2001 the CM adopted the Concept on the implementation of a national library information system.

624. The network of municipal public libraries is the widest and most accessible network. There are 560 administrative territories of local governments in Latvia with 910 municipal public libraries - an average of one library per 2,663 inhabitants. 517.6 thousands inhabitants or 21% of the total number of the population have registered as users with these libraries. Municipal public libraries have more than 13 million books and other documents. In 2000, library users were issued 19.6 million books and other documents. Basic services of municipal public libraries are provided free of charge, in 2000 5.1 million LVL (9 million EUR) were expended on ensuring the operation of libraries.

625. The Latvian Library for the Blind in Riga and 7 regional branches of the Library for the Blind have been established for servicing inhabitants who are blind or have impaired eyesight; they provide publications in Braille and audio books on the whole territory of the country. The operation of the library is financed from the state budget. The library should expand its social influence. As it is the only public library of the kind it could encompass even a wider range of people with impaired eye sight - old people, people with temporary eyesight disorders who need books in larger print. The library (and its branches) needs to renovate and upgrade the premises to comply with contemporary demands and to be able to serve as the centre of culture, education, information, social assistance and communication for the blind and people with impaired eyesight.

626. Libraries function as communication centres where quality international communication may develop and function: satisfying reading and cultural needs in the language of ethnic minorities; ensuring systematic and comprehensive studies of the Latvian language and culture on individual basis, as well as at different events and interest groups (Latvian language courses are offered at libraries); to find a virtual access through the Internet to information resources of the ethnic homeland of an ethnic minority; to subscribe to publications from libraries of the ethnic homeland of the respective ethnic minority by using international interlibrary subscription communications.

627. At present a large part of the society - people with motoric disorders - is deprived of the possibility to use library services. Entrances to the library buildings and premises, stairs, doors have not been made in a way that a person in a wheelchair could enter the library without assistance and could use its services. International guidelines on the work of libraries and the Latvian Law On Libraries stipulate that the duty of a library is to create possibilities of using library services irrespective of various differences people might have and to develop library equipment appropriate for use by people with motoric disorders. Unfortunately, until now in view of the constrained financial resources of libraries it has not been possible to install special ascent ramps, elevators and to undertake other renovation work to enable people with motoric disorders to enter libraries.

628. The first museums in Latvia were founded in the 18th century. After the proclamation of the independence of Latvia in 1918, a system of public museums was created that covered the most significant areas. The period between the wars is characterised by the development of a network of the state and municipal museums, as well as by a targeted national policy in collecting archaeological, ethnographic and historical materials, in supporting studies of local history and in promoting national patriotism. The operation of each state museum was regulated

by a separate law. The principle of centralisation characteristic for Scandinavian countries dominated - branches of the National Museum of History encompassed the whole country. At present the trend to bring museums closer to the regions and to increase their independence seems to have more future potential.

629. After the World War II, the system of museums was transformed in accordance with the standards of the Soviet Union. The principle of centralisation dominated in the management mechanism (for example, an association of Museums of History, and an association of Art Museums) that allowed exercising political control over the work of museums and regulated them from the professional and financial point of view. Irrespective of the ideological restrictions, until the restoration of independence in 1991 the network of museums was expanded, covering all districts in Latvia as well as diversifying their profiles. However, ideological orientation, strict instructions in the depiction of cultural history resulted in uniform displays at all museums of history and local history.

630. Social and political processes in the beginning of the 90s manifested themselves also in the system of museums - the operation of museums with the totalitarian ideological tendency was terminated, the former public museums acquired the status of private museums, local governments in cities/towns and civil parishes showed initiative in establishing new museums.

631. On 18 June 1997 the Law On Museums was enacted, defining the relations between the state and the society in the area of museums. In 1998, the National Board of Museums was established and the CM approved regulations prescribed by the Law On Museums. The Law On Museums prescribes the system of museums in Latvia and sources of its funding. The state museums operate under the supervision of various ministries and receive allocations from the state budget. The largest number of the state museums are institutions subordinated to the MC. These are, in most part, museums of the history of culture and arts. Other state museums are related to specific themes and are supervised by ministries of respective sectors thus ensuring the possibility for the museums to react in their work to the needs of the interested part of the society and to implement the principle of the decentralisation of cultural institutions. The possibility of the operation of a decentralised museum system is ensured by the National Board of Museums by supervising and coordinating all museums.

632. Municipal museums (museums of districts, cities/towns, civil parishes) are financed from the local budgets. In the middle of the 80s the establishment of museums in all district centres of Latvia was completed - there are museums focusing on local history (sometimes also art museums), in their operation covering the whole territory of the district. As functions of district local governments do not include the maintenance of museums, in the second half of the 90s part of the district museums were transferred to the supervision of cities/towns and museum activities that covered the whole territory of the district were left without funding. This problem can be resolved by implementing the regional reform in Latvia.

633. At present there are 26 State Museums, subordinated to the Ministry of Culture, 12 museums subordinated to other ministries, 104 municipal museums and 128 private museums.

Number of visitors at museums of Latvia

| Visitors | 1999 | 2000 | 2001 |
|-------------------|-----------------|-----------------|---------------|
| Total | 1 513 462 | 1 481 848 | 1 533 901 |
| Public museums | 945 151 (62.4%) | 922 298 (62.2%) | 951 277 (62%) |
| Municipal museums | 568 311 (37.6%) | 559 550 (37.8%) | 582 624 (38%) |

634. In comparison with 2000 the number of visitors to museums has increased by 52,053 visitors or 3.4 %: in state museums - by 28,979 visitors or 3 %, in municipal museums-by 23,074 visitors or 4 %. If the increase in the attendance of the state museums has been ensured by several outstanding exhibitions, the decisive factor at municipal museums is the increase in the number of museums. The increase by 22,113 visitors has been given by 11 museums, which have submitted their statistical reports for the first time in 2001.

635. The proportion of traditional forms - guided tours, lectures - in the educational work of museums continues to decline while pedagogical programmes of museums become increasingly more popular and diverse - these programmes enable visitors of museums to acquire new knowledge and skills within the framework of the themes offered by each museum (for example, *What do we know about our existence in nature?*, *Culture of behaviour through centuries*, an educational programme on environment).

Role of mass media in promoting culture

636. The Law On Radio and Television, enacted on 24 August 1995, stipulates that every year the National Board on Radio and Television approves the state order that constitutes a set of programmes and broadcasts with the following tasks: to ensure the dissemination of comprehensive information about events in Latvia and abroad; to ensure the development of the Latvian language and culture; to satisfy the needs of the community for educational broadcasts as well as broadcasts dedicated to religious education, culture, science, recreation, children, sports and other broadcasts (with interpretation for the deaf as well); to stimulate the development of broadcasts about the life and culture of ethnic minorities in Latvia.

Cultural education

637. The subprogramme *Cultural Education* on the National Programme *Culture* emphasizes that the purpose of the said programme is to provide conditions for the development of the personality and the creative potential of every individual, to give an opportunity to all inhabitants, irrespective of their place of residence, ethnic origin and religious affiliation, health condition, age and gender, the material situation and other circumstances, to develop their creative interests and abilities, to acquire professional knowledge and skills during the whole lifetime of the individual.

638. When formulating the above subprogramme, several problems were identified - legal acts effective at the time did not reflect to a sufficient degree peculiarities of cultural education, in particular at the level of primary education; there was no sufficient link with the labour market; teachers lack possibilities of further education. In order to resolve these problems, already at the initial stage the subprogramme *Cultural Education* was developed as a plan of complex activities which would allow to improve the situation in the given subsector and to prevent the possible underdevelopment and depression in future.

639. In Latvia, there are 136 municipal institutions of cultural education having 18,593 students. 79 of the above institutions are music schools having 11,976 students, 32 art schools having 3,426 students, 23 schools of arts having 2,890 students and 2 vocational secondary art schools - the Daugavpils Art College *School of the Sun* and the Valmiera Secondary Art School having a total of 301 student.

640. The MC supervises 15 vocational secondary schools of cultural education with 1,923 students studying in programmes of vocational secondary education, and 2,509 students studying in programmes of music, arts and choreography. The MC is in charge also of 3 higher education establishments - the Latvian Academy of Culture, the Latvian Academy of Arts and the Latvian Jāzeps Vītols Academy of Music having 1,635 students altogether.

641. The national policy in cultural education is implemented by the National Centre of Cultural Education that is subordinated to the MC. The tasks of the said Centre are to coordinate school management, pedagogical and methodological work at all institutions of cultural education, to coordinate the development of cultural education in regions, to coordinate the provision of the state support to studies for acquiring art education and cultural education abroad etc.

642. Through the Foundation of Cultural Capital the state has granted co-funding for joint projects in EU educational and cultural programmes, supports the participation of educational establishments in international professional organisations, the participation of students at international contests, exhibitions and shows.

Possibilities for persons with disabilities and the poor to participate in cultural events

643. In 1998, the Concept *Equal Opportunities to Everyone* was formulated and adopted with the purpose of ensuring the rights of the persons with disabilities (see Paragraph 64 of the present Report); its action plan includes the task of “ensuring the right of the persons with disabilities to an adapted environment, eliminating physical conditions that obstruct free movement, providing the persons with disabilities with communication possibilities and the right to information, as well as ensuring the persons with disabilities equal opportunities of participating in leisure and sports activities”.

644. In 2000, in the course of implementing the action plan for the Concept *Equal Opportunities for Everyone*, an elevator was installed during the repairs of the stairs at the National Art Museum to enable people with physical disabilities to enter the museum. A separate toilet for the persons with disabilities has been built in the *Arsenāls* exhibition hall of the National Art Museum and people with physical disabilities have been provided the possibility to enter the exhibition hall. The Riga Motor Museum has repaired the stairs and at the same time has adapted the stairs to the needs of the persons with disabilities. During the reconstruction of the Durbe Castle the Tukums Museum has built in an elevator, toilets for the persons with disabilities and a pandus system in exhibition halls. The reconstruction project of 2001 for the History and Art Museum of the Ventspils Region that has been moved to the Ventspils Castle includes also the construction of an elevator and toilets for the persons with disabilities. Special ascent ramps have been installed at the Puppet Theatre, the Valmiera Theatre and the Art Theatre.

645. Many other projects have been implemented within the framework of the Concept *Equal Opportunities for Everyone*. In 2002, 7 books in Brail (Latvian literature, children's literature and reference literature) were published within the framework of public procurement. The Commission on Publishing that has been established and that distributes resources from the state budget for the publication of books in Braille includes representatives of the Latvian Library for the Blind and the Latvian Association of the Blind. Likewise, in 2000 the Foundation of Cultural Capital provided financial support to the project of the *Saule* care centre *One Music for All* - a concert tour of musicians with disabilities of Latvia and Norway at health care institutions of Latvia. A project in the area of visual arts has been developed in cooperation with the care centre *Saule*, summer camps for creative people with health disorders are organised (participants come from Latvia, Norway, Sweden).

646. Particular attention is paid to the involvement of children with disabilities into artistic creative work. For this purpose, the Tukums Museum in cooperation with the Fund *Child of Care* offers children with disabilities classes in drawing and painting at the premises of the museum. Possibilities have been created for children with disabilities to study at music and art schools - Ogre Art School, Riga Music School No. 5, Baldone Primary Music School. A project has been developed *Music Classes for Children With Health Disorders and Special Needs*, aiming at stimulating the development of music therapy in Latvia.

647. At the same time it must be recognised that in view of the insufficient funding it is not possible to ensure in a short time that all cultural institutions - theatres, museums, exhibition halls and concert halls - are accessible for the persons with disabilities. For example, an elevator has been built in at the Latvian National Opera to enable the persons with disabilities to enter the stalls; however there is shortage of funding to implement technical solutions so that the persons with disabilities could reach their seats in any place of the opera house. Although in the construction of new objects and the renovation of the old objects there is a compulsory requirement to ensure the accessibility of all objects for the persons with motoric disorders, still the requirement is met on a restricted scale, i.e., depending on the allocated funds. Thus due to insufficient funding the intended provision of cultural institutions with audio guides and information in Brail has been postponed.

648. Over the recent years particular attention has been paid to the possibilities for the low-income population to participate in cultural life. Thus, the Latvian Concert Directorate in cooperation with the Council of Chamber Music and independent music institutions and individual musicians implements a special-purpose programme *Chamber music*, aimed at presenting an opportunity for the low-income population to attend concerts in the vicinity of their place of residence for a reduced price. In 2001, this programme was granted funding in the amount of 50,000 LVL, i.e., 10,000 LVL more than in 2000. Every year the Latvian National Symphonic Orchestra gives charity concerts. The Latvian National Opera offers, as far as it is possible, tickets at reduced prices.

Protection of the culture of ethnic minorities

649. In order to ensure the protection of the culture of ethnic minorities, already in 19 March 1991 the Law On Free Development of National and Ethnic Minorities in Latvia and their Right to Cultural Autonomy was enacted with the aim of guaranteeing all national and ethnic groups of Latvia the right to cultural autonomy and cultural self-management.

650. The Law provides that public institutions of Latvia promote the development of education, language and culture of national and ethnic groups living in the territory of Latvia, allocating for this purpose resources from the national budget, and that all national historical and cultural monuments and objects in the territory of Latvia are protected by the state. In accordance with the Law all permanent residents of Latvia are guaranteed the right to found their national societies, to respect their national traditions, to use national symbols and to celebrate national holidays. Likewise, the Law provides that all national and ethnic groups have the right to the free development of the professional and amateur art.

651. The National Programme *Culture* has been drafted and adopted; each of its 10 subprogrammes (in every sector of culture) includes a chapter *Integration of the society*, which envisages a set of activities for the promotion of the cultural heritage of nationalities living in Latvia thus stimulating mutual understanding and the integration of the society in general.

652. Since its establishment in 1998, the Foundation of the Cultural Capital provided financial support to several activities promoting the integration of the society - several prose writings by contemporary Latvian authors have been translated into Russian, the poetry of Latvian authors-into Ukrainian, several books have been published in the Liiv, Estonian, Lithuanian, German, Polish and Byelorussian languages. The state has provided part of the funding for several projects of cultural centres, support is provided on regular basis to literary journals *Daugava*, *Orbit* and *Shpilj* that are published in the Russian Language.

653. Likewise, the state support is provided to the Song Festivals where amateur groups of ethnic minorities participate with a separate programme - at the cultural festival of ethnic minorities *Wreath of Latvia* there are approximately 600 participants from foreign countries and Latvia - Uzbek, Greek, Moldovan, Russian, Ukrainian, Baskhir amateur groups. The following internationally significant cinema events have also received state financial support: *Baltic Pearl*, *Arsenals*, festivals of traditional (ethnic) culture *Sudmalinas*, *Baltica* that are of significant importance.

654. The Riga Russian Drama Theatre, the National Puppet Theatre, the Daugapils Theatre where the largest part of performances are presented in Russian have the status of a public institution under the supervision of the MC.

655. Traditionally libraries in Latvia have tried to include in their collections books and other publications in languages of ethnic minorities of Latvia. Historically, it has developed that alongside with literature published in Latvian publications in Russian - (40-45% of the total library collection) are available. In district libraries close to the Lithuanian borders books in Lithuanian are more widely available, close to the Estonian borders - books in Estonian, to the Russian border - books in Russian. Publications in other languages are offered to residents of Riga by specialised public libraries - the Library of Foreign Languages at the Congress Hall, the Library of Nordic Literature. Books in Hebrew are concentrated at the library of the Riga Jewish community. Books in other languages (English, German, French, Swedish, Danish etc.) constitute approximately 10% of the total amount of the library collections.

656. Currently there are more than 150 active national cultural societies in Latvia.

Protection of cultural heritage

657. The Law On Protection of Cultural Monuments, enacted in 12 February 1992, was the first law protecting the cultural heritage in the Eastern Europe. The Law provides that the protection of the cultural heritage is a system of activities that ensure the preservation of the cultural heritage and includes its registration, research, practical storage, the use of cultural monuments and their promotion. According to the definition provided by the Law cultural monuments are part of the cultural historical heritage - cultural historical landscapes and separate territories (ancient burial places, cemeteries, parks, places of historic events and places of the work of outstanding people), as well as separate graves, groups of buildings and separate buildings, masterpieces, equipment and items with historic, scientific, artistic or other cultural value and which should be preserved for the future generations in the interests of the state and nation of Latvia, as well as international community.

658. Article 3 of the Law stipulates that: "it shall be prohibited to destroy cultural monuments. Immovable cultural monuments may be transferred or transformed only in exceptional cases with the permission of the Inspection on the Protection of Cultural Heritage. The transformation of a cultural monument or the substitution of its original parts by new parts shall be allowed only provided it is the only possibility of preserving the monument or if as a result of the transformation the cultural historical value of the monument is not diminished." The Law provides that it is prohibited to take cultural monuments out of Latvia, while a temporary removal of the monument out of the country is possible only with the permission of the Inspection on the Protection of Cultural Heritage. Likewise the Law provides a detailed regulation for the permissible economic activity in cultural monuments.

659. An increasingly more attention is being paid to the promotion of the Latvian cultural heritage in Latvia and abroad. Already for the sixth year Latvia participates in the days of the European cultural heritage, the Inspection on the Protection of Cultural Heritage being the organizer of these days in Latvia. During the previous years the days of cultural heritage were dedicated to wooden heritage, estates and castles, castle mounds and churches. In 2000, the theme in Latvia was the Historical Latvian Rural Cultural Landscape. During the days of cultural heritage those rural territories were brought to the foreground where inhabitants were aware of the aesthetic and also the commercial value of a cultural historical landscape that has been taken care of.

660. The set of activities for the protection of the cultural historical heritage includes also the accumulation of information in archives. In the archives of Latvia there are documents of management agencies of cultural institutions, theatres, non-governmental, professional and creative organisations as well as personal archives of men of culture, artists, architects, actors and representatives of other creative professions. The Latvian National Archives continue to acquire personal archives of cultural workers, and during the last decade this set of documents has been amplified by documents of public and cultural workers - Latvians in exile. The unique audio visual, sound and photo documents collected in the Latvian National Archives of Cinema, Photographic and Phonographic Documents should be particularly emphasized as a part of the Latvian cultural heritage.

661. Latvian archives regularly introduce the society with the information at their disposal. Drawings by Kārlis Miesnieks - one of the most famous painters in Latvia - kept in the Latvian

National Archives, were published; a manual *Cultural Documents at Archives, Libraries and Museums of Latvia* was published; several displays of documents have been organised: *Kurzeme Society of Literature and Art - 180* (also a conference together with the Jelgava G. Eliass Museum of History and Art); *The World Free Latvian Days of Song in Visby, 197*; exhibitions dedicated to artists J.Straume, P.Upītis, T.Ūders etc., to the history of photography and cinematography. Within the framework of international agreements of the archives the documentary heritage held at Latvian archives has been displayed in Germany, Finland, the Czech Republic, among them also the display of original blueprints for the design of Art Nouveau Buildings of Riga in Great Britain, Belgium, Denmark, Estonia.

Science

662. On 10 November 1992 the Law On Scientific Activity was enacted, aimed at consolidating the attention dedicated by the state to the science as a particularly important prerequisite of the development of the society. The Law stipulates the unity of science of higher education, rights, responsibility, independence and academic freedom of subjects of scientific activity, professional and social guarantees, the competence and commitment of public agencies in ensuring scientific activity.

663. Article 3 of the Law provides that every person enjoys the right to engage in scientific activity, irrespective of the race, nationality, gender, language, party affiliation, political and religious views, social, material and official position or origin.

664. Research in the country is conducted at the Latvian Academy of Sciences, which coordinates most part of the research as well as at higher education establishments and sectoral institutions, museums, libraries, archives. Many sectoral institutions have become centres of scientific research of European and world significance. Thus, on 1 December 2002 an agreement was signed by the Directorate General on Research of the European Commission and the Institute of Physics at the University of Latvia *On the Establishment of the Institute of Physics at the University of Latvia Into a Research Centre of Magneto Hydrodynamics of European Significance*. It is one of the projects of the European Union Fifth Framework Programme for Research and Technological Development *Competitive and Balanced Growth*, aimed at developing high technologies on the basis of science. Taking into account scientific achievements of Latvian scientists in the area of genetic research, on 13 June 2003 the Law On Research of the Human Genome was enacted, establishing a single genome database of the population of the country that will stimulate the use of genetic research results in improving the health of the individual and the society, as well as stimulate the upgrading of the pharmaceutical and biotechnological industry in Latvia.

Protection of moral and material interests

665. In Latvia the protection of the copyright and neighbouring rights is provided by the Law On Copyright, enacted on 6 April 2000 which replaced of the Law of 11 May 1993 On Copyright and Neighbouring Rights. The new Law On Copyright is harmonized with all European Union Directives and all international agreements, effective at present, as well as it has been partly harmonised with the Agreement on Copyright and the Agreement on Performance and Phonograms of the World Intellectual Property Organisation.

666. The Law On Copyright provides protection of the copyright and the neighbouring rights to authors, performers, producers of phonograms, producers of films and broadcasting organisations.

667. The MC is responsible for issues related to the copyright and neighbouring rights in Latvia; in accordance with the Law On Copyright the MC must exercise oversight over collecting societies, paying particular attention if the terms on the collection and distribution of fees are fair; if administrative costs are justified; if the distribution and payment of fees are executed in accordance with the prescribed procedure; if the issue of a licence is not postponed without any valid reasons. The MC issues binding directions for the elimination of the detected failings to collecting societies. If the organisation fails to execute the given directions, the MC has the right to submit a claim before the court for the disbanding of the executive body (dismissal of an official) of the respective organisation. This supervision is directed towards the protection of interests of holders of rights - authors, performers, and producers.

668. In Latvia there are 2 collecting societies - the AKKA/LAA, representing authors, and the LaIPA, representing performers and producers.

669. The AKKA/LAA - a collecting society (Copyright and Communication Consulting Agency/Latvian Copyright Agency) was founded in 1995 and it is a non-profit organisation, which, on the basis of authorisation agreements with Latvian authors and foreign organisations, represents more than 2,000 Latvian authors as well as members of about 80 foreign copyright organisations. The AKKA/LAA is a member of the CISAC. According to the information received from the Riga Regional Court, in 2000, 4 AKKA/LAA claims were examined concerning the collection of royalties from various radio stations. Of the 4 claims, three claims have been satisfied, while in one case court proceedings have been closed.

670. On 20 July 1999 the Latvian Association of Performers and Producers (LaIPA) was founded with the support of the MC and the AEPO (Association of European Performers' Organisations). The Association is a collecting society that administers the rights of performers and producers in Latvia. The said organisation has only just started to work - a work plan is being drafted, an administrative office has been set up, contracts have been signed with the owners of the copyright and a strategy has been drafted for negotiations with users.

671. Over the recent years the state has devoted an increasing effort to ensure effective protection of the copyright and neighbouring rights. A programme for the development of the intellectual property and the strategic development of ensuring its protection for the period of 2001-2005 was drafted and within the framework of this programme the MC prepared a plan of activities that should be undertaken for ensuring the protection of the copyright and neighbouring rights in 2001 and 2002. Likewise, at present, the Council on the Supervision of the Intellectual Property is being established which will be entrusted with the task of supervising and coordinating processes underway in the area of intellectual property in the country, formulating a uniform strategy for the protection of the intellectual property, giving directions to the respective institutions etc.

International cooperation in the area of culture and research

672. In addition to the above international multilateral agreements, Latvia has entered into bilateral agreements on cooperation in research and culture with the USA, the Czech Republic, Egypt, France, Greece, Croatia, India, Italy, Israel, Cyprus, Kyrgyzstan, China, the United Kingdom, Poland, Slovakia, Slovenia, Finland, Spain, the Ukraine, Hungary, Uzbekistan, Germany and Vietnam.

Notes

- ¹ Data: Central Statistics Department (CSD).
- ² Data: CSD.
- ³ Data: CSD.
- ⁴ Data of the State Social Insurance Agency on the actual benefit amounts in 2001.
- ⁵ Data of the State Social Insurance Agency on the actual benefit amounts in 2001.
- ⁶ Data of the State Social Insurance Agency on the actual benefit amounts in 2001.
- ⁷ As of 1997 maternity benefit is being calculated on the basis of calendar days, as opposed to working days, which was the basis before.
- ⁸ 8 January 2000 CM Regulation No. 25, *Regulation on hygienic requirements for hairdressing salons.*
- ⁹ 16 January 2001 CM Regulation No. 22, *Regulation on hygienic requirements for cosmetics salons.*
- ¹⁰ 19 December 2000 CM Regulation No. 439, *Hygienic regulation for public saunas.*
- ¹¹ 11 April 2000 CM Regulation No. 137, *Hygienic regulation for residential hotels.*
- ¹² 12 December 2000 CM Regulation No. 431, *Hygienic regulation for social care institutions.*
- ¹³ 11 August 1998 CM Regulation No. 300, *Hygienic regulation for swimming facilities.*
- ¹⁴ 29 December 1998 CM Regulation No. 502, *The methodology for setting out protected zones around cemeteries.*
- ¹⁵ 18 October 2000 CM Regulation No. 359, *Regulation on infectious diseases which limit professional activities.*
- ¹⁶ 14 April 1998 CM Regulation No. 130, *Hygienic regulations in food circulation.*
- ¹⁷ 29 July 1997 CM Regulation No. 261, *Statutes of the national sanitary inspectorate.*
- ¹⁸ Data: CSD.

List of Abbreviations (used in this Report)

CM - Cabinet of Ministers

MFA - Ministry of Foreign Affairs

MoJ - Ministry of Justice

MoI - Ministry of Interior

MD - Ministry of Defence

MW - Ministry of Welfare

ME - Ministry of Economy

MC - Ministry of Culture

MA - Ministry of Agriculture

MES - Ministry of Education and Science

NHRO - National Human Rights Office

Satversme - Constitution of the Republic of Latvia

Saeima - Parliament of the Republic of Latvia

1 EUR = 0.562 LVL (as on 1 January 2002)
