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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 8 May 2007, at 3 p.m.

Chairperson: Mr. TEXIER

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GE.07-41800 (EXT)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

- (a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 8) (continued)

Initial report of Latvia (E/1990/5/Add.70; E/C.12/LVA/Q/1 and Add.1; HRI/CORE/1/Add.123)

1. At the invitation of the Chairperson, the members of the delegation of Latvia took places at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Latvia and invited it to introduce the initial report of the State party.

3. Mr. ŠTOKENBERGS (Latvia) said that since becoming independent, Latvia had acceded to a number of international human rights instruments, including, in 1992, the International Covenant on Economic, Social and Cultural Rights. It had taken several years for it to introduce domestic procedures governing the elaboration of reports submitted in accordance with those binding instruments and to appoint the persons responsible for preparing and translating the various reports; hence the delay in presenting the initial report.

4. Latvia had always sought to cooperate as best it could with international organizations, notably the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the United Nations and its special procedures, and that had enabled his Government to undertake a critical analysis of the situation at national level – and thus pinpoint areas in which progress would have to be made, and it had enabled those international organizations to have a better idea of the conditions under which Latvia had become independent.

5. As soon as it had gained its independence from the Soviet Union, Latvia had had to lay the groundwork for a modern democracy. Among other difficulties, it had had to continue to apply legislation inherited from the Soviet era until it had elaborated new laws and to negotiate the transition from a totalitarian state based on a sole party and a centralized economy to a democratic state based on a multi-party political system and a market economy. It must be borne in mind that that transition had required changes not only at judicial and practical levels, but also in mentalities. The State had had responsibility for ensuring the enjoyment of the right to housing, employment and education for all on equal terms and for helping those who were most in need.

6. In 1998, a chapter on the most important fundamental rights embodied in international human rights law had been incorporated in the Latvian Constitution. Two years earlier, the Constitutional Court had been set up to verify the constitutionality of national laws and their conformity with the international agreements to which Latvia was a party. Since 1 July 2001, individuals had had the right to apply to the Constitutional Court for a ruling on the constitutionality of national laws and international treaties to which Latvia was a party and on the conformity of certain legislation with higher-ranking laws and the provisions of international agreements. Anyone who believed that a legislative provision violated any of his or her

constitutional rights could appeal to the Constitutional Court for a ruling. It should be noted that most cases considered until now by the Constitutional Court had concerned alleged violations of human rights, and more specifically economic, social and cultural rights, including cases relating to acts of discrimination. In directly applying the provisions of the international human rights instruments in its case law and by interpreting the provisions of the Constitution in the light of international instruments, the Constitutional Court had greatly contributed to the enforceability of economic, social and cultural rights.

7. The National Human Rights Office, set up in 1995 pursuant to the Paris Principles, had been an independent national body with responsibility for protecting and promoting human rights. It had been mandated to consider complaints of alleged human rights violations, give counselling to victims, regularly monitor the conformity of national legislative provisions with the international human rights instruments to which Latvia had acceded, produce reports on the question and submit appeals to the Constitutional Court. On 1 January 2007, it had been replaced by the Office of the Ombudsman, who was also responsible for guaranteeing the primacy of law and good governance, ensuring enforcement of the principle of equal treatment and preventing discrimination.

8. Since joining the European Union, Latvia had made great efforts to ensure the best economic and social conditions for its residents, opening its borders and creating a climate favourable to small businesses, introducing a system of social benefits and services and improving the health care and education systems. He was pleased to report that the annual social budget had nearly tripled between 1995 and 2003. Pursuant to the 1995 pensions act, the calculation of retirement benefits had been modified, and the pension plan in effect since 1 January 1996 was based on individual contributions. Private pension funds, which had been in existence since July 1998, could receive part of the contributions from the basic system since July 2001. Considerable efforts had also been made to improve the social security and social welfare system so as to help the most vulnerable groups, such as the unemployed, persons with disabilities, elderly persons, families run by young people, and victims of trafficking.

9. The annual health care budget had been regularly increased and in 2007 was nearly four times higher than in 2000. Funding for culture had almost tripled between 2000 and 2006. Furthermore, Latvia had introduced a system for policy planning which enabled the Government to better define priorities for its strategies in the various sectors of the economy and globally.

10. The Government was aware that much remained to be done to improve the quality of life of persons living on the territory and was certain that the dialogue with the Committee would be very useful in assessing the current situation and preparing for the future.

11. Mr. KERDOUN, referring to paragraph 6 of the initial report, in which the State party expressed its support of the right to self-determination of nations, sought the Government's opinion on the United Nations settlement plan for the self-determination of the people of Western Sahara.

12. He would also like to know whether the State party, which on 6 August 1991 had passed the environmental protection act, had acceded to international instruments in the area, such as the Convention on Biological Diversity or the United Nations Framework Convention on Climate Change, and whether it had attended the United Nations Conference on the Environment and

Development in Rio de Janeiro in 1992 or the World Summit on Sustainable Development in Johannesburg in 2002.

13. He asked whether the fact that the subsoil act of 2 May 1996 allowed individuals, groups of individuals or companies to exploit the subsoil on their own and to appropriate it did not mean that the State itself was unable to exploit it, and he would also like to know whether the State party had acceded to the non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests, adopted in Rio de Janeiro in 1992.

14. According to paragraph 24 of the report, the right to utilize the continental shelf and the exclusive economic zone was regulated by the act of 2 February 1993. He enquired whether Latvia also authorized the International Seabed Authority established by the Convention on the Law of the Sea to exploit that zone.

15. Ms. BRAS GOMES asked whether the State party intended to ratify the revised European Social Charter – which concerned a number of rights covered by the Covenant, including the right to social security, the right of persons with disabilities to receive vocational training, the right of such persons to independence, social integration and participation in the life of the community and the right of migrant workers and their families to protection and assistance – and International Labour Organization (ILO) Convention No. 102 concerning Minimum Standards of Social Security. She also enquired what action had been taken on the 106 complaints lodged with the Ombudsman, who had taken office in January 2007, and which for the most part had involved violations of the right to social security.

16. With regard to the question of discrimination, she asked whether the State party had included in its legislation the prohibition of all forms of discrimination or had elaborated a framework convention on the subject.

17. Lastly, she would like to know whether non-nationals, who in 2006 had made up 19 per cent of the population, enjoyed economic, social and cultural rights on an equal footing with the rest of the population.

18. Mr. DASGUPTA wondered whether the act of 9 June 1992 on the privatization of land in rural areas, which had enabled citizens to own agricultural land, was not discriminatory vis-à-vis non-nationals, since they were not permitted to become independent farmers.

19. He also asked why vocational aptitude tests could be taken only in the language of the State and why advanced and refresher courses were taught only in Latvian, which in all probability prevented access to such training programmes for persons belonging to linguistic minorities. He requested the delegation to provide statistical data on the number of students enrolled in university and the number of unemployed persons belonging to a linguistic minority. Similarly, he would like to know how many members of the delegation belonged to such a minority.

20. Mr. SADI asked to what extent the State party had drawn on the principles in the Covenant to elaborate its new policies during the transition to a market economy. Referring to the delegation's introduction, he enquired what the most important fundamental rights were that

were covered by the 1998 Constitution and whether individuals had actually appealed to the Constitutional Court to rule on the conformity of national legislation with the international agreements to which Latvia was a party. He also would like to know whether the State party would be in favour of the adoption of an optional protocol to the Covenant.

21. Referring to the two examples cited in the Government's written reply to question 1 of the list of issues, concerning case law on economic, social and cultural rights, he wondered whether the Committee could really conclude that those rights were enforceable, and he asked the delegation to cite cases in which the courts had applied provisions of the Covenant invoked by individuals.

22. Lastly, he enquired whether the State party had ensured that human rights were taught at all levels of education and whether a national plan of action had been elaborated in that regard.

23. Mr. ZHAN asked the delegation to provide statistics on the economic situation in general and the number of unemployed persons in particular since 2000.

24. Ms. WILSON, noting with surprise that the initial report of Latvia did not contain any information on refugees, enquired how the State party defined a refugee and the family of a refugee. Did the family also include non-married partners and children born out of wedlock?

25. Mr. RZEPLINSKI requested information on the status of the Covenant in the domestic legal system. He referred to a case brought before the Riga regional court in which the invoking of the provisions of the Covenant had not prevented the expulsion of tenants who had not paid their rent and asked whether any international instruments had more weight than the Covenant in such cases. He also sought more information on the status of resident and asked why more non-residents did not apply for Latvian citizenship. He would like to know whether it was possible to take classes in one's native language at university and whether members of linguistic minorities from neighbouring countries were eligible for State assistance to study in the country whose language they spoke. Lastly, he enquired why the gap in life expectancy was so large between men and women.

26. Mr. PILLAY requested examples of cases in which the Constitutional Court had ruled that national law was incompatible with the Covenant. Noting a report that in 2006 the committee on corruption had been dissolved by the Government and that two district court judges had been arrested and dismissed in October 2006 for accepting bribes, he sought information on corruption in Latvia.

27. Mr. MARCHAN ROMERO asked why so many Latvians left the country despite the flourishing economy, GDP having risen by seven per cent. He would also like some information on the status of immigrants and residents, since according to certain sources, persons of foreign origin but born in Latvia were regarded as illegal immigrants.

28. Ms. BARAHONA RIERA, noting that the new act on the Ombudsman had entered into force on 1 January 2007, asked what his mandate was and whether he was responsible for formulating recommendations, referring complaints to the courts or serving as an intermediary between the parties to the conflict. She also recalled that, according to information sources, the Ombudsman had already received numerous complaints concerning economic, social and

cultural rights. Noting with satisfaction that the new labour act covered indirect discrimination, she enquired whether women had already lodged complaints of discrimination at the workplace and also wondered whether any measures had been taken in favour of women to improve their representation in positions of responsibility.

29. Mr. ABDEL-MONEIM said that, according to paragraph 12 of the initial report, if a natural person who was not a citizen of Latvia acquired ownership of land as a result of inheritance, he or she must obtain permission for further ownership of the property from the chairperson of the respective municipal council within a period of one month; he asked whether that concerned non-nationals or non-residents. The report also stated that if the permission of the municipal council was not granted, the lands must be expropriated within two years; he would like to know whether compensation was paid in such cases. Furthermore, he enquired what exactly was meant by the reference in paragraph 13 (d) to religious organizations that had been registered in Latvia prior to 21 July 1940.

30. Mr. ŠTOKENBERGS (Latvia) said that the Latvian people had exercised its right to self-determination on two occasions, because the country had gained its independence a first time in 1918 and a second time in 1991. The objective of the privatization programmes introduced by Latvia had been to return to the owners and their heirs the personal and landed property confiscated from them in 1940. The subsoil and all natural resources contained therein belonged to the owner of the land, who could be an individual, a municipality or the State itself. The utilization of natural resources (whether the subsoil or forests) was strictly regulated by law. Anyone wishing to exploit natural resources must obtain prior authorization. Questions relating to the exploitation of the natural resources of the continental shelf of the Baltic Sea were regulated by bilateral or multilateral agreements. There was no danger of overexploitation of the Baltic Sea.

31. In reply to Mr. Zhan, who had asked for statistics, he said that the per capita GDP had increased at an average rate of 8.5 per cent between 2000 and 2006, and average real family income had risen by 12 per cent in 2006. State revenues had grown by 25 per cent between 2003 and 2006. With regard to unemployment, 15,000 jobs had been created in 2005 and again in 2006, and it was estimated that 60 per cent of the Latvian population worked. Overall, the economy was flourishing, although the productivity of the workforce would have to be further increased to keep up with the growth rate.

32. Latvia had not provided any information on refugees because they were so uncommon in the country. In 2006, however, Latvia had taken in seven refugees from Somalia who, although adults, had been allowed to enrol in secondary schools in Riga; those who had already had training had found employment in the capital.

33. The committee on corruption had been dissolved in October 2006 for the simple reason that it had been merged with the commission on organized crime. The fight against corruption had been stepped up considerably, and the arrest and dismissal of judges proved that the public authorities had spared no effort to combat impunity and enforce the rule of law.

34. Ms. REINE (Latvia) said that it would be unrealistic to think that the judicial system would be immune to any corruption. The fact that cases of corruption had been exposed and brought to court was actually a positive sign, because it indicated that the system of control was

functioning. A protracted debate had taken place within the judicial system on ways of better supervising the work of judges, and the body responsible for imposing disciplinary sanctions (criminal sanctions being reserved for the most serious offences) had been strengthened.

35. Mr. ŠTOKENBERGS (Latvia) offered to send the Committee an in-depth study carried out on the reasons for immigration. The study showed that the prime reason had been Latvia's entry into the European Union in 2004. Many Latvians wanted to take advantage of the opportunity open to them since that time to work in countries such as Ireland or the United Kingdom, where salaries were higher and where they could acquire valuable experience. There was no question that nationals living abroad would contribute to Latvia's growth through their investments.

36. The gap in life expectancy between men and women was due to lifestyles and, more particularly, consumption patterns: many men in Latvia were still heavy smokers and drinkers. However, the situation was changing, and the most recent statistics showed a new awareness. The increase in budgetary allocations for health care was expected to result in a higher life expectancy in coming years.

37. Ms. REINE (Latvia), stressing that she would speak in her capacity as representative of the Government with international human rights organizations, said that she represented both the majority population and the Russian-speaking minority, because she came from a mixed marriage.

38. The question was not whether the European Social Charter would be signed, but when. The authorities were determined to sign it as soon as the necessary steps – analysis of compatibility with domestic legislation and financial implications – had been completed.

39. The Office of the Ombudsman had replaced the National Human Rights Office, which until 1998 had been authorized to make recommendations to the competent authorities, and after 1998 to the Constitutional Court, which had in turn been empowered to take binding decisions. It had also been competent for hearing individual complaints and adopting recommendations. Moreover, it had been empowered to propose mediation services, institute legal proceedings and give expert testimony in trials. The Office of the Ombudsman, which had been entrusted with a broader mandate, had not only retained the personnel of its predecessor but had also been allocated additional human resources. The complaints brought before it covered a wide range of subjects; relevant statistics would be provided at the next meeting.

40. A draft framework-law covering all forms of discrimination had been considered in Parliament on first reading, but the deputies had not yet reached a consensus. In the meantime, a number of bills had been passed incorporating definitions in European directives in that regard.

41. The enforceability of economic, social and cultural rights had made great progress since the establishment of the Constitutional Court, which now had considerable case law on non-discrimination in access to social benefits, educational services and employment; the examples cited in the Government's written replies accounted for only a few of the overall total. Sometimes cases had been rejected because the applicants had cited articles of the Covenant inappropriately. For example, a woman evicted for failing to pay rent had invoked the right to housing embodied in the Covenant without proving that she had applied for rent subsidies from

the State. Most cases before the Constitutional Court emanated from individuals, but some were instituted by opposition parties. For example, the Court had ruled on cases of privatization of landed property and even on a bilateral agreement concluded with the Russian Federation, which testified to its complete independence. It always interpreted constitutional provisions in the light of international norms, the articles of the Constitution having been deliberately drafted in a sufficiently open fashion so that they would not have to be revised after every development in international law.

42. The enjoyment of economic, social and cultural rights depended more on valid residence rather than on actual citizenship. Nationals had advantages only in exceptional and very specific situations. The State considered that it had greater responsibilities for the welfare of nationals who returned to the country after working abroad than vis-à-vis immigrants. It was true that foreign students must take examinations in the official language of the country, but a recent assessment of educational quality had shown that the rate of success among students from linguistic minorities had been good, which seemed to indicate that language did not pose an obstacle for them. It was only reasonable that persons who sought employment in Latvia should demonstrate that they spoke the language of the country. Actually, it was more the possibility of having their diplomas recognized in other countries than the language of instruction that determined which course of study young people chose. With regard to the quality of higher education, it should be pointed out that the efforts which Latvia had begun to make to reform its higher education system had been commended by the Organization for Economic Cooperation and Development (OECD).

43. Ms. WILSON asked the State party to confirm the number of asylum-seekers announced for 2006 and to indicate which members of the family were associated with the definition of asylum-seeker. She would also like to know whether the country's Russian speakers could take classes in – or on – their mother tongue, and she recalled that Latvia had obligations in that regard because it had ratified the Council of Europe's Framework Convention for the Protection of National Minorities.

44. Mr. KERDOUN asked again whether Latvia supported the United Nations settlement plan for the self-determination of the people of Western Sahara. He also enquired whether it had acceded to the Kyoto Protocol and, if so, whether it had reduced its emissions of carbon dioxide in the atmosphere.

45. Mr. KOLOSOV enquired whether a child born on Latvian territory to parents who did not have Latvian citizenship automatically acquired it and whether all persons with a residence permit in Latvia enjoyed freedom of movement in the countries of the European Union and the right subsequently to return to Latvia. He also asked the delegation to indicate whether the European Court of Justice had received communications from Latvian associations or individuals – citizens or not – and if so, what decisions it had taken.

46. Mr. RZEPLINSKI asked whether, in the elite belonging to the secret services under the Soviet regime, those who had had Latvian nationality and had chosen to live Latvia after 1991 had been able to do so and whether they had been free to set up businesses. He would also like to know whether a young person who did not have Latvian citizenship despite being born in the country could join the civil service, and the police in particular.

47. Mr. DASGUPTA sought information on the non-discrimination bill, notably with regard to languages. He asked the delegation to indicate on what the Constitutional Court based its rulings on discrimination. The question posed on educational policies had not been restricted to immigrants, but had also concerned Latvia's numerous permanent residents. He also sought information on whether there had been any discrimination in State assistance to private schools as a function of the language used at the school. Lastly, it would be useful to have statistics on the linguistic composition of students enrolled in university.

48. Ms. BARAHONA RIERA asked why Parliament had had difficulty passing the framework-law on discrimination. She would also like to know whether the 15,000 jobs created every year were permanent or temporary, and she sought further details on the participation of women in politics on an equal footing with men.

49. The CHAIRPERSON, speaking as a member of the Committee, enquired, from the perspective of the independence of the judiciary, about the composition of the disciplinary commissions set up to examine cases of corruption in the judicial system.

Articles 6 to 9 of the Covenant

50. Mr. RIEDEL regretted that, for lack of resources, the Government of Latvia was unable to guarantee a minimum monthly subsistence wage, and he asked what it intended to do to address the problem. He would also like to know whether Latvia planned to ratify ILO Convention No. 174 concerning the Prevention of Major Industrial Accidents and how it would go about correcting the gender imbalance in the civil service.

51. Ms. BRAS GOMES pointed out that, bearing in mind article 6 of the Covenant, the fact that non-citizens (20 per cent of the population) could not have access to the civil service posed a problem. With regard to gender equality, in the light of the figures of the United Nations Development Programme (UNDP) for Latvia in 2006 (showing in particular that the economic activity of women did not exceed 77 per cent of that of men) and statistics of the State party indicating that specific measures were provided for in national employment plans, she would like to know the exact results of those measures and why the unemployment rate among women had risen. Referring to the labour act, which required employers to hire persons with disabilities, and while recognizing the disproportionate burden that that represented for them, she enquired what action had been taken by the State party to encourage employers to fulfil their obligation.

52. It would be interesting to learn whether the State party thought it could meet the 2013 objective for the minimum wage, set at 50 per cent of the **average monthly gross wage** of the previous year, announced in the written reply of the Government to question 14 of the list of issues, and whether that would guarantee workers and their families a adequate standard of living. She also asked whether, in view of the surplus in the social security budget to which reference was made in the written reply to question 10 of the list of issues, Latvia still considered unemployment benefits to be sufficient. Lastly, she would like to know whether the payment of municipal social assistance benefits was subject to any conditions and whether the State ensured that all eligible persons received them, regardless of their place of residence.

53. Mr. RZEPLINSKI asked whether there were any obstacles in the country to establishing and joining trade unions, in particular when the employees were predominantly women. He also

enquired whether labour inspections ensured respect for the right of Latvian employees working abroad to enjoy just and favourable conditions of work and whether the various categories of veterans were entitled to the benefits guaranteed under the social security system.

54. Mr. MARTYNOV said he gathered that the linguistic proficiency requirements applied to posts not only in the civil service but also in the private sector, and he asked the State party to submit to the Committee the list of occupations concerned in the latter case. He would like to know what strategy was envisaged to alleviate shortcomings in the country's vocational training system (inadequate training offered only in Latvian), and in that connection he referred to the problem of young people with disabilities, and in particular the mentally disabled, whose already difficult situation was aggravated by such obstacles to employment. Citing the written reply of the Government to question 12 of the list of issues, he asked how many temporary jobs were created each year for persons with disabilities and why they were only temporary. Lastly, it would be useful to have disaggregated statistics on regional disparities in the area of development and on unemployment as a function of citizenship and non-citizenship.

Articles 10 to 12 of the Covenant

55. Mr. RIEDEL was surprised that the State party had announced a decline in the number of patients having received ambulatory care between 2004 and 2005, whereas the initial report had indicated a decline in the number of patients treated in hospital due to the increase in the number of patients having received ambulatory care. He would like to know how the Government planned to address the sharp decline in the cure rate for tuberculosis, a circumstance which was linked to the multiresistance of the illness. With regard to the well-being of minors in detention, who had the right to emergency care only and were deprived of psychiatric care, he asked the delegation to explain what was being done to address the situation. It would also be useful to have information on persons who were ill because of poverty (malnutrition), on the suicide rate among young persons, which was particularly high in Latvia, and on problems of water quality, which apparently was related to a "geological specificity".

The meeting rose at 6 p.m.
