



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/2007/SR.15
15 May 2007

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 9 May 2007, at 10 a.m.

Chairperson: Mr. PILLAY
(Vice-Chairperson)

later: Mr. TEXIER
(Chairperson)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS:

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

Initial report of Latvia (continued) (E/1990/5/Add.70; E/C.12/LVA/Q/1 and Corr.1 and Add.1; E/C.12/LVA/Q/2; HRI/CORE/1/Add.123)

1. Mr. MARTYNOV said that employer awareness regarding labour safety protection measures was manifestly lacking in Latvia; he wished to know whether the Government had programmes in place to enhance such awareness (E/C.12/LVA/Q/2, question 15).
2. With reference to question 17 on measures to address the high incidence of labour accidents, he requested the data the delegation had neglected to provide on ethnic origin.
3. He would welcome information on why non-citizens in Latvia did not appear to enjoy the same access to social services as citizens, what specific benefits non-citizens received and the extent to which those benefits might be limited.
4. Mr. ABDEL-MONEIM, citing paragraph 252 of the report (E/1990/5/Add.70), asked why there had been a significant drop in government expenditure for sickness insurance and in the number of paid sickness days between 1995 and 2001.
5. He also wished to know how civil society had reacted to the social insurance reform, given the magnitude of the problems relating to social insurance, as explained in paragraphs 212-214 of the report.
6. Ms. REINE (Latvia), said that her delegation could provide statistics on citizenship in Latvia, but, as a matter of principle, would not address the question of who had the right to obtain citizenship and under what circumstances, as citizenship rights did not fall within the purview of the Covenant.
7. She wished to clarify that non-citizens were a category of persons who had been permanent residents in Latvia since its independence, and had been unwilling or unable to retain any State citizenship. In the light of the number of non-citizens and their long-standing connection to the State, they had been granted more protection than foreigners or stateless persons received, but less than citizens did, since they could not or would not become citizens.
8. Latvia comprised a majority of citizens, followed by non-citizens, citizens of the Russian Federation and other groups. Non-citizens were treated differently from citizens only in respect of civil and political rights; there were limitations on their participation in public affairs and on their right to ownership in certain circumstances. Non-citizens were the only category of persons, apart from Latvian citizens, who could reside in Latvia without a permit, and could thus enjoy freedom of movement to and from Latvia whenever they wished. They could receive housing. Non-citizens reflected different ethnicities, including Byelorussian, Jewish, Russian, Lithuanian and Polish, and spoke a range of different languages.

9. On the right to social services, Latvian citizens, non-citizens and persons with permanent residence permits had the right to social services and assistance. That was provided on the basis of persons' financial circumstances, not their citizenship status.

10. She wished to draw the Committee's attention to the fact that the Human Rights Committee's concluding observations on the second periodic report of Latvia under the International Covenant on Civil and Political Rights (CCPR/CO/79/LVA), dated back to 2003 since which time Latvia had been praised for its educational reforms, including by the Committee on the Rights of the Child and the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe, albeit with some recommendations on matters that could still be improved.

11. Latvia had ratified a number of international treaties - including the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity - but would need more time to consider ratifying International Labour Organization (ILO) Convention No. 174 concerning the Prevention of Major Industrial Accidents, which few other States had ratified.

12. On the issue of refugees, Latvia's Asylum Law of 2002 authorized family reunification on the basis of the nuclear family, in line with European Council directive 2003/86/EC. In that context, persons who were unable to receive residence status under the Asylum Law could receive it under the Immigration Law. Also, individuals who were denied a residence permit by the Ministry of the Interior could appeal against that decision to a court of general jurisdiction. Latvia had extensive case law concerning immigration.

13. Latvia had few cases of asylum-seekers; there had been only eight applicants in 2006, two of whom had been granted asylum. In the period from 1998 to 2006, most asylum-seekers had come from the Russian Federation. Also, a few persons had been granted "alternative status". She added that the Government of Latvia had ratified two conventions relating to statelessness.

14. She could not provide statistics on cases pending in the European Court of Human Rights as the Court itself compiled those statistics, with only a few cases being brought to Governments' attention. Moreover, the Court did not provide a breakdown of data by nationality or ethnicity. However, on the prohibition of discrimination - which was relevant to both article 14 of the European Convention on Human Rights and article 2 of the Covenant - over a period of 10 years, the Court had received 15 cases of alleged discrimination, more than half of which it had rejected as manifestly ill-founded, and none of which had been found to entail a violation of article 14 of the Convention.

15. She highlighted a Court ruling in relation to the granting of immigration status, whereby the Court had found that it had no power to interfere in regard to which status was granted under national law.

16. Mr. Texier took the Chair.

17. Mr. ŠTOKENBERGS (Latvia) replying to a question on Latvia's Judicial Disciplinary Committee, said that it was composed of 10 members representing courts of all levels, including justices of the Supreme Court. That committee could impose disciplinary penalties on judges, including a penalty of monthly fines for up to a year, and recommend removal from office, which required a decision of the Parliament; there had been about three such cases every year.

18. On the matter of languages, Swedish was not a language of instruction in Latvia for the simple reason that there were no Swedes there.

19. In Latvia, all persons had the right to receive education in Latvian or a minority language. About one third of all schools in the country provided classes which were taught in a minority language, mainly Russian. At the basic education level, about 200 schools provided instruction in eight minority languages in all, which was significant in the light of the number of inhabitants. In secondary and vocational education, the law required Latvian to be used as the language of instruction for 60 per cent of lessons, with the remaining 40 per cent reserved for a minority language, such as Russian, Polish or Ukrainian. Private institutions were free to choose their language of instruction. For example, about 15 per cent of the total student body exercised its right to obtain vocational training in Russian, in schools specializing in such subjects as information technology or tourism.

20. Responding to a request by one member of the Committee, he said it was not possible to provide a list of restricted professions in Latvia since no such limitations existed in either the public or private sector. On the other hand, there was a list of positions that could not be filled by persons who did not know the Latvian language, which was essential in some functions in order to communicate and provide services.

21. Prior to 2003, there had been problems with regard to the minimum wage. Since then, the minimum wage had been increased and placed on a par with the State subsistence minimum. In addition, social security benefits were available at the local and State levels, entitlements being independent of nationality as in the case of the minimum wage.

22. The jobs for the disabled referred to by a member of the Committee were temporary in the sense that they were subsidized by the Government for fixed periods to enable those concerned to obtain the qualifications and skills required for future employment. Large corporations were also involved in creating such employment, Microsoft having recently cited Latvia as a leader in job creation for the disabled in the information technology industry.

23. Ms. REINE (Latvia), responding to a question on public financial support for minority private schools, said that the law and administrative practice had changed following a Constitutional Court ruling in 2005 that the policy of limiting financial support to educational establishments having Latvian as the language of instruction was discriminatory.

24. Concerning human rights education, the teaching of human rights values and issues was integrated in the social sciences curriculum at all educational levels, as well as in related aspects of the history and literature programmes.

25. On the issue of corruption, an independent body - the Anti-Corruption Bureau - was responsible for combating cases of corruption, ensuring compliance by State officials and civil servants with the codes governing conflicts of interest, and monitoring political-party expenditure. Reporting twice yearly to the Government, it had called individuals to account, imposed fines, instituted criminal proceedings through the public prosecutor and ordered political parties to repay funds to the State budget.
26. In the human rights field, there existed a vast body of case law in Latvia, covering areas such as freedom of speech, respect for private and family life, property rights and personal freedom. Domestic courts applied the provisions of the Constitution and those of international agreements directly. Regarding an optional protocol to the Covenant, Latvia would consider ratifying its provisions once the instrument had been adopted.
27. Concerning the recruitment of non-citizens to public services, a person believing that he was being unfairly prevented from joining such services had the right to appeal to the Constitutional Court. Limitations could however apply in the case of the police force or other functions where State secrets were a consideration.
28. On the wider issue of non-discrimination, the courts had to consider: whether the right in question existed in national or international law; whether there had been interference with that right; whether there had been a delegation of power; whether a legitimate aim was involved; and whether the limitation had been proportionate. She was not aware of any cases where the courts would determine that protection of the language overruled any other consideration. A draft law on non-discrimination had recently been rejected, and there was an ongoing debate about the need for such a law or whether the specific laws applicable to particular fields were sufficient. It was worth noting that the majority of cases considered by the Constitutional Court had concerned the issue of non-discrimination, followed by the right to an effective remedy and to a fair trial.
29. Mr. ŠTOKENBERGS (Latvia), responding to a question concerning compensation for privately owned land expropriated by the State or local authorities, said that such expropriations were decided in every case by a specific law passed by Parliament. Where the level of compensation was contested, the court determined the amount, the owner of the land being free to appeal against the decision to the Supreme Court and even to the European Court of Human Rights. The annual number of contested cases was in practice very small.
30. In accordance with laws adopted following Latvia's independence, religious and non-governmental organizations as well as private individuals received compensation for land owned prior to the Second World War. However, compensation was not paid in all instances: in the case of joint-stock companies, for example, there were no records to support compensation. On the other hand, Latvia had a land register going back to the start of the twentieth century, so that compensation for real-estate claims was possible.
31. With regard to the participation of women, he did not accept that there was any discrimination in Latvia. He noted that an important conference on economic issues recently held in Stockholm had recognized the high number and status of women working in the public and private sectors in his country, some 44 per cent of whom occupied leading positions as compared with 40 per cent in the rest of Scandinavia.

32. It was true that Latvia had experienced some problems with regard to vocational education as a consequence of lack of investment. However, under the three-year State provisional budget and with the help of European Union structural funds, an amount of some €5.7 billion was currently allotted to the improvement of vocational and higher education. Another reason why the numbers studying vocational education were low was that some 80 per cent of young people completing secondary education went on to some form of higher education in Latvia, which occupied fourth position in the world in terms of the relative number of students in higher education.

33. Ms. TĀRE (Latvia) said, with reference to equality between men and women, that the relevant legislative measures had been taken and the Government was currently addressing the important challenge of making gender equality effective and raising awareness. Economic activity among women was increasing steadily, but more needed to be done to reduce stereotypes concerning male and female professions, women being more numerous in education and social care work and men in industry and other sectors. While there were no formal obstacles to women in the political sphere, male legislators and senior officials greatly outnumbered women in practice, although the trend was towards more balanced representation. To counter a political culture in which certain fields of action were perceived as the preserve of men, further research and statistics were needed on the recruitment of women to top positions as well as consideration of the possibility of quotas and affirmative action. It was hoped that labour-market studies currently being undertaken would result in the adoption by the Government of new gender equality policies later in the year.

34. On the question of the adequacy of the minimum wage, the level currently stood at almost 40 per cent of the average monthly gross wage of the employed, and it was hoped to attain the goal of 50 per cent for men and women by 2010. Discussions to that end with the different social partners were in progress.

35. Concerning unemployment benefits, the aim was to restore the unemployed to the labour market as soon as possible so as to ensure for them a decent standard of living. Benefits were limited to nine months, reducing in amount every three months. The policy had been adopted on the basis of figures that showed the average period of benefit of six months, due in part to the booming economy and labour shortages in some economic sectors.

36. Regarding social assistance, a means-tested guaranteed minimum income benefit, administered by the local authorities and subject to annual review by the Cabinet of Ministers, provided protection to citizens and non-nationals in all regions and localities, with particular regard to vulnerable groups such as the disabled, the elderly and families with children.

37. Respect for the rights of Latvian nationals working abroad was monitored through cooperation between State institutions in Latvia and their counterparts in the main countries receiving Latvian workers, namely the United Kingdom, Ireland and Germany. Moreover, Latvia had access to European networks that provided information on living and working conditions in European Union member States and monitored respect for foreign workers' rights. Latvian workers temporarily posted abroad in European Union member States also benefited from the Posted Workers Directive that ensured workers a minimum level of protection with respect to pay and working conditions in the countries in which their work was performed.

38. The decrease in the level of sickness benefits was attributable to the reform of the social insurance system, according to which employees' first 14 days of sick leave were currently paid by employers and were no longer financed from the social insurance budget.

39. A wide variety of measures had been taken to address the situation of persons with disabilities in Latvia, which was an issue that had been at the top of the Government's social agenda for the past five years. Among such measures were the implementation of a public awareness campaign aimed at employers and civil society, and the enactment of active labour-market measures for persons with disabilities, including that of subsidized workplaces. As a result, over the past five years, there had been a marked increase in the participation of persons with disabilities in the labour market. Employers had responded positively to such efforts and found persons with disabilities to be good workers who were enthusiastic about their jobs and were happy to become active members of society. A special measure for mentally disabled persons, which had been introduced in 2005, involved the use of paid mentors to oversee the acquisition of skills and the quality of the work performed by mentally disabled employees. In 2004, a social integration centre had been established to provide vocational rehabilitation for persons with disabilities.

40. In 2006, the overall unemployment rate in Latvia had stood at 6.5 per cent; however, there was a wide disparity in unemployment figures for the various regions. The Government did not collect statistics on the number of employment accidents broken down according to the ethnic origin of the persons involved. Latvia had established a legislative framework on occupational safety and health; its efforts would henceforth focus on implementing that legislation. A tripartite audit had been carried out in cooperation with ILO, the main Latvian employers' organizations and the largest Latvian trade union federation. One of the outcomes of the audit had been recognition of the need to raise public awareness of occupational risks; as a result, programmes of action had been drawn up and public information campaigns had been organized on the importance of labour protection.

41. While the initial reaction of Latvian civil society to the reform of the social security system had been scepticism, there had ultimately been general acceptance of the social insurance system by social and political groups. There were many advantages to the State pension plan: it was projected to be financially stable over the long term, allowing for the payment of pension benefits and for regular pension indexation, and it encouraged people to continue working after reaching the prescribed age of retirement, thereby contributing to an increase in the employment rate.

42. Mr. MUCIŅŠ (Latvia) said that, while the number of outpatient visits to doctors' assistants and midwives had decreased between 2004 and 2005, the total number of outpatient visits, which also included visits to doctors, had increased. That was due to the development of family medicine and the resulting increase in the number of family physicians, who provided a higher level of care than doctors' assistants and midwives. The latter were used only in remote areas where doctors were not available.

43. Latvia had made great strides in reducing the number of cases of tuberculosis in its territory. In 1995, at the recommendation of the World Health Organization (WHO), the Government had begun to implement the directly observed treatment, short-course strategy, which had enabled it to reduce new cases of tuberculosis and deaths from that disease. Between 2000 and 2005, deaths from tuberculosis had been reduced dramatically from 3,000 to 169. Treatment of tuberculosis was fully covered by the State, and a mobile bus was used to provide treatment for persons living in rural areas. Latvia had the highest percentage in the world of persons treated for multi-resistant tuberculosis; in 2004, a WHO Collaborating Centre for Research and Training in Management of Multidrug Resistant Tuberculosis had been set up in Latvia to provide an opportunity for medical staff from countries with the same problem to study and implement treatment procedures.

44. Prisoners enjoyed the same rights to health care as all other inhabitants of Latvia. Those services were provided by health-care institutions within prisons. If technical or other resources were not available to provide the particular treatment needed by a prisoner, the latter was taken to a civil society establishment, all related expenses being covered by the State. Beginning in 2007, the Government planned to build a new prison hospital in an effort to improve the quality of treatment available to prisoners.

45. Malnutrition was not related to poverty in Latvia; rather, the main problem it involved was that of obesity. In order to remedy the problem, the State had adopted a number of measures to ban the sale of certain unhealthy foods in schools, such as sweetened carbonated drinks. Those efforts had been closely monitored by WHO, and Latvia was among the winners of the WHO Counteracting Obesity Award 2006. Although the suicide rate in Latvia was very high, efforts to reduce it were beginning to show results. In the 11-year period from 1993 to 2004, the suicide rate had been reduced by nearly one half, from 1,033 cases in 1993 to 564 cases in 2004. Those results were attributable to Latvia's stable social and economic situation and to the increase in the number of mental health institutions in Latvia. In the future, efforts would focus on prevention of suicide through the establishment of community-based mental health institutions. From 2000 to 2004 the registered suicide rate among young people had dropped by slightly more than one half, from 29 cases in 2000 to 15 cases in 2004.

46. Significant improvements had been made in the quality of drinking water between 2004 and 2005, and there were plans to build additional water-supply lines and to improve existing ones. Based on current trends, the Government expected good-quality drinking water to become generally available throughout the country within the next few years.

47. Mr. SADI said that the Committee's questions concerning non-citizens were related to the enjoyment by non-citizens of economic, social and cultural rights under the Covenant. He asked what were some of the obstacles preventing persons who wished to become Latvian citizens from doing so.

48. It was difficult to understand how the suicide rate had decreased in Latvia as a result of economic prosperity, since the opposite seemed to be the case in many other countries. He wondered whether there might be other causes of suicide in Latvia.

49. He asked what was the Government's position on the policy of certain industrialized countries to convert agricultural products, such as corn or sugar beets, into ethanol fuel, thereby potentially threatening food supplies.

50. He wished to know how the Government reconciled the fact that Latvia's Law on Protection of Children's Rights considered children to be physically and intellectually immature persons requiring protection with the fact that they reached the age of sexual consent before the age of 18. He asked whether same-sex marriage was permitted in Latvia.

51. Ms. BRAS GOMES asked whether the minimum wage established in Latvia was sufficient to provide an adequate standard of living without reliance on social assistance benefits. It would be helpful if, in its second periodic report, the State party could provide information on how unemployment-benefit recipients had fared in relation to re-entering the labour market. That would enable the Committee to assess the effectiveness of Latvia's nine-month unemployment benefit. She requested clarification regarding whether or not Latvia had ratified ILO Convention No. 102 concerning Minimum Standards of Social Security and, if not, what were the reasons for its failure to do so. Given that the minimum guaranteed income was disbursed at the municipal level, she asked what measures were taken to ensure that municipalities had sufficient funds to comply with that obligation.

52. Mr. RZEPLINSKI said that the delegation had not answered his earlier question concerning the current employment situation and pension status of high-ranking officials of the former regime, including those who were Latvian citizens or permanent residents. He also enquired whether Latvia had a problem with street children.

53. Mr. DASGUPTA said that the delegation had also failed to reply to three questions he had raised. First, he had wished to know whether there was any discrimination in the provision of State subsidies to private schools with instruction in languages other than Latvian - a matter about which the Human Rights Committee had expressed concern during its seventy-ninth session in 2003.

54. Second, he had asked why it was compulsory for minority-language schools to teach 60 per cent of subjects and to hold examinations in Latvian, given that, according to official statistics, approximately 30 per cent of the population were Russian-speakers.

55. Third, he had requested the delegation to provide disaggregated data on university students according to their mother tongue. Such data would enable the Committee to assess whether there was any de facto discrimination in access to higher education, bearing in mind the very large percentage of students graduating from secondary schools who were admitted to university.

56. Mr. PILLAY said that, according to information provided by the World Bank in 2006, some 16 per cent of the Latvian population lived in poverty, income levels were among the lowest in Europe and inflation was running high. He wondered whether the National Action Plan for Reduction of Poverty and Social Exclusion for 2004-2006 had taken account of economic, social and cultural rights, in keeping with the statement on poverty adopted by the Committee in 2001. He also asked what type of support and benefits the State provided when income levels fell below minimum standards.

57. The State party had not given a satisfactory reply to question 31 of the list of issues. Information on homelessness and forced evictions should be provided either during the current session or in the second periodic report.

58. According to the written reply to question 33, Latvian law did not allow the eviction of families with children for failure to pay rent or public utilities unless alternative accommodation was provided; yet during its forty-second session, the Committee on the Rights of the Child had observed that assistance to families was not sufficient to prevent their eviction by court order, which often led to a further deterioration in their living conditions. He asked what action the Government was taking to remedy the situation and to provide alternative accommodation in the event of eviction, in accordance with the Committee's general comment No. 7.

59. Lastly, he enquired how the Government intended to improve the current housing situation and about the existence of social housing programmes to cater for the needs of the disadvantaged sectors of society.

60. Ms. WILSON, while welcoming the enactment of the Law on Protection of the Rights of the Child of 1998, expressed concern about the recent rise in violence against children. In 2006, the Committee on the Rights of the Child had expressed concern about the general belief in Latvia that violence in the home was a private matter. What was the State doing to counter that belief? Was violence against children classified as a criminal offence under the 1998 Law or under any other legislation?

61. According to paragraph 489 of the report, there was an increasing shortage of medical personnel, especially nurses. She asked the delegation to explain the reasons for the situation, and what steps the Government was taking to remedy it.

62. She enquired whether there was a national breast cancer-prevention programme and invited the State party to provide more complete information on the incidence of the disease.

63. She would welcome clarification of reports that there was no legislation allowing a patient to appeal against involuntary detention and treatment in a psychiatric institution.

64. Ms. BARAHONA RIERA said that, although the State party claimed that there was no discrimination against women, sometimes such discrimination could be covert. She asked whether there was any legislation or draft legislation relating to gender equality. She also enquired whether sexual harassment in the workplace was a criminal offence and whether there were any government programmes dealing specifically with violence against women.

65. Despite the existence of appropriate legislation, trafficking in women was still a problem in Latvia. Had any progress been made in that regard? What penalties were imposed on the perpetrators?

66. She expressed concern that the reform of the health service was adversely affecting the more vulnerable sectors of society. For instance, paragraph 470 of the report referred to women in rural areas being unable to pay medical fees. Did people in rural areas have access to primary health care free of charge?

67. In conclusion, she asked for more information on reproductive health programmes and which sectors of the population had access to them.
68. Mr. RZEPLINSKI said that the delegation had not replied to his question on the working conditions of Latvian citizens employed by multinational corporations. He also wished to know to what extent the labour inspectorate monitored the situation of Latvians working abroad.
69. Mr. MARTYNOV sought clarification regarding the law enforcement policy vis-à-vis persons found guilty of trafficking in women. He welcomed the fact that Latvian law laid down severe penalties for the offence, with prison sentences of up to 15 years; however, according to the Committee's sources, there was a tendency to apply legislation relating to pimping, under which offenders were liable to less severe penalties.
70. He asked for updated statistics on street children and whether the Government had any strategy for dealing with them.
71. Various sources had referred to considerable regional disparities in unemployment rates and income levels. Did the Government have any programmes aimed at reducing those disparities so as to ensure all Latvians an adequate standard of living?
72. Ms. BRAS GOMES said that the emigration of many Latvians left children and the elderly in a vulnerable position. She asked whether the Government was taking any steps to ensure the protection of children, for instance through support measures to their extended family or alternative care arrangements. She also wished to know what preventive measures were being taken to cater for the needs of an increasingly ageing population.
73. Lastly, she sought further information on the National Action Plan for Reduction of Poverty and Social Exclusion for 2004-2006. What groups had it targeted? Had it achieved the desired results?
74. Mr. ZHAN Daode, referring to the information contained in paragraphs 169 et seq. of the report, asked what was the minimum age for permanent employment under Latvian labour law.
75. Mr. ŠTOKENBERGS (Latvia) said that the production of biofuels, in particular ethanol, would not pose any threat to Latvia's food supplies. The main reserve for ethanol production were Latvia's forests, which covered half of its land surface. The Government intended to increase its production of biofuels.
76. The reason for the shortage of nursing staff was quite simply the existence of higher wages elsewhere in the European Union. For example, the average salary for nurses in Norway was five times higher than in Latvia. There was a shortage of manpower in many different sectors, hence the Government's efforts to dispense training and to upgrade the skills of the workforce.
77. He confirmed that there were serious disparities in income levels between the different regions. In 2006, average gross domestic product per capita had been €12,800. The figure for the

Riga region had been more than 50 per cent higher, whereas in several other regions it had been only 70 to 80 per cent of the national average. A national development programme had been prepared, inter alia, to reduce regional disparities and improve the standard of living nationwide. Such matters would be discussed at a forthcoming inter-ministerial conference. Funds had also been earmarked in the medium-term budget for major investment in national infrastructures.

78. In response to Mr. Dasgupta's question, he said that, as far as the provision of State subsidies was concerned there was no discrimination against any private schools in Latvia, not even kindergartens.

The meeting rose at 1.05 p.m.