

Description of the current situation

Analysing the tendencies of the policy making and activities of the Latvian government, it is clear that a pledge to protect human rights, reduce social inequality, eradicate poverty and ensure sustainable growth is only declarative and not accompanied by concrete action.

It is understandable that during the economic crisis (2008 - 2010) a number of austerity measures were taken, however, in my opinion, the economic growth should not have been achieved at the expense of vulnerable groups – children, persons with a disability, elderly people and new families. Austerity measures should not affect such areas as healthcare, education and social security.

Latvia still has one of the lowest rates of percentage of GDP allocated to healthcare and social security among the member States of the European Union (hereinafter – the EU).¹

In the context of protecting one's rights it is important to recognize that a real possibility to receive a compensation for violations of social and economic rights does not exist. At the same time various mechanisms, such as the European Court of Human Rights, to obtain an effective remedy exist for a violation of civil and political rights.

The Ombudsman of the Republic of Latvia (hereinafter – the Ombudsman) has repeatedly drawn the attention of the parliament and government of Latvia to human rights violations which are unacceptable for a Member State of the European Union and the Council of Europe. Only some of the issues will be outlined below.

Rights of a child

Already in 2006 the United Nations Committee on the Rights of the Child expressed its regret that the recommendations made were not implemented in a sufficient and adequate manner. The main areas addressed in these recommendations were creation of coordinated policies and institutional mechanisms for protection of the rights of children, the allocation of sufficient budgetary resources for family benefits, healthcare and education, as well as expansion of family-based alternative care. The UN Committee on the Rights of the Child recommended balancing the economic growth with the allocation of budgetary resources for the primary needs of children, especially children subject to unfavourable family conditions, medical care and education.

However, the current situation shows that 7 years later supporting children and families is still not a priority in Latvia.

During the economic crisis a number of significant restrictions were put in place regarding the social benefits (maternity allowance, sickness benefit and family allowance). These restrictions left a negative impact on the overall financial situation of families decreasing their standard of living. None of the above mentioned allowances is still being paid in full and this situation continues to affect the income of families further decreasing their standard of living. The minimal amount of survivor's pension does not reach the minimum subsistence level, which is 50-60 LVL (71-78 EUR) per month and it has not been reviewed since 1996, when the law "On State Pensions" entered into force. Since 2009 no yearly rise (indexation) is applied to survivor's pensions.

In addition, since 1 January 2013 the minimum monthly subsistence allowance per person (also a child) is reduced from 40 LVL (57 EUR) to 35 LVL (50 EUR). This amount is not sufficient to satisfy person's primary needs and significantly affects the prosperity of

¹ Eurostat, "General government expenditure in 2011 – Focus on the functions 'social protection' and 'health'", available at: http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-13-009/EN/KS-SF-13-009-EN.PDF

Latvian families. The minimum consumption standard (minimum amount for subsistence) for one person based on consumer prices in December 2012 was 177 LVL (252 EUR) per month.²

According to the survey of the United Nations Children's Fund on the prosperity of children in rich states, Latvia is the 28th among 29 industrialized states in terms of health, safety, behaviour and risks, housing and environment.³

Right to a fair trial within a reasonable time

A trial within a reasonable time is one of the long-standing issues of the judicial system in Latvia. The problem is clearly reflected not only in the individual complaints received in the Office of Ombudsman of Latvia, but also through the long list of cases Latvia has lost in the European Court of Human Rights.⁴

Right to live in a community

There are five State Social Care Centres with 30 branches⁵ established and operating in Latvia. Approximately 4000 people are currently housed in these centres.⁶

On 13 March 2013 the Council of Europe Commissioner for Human Rights issued a report on "The right of people with disabilities to live independently and be included in the community". Institutionalization of persons with disabilities by placing them into the social care centres was recognized as the most common violation of the right to live in a community.⁷

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter - CPT) has already indicated that the provision of services which essentially oblige a person with an intellectual and psycho-social disabilities to continue their life in a psychiatric facility is not acceptable. Such institutions create a serious risk of institutionalization for both the patient and staff which can have a detrimental effect on treatment of patients.⁸

The provision of social services in Latvia does not satisfy the needs of persons with mental disabilities, at the same time services based on reintegration of these persons in the society are available only to a limited number of persons. As a result many persons with intellectual and psycho-social disabilities are forced to choose long-term care in a state social care and rehabilitation centre. A large part of persons currently residing in one of the state social

² Central Bureau of Statistics, Minimum consumer basket, available at: <http://www.csb.gov.lv/en/statistikas-temas/personal-income-key-indicators-30630.html>;

³ UN Children's Fund survey on child well-being in rich countries, April 2013, available at <http://www.unicef-irc.org/Report-Card-11/#.UWaC9vJ7oL2.twitter>.

⁴ For example: Sorokins and Sorokina v. Latvia, No. 45476/04, 28 May 2013; Dmitrijevs c. Lettonie, No 37467/04, 2 octobre 2012; Estrikh v. Latvia, No. 73819/01, 18 January 2007; Čistiakov c. Lettonie, No 67275/01, 8 février 2007; Kornakovs c. Lettonie, No 61005/00, 15 juin 2006; Moisejevs c. Lettonie, No 64846/01, 15 juin 2006; Svipta v. Latvia, No. 66820/01, 9 March 2006; Freimanis et Līdums c. Lettonie, No 73443/01 et 74860/01, 9 février 2006; Lavents c. Lettonie, No 58442/00, 28 novembre 2002.

⁵ The state guarantees a long-term social care and rehabilitation services for orphans and children without parental support up until the age of 2, for children with intellectual and physical disabilities until the age of 4, for children with physical disability and heavier forms of intellectual disability from the age of 4 until the age of 18, as well as for adults with severe forms of intellectual and psycho-social disability (1st and 2nd group of disability) and blind persons (1st and 2nd group of disability).

⁶ Available at the webpage of Ministry of Welfare: <http://www.lm.gov.lv/news/id/4178>.

⁷ The thematic report is available at: <https://wcd.coe.int/ViewDoc.jsp?id=1917847>.

⁸ CPT Standards, available at - <http://www.cpt.coe.int/en/docsstandards.htm>.

care centres are capable of living in society if adequate support would be provided at their place of residence. However, the efforts to de-institutionalize care for persons with a mental disability have been very limited; in fact most of the state social care centres visited have expanded.

Prohibition of torture

The CPT has made six visits to Latvia.⁹ Reports of the CPT reveal serious violations of human rights in prisons – inadequate living conditions, excessively harsh regime for persons sentenced to a life imprisonment, inadequate access to re-socialization programmes. A recommendations to eradicate the violence in prisons was made by the CPT already 10 years ago, however the Ombudsman has not observed any significant changes in this area.

Risk of poverty and social inequality

The national government presents Latvia as a success story stressing repeatedly that Latvia was the fastest growing economy in European Union in last year. However, the government fails to draw attention to the social reality and the statistical data which clearly indicate that the consequences of economic crisis are still felt by more than a half of the population of Latvia. In the region of Vidzeme and Latgale this percentage is even higher - 69,8% and 74,9% of the households accordingly.¹⁰ More than 40% of the population are at risk of poverty, among them 43% of children and 33% of the elderly people.¹¹ This number is one of the highest among the Member States of the European Union.

The Ombudsman has repeatedly drawn attention to the poverty of employed persons in Latvia and their right to just and fair remuneration. The minimal wage in Latvia since 1 January 2011 has remained unchanged – 200 LVL (284 EUR) per month. After taxes this amount is reduced to 144 LVL (205 EUR), which is well below the calculated risk-of-poverty threshold. According to statistical data, the minimum wage or an amount below the minimum wage is currently received by 189 800 employees,¹² which constitutes one fourth of the total number of employed persons in Latvia.

Healthcare

Already in 2009 the Ombudsman reminded the government and the parliament about the obligations of state in the area of healthcare and recommended against the cut of budgetary resources for this sphere. A gradual decrease of percentage of GDP allocated to healthcare services was observed already before the economic crisis.¹³ However, the recommendations of Ombudsman were not taken into account.

The insufficient budgetary resources for healthcare were indicated as one of the main problems in concluding observations of the UN Committee of Economic, Social and Cultural Rights (hereinafter - CESCR) on the implementation of the International Covenant on Economic, Social and Cultural Rights in Latvia.¹⁴ The CESCR was also concerned with the uneven access to healthcare services and the lack of personnel throughout the territory of Latvia.

⁹ Data on the visits of CPT available at -<http://www.cpt.coe.int/fr/visites.htm>.

¹⁰ Central Bureau of Statistics, available at - <http://www.csb.gov.lv/en/dati/statistics-database-30501.html>.

¹¹ Eurostat, available at - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ilc_peps03&lang=en;
Central Bureau of Statistics, available at - www.csb.gov.lv.

¹² Central Bureau of Statistics, table DS14, available at - <http://www.csb.gov.lv/en/dati/statistics-database-30501.html>

¹³ Eurostat, available: <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

¹⁴ Concluding Observations of the Committee on Economic, Social and Cultural Rights, 7 January 2008. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/400/67/PDF/G0840067.pdf?OpenElement>

The statistical data show that during the economic crisis the number of persons indicating that they have not used healthcare services due to their inaccessibility has risen from 10,1% in 2008 to 16,2% in 2011. The number of persons indicating that healthcare services have been too expensive has risen up to 26%.¹⁵

Rights of persons with disability

In order to prevent an emergency and to provide persons with physical disability with technical assistance additional budgetary resources of 3,8 million LVL (5,4 million EUR) were required in 2012.¹⁶ Only 1,27 million LVL (1,8 million EUR) were granted. As a result 11 104 persons were awaiting the allocation of means of technical assistance on 1 March 2012.¹⁷ It is unacceptable that due to lack of financial resources such a large number of persons with physical disability are unable to participate meaningfully in the life of society. This is especially alarming considering that UN Convention on the Rights of Persons with Disabilities is currently being implemented in Latvia.

Prohibition of discrimination

The European Commission against Racism and Intolerance has repeatedly made recommendations¹⁸ which have not been taken into account. A systematic failure to take concrete actions can be observed with regard to elimination of all forms of discrimination. In 2012 the Ombudsman reported a number of issues relating to discrimination against minorities (persons of Roma origin), parents with small children (the re-integration of mothers of newborn babies into employment market after maternity leave), persons with disability (access to environment, lack of support for re-integration into society) to the government and the parliament of Latvia.

No meaningful action has been taken by the government in the attempt to tackle the recommendations of the Ombudsman in all areas indicated above. A detailed yearly report of 2012 is available on the Official website of the Ombudsman of the Republic of Latvia – www.tiesibsargs.lv.

¹⁵ Eurostat, available at - http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database

¹⁶ The draft instruction of the Cabinet of Ministers „On allocation of additional budgetary resources for prevention of emergency situation regarding the state guaranteed technical assistance”, report on the initial impact assessment (annotation). Cabinet of Ministers, session of 29 November 2011, protocol No.70.

¹⁷ Ministry of Welfare, available at - <http://www.lm.gov.lv/news/id/3482>

¹⁸ The European Commission against Racism and Intolerance, available at - <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/latvia/LVA-CbC-IV-2012-003-LVA.pdf>