



**Convention on the Rights
of Persons with Disabilities**

Distr.: General
29 October 2015

Original: English
English, French and Spanish only

Committee on the Rights of Persons with Disabilities

**Consideration of reports submitted by States
parties under article 35 of the Convention**

Initial reports of State parties due in 2012

Latvia*

[Date received: 3 April 2014]

* The present document is being issued without formal editing.



Contents

	<i>Page</i>
List of abbreviations.....	3
I. Preface	4
II. General part.....	5
Article 1 – Purpose.....	5
Article 2 – Definitions.....	6
Article 3 – General principles	7
Article 4 – General obligations	9
Article 5 – Equality and non-discrimination	11
Article 6 – Women with disabilities.....	12
Article 7 – Children with disabilities	13
Article 8 – Awareness-raising	15
Article 9 – Accessibility	17
Article 10 – Rights to life.....	20
Article 11 – Situations of risk and humanitarian emergencies	21
Article 12 – Equal recognition before the law.....	21
Article 13 – Access to justice	23
Article 14 – Liberty and security of person	25
Article 15 – Freedom of torture or cruel, inhuman or degrading treatment or punishment.....	26
Article 16 – Freedom from exploitation, violence and abuse.....	26
Article 17 – Protecting the integrity of the person	28
Article 18 – Liberty of movement and nationality	28
Article 19 – Living independently and being included in the community	29
Article 20 – Personal mobility.....	32
Article 21 – Freedom of expression and opinion, and access to information	34
Article 22 – Respect for privacy.....	35
Article 23 – Respect for home and the family.....	35
Article 24 – Education.....	37
Article 25 – Health	41
Article 26 – Adaptation and rehabilitation	46
Article 27 – Work and employment	49
Article 28 – Adequate standard of living and social protection	55
Article 29 – Participation in political and public life	59
Article 30 – Participation in cultural life, recreation, leisure and sport.....	61
Article 31 – Statistics and data collection	65
Article 32 – International cooperation.....	65
Article 33 – National implementation and monitoring.....	66

List of abbreviations

Convention	Convention on the Rights of Persons with Disabilities
Guidelines	Guidelines for implementation of Convention on the Rights of Persons with Disabilities 2014–2020
Plan	On implementation of Plan on the Convention on the Rights of Persons with Disabilities 2010–2012”
Constitution	The Constitution of the Republic of Latvia
Report	First Report by the Republic of Latvia on Implementation of the Convention on the Rights of Persons with Disabilities
Ombudsman	The Ombudsman of the Republic of Latvia
MoW	Ministry of Welfare
MoES	Ministry of Education and Science
State Commission	State Medical Commission for the Assessment of Health Condition and Working Ability
SSIA	State Social Insurance Agency
SEA	State Employment Agency
NCDA	National Council on Disability Affairs
NGO	non-governmental organizations
OCMA	Office of Citizenship and Migration Affairs
LAD	Latvian Association of the Deaf
LSB	Latvian Society of the Blind
LLB	Latvian Library of the Blind
CEK	Central Election Commission
SISA	Social Integration State Agency
LPC	Association “Latvian Paralympic Committee”
SOL	Association “Special Olympics Latvia”
EU	European Union
ESF	European Social Fund
LTV	Latvian Television
ERDF	European Regional Development Fund
CF	Cohesion Fund
CDPC	Centre for Disease Prevention and Control
MoH	Ministry of Health
HI	Health Inspectorate
PVO	World Health Organization
MURDG	Measure for unemployed representing disadvantaged groups
CPL	Criminal Procedure Law

I. Preface

1. The General Assembly adopted the Convention on the Rights of Persons with Disabilities by its Resolution of December 13, 2006.
2. The Convention was opened for signature on March 30, 2007; and entered into force on May 3, 2008. Latvia signed the Convention on July 18, 2008.
3. On July 18, 2008 the Ministry of Welfare established the working group “For preparing the ratification of the Convention on the Rights of Persons with Disabilities to facilitate the process of Convention ratification. There were involved representatives from line ministries, the Ombudsman of the Republic of Latvia, planning regions of Latvia, social partners and NGOs.
4. Latvia ratified the Convention on March 1, 2010 and it entered into force on March 31, 2010. The Optional Protocol to the Convention on the Rights of Persons with Disabilities was signed on January 22, 2010, ratified on June 22, 2010, entered into force on September 30, 2010.
5. Convention and Optional Protocol are translated into Latvian and available on the MoW homepage. Convention is available also in the easy-to-read format.
6. According to the Article 35, Clause 1 each State Party shall submit to the Committee a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.
7. Awareness about person with disability has changed following the ratification of the Convention. Convention defines the transition from medical pattern that emphasizes the human inability and dependence from other people towards human rights` model where the emphasis is laid on the rights of persons with disabilities and independent living and active participation in social processes.
8. Ministry of Welfare prepared the initial report in cooperation with line ministries, municipalities and NGO. During preparation of the report there was organized a meeting with NGO and the report was approved by NGO via e-mails. The report was also presented at NCDCA meeting held on December, 2013. The most relevant proposals included in the Report were submitted by the following NGO: “Association *Apeirons* of people with disabilities and their friends” “Resource Centre for people with mental disability *Zelda*”, ”Association Latvian Movement for Independent Living”, “The Latvian Umbrella Body For Disability Organizations *SUSTENTO*”, “Riga City Child of Care” and the Latvian Association of the Deaf.
9. Municipalities were also involved during the preparation of the Report and they provided information about measures implemented under the Convention at the local self-governance level. Of all 119 Latvian municipalities (incl. 9 republican cities and 110 amalgamated municipalities) the information on support measures implemented in the municipal administrative territory was provided by almost 70% (83 of 119) municipalities.
10. General rules and economic base, authority of the municipality, rights and obligations of council and its institutions are defined by the *Law On Local Governments*. Autonomous functions are under responsibility of the municipality stipulated in the said Law and other legal acts. Municipalities may implement their initiatives on an optional basis on any questions that are not prohibited by Law according to their budgetary resources.

11. Assessing information submitted by municipalities it may be concluded that apart from autonomous functions defined in legislation for municipalities the provision of what is a direct obligation of the municipality (for example, organization of public utilities, improvement of territory, education, social assistance, provision of order a.o.) local governments implement and provide also various support measures for people with disabilities that promote implementation of their rights, well-being and integration in the society.

12. Statistical data from state institutions incl. State Commission, SSIA, MoES, OCMA and municipalities are included in the Report. Central Statistical Bureau is a direct administration body subordinated to the Ministry of Economics and acting as the main performer and coordinator of the official statistical work in the country.

13. After ratification of the Convention the Ministry of Welfare established several working groups to promote implementation of the Convention. Namely, there was established the working group to assess the necessity for update the Family Rights under the Civil Law, working group to evaluate the necessity to elaborate the Law on prevention of discrimination, under NCDA there was established the working group to address the problematic issues regarding environmental accessibility for persons with functional impairments. In the working groups there are involved ministries, social partners, NGO and the Ombudsman Office.

14. It shall be noted that already now the Constitution and legal acts prescribe the state obligation to comply with the equality principle and preclude discrimination including in relation also to persons with disabilities. Yet for the full achievement of aims of the Convention in some cases there is a necessity to update legal rules and provide more efficient implementation of legal acts de facto.

II. General part

Article 1 – Purpose

15. According to the *Disability Law* a person with a disability is a person who has a long-term or non-transitional very severe, severe or moderate level limited functioning which affects a person's mental or physical abilities, ability to work, self-care and integration into society. Also a definition for "predictable disability" has been given in the *Disability Law* that means a limited functioning caused by a disease or trauma which, in case if the required medical treatment and rehabilitation services are not provided, may be a reason for determining disability.

16. Persons with disability require the same the other people do, though additional relevant support is needed according to the needs of a particular individual. Besides this support should not lead to isolation of persons with disability from the rest of society.

17. To reach the aim defined in the Convention it is necessary that existing legal mechanisms are efficiently used for the protection and implementation of the rights of people with disabilities and ensure non-discriminatory attitude and equal, fair approach in all spheres of life – education, health care, working place, family life, cultural and sport events and also political and social life. Similarly there still must be implemented measures to promote respect for rights and dignity of persons with disability and increase of their self-esteem.

18. Since Convention changes awareness about a person with disability defining the transition from medical pattern that emphasizes the human inability and dependence from other people towards human rights` model thereby making the disability policy in Latvia

the emphasis is laid on the rights of persons with disabilities and independent living and active participation in social processes. At the same time ensuring the rights of persons with disabilities to fully use their human rights and basic freedom and co-participate in provision of their interests.

19. As Convention is a comprehensive human rights paper applying to civil and political rights, economic, social and cultural rights therefore full implementation of rights defined in the Convention is possible only gradually within several years. Therefore the Guidelines have been prepared where education, employment, social protection and public awareness have been set as priority actions in the disability policy for the next seven years.

Article 2 – Definitions

20. Although definitions set in the Convention have not been defined in legal acts still these are taken as a basis when disability policy is being planned.

Communication

21. “Sign language” – Section 3, Article 3 of the *Official Language Law* defines that the State shall ensure the development and use of the Latvian sign language for communication with people with impaired hearing.

22. For the state budgetary resources it is possible to acquire the profession of the sign language interpreter and also the state provides services of the sign language interpreters to acquire the vocational and higher education and to communicate with physical and legal persons.

23. “Easy-to-read language” — materials in easy-to-read language prepare NGO. Easy-to-read language is a way how to promote access to information for many people — those who have poor knowledge of language and wish to acquire; those who cannot hear from birth; those who have difficulties to understand the written text; those who have mental impairments. However, it is still necessary to continue to improve the accessibility of information in the easy-to-read format.

Discrimination

24. In case of both the invasion of human rights and discrimination, any person has a right to apply in the Ombudsman Office that is an independent institution. Examination of complaint is confidential process and free of charge. Promotion, protection and supervision of implementation of the Convention are also one of the tasks of Ombudsman. If discrimination has taken place in legal relations irrespective if employer is the state or municipal institution or private enterprise, a person is entitled to submit a complaint to the State Labour Inspectorate. Employee may call for termination of different treatment and ask for employer appropriate compensation for offence including compensation for moral compensation. The State Labour Inspectorate is authorized to administratively punish the employer. If a person considers that discrimination is applied in legal relations, he or she has a right to apply to court asking to recognize that discrimination has taken place and call for compensation of the loss and compensation for moral damages.

Standard

25. “Reasonable adaptation” – appropriate improvements and adaptations so that persons with disability could use their human rights and basic freedom on an equal basis with people. Labour Law prescribes employer a duty to perform measures that are required according to circumstances to adapt the labour environment so that to facilitate opportunities of persons with disabilities to establish legal labour relations, perform job

duties, to be promoted or to be sent to vocational training or increase of qualification insofar as not to impose a disproportionate burden on employer by implementing these measures.

26. “Universal design” — a process as a result the products and services for people with varied needs — persons with disabilities, families with children, elderly people etc. have been produced.

27. It is necessary to improve legal rules to define the term “reasonable adaptation” more precisely in national legislation; and to elaborate relevant criteria.

28. NGO point out that the concept “persons with disability” at national level is understood in a narrower sense as it is defined in the Convention referring it only to persons who have been determined a disability. Very often the justification to receive a certain social service is directly a disability group determined and not the existence of disability.

29. NGO emphasize that the universal design principles are not taught at educational institutions where education is acquired by specialists of construction sector. Squeaky traffic lights are related to the accessibility of city environment. Persons with disabilities cannot use cyclist tracks and children rooms.

30. NGO highlight that there is a lack of information in easy-to-read language about the rights protection resources and available legal assistance. Information on homepages of all state and municipal institutions is not reflected in easy-to-read language. There does not exist a common system where to acquire the easy-to-read language thereby improving communication with persons with disability. Such opportunities are offered in the framework of separate projects because the state budgetary resources are not foreseen for the development of a sign language. Study of the sign language, the registration of these signs and development of training materials is provided by LAD which has attracted funding for this purpose by means of projects from various foreign funds.

31. Likewise NGO point out that the only information regarding universal design is available at the homepage: www.videspieejamiba.lv. Informative campaigns on universal design are also insufficient enough.

Article 3 – General principles

32. General principles under Article 3 of Convention have been defined in Constitution. According to Constitution:

- All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realized without discrimination of any kind;
- Everyone has the right to liberty and security of person. No one may be deprived of or have their liberty restricted, otherwise than in accordance with law;
- The State shall protect human honour and dignity. Torture or other cruel or degrading treatment of human beings is prohibited. No one shall be subjected to inhuman or degrading punishment;
- Everyone has the right to inviolability of his or her private life, home and correspondence;
- Everyone residing lawfully in the territory of Latvia has the right to freely move and to choose his or her place of residence;
- Everyone has the right to freedom of thought, conscience and religion. The church shall be separate from the State;

- Everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express his or her views. Censorship is prohibited;
- Everyone has the right to form and join associations, political parties and other public organizations;
- Everyone has the right to freely choose their employment and workplace according to their abilities and qualifications. Forced labour is prohibited;
- The State shall protect and support marriage – a union between a man and a woman, 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.

33. In the Guidelines there are defined the basic principles of disability policy resulting from Convention basic principles and that have to be complied with when implementing disability policy in Latvia:

34. *Principle on mainstream the equal opportunities for persons with disability across policies of all fields* – there are defined the rights and basic principles in the Convention that shall be implemented on a horizontal basis, i.e., each responsible ministry and other involved institutions shall be responsible for a gradual implementation of liabilities defined in the Convention in a particular field.

35. *Principle on respect for inherent dignity, individual autonomy including the freedom to make one's own choices and independence of persons* – a person with disability has a right to adopt decisions by own as regards to compliance with and implementation of their best interests, likewise a person with disability has a right to independence.

36. *Principle on non-discrimination* – one of the most significant principles of human rights. Any kind of discrimination on the grounds of disability is prohibited and persons with disabilities shall be ensured with equal legal protection against discrimination due to any reason. Discrimination on the basis of disability means any distinction, exclusion or restriction. Principle of discrimination prohibition is included in several legal rules, for example, *Labour Law, Consumer Rights Protection Law, Law on the Rights of Patients* a.o.

37. *Principle on equal opportunities* – persons with disabilities have the same legal rights as other people in all fields of life.

38. *Principle on accessibility* – aimed to remove the obstacles and barriers that prevent persons with disabilities to use their rights. It applies not only to physical access to various places but also to access to information, technologies, communication, and involvement in economic and social life.

39. *Principle on participation* – persons with disabilities are required to involve in taking decisions concerning their interests, encourage them to be active in life and society – “nothing about us without us!”.

40. *Principle on inclusion* – inclusion into society is a bilateral process, namely, a society shall accept and support the desire and efforts by persons with disabilities to actively engage in social processes.

41. *Principle on awareness raising* – respect for differences and acceptance of differences of persons with disabilities.

42. *Principle on respect for the evolving capacities for the children with disabilities and respect for the right of children with disabilities to preserve their identities* – children with disabilities have the right to fully use all their human rights and basic freedoms on an equal basis with other children.

Article 4 – General obligations

43. MoW is a leading state administration institution in the field of equal opportunities for persons with disabilities, however, the rights and basic principles defined in the Convention have to be mainstreamed, i.e., each line ministry (incl. health, education, employment a.o.) and other involved institutions are responsible for a gradual implementation of obligations defined in the Convention in the relevant sector. With regard to the said, during preparation of the policy planning papers and legal rules, the line ministries are responsible for the mainstreaming of a principle of equal opportunities for persons with disabilities thereby ensuring the implementation of the rights of persons with disabilities. A consistent compliance with the disability aspect when planning the public services provides its accessibility to persons with disabilities.

44. On January 28, 2010 the *Law on Convention on the Rights of Persons with Disabilities* entered into force. According to this Law the compliance of commitments provided under Convention is coordinated by the MoW. Supervision of Article 2, Clause 33 of the Convention is provided by the Ombudsman.

45. Issues about implementation of the Convention have been constantly reviewed at NCDA meetings and regularly organized meetings by MoW with representatives of NGO. NCDA is a consultative body that participates in the development and implementation of integration policy for persons with disability. NCDA functions and rights as well as other issues that determine NCDA operation have been reflected in its statutes. In the NCDA there are involved line ministers, Chair of Association of Latvian Municipalities, Ombudsman, Chair of the Public Utilities Commission, Director of Society Integration Fund, Chair of Free Trade Union Association and representatives of NGO. NCDA meetings take place four times a year and there are discussed also issues regarding implementation of the Convention.

46. By ratifying the Convention Latvia has undertaken to promote, protect and ensure the compliance with full and equal human rights and basic freedoms of all persons with disabilities. Article 2, Clause 4 of Convention prescribes that with respect to economic, social and cultural rights each member state with the full use of resources available to them and, if necessary, international cooperation shall introduce measures aimed at gradual attainment of a full implementation of these rights.

47. For implementation of the Convention there was prepared an action plan “On Plan for Implementation of the Convention on the Rights of Persons with Disabilities (2010-2012)” (Cabinet decree of October 12, 2009 no. 693) that is a short-term policy planning paper for the improvement of policy of equal opportunities for persons with disabilities and to introduce measures aimed at gradual implementation of commitments defined under the Convention.

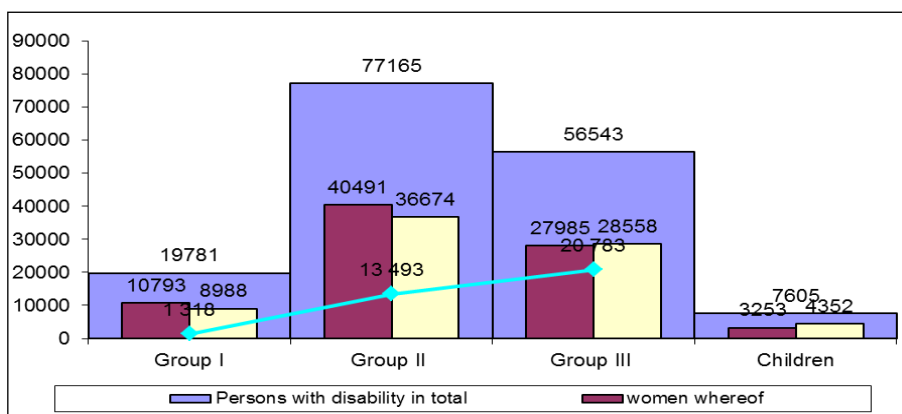
48. The Guidelines were approved by the Cabinet decree of November 21, 2013 no. 564. Three implementation plans will be prepared for implementing the Guidelines: for 2014, 2015–2017 and 2018–2020 where will be set specific measures to reach the goals defined in the Guidelines.

49. After ratification of the Convention there have been already implemented several measures for fulfilling the commitments set in the Convention and improving legal rules (amendments in legal capacity institution, new measures introduced – assistant services in municipalities and education institutions, service of a sign language interpreter, service of a psychologist a.o.). To reach the aim defined in the Convention, though, there are still needed most of activities for ensuring the equal opportunities and rights for persons with disabilities.

50. Disability in Latvia is determined by doctor experts of the State Commission. According to the *Disability Law* when assessing the health condition and functional restrictions of a person there is determined the Group I disability (very severe disability), the Group II disability (severe disability) and the Group III disability (moderately expressed disability). For children under the age of 18 the disability is determined without distribution in groups.

51. Structure of persons with disabilities is reflected in Graph 1.¹

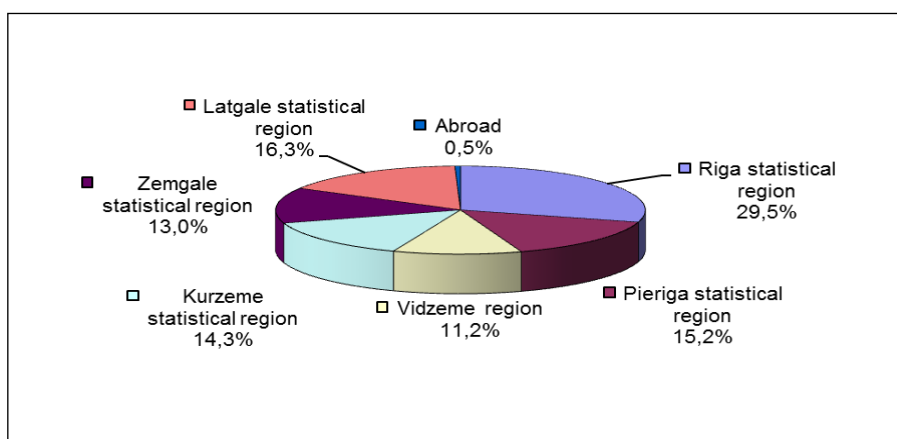
Graph 1



52. Population in Latvia on January 1, 2011 was 2,074,605² wherewith persons with disability composed 7.4% from total number of population. A half of persons with disability have severe disability (Group II disability) followed by persons having moderately expressed disability (Group III disability) – 33%, while the very severe disability (Group I disability) has been determined to every tenth adult with disability. It means that about 2/3 of all adult persons with disabilities (i.e., 148 ths.) have been determined a very severe or severe disability.

53. Proportion of persons with disability by regions is reflected in Graph 2.

Graph 2



¹ Data by SSIA for September, 2013.

² <http://www.csb.gov.lv/statistikas-temas/2011-gada-tautas-skaitisana-galvenie-raditaji-33608.html>.

54. According to *Disability Law* it is foreseen to introduce a new improved disability determination system starting from January 1, 2015. According to a new disability determination system a disability will be determined by assessing not only person's health condition, incl. functional restrictions, but also a person's loss of ability to work in percentages. Providing the disability expert-examination according to the improved system in addition to medical criteria the more focus will be laid on social criteria – assessment of functioning (ability of mobility and training, opportunities for communication, person's self-care and integration in the society). An increase in a number of institutions involved in disability expert-examination procedure is expected when the new system will be implemented – the responsibility of practice doctors will extend, the municipal social service office will be engaged, the clinical psychologist according to necessity and a person itself will need to fulfill the self-evaluation inquiry.

55. Along with introduction of the improved disability determination system also person's involvement and co-participation in disability determination system will be increased. Individual in person will take part in the disability expert-examination procedure by performing self-evaluation of own health status and physical and social functioning abilities. Completing the self-evaluation inquiry a person has an opportunity to assess various aspects of own health status and the related physical, mental and social abilities and inabilities: body functions, body structures, ability to perform different activities, participate in various processes, environmental factors and other aspects.

Article 5 – Equality and non-discrimination

56. *Prohibition of discrimination in labour relations.* According to the *Labour Law* it is prescribed that everyone has the equal rights for work, remuneration. In order to facilitate implementation of equal rights principle for persons with disabilities regarding fair, secure and health harmless working conditions, as well as fair work, an employer has a duty to carry out measures that are required, depending on circumstances, to adapt the working environment so that to facilitate the opportunities of persons with disabilities to establish legal labour relations, perform job duties, to be promoted or to be sent to vocational training or increase of qualification insofar as not to impose a disproportionate burden on employer by implementing these measures.

57. *Prohibition of discrimination in social security.* According to *Law On Social Security* it is defined that when ensuring social services a different treatment based on race, ethnic belonging, skin color, gender, age, disability, health status, religious, political or other affiliation, national or social origin, material or family or other circumstances is prohibited.

58. *Prohibition of discrimination in health care.* Article 3 of the *Law On the Rights of Patients* prescribes the rights of patients in health care and prohibits different treatment based on race, ethnic belonging, skin color, gender, age, disability, health status, religious, political or other affiliation, national or social origin, material or family or other circumstances. Different treatment implies also a direct or indirect discrimination of a person, interference of a person or indication for discrimination.

59. *Prohibition of discrimination in access to goods and services.* According to the *Consumer Rights Protection Law* it is defined that different treatment based on gender,

race, ethnic belonging or disability of a consumer is prohibited when offering a good or a service, selling a good or providing a service.³

60. *Prohibition of discrimination in advertisements.* According to *Advertising Law* it is defined that in advertisements it is prohibited to express discrimination towards human for its race, skin color, gender, age, religious, political or other affiliation, national or social origin, material or family or other circumstances.

Article 6 – Women with disabilities

61. Although women with disability in Latvian legal rules and policy making are not directly distinguished, from the rights perspective women with disability have the same rights to implement all human rights and basic freedom equally to both men with disability and other women without disability.

62. According to the State Commission data in 2012 with regard to disability expert-examination performed for the first time or repeatedly by gender, a disability status performed for the first time for a child (until 17 years of age including) is determined to 938 children (in 2011 – 1005), incl. 42.4% girls (in 2011 – 46.1%), while disability expert-examination performed for the first time for persons over 18 years of age has been determined to 16,181 persons, incl. 53.4% women. A proportion of women to whom a disability has been determined in the disability structure is continuously increasing for the last ten years: if proportion of women to whom a disability has been determined for the first time in disability structure in 2003 was 44.0% then in 2012 – already 53.4%.

63. Statistical data on repeatedly performed disability expert-examination give evidence that the proportion of women and girls with disability is less than proportion of men and boys with disability (unlike to disability expert-examination performed for the first time where proportion of women and girls exceeds a proportion of men and boys with disability). In 2012 a repeated disability expert-examination has been performed to 2,247 children with disability until 18 years of age, incl. 39.7% girls (in 2011 – 42.1%). While a repeated disability expert-examination to adults has been performed to 30,993 persons of whom 51.3% were women.

64. According to data by the Centre for Disease Prevention and Control an average life expectancy of newborn for women in Latvia in 2011 was 78.7 years, for men – 68.8 years. It means that the life expectancy for women is 10 years longer that of the men. This indicator increases every year; however, it is still one of the lowest in the EU, especially for men.

65. In 1998 the Latvian Association of Disabled Women *Aspazija* was established with the aim to help women with disabilities to integrate in the society and to become a full-fledged part of the society, as well as to protect their rights and interests. Association *Aspazija* has established offices in twelve cities - Jelgava, Ogre, Liepāja, Pāvilosta, Tukums, Talsi region (novads), Olaine, Varakļāni, Aizkraukle, Sigulda, Roja and Bauska region (municipality), so that women with disability more actively could engage in social life not only in Riga but throughout the Latvia. Currently, in the work of Association there are involved about 500 women with disabilities.

³ On October 28, 2010 there were adopted amendments in the Consumer Rights Protection Law (in force from January 1, 2011) that prohibits different treatment towards a consumer due to person's disability.

66. In ESF co-funded activities participated 12,353 persons with disability of whom 6,619 were women, incl. 593 women with visual disability; 258 women with hearing disability, 681 women with mobility disability, 956 women with mental disability and 4,189 women with other type of functional impairments.

Article 7 – Children with disabilities

67. Article 3 of the *Law on Protection of the Rights of the Child* defines a general discrimination prohibition due to child health condition, namely, the rights and freedom of a child the state ensures to all children without discrimination – irrespective of race, nationality, gender, language, party belonging, political and religious conviction, national, ethnic or social origin, place of residence in the country, material and health status, birth or other circumstances of a child, their parents, guardians and family members.

68. Article 10 of the *Law on Protection of the Rights of the Child* defines the rights of children to the wholesome living conditions, namely, a child has a right to such living conditions and favorable social environment that ensures full his or her physical and intellectual development. Likewise each child shall receive appropriate food, cloth and accommodation. In addition the Article 10, Paragraph 2 of the said Law prescribes that a child with mental impairments has a right to all he or she requires to satisfy his or her special needs.

69. Article 54 of the *Law on Protection of the Rights of the Child* defines the rights of children with special needs (a child who due to illness, trauma or inherited vice that resulted in impairments of functions of organ system requires additional medical, pedagogical and social assistance irrespective of whether disability is determined in the procedure prescribed by the Law) to live a wholesome life. A child with special needs has the same rights for active life, rights to develop and acquire general and vocation education according to its physical and mental abilities and wishes, as well as the rights to participate in social life as any other child.

70. Article 55 of the *Law on Protection of the Rights of the Child* prescribes that a child with special needs has a right to a special care by parents. In turn a state and municipality helps a child with special needs to integrate in the society and provides him or her education, health care and social services in compliance with legal rules. Employees from pedagogic and social sectors have to be specially trained in work with children with special needs. For this purpose MoES and MoW have elaborated special training programs.

71. Children with disabilities have the same needs as other children in respective age supplemented by additional, unique and characteristic to the needs of a particular child.

72. There are set measures in the state that reduce the possibility to hide a child, namely:

- According to Article 24 of *Law on Civil Registration Record* on the birth of a child it shall be declared to the registry office one month after a birth of a child. A duty to inform about a birth of a child has a father or a mother of a child (or authorized person);
- According to Article 15, Paragraph 1, Clause 22 of the Law “On Local Governments” a local municipality has a duty to perform registration of children living in relevant administrative territory;
- According to Clause 4 of Cabinet regulations of April 23, 2013 no. 225 “The State Service of Education Quality” the State Service of Education Quality shall perform registration of children who have reached an age of compulsory education.

73. A child until 18 years of age who has a determined disability for the first time and who lives in a family, as well as his or her legal representative has a right to a state paid psychologist service (two consultations each 45 minutes long) in order to reduce psycho-social tension resulted from disability due to long-term illness or trauma. An aim of this service is to ease the overcoming of crisis by normalizing social functioning and facilitate reintegration in the society.

74. In order to provide a support to families where live children with disability, in the Guidelines there is included a task to launch a support for children with disabilities until five years of age by introducing an assistant service for the said target group and by establishing rehabilitation divisions in local municipalities (social service office).

75. National policy in relation to the state support for families with persons (children) with functional impairments has been defined in the Family State Policy Guidelines (2011–2017). In the Guidelines there are included the following tasks: to support the home care for a child with disability and children who have a long-term illness; to increase quantitatively and qualitatively the delivery of technical aids appropriate and varied for children with disabilities; promote integration of children with disabilities in general comprehensive education schools; ensure the state paid social rehabilitation course for a family in the place of its residence in case for a child the disability status is performed for the first time.

76. Rehabilitation programs and summer camps for children with disabilities have been organized also in several municipalities in order to promote communication and develop various skills for children with disabilities. For example, rehabilitation program “A land of childhood” (“*Bērņības zeme*”) aimed to improve a living quality of the target group by providing opportunities for children with disabilities to spend their free time thoughtfully and develop communication skills was implemented in Daugavpils during 2010 and 2011. Likewise there are organized various events for children with disabilities in municipalities.

77. To support parents who have children with disabilities several municipalities (Rīga, Talsi, Balvi, Skrīveri, Cēsis, Garkalne a.o.) provide a “rest time” service. There is also provided a possibility to attend support groups that provide assistance to parents in the every day activities when the support is necessary to perform some activities and when it is necessary to look after a child with disability; or it is possible to receive or exchange with information, knowledge and receive a moral support when meet several parents who have a child with disability.

78. At the same time it is necessary to continue the advancing of measures to improve the quality of life for children with disabilities and their families.

79. NGO point at the necessity to develop alternative and argumentative communication methods in work with children with functional impairments as in practice there may emerge a problem during communication with a child and clarifying his or her point of view. NGO underline that on January 31, 2012 329 children with disabilities lived in the state long-term social care centers and 202 children with disabilities were placed at municipal long-term social care centers. These children have no access to alternative services, they have no possibility to prepare to live in the society and in most cases after reaching the full age they are moved to care centers for adults. The “rest time” service is available only in separate municipalities and often it is provided at the long-term social care institution and not as a service based in society.

80. NGO indicate that also different non-governmental organizations organize a collection of donations to promote and ensure medical rehabilitation for children with disabilities as the state does not provide it in a sufficient amount and outside borders of Latvia.

Article 8 – Awareness-raising

81. Annually, on December 3, the International Day of People with Disabilities has been celebrated in Latvia. On that day in cooperation with NGO there is organized a meeting in the Parliament with associations that represent the people with disabilities to discuss the issues relevant to implement the rights of persons with disabilities. Also in many municipalities there is annually organized an event for the International Day of People with Disabilities where are raised the problematic issues for persons with disabilities.

82. Every year during the last Sunday of September the International Day of the Deaf has been celebrated when LAD organizes public events where performances are provided by deaf people of different age who introduce the society with their skills and achievements. On this day the Television of Latvia ensures much more broadcasted programs with captions.

83. Also every year on the 15th of October in Latvia the International White Cane Day is celebrated. It is a day when a broader society via mass media has been informed about persons with the visual disability, their needs and problems. The white cane is a green light in the traffic light for blind people and a caution sign for drivers of the vehicles. When it is raised, drivers have to stop also in places where there is no pedestrian crossing. Already for the fifth time LSB organized and informative event “The White Cane Song 2013”.

84. MoW regularly informs the society about equal opportunities and rights of persons with disabilities not specially distinguishing the provision of information for persons with mental impairments. Latest information regarding support measures and the rights of persons with disabilities MoW regularly provides via electronic mass media and placing the information on MoW homepage (www.lm.gov.lv), as well as by meeting with the associations that represent the interests of persons with disabilities. The home page is adapted to the needs of persons with disabilities, namely, there is a section “Easy-to-read” where is included a concise and descriptive information in an easy-to-read language. For persons with visual disability the information is available with enlarged letters. Also information about available support and other issues persons with disabilities may find at the section “For persons with disabilities” of MoW homepage by asking a question in “your question” section or via social networks.

85. In the framework of horizontal priority “Equal Opportunities” under MoW technical assistance project “Administration of EU Funds in the Ministry of Welfare during 2007–2013 planning period (2012–2015)” there are organized seminars that increase awareness of target group about the equal opportunities and non-discrimination aspects regarding persons with disabilities. Since 2008 there have been organized 73 seminars on equal opportunities principles thereby informing 3,133 persons. Target groups of these seminars are applicants and implementers of the projects co-financed by EU Funds, staff involved in the implementation of the projects, representatives involved in the management of EU funds, representatives from social sector, architects, construction supervisors and construction specialists, students. These seminars ensure a systematic approach to information distribution and increase of awareness of target groups regarding the aims and principles of policy on equal opportunities for persons with disabilities as well as practical application of these principles.

86. On November 13, 2012 the LTV Program 1 broadcasted a training video “Accessible environment – opportunities and solutions”. The movie was made in 2011 and it includes information on implemented ERDF and CF co-funded projects regarding environmental and information accessibility measures for persons with physical, visual, hearing and mental impairments in reconstructed and renovated buildings, construction objects, reconstructed and renovated roads etc. The training video was issued also in DVD

format and is available in MoW and on the internet site <http://www.youtube.com/user/LabklajibasMinistrij>.

87. It is necessary to implement motivating measures to increase the awareness of employers regarding employment of persons with disabilities. On December, 2012 there were employed 33,920 persons with disabilities in Latvia that constitutes only 22.6% of total number of persons with disabilities. SEA has organized seminars for employers on employment situation in the region, cooperation benefits, active employment measures, requirements for implementation of these measures and application possibilities. Information has been placed in local newspapers and homepages of local governments. Information on active employment measures and the updates thereof is placed on SEA homepage. Similarly, SEA organizes informative days for the customers to provide information on available range of services and informative support in looking for a job. There are made 10 television plots on the best practice examples incl. interviews with employers and persons with disabilities.

88. There are still prejudices, intolerant attitude and separation from people with mental impairments in the society. In everyday life the majority of people do not meet people with mental impairments therefore they have neither practical experience, nor theoretical knowledge about contact with people who have mental impairments. The lack of knowledge in the society, on the one hand, and a desire to avoid negative experience, on the other hand, create communication problems that, in turn, serves as a basis for exclusion, discrimination and social isolation of persons with mental impairments that make difficult for them to integrate in various social fields.

89. NGO that represent interests of persons with mental impairments have prepared various informative booklets regarding this target group. Also since 2008 on an annual basis the NGO provide information in different articles and informative booklets about latest issues regarding specific needs of persons with mental impairments.

90. Though there still have to be implemented relevant measures to increase the awareness on disability aspects and types, as well as support forms and services necessary for persons with disabilities. Having said that, in the Guidelines there is included a course of action "Society awareness" aimed to promote opportunities of persons with disabilities to implement their human rights and freedoms and to live a wholesome and dignified life by ensuring informative and democratic space thereby strengthening society's mutual communication and awareness. Under the said course of action from 2015 to 2020 there are planned activities such as:

- Inform and educate the society about persons with disabilities by promoting tolerance and inform about best practice examples via mass media;
- Inform the society on preventive measures related to avoidable or hidden disability;
- Make state funded broadcast programs (incl. documentary programs) with participation of persons with disabilities;
- Promote awareness raising (to providers of public transportation services, staff involved in education process, officials and employees that are involved in provision of the state and municipal services).

91. NGO view that insufficient attention is paid to the development of various methods of communication with persons with disabilities. State and municipal employees have not acquired necessary skills to communicate with persons with mental impairments. Wherewith persons with mental impairments have no possibility to receive information on their rights, duties and rights` protection means due to the lack of effective communication.

92. NGO emphasize that there does not exist a systematic approach towards awareness raising. On the home page www.apeirons.lv comprehensive information in the field is summarized incl. on accessibility issues and information about universal design that is summarized on the homepage www.videspieejamiba.lv. Organization of people with disabilities and their friends "APEIRONS" prepare also a telecast "Trīs ceturtdaļas" (*Three Fourths*), however, it lacks the state funding. NGO Latvian Association "Riga City Child of Care" ("Rūpju bērns") actively translate and issue informative booklets on differences and explain specific issues to ensure contact with people who have intellectual disability.

Article 9 – Accessibility

93. Accessibility aspects are better considered in the fields where environmental accessibility requirements have been defined in EU level papers, for example, passenger air traffic, telecommunication and information and communication technologies. Accessibility is provided in the fields such as international public transport and maritime traffic.

94. The minimum standards for accessibility of physical environment (including signal indicators and road traffics), transport and other possibilities and services intended for people have been set in several legal rules. Legal rules apply for all newly constructed buildings and reconstruction works except of cultural monuments whose reconstruction options and maintenance is defined by the special *Law on Cultural Monuments*.

95. The basic legal rule where environmental accessibility in the construction field has been stipulated is the *Construction Law* where it is defined that a building needs to be projected and built so as to ensure the environmental architectonic quality, environmental accessibility, rational use of natural resources. This Law underlies the General Construction Regulations, construction standards and other related legal rules.

96. General Construction Regulations provide that environmental accessibility requirements (also ensuring the level of noise and visual information) shall be determined by the building authority in the architectural and planning order: for the landscaping of the territory of buildings and structures, access roads, streets, pavements, footpaths and pedestrian crossings, especially in relation to the possibility of moving from one height level to another and to orientate in a built-up environment; entrances to buildings and structures, especially in relation to the possibility of moving from one height level to another; inside buildings, especially in relation to the possibility of moving from one height level to another and arrangements inside buildings, especially toilets intended for persons with disabilities, as well as corridors and evacuation routes. The design sketch shall include description of environmental accessibility solutions and also technical design shall include information about environmental accessibility solutions. In order to evaluate the conformity of a building design to these requirements, the client, building authority or other competent authority has the right to organize an expert-examination of the building.

97. Regulations on Latvian building codes LBN 208-08 regarding Public buildings and constructions prescribe requirements for stairs, evacuation routes, exits, escalators and moving surfaces, banisters or other delimiting constructions, access ramps, design standards for ramps as well as visual requirements for the design of glass delimiting constructions. Regulations define accessibility of public buildings to persons with reduced mobility, users of wheelchairs – easy entry and moving options in public buildings and also suitable auxiliary facilities in separate premises (for example, hotel rooms, lavatories, showers). There have to be provided opportunities for persons with visual or hearing impairments to receive the necessary sound or visual information, marking of access ramps and stairs, premises of conferences and seminars have to be equipped with acoustic loops, premises for visitors have to be designed without doorsteps, designing of corridors, regulations for

building of elevators, premises of public events have to be equipped according to the guidelines on environmental accessibility.

98. Regulations on Latvian building codes LBN 209-09 regarding small living houses define that environmental accessibility of public premises shall be provided for persons with special needs and options shall be ensured to adapt premises for the use of universal design.

99. Regulations on Latvian building codes LBN 211-08 regarding large living houses with many apartments define requirements of environmental accessibility for persons using a wheelchair.

100. Regulations on Latvian building codes LBN 201-07 regarding fire safety of constructions prescribe that all environmental accessibility requirements, including requirements for evacuation routes and exists and alarm (visual and acoustic) notification, specified under legal rules have to be ensured in constructions where permanently or temporarily stay users with disabilities.

101. Regulations on mandatory requirements for medical treatment institutions and structural units thereof prescribe that the head of a medical treatment institution shall provide, within the scope of possibilities, the environmental accessibility in the institution for persons with functional impairments.

102. Regulations on hygiene requirements for social care institutions determine the compliance of premises, equipment and inventory to the needs, health condition and ability to move of the client.

103. Regulations on planning of the local municipality territory prescribe provisions for territory use and construction where have been included int. al. also provisions of accessibility regulations.

104. Supervision of implementation of the said legal rules is performed by building authority in cooperation with the state and municipal institutions. Building authority controls the compliance of construction works in the territory with the requirements of laws and other legal rules and organizes the taking of the construction object into service. Regulations on taking the construction objects into service prescribe that the construction shall be taken into service if construction works are fully accomplished in order to ensure the environmental accessibility. Accordingly the building cannot be taken into service if it does not comply with the requirements defined in building project.

105. The Riga Municipal Agency "Riga City Architect's Office" organizes annual competition "Riga's Architecture Awards". During exposition of the buildings experts from jury look for the best examples in provision of sustainability of the city living environment paying attention to such measurements of the city environment as energy efficiency, environmental accessibility and universal design evaluating the accomplishments in the Riga historic center and its surrounding territory and areas.

106. *Law on Public Transport Services* defines that the public transport services and information about public transport services are available to each member of the society. However, buses are still not accessible for persons with mobility impairments in rural territories.

107. Regulations on the Procedures for the Provision and Use of Public Transport Services prescribe the requirements for transportation of passengers providing the transitional period to introduce several standards – unburdened access of persons with functional impairments to public vehicle and ensuring their transportation in regional intercity lines in a full amount until January 1, 2022 (partly until January 1, 2016), local lines in a full amount until January 1, 2022 (partly until January 1, 2016), and in the city

lines in a full amount until January 1, 2024 (partly until January 1, 2015). In 2012 25% of regional buses were adapted to transportation of persons with disabilities and, if it is not ensured, the operator has to provide transportation of a person with functional impairments with appropriately adapted vehicle that persons may order 72 hours before the trip.

108. To comply with requirements of Regulation (EC) No. 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, the Riga International Airport has implemented all the measures regarding travelling by air transport to provide the fulfillment of requirements.

109. To fulfill the requirements set in Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations there are implemented the following measures regarding persons with reduced mobility – JSC “Pasažieru vilciens” (“Passenger Train”) together with the State Joint Stock Company *Latvijas dzelzceļš* (“Latvia Railway”) and Ltd. “LDZ CARGO”, in cooperation with organizations that represent persons with disabilities have developed and State Joint Stock Company *Latvijas dzelzceļš* (“Latvia Railway”) has approved the regulations on the access of railway infrastructure and rolling stock in Latvia for persons with reduced mobility, and has adopted also the procedure regulating the operator and infrastructure administrator activity on how to provide services for persons with reduced mobility by using mobile lifts that have been used in eight of 144 stations and stops in Latvia as from May 24, 2011 except of Riga passenger station. These services are provided to a person if he or she has notified this necessity at least 48 hours before the trip and these services are provided free of charge. Staff training to service persons with reduced mobility has been provided by Association *Apeiron*s of people with disabilities and their friends.

110. The following terms have been set for railway operator as regards the provision of adaptation, accessibility of public transport for persons with functional impairments and ensuring their transportation for electric trains until January 1, 2022 and diesel engine trains until January 1, 2023 (at least in 50% amount until January 1, 2020).

111. Legal rules in force as of January 1, 2014⁴ prescribe that persons with disability and persons with restricted mobility options have the same rights to free movement, choice of freedom and non-discrimination regarding travelling by railway as other people do. The said requirements will apply to construction of new railway objects and also to existing objects in case of its rebuilding or reconstruction. Requirements for railway object depending on its type have been determined in the Commission Decision of 21 December 2007 (2008/164/EC) concerning the technical specification of interoperability relating to persons with reduced mobility in the trans-European conventional and high-speed rail system.

112. Requirements in electronic communications have been taken over in the legal rules of the Republic of Latvia from EU Directive 2009/136/EC and Directive 2009/140/EC that prescribe several duties for business persons from electronic communications regarding the persons with disabilities – provision of equal access to services of electronic communications like the other direct users have it; access to services for acceptable prices to all users including persons with disabilities; regularly inform subscribers who are

⁴ According to Cabinet Regulations of October 29, 2013 no. 1193 “Amendments in Cabinet Regulations of December 29, 2010 no. 1210 “Regulations Regarding the Interoperability of Trans-European Rail System””. Amendments were made in connection with Commission Directive 2013/9/EU of 11 March 2013 amending Annex III to Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community that were done taking into consideration the Convention requirements.

persons with disability about electronic communication services, final equipment and program provision provided to them.

113. In addition to the legal base there have been prepared guidelines in 2011 for applying the construction standards to the environmental accessibility for persons with functional impairments that serve as one of the most relevant auxiliary materials in accessibility of such fields as construction, transport, information city environment and rural territory infrastructure so that to ensure availability of services, products and information to all people in compliance with the principles of universal design.

114. Monitoring of ERDF and CF projects in relation to accessibility of newly constructed buildings, reconstructed or renovated objects for persons with functional impairments during 2007–2013 planning period was made by contracted experts on environmental accessibility with consultative and recommendation rights. However, during 2014–2020 period, according to the new initiative, it is expected to strengthen the mandate by independent environmental experts, namely, it is planned to extend the functions of these experts anticipating also monitoring and sanction mechanism.

115. NGO point at the necessity to improve the legal rules that regulate construction sector especially highlighting that the full accessibility of medical institutions shall be provided. NGO draw attention that still the newly built buildings are also not always accessible to people with disabilities. NGO also collect the best practice examples on environmental issues. Still there is a lack of information about the accessibility technical solutions for persons with hearing impairments. An aim of the homepage www.videspieejamiba.lv is to inform the responsible officials and institutions about standards in provision of environment and universal design. Accessibility of public transport is restricted in rural areas and several cities. Railway traffic is not accessible in all railway stations.

116. NGO point to the major problem faced by people with hearing impairments that is information accessibility because most of information is available in audio/sound format. People with hearing impairments have burdened difficulties in accessing buildings that are equipped with domophones. Informative environment regarding accessibility is also the major problem for people with intellectual disability that prohibits to fully using all the rights.

Article 10 – Rights to life

117. Rights to life are secured in Article 93 of the Constitution that prescribes that the rights of everyone to a life are protected by the law. Also the rights to life are stipulated in international legal rules: General Human Rights Declaration, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms.

118. According to the *Medical Treatment Law* it is stated that a doctor has a duty to protect unborn life and he or she has a duty to try to dissuade a pregnant woman from terminating pregnancy if the pregnancy is not in contradiction with the woman's state of health and if there is no danger that the new-born baby will have an inherited or acquired disease. A doctor has the right to refuse to terminate a pregnancy if there are no medical grounds for such termination.

119. It is allowed to terminate the pregnancy in Latvia due to medical indications until the 24th week of pregnancy. If disturbances in fetus development functioning aroused, a doctor (genetic doctor) organizes an emergency council. According to conclusion by emergency council a gynecologist (birth specialist) informs a woman about possible complications if pregnancy is preserved and issues a referral to termination of pregnancy in

stationary medical institution. Medical abortion will be performed only when there is a confirmation by doctors` emergency council and a written agreement signed by a woman.

Article 11 – Situations of risk and humanitarian emergencies

120. According to Section 11, Paragraph 1, Clauses 1 and 2 of the *Civil Protection Law* all inhabitants including persons with disabilities have a right to receive information on civil protection and a warning about disasters in the state or relevant administrative territory and recommendations on action to be taken in case of disasters as well as to receive possible support in the case of disasters.

121. At the same time the Cabinet Regulations of February 17, 2004 no. 82 “On the Fire Safety” anticipate all legal entities to elaborate fire prevention instruction where shall be included an order how, in case of necessity, to evacuate persons with functional impairments and measures proper for the provision of this evacuation. This duty is controlled by the State Fire-fighting and Rescue Service.

122. NGO draw attention that majority of alerts are sound signals that endanger the safety of people with hearing impairments.

Article 12 – Equal recognition before the law

123. In order to implement obligations set in Article 12 of the Convention, there were made amendments in the *Civil Law*, *Civil Procedure Law* and *Law on Orphan’s Courts* that entered into force as from January 1, 2013. Changes in the legal rules foresee to derogate from withdrawal of the full capacity to act replacing it with the institute of restricted ability to act.

124. Until January 1, 2013 the legal rules of the *Civil Law* provided that the capacity to act may be fully restricted to a person who lacks all or the major part of mental abilities. It meant that a person itself could not take decisions on issues relevant for own life, for example, where to live, or to establish a family, and a person was denied political rights.

125. According to the *Civil Law* provisions in force a person shall not be restricted with regard to private non-economic rights, as well as to protect own rights and legal interests at institutions and courts with regard to the capacity to act and restricted freedom, disagreements, disputes with guardian and an assignment and withdrawal of a guardian. Capacity to act can be limited only in separate areas, for example, on financial issues and the rights to administer own property. Restriction of capacity to act in others fields shall be determined in legal rules of other fields in compliance with the human rights and provisions on how the rights shall be limited protected by the Convention and Constitution. However, the full limitation of capacity to act is not possible anymore as there are rights which cannot be deprived from a person and where statement of a will shall be expressed by a person itself, for example, to ally.

126. Capacity to act of persons with mental or other health impairments may be limited regarding action and administration over own property if it is necessary in the interests of this person and it is the only way how to protect them.

127. Article 358¹ of the *Civil Law* prescribes that the capacity of act of a person with mental or other health impairments may be limited only to the extent a person cannot understand the meaning of own action or cannot manage the own action. In that case a guardianship shall be set up for a person. When person’s abilities are assessed, the court, at first, defines if and to what extent a guardian with a person under guardianship acts together and only afterwards – if and to what extent a guardian acts independently.

128. In Latvia on December 31, 2012 there were 2,357 persons lacking capacity to act where guardianship was set up for 41 people. In the state social care centers 835 or 21.6% adult persons with severe mental impairments have a limited capacity to act.

129. All persons to date recognized as lacking capacity to act became persons with limited ability to act as from January 1, 2013. Limitations of abilities to act to these persons before shall be revised according to the new legal regulation within next seven years in compliance with transitional provisions of Article 62 of the *Civil Procedure Law*.

130. Existing rules on setting up the guardianship and adoption of common decisions for guardian and person under guardianship whose opinion must be always clarified was introduced considering the current legal and institutional system. Though legal regulation has to be foreseen also by introducing relevant benefit thereby there won't be a necessity in many cases to limit a person's ability to act and set up a guardianship. While this solution requires additional financial resources. Alternative legal regulation where a court will need not to limit an ability to act of a person is the introduced future authority regulation in Articles 2317¹ to 2317⁷ of the *Civil Law* that prescribe that with the future authorization an authorizer commissions with the authorized person to oversee his or her properties in case an authorizer due to health impairments or other reasons or conditions is not able to understand the meaning of own action and is not able to manage own action.

131. With regard to the said on November 19, 2013 the Cabinet of Ministers approved the informative report "On proposals for legal regulation on support mechanism for persons with disabilities" (approved in the Cabinet of Ministers on November 19, 2013, record no. 61 § 58) in order to continue the development of institute of ability to act by providing the support that is appropriate to the individual needs and abilities. Supported ability to decide is an alternative mechanism for limitation of person's ability to act. It prescribes that an ability to act of a person shall be maintained in a full amount but defining in which fields and scope a person needs a support provided by a support person.

132. In order to establish a proper mechanism of a support person considering that this type of service is not provided at the state and municipal level, and in other countries there exist various kinds of solutions that provide a support to these persons, therefore it is planned to implement a pilot project during 2014 and 2020 by introducing an institute of support persons in Latvia in order to find the most appropriate and most efficient solution for the support provision to these people.

133. NGO emphasize that it is necessary to improve an institute of ability to act by introducing alternative solutions, for example, a supported ability to decide. Legal regulations in force offer comparatively wide opportunities to the court to define a legal regulation on setting a person an ability to act that would comply with his or her interests as much as possible. However, a law practice attests that the opportunity to set a common ability to decide for a guardian together with a person under guardianship has not been applied as prescribed by the law, and also there have been limited such fields of private non-economic rights as the rights to take decisions about issues regarding medical treatment, rights to represent own interests at the state and municipal institutions, as well as courts, and still there have been announced several verdicts according to which a person's ability to act is limited in a full amount. NGO consider that the courts are not fully informed about the new regulation and its application options as well as there have not been provided effective trainings of judges and public prosecutors. Although current legal regulation in force prescribes a duty to invite a person to the court, in practice it is not always applied taking into account a conclusion by a court psychiatrist on person's inability or uselessness to participate at the sitting of a court.

Article 13 – Access to justice

134. Accessibility of electronic services facilitates persons with disabilities the access to justice. In 2013 an introduction of an electronic platform has been accomplished that will provide the accessibility of electronic services in the courts. By adopting the necessary amendments in legal rules, a circulation of documents within legal proceedings will take place in an electronic form. Likewise, there has been established a new portal of courts (www.tiesas.lv) where each person already now may follow a court proceeding on the internet – by entering a number of case or a number of a formal notice. Also an opportunity to introduce with anonymous court judgments case law in an electronic form is provided already now.

135. Equipment of all courts with video conference systems has been accomplished in 2012. Likewise there have been purchased mobile video conference facilities. Video conference facilities have been used in cases when the participant of a case is not able to arrive to the court due to staying in a medical institution, house arrest or in another city or even country. Necessary amendments were made in *Criminal Procedure Law* (Article 140, Article 382, and Clause 9 of Article 491, in force as of January 1, 2011); *Civil Procedure Law* (Article 149, in force as of September 30, 2011); *Administrative Procedure Law* (Article 204, in force as of January 1, 2013) and *Latvian Administrative Violations Code* (Article 289.⁷). According to procedural laws a decision on the use of video conference in criminal procedure, administrative procedure and administrative violations procedure is adopted by the court but a court trial by means of video conference in the civil procedure depends on the will of an applicant, wherewith a person may apply a contract to the court about the use of video conference facility during a legal proceeding.

136. **Administrative procedure** – on the basis of Article 110, Paragraph 4 of the *Administrative Procedure Law* a sign language interpretation is provided during the legal practice in order to ensure the rights to introduce with the case materials and participate at processual actions. Articles 35-40 of *Administrative Procedure Law* prescribe a person with special needs to choose a representative who is able-bodied and fully capable to act for the protection of his or her interests at both institution and court insofar as he or she cannot fully represent own interests. Law permits to arrange such representation at institution or court in verbal form or a court executes this authorization in written and encloses it to the case. Thereby legislation foresees a possibility to arrange such representation also without unnecessary formalities and expenses.

137. According to Article 260, Paragraph 3 of *Latvian Administrative Violations Code*, if a person who is subject to administrative liability does not know the language in which the record-keeping is conducted, shall have secured the right to use language which he or she understands, as well as to use the services of an interpreter according to the procedures specified by the Code. In this case taking into account the determination of administrative violation circumstances, an institution or a court has a possibility to invite a sign language interpreter if there is such a necessity. Basically, though, in such cases communication proceeds in the written form. If a person with disability is subject to administrative liability, he or she has a possibility to invite an attorney. According to Article 266 of Code a physical person may authorize an attorney also in verbal form on site at institution or a court. Given verbal authorization during the court, a procedure shall be recorded in the record of the legal proceeding.

138. **Criminal procedure.** Pursuant to CPL Article 8 an equality principle is defined as one of the basic principles in criminal procedure irrespective of whether a person has a determined disability thereby ensuring a person a possibility to implement all the rights set by CPL without any restrictions.

139. With CPL amendments in force as of October 27, 2013 inter alia implementing requirements of Directive 2010/64/EU of the European Parliament and the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, CPL Article 11 (*language applied during criminal procedure*) has been supplemented with a new Paragraph 6 that prescribes provisions for the rights of a person to use language he or she knows; and the use of interpreter assistance without compensation refers also to persons who have hearing, speech and visual impairments. These persons in the cases specified by the law are provided with documents available in the language they understand or in a way a person can perceive.

140. There are prepared amendments in CPL in order to improve regulation on compulsory measures of a medical nature (i.e., person who has committed a crime being in a state of incapacity). One of the most relevant amendments is related directly to guaranteeing an access to a court by a person against whom a procedure is taking place for applying a compulsory measure of a medical nature. Along with amendments it is anticipated to determine that a person's participation at the court proceeding is a basic principle and only in exceptional cases a court may decide whether participation of a person is consistent with his or her health condition.

141. Preparation of amendments was related with ECHR judgment in the case "*Beiere v Latvia*" where ECHR pointed out that the decision about designation of stationary court expertise was adopted without the presence of an applicant in the court proceeding and also not informing her about the date of a court proceeding. ECHR deemed that sufficient protection was not ensured to the applicant regarding unwarranted deprivation of liberty and possibility to participate at the court proceeding. Necessity of amendments was justified also by the identified problem in relation to the participation in the court proceeding by a person against whom the procedure of compulsory measures of a medical nature has been undertaken. During development of amendments there were taken into account statements submitted for the ECHR case "*Winterwerp v Netherlands*" (1979) where it was denoted that despite psychic illness being a reason for limiting the rights of a person regarding case hearing, however, it is not a reason to fully deprive the rights of a person guaranteed by the Article 6, Clause 1 of Convention (rights to a fair trial examination). The developed principle is included in CLP Article 283, Article 602, Article 603 and Article 608.

142. Amendments in the legal rules to increase the rights of a person to participate in processual actions have been submitted as proposals in the Parliament to draft law *Amendments in Criminal Procedure Law* (Parliament reg. no. 745/11). Prepared amendments prescribe to impose a court a positive duty to ensure the participation of a person in all processual actions unless there are identified circumstances that admit that as inadmissible or unadvisable.

143. **Civil procedure.** Article 13 of *Civil Procedure Law* defines a language of legal procedure. Regarding persons with disabilities who need a sign language interpreter in order to ensure an access to justice, a court shall ensure the rights to acquaint with the court materials and participate at processual actions using the assistance of interpreter, namely, in these cases assistance of the sign language interpretation shall be provided.

144. According to Article 56 of the *Civil Procedure Law* the legal notices and other documents prepared by a court that are prepared and submitted to the court by case participants but are further issued by a court may be supplied upon request of a participant or a court including electronic post. Likewise during the legal proceeding documents may be submitted also by post sending to the court in registered post-dispatch and a person has not a mandatory obligation to arrive at a court institution to submit documents or proofs.

145. With regard to Land Register procedure and corroboration, changing or extinguishing of immovable properties and related rights in the Land Register thereof, documents may be submitted by post, while duties may be repaid either by i-bank or arriving in personal to the Land Register offices of district (city) courts. Similarly the records in the Land Register are registered in electronic form (database – state unified computerized land register) and the records in this database have a legal effect. Thus, a person does not have to arrive to the Land Register office of a district (city) court if she or he wishes to check the records and the rights in the Land Register, but to see the records from a distance via internet.

146. NGO find that persons with disability lack information in easy-to-read language regarding available legal protection tools, for example, access of state provided legal assistance. State provided legal assistance on administrative issues, namely, in disputes between the state and individual, is available only for asylum seekers at appeal instance. Other people have to ensure legal assistance on their own expense. State provided legal assistance on civil issues is provided but only for low-income or needy persons and, besides, the quality of provided legal assistance is doubted. Persons involved in the legal procedure lack knowledge about the rights of persons with disabilities and communication methods for persons with mental impairments.

147. Also NGO point out that the access to legal protection tools for persons with mental impairments is limited as there is a lack of information about available legal protection tools and legal assistance, as well as there exist a communication obstacle especially with persons with intellectual impairments. It is a special concern regarding persons which are placed in long-term social care and social rehabilitation institutions.

Article 14 – Liberty and security of person

148. In compliance with national legislation persons with disability have the same rights as other persons to liberty and security of person and the rights for protection against unlawful or unwarranted action that prohibits such liberty.

149. Article 91 of the Constitution states that all human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind. Article 94 prescribes that everyone has a right to liberty and security of person. No one may be deprived of or have their liberty restricted, otherwise than in accordance with law.

150. *Criminal Law* states that a person shall not be subject to a criminal liability if during commitment of an offence a person was in a state of incapacity, namely, could not understand an action or to manage it due to psychic or mental impairments. Person who has a mental incapacity the court applies a compulsory measure of a medical nature (outpatient treatment in medical institution, treatment in specialized psychiatric hospital or unit with security staff). However, if during commitment of an offence a person due to psychic or mental impairments could not fully understand his or her action or to manage it, i.e., under limited mental incapacity, a court depending on offence circumstances may lessen sentenced punishment or dismiss a punishment by applying the above said compulsory measures of a medical nature.

151. According to Article 65 of the *Medical Treatment Law* persons with mental impairments or mental illnesses shall be ensured all the civil, political, economic and social rights provided for by rules. The said impairments or illnesses shall not be a basis for discrimination of an individual. In general psychiatric assistance shall be based upon the voluntary principle and stationary psychiatric assistance shall be provided with written permission of a patient. At the same time there are determined cases when psychiatric

assistance is provided without the consent of a patient, int. al., if a person threatens itself or other persons and if a medical person has established that a person has psychic health impairments that possible consequences could cause serious danger on a person itself or other peers. Taking into account that a patient has a right to receive information about his or her rights and duties, during treatment, in cases when a person receives psychiatric assistance, without consent of patient, if only it is possible, explains the necessity of providing such assistance.

152. NGO highlight that despite prescribing in legal rules that a person cannot be limited in private non-economic rights, in practice implementation of these rights is very limited and applies mainly to persons who have not limited capacity to act as there are situations when persons with limited abilities to act may leave long-term social care and social rehabilitation institution only with the permission of a guardian and having accompaniment by another person.

153. NGO point out that there is an Article in the *Law on Social Services and Social Assistance* that prescribes institutionalization of a person if there is no possibility to provide the necessary amount of service in the municipality. There are cases when municipalities apply this legal rule to place a person in the institution instead of developing society based services. Therefore it is necessary to implement measures to prevent institutionalization of persons with severe functional impairments.

Article 15 – Freedom of torture or cruel, inhuman or degrading treatment or punishment

154. Persons with disability equally to other people have the same rights to freedom of torture or cruel, inhuman or degrading treatment or punishment kinds.

155. According to the *Law on Protection of the Rights of the Child*, if a child with special needs has been conveyed to the police, conditions for fulfilling the special needs of the child and, if necessary, a specialist for provision of medical or other assistance shall be ensured. It is planned that as of January 1, 2014 in force will enter the Cabinet specified procedure on how the police establishes whether a child has special needs and invites a responsible specialist and a procedure on how the conditions are provided to satisfy the special needs of a child. According to the said procedure it is anticipated that regulations regarding adaptations to ensure special needs of a child at the police station, i.e., providing mobility options and adapting water-closet accordingly for persons with movement impairments will enter into force as of January 1, 2016.

Article 16 – Freedom from exploitation, violence and abuse

156. Persons with disability equally to other people have the same rights to freedom from exploitation, violence and abuse.

157. According to the *Law on Social Services and Social Assistance* persons, incl. persons with disability and children suffered from unlawful and violent actions, have the right to the state paid social rehabilitation services.

158. From the state budgetary resources there are available services to children who have suffered from crime, exploitation, sexual exploitation or were subject to violence or any other unlawful, cruel or dignity offending activities. An aim of the rehabilitation is to

ensure that a child could recover physical and mental health and integrate in the society.⁵ Social rehabilitation services to a child who has suffered from violence provide at the place of residence, imprisonment, social correction education institution and child care institution (not exceeding ten 45 minutes long consultation times) or social rehabilitation institution (social rehabilitation cycle from 30 or even 60 days). Social rehabilitation services to children suffered from violence shall be provided at their place of residence by psychologist, psychotherapist or social worker who has acquired a training program and obtained the relevant certificate, as well as at social rehabilitation institution specified by *Latvian Children's Fund*. Since January 1, 2010 social rehabilitation services to children suffered from unlawful actions are provided by foundation "Latvian Children's Fund".

159. State paid social rehabilitation services are available also for victims of trafficking in human beings, including persons with disability. Specific requirements of persons with disabilities are taken into account also in individual social rehabilitation plans on the basis of which social rehabilitation is provided to victims of trafficking in human beings. Preparing social rehabilitation plan a duty of a social service provider is to gather information about special needs and problems of a person. The procedure for receiving a service is determined by the Cabinet of Ministers.⁶

160. State paid social rehabilitation service for victims of trafficking in human beings is provided until 6 months. Implementing Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JH, since 2013 there has been introduced a support mechanism for victim of trafficking in human beings during the whole period of criminal procedure, if such is started. During service provision not only psycho-social assistance and individual specialist consultations (lawyer, social worker, psychologist) are provided to a person but also a service of interpreter, assistance in completing legal papers, representation in the court in case of necessity. These services up to 150 hours a year a person may receive also in the case, if 6 months foreseen for the service are passed.

161. Currently social rehabilitation services for able-bodied violence victims are not available from the state budgetary resources. However, considering the increasing necessity to introduce a complex approach in addressing violence reasons and consequences caused thereof, from January 1, 2015 there will be launched a state paid social rehabilitation program for able-bodied persons who have suffered from violence. A necessity to introduce the said service results also from Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

162. According to *Criminal Law* on aggravating circumstances, a crime, if it is committed towards a woman given that she is pregnant, and if a crime is committed towards a person who has not reached fifteen years of age or towards a person using its helpless situation or weakness due to old age among others, shall be recognized as a crime (Article 48).

⁵ Procedure by which children receive social rehabilitation services from the state budgetary resources prescribe Cabinet Regulations of December 22, 2009 no. 1613 "Procedures for Providing the Necessary Assistance for the Child Suffered from Unlawful Activities".

⁶ Cabinet Regulations of October 31, 2006 no. 889 "Regulations Regarding the Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings".

Article 17 – Protecting the integrity of the person

163. In Latvia persons with disability equally to other people have the same rights for the protection of their health and security as well as protection against torture and inhuman behavior during medical treatment.

164. Constitution protects honor and dignity of all people, also people with disabilities. Torture, cruel or degrading treatment of human beings is prohibited. No one shall be subject to cruel or degrading punishment (Article 95).

165. Regarding forced abortion in Latvia each woman has a right to choose on a voluntary basis to preserve a pregnancy or not. Wherewith women are protected from forced abortion.

166. If a woman chooses to terminate the pregnancy, i.e., to perform an abortion, she has to know that a doctor's action in such situations is strongly determined by regulations: a woman has to be informed for several times about the consequences of pregnancy termination. Besides, a legal abortion shall be performed not earlier than 72 hours following issue of relevant referral.

167. Induced abortions may be legal and medical. Legal abortion is a termination of a pregnancy performed following a wish by a woman until 12th week of pregnancy (11 weeks and 7 days) in medical institution. While medical abortion is a termination of a pregnancy due to medical indications until 24th week of pregnancy (23 weeks and 7 days) or, if pregnancy results from rape, until 12th week (11 weeks and 7 days) in medical institution.⁷

168. According to data by the Centre for Disease Prevention and Control a number of induced abortions reduce year by year. In 2012 there were performed 6,197 abortions (in 2011 – 7,089; in 2010 – 7,443, in 2009 – 8,881). The majority or 65.4% thereof in 2012 were legal abortions (in 2011 – 67.4%, in 2010 – 67.4%, in 2009 – 70.1%), 30.6% – miscarriage and 1.7% – medical abortions.

169. A number of abortions (both absolute and relative) performed in dynamics reduce year by year. During last 12 years an indicator of induced abortions per 1000 children born alive has considerably (for 55%) reduced – from 854 abortions in 2000 to 384 abortions in 2011. Though, comparing this indicator with the EU average, it is still high. Of all abortions 10% is the first pregnancy that has been terminated.

170. According to *Criminal Law*, if abortion is performed without permission by a pregnant woman or abortion has caused a death of a pregnant woman, or other severe consequences have occurred, a punishment implies deprivation of liberty from five to fifteen years preventing from the rights to deal with treatment until five years or without. Criminal liability is determined also due to pressure to perform an abortion. In case abortion is performed due to pressure to perform an abortion, a punishment implies deprivation of liberty until two years or arrest, or forced labour, or a fine until forty minimum monthly wages (Articles 135 and 136).

Article 18 – Liberty of movement and nationality

171. Article 97 of Constitution prescribes that everyone who legally resides in the territory of Latvia has a right to freely move and choose a place of residence. Article 98

⁷ Cabinet Regulations of October 23, 2003 no. 590 “Organizational Procedures for the Termination of Pregnancy”.

determines that everyone has a free choice to leave Latvia. Everyone, who has a passport of Latvia, outside Latvia is under protection of the state and he or she has a free choice to return to Latvia. Citizen of Latvia shall not be extradited to foreign countries except of cases stipulated in international agreements approved by *Saeima* and if by extradition there are not violated human basic freedoms defined in Constitution.

172. According to legal rules of the Republic of Latvia the newborn children with disability after birth are registered like newborn children without disability. According to *Civil Status Document Law* a notification about child birth shall be made to civil registry institution within a month after a child birth. A birth fact is registered by civil registry institution making a record in a Birth Register. The following information is included in Birth Register: name, surname, personal identity number (if assigned), gender, nationality, state affiliation (if defined) of a child a.o.

173. The citizenship of Latvia is granted or revoked according to criteria set out in *Citizenship Law* that are not related to disability of a person.

Article 19 – Living independently and being included in the community

174. As of January 1, 2013 a new service for persons with disabilities has been launched – a municipality based service of an assistant for performing activities outside home.⁸ An assistant service is eligible to:

- Person with Group I or Group II disability, on the basis of conclusion by the State Commission on the necessity for a service of an assistant;
- Person with disability aged 5 to 18 years, on the basis of conclusion by the State Commission on the necessity for special care due to severe functional impairments.

175. Service of an assistant is amounted to 40 hours a week within the territory of Latvia (except for persons with Group I visual disability who receive a benefit for using a service of an assistant 10 hours a week and who receive a service up to 30 hours a week if a service of assistant exceeds 10 hours a week that is specified by the municipality social service office).

176. From January 1, 2013 to September 30, 2013 the service of an assistant was received by 2,191 persons with disability and service was provided by 2,156 assistants. Of assistant service recipients 16% were children, 52% people with Group I disability, 32% people with Group II disability. Persons with disability use this service basically to:

- Do shopping, spend free time, attend cultural events a.o. – 43%;
- Arrive to work, educational institution, day center – 13%;
- Receive medical treatment services (incl. attend a family doctor) – 13%;
- Engage in public activities (work in associations, to do in for sports a.o.) – 9%;
- Single measures – 22%.

177. Also as of January 1, 2013 a new service for persons with hearing disability has been launched – persons with hearing impairments are eligible to receive state paid services of a sign language interpreter to ensure communication. In the framework of a service a

⁸ Assigning of a service of assistant in the municipality is regulated by the Cabinet Regulations of 18 December, 2012no. 942 “Procedure for Allocation and Financing a Service of an Assistant in the Municipality”.

sign language interpreter is provided during communication with other physical and legal persons – up to 120 hours a year. This service is provided to persons whose hearing impairments cannot be compensated by technical aids, on the basis of confirmation by attending physician stating that a person has hearing impairments and he or she needs a service of a sign language interpreter. The service is required by about 1,200 persons with hearing disability that received this service so far in the framework of social rehabilitation services.

178. People with Group I disability (irrespective of the type of impairment), people with visual or hearing Group II disability and people until 18 years of age to whom medical indications are determined implying a necessity for special care of a disabled child, are entitled to the support to adapt one dwelling (support is provided by allocating a funding from the state budgetary funds to compensate the interest paid by a person for adapting a dwelling in compliance with an agreement with credit institution registered in the Republic of Latvia). Given that the said support for adapting a dwelling covers only interest in the credit institution and that credits for persons with disability often are unavailable, one of the measures included in the Guidelines under a course of action “Social protection” involves a revision of the state support for adapting a dwelling to persons with disability.

179. Apart from the state support to adapt a dwelling given above, also several municipalities have defined a support to adapt a dwelling (for example, in Riga, Jelgava, Bauska Daugavpils, Jūrmala, Tukums, Kocēni a.o.) – in both ways a fixed amount of money and performing particular adapting (installation of ramps or lifts a.o.).

180. An aim and measures to be implemented under the Guidelines for the Development of Social Services 2014–2020 (Cabinet decree of 4 December, 2013 no. 589) are targeted on ensuring a provision of society based services appropriate to the needs of an individual in order to facilitate the utmost of his or her self-care possibilities and independent living, ensure the necessary psycho-social support in crises situation, promote opportunities of family members to integrate in the labour market by reconciling the work and family life, and to ensure decent living conditions and high quality services at care institutions to those persons who due to severe functional impairments and health status cannot provide self-care and whose care requires continuous supervision of specialists.

181. As deinstitutionalization is one of the main directions in the Guidelines, it is planned to attract financing from EU structural funds to implement it. Within framework of deinstitutionalization it is planned to explore the needs of clients living in social care institutions and develop infrastructure and services in the municipalities appropriate to the needs of individuals, to close affiliates of the state social care centers and ensure training of specialists to provide new services. Also there are planned measures to cease placing of new clients in institutions primarily ensuring non-familial care in a family environment for children aged 0 to 3 years and limiting the placing of person of age with indications to receive long-term social care and social rehabilitation services in care institutions if there are possibilities to receive services alternative to institutions.

182. As a result of deinstitutionalization 700 persons with mental impairments will have an opportunity to replace the long-term social care and social rehabilitation services with the services at the place of residence. At the same time it is planned to reduce a number of client places by 1,000 at the state financed long-term social care and social rehabilitation institutions. Also it is envisaged to create new places of a service provision or establish additional places for the provision of society based services for 1,400 persons.

183. When planning availability of the society based services (home care, day centers, support staff o.o.), there will be taken into account the needs of various groups of clients — persons with mental impairments, children, seniors, persons with physical impairments, persons in crises situations and others — by strengthening a cooperation with health care

system. Special focus of principles of a service organization will be laid on the development of multidisciplinary services including development of services for palliative clients, rehabilitation of addicted persons, provision of outpatient services of mental health care, development of society based rehabilitation services as well as inter-sectoral cooperation in the health promotion and prevention.

184. In 2012 the state financed long-term social care and social rehabilitation services for persons with severe mental impairments and blind persons (Group I and II disability) were provided by 5 state social care centers with 30 affiliates and 13 contract organizations. In total 5,588 persons received the said services in these institutions in 2012. Comparatively, in 2010 these services provided 5 state social care centers with 33 affiliates and 13 contract organizations. In total 5,680 persons received the services in these institutions in 2010.

185. In 2010, 2011, 2012 and also 2013 operated 11 group homes (apartments) for persons with mental impairments that could provide a service for 160 clients to the utmost. From the state budgetary resources there are co-financed only these group homes (apartments) whose clients are placed after termination of a service provision at the long-term social care and social rehabilitation institution. At the same time in Latvia 6 half-way homes operate that were established by state social care centers and which prepare persons for independent living incl. for transition to the group home.

186. In 2012 operated 24 day care centers for persons with mental impairments where 938 clients received the services. While in 2011 operated 28 day centers where 823 persons with mental impairments received services and at 8 day care centers 320 children with disability received services.

187. Totally in Latvia 24 day care centers operated for persons with mental impairments in 2012 where 938 clients received the services. Since 2009 there is a slight increase in a number of such day care centers and clients which receive these services, as in 2009 there were 18 day centers where 73 clients received the services. In 2012 from the state budgetary resources there were co-financed 2 day care centers for persons with mental impairments, in 2011 – 7 day care centers for persons with mental impairments.

188. Home care was received by 1,526 able-bodied persons with disability (persons with severe and moderate disability) and 187 able-bodied persons with mental impairments, and also 84 children with disability and functional impairments. Home care and related services were provided by 95 municipalities out of 119 and in total the services received 10,197 persons.

189. In Latvia 3 workshops for persons with mental impairments proceed to operate (in Daugavpils, Rīga and Strenči) where working skills are improved in order to apply it at specially created subsidized working places or the free labour market.

190. During planning period of European Union (EU) structural funds for 2007–2013 by supporting the development of social rehabilitation services and services alternative to institutions there are being implemented 97 projects (day centers, home care, the rest time service, development of psycho-social assistance a.o.). According to information by SEA in 2011 within framework of implemented projects under open call for proposals social services received 2,878 persons, incl. persons with functional impairments – 571,168 persons with mental impairments thereof, but in 2012 – 10,700 persons incl. persons with functional impairments – 2,242 persons, 991 persons with mental impairments thereof. 5 projects where the direct target group is persons with mental impairments included 594 persons where 498 were clients of the state social care center affiliates.

191. NGO point out that the majority of social service recipients receive long-term social care and social rehabilitation services in institutions. Only a small number of municipalities provide the society based services. Problem is related to the insufficient number of half-

way homes and groups homes (apartments) where a change of clients takes place very slowly. Likewise social apartments for persons who lived before at the group homes (apartments) are actually unavailable. They also denote that, despite a direction from the long-term social care and social rehabilitation institutions towards a life in a society, such opportunity will be possible only for those clients who according to the evaluation will be recognized as the most perspective or the most suitable for living in the society. Thus there is a risk that at the long-term social care and social rehabilitation institutions there will remain persons with very severe functional impairments (incl. also mental ones).

192. In Latvia the state finances also institutional care and alternative services for persons with intellectual impairments, psychic illnesses and persons with visual impairments. Care of people with movement impairments, deaf persons and other disabilities is under responsibility of a municipality. People with severe movement impairments receive the state financed long-term care and it depends on the financial situation of respective municipality and it is different among various local governments.

Article 20 – Personal mobility

193. All people have a right to independent and free movement including persons with disability.

194. Currently in Latvia there are trained three dog guides who have been used to provide a support for people with vision impairments. The dogs are prepared in the framework of ESF co-financed project “Development of social rehabilitation services for persons with visual impairments in Latvia” implemented by MoW and LSB from 2009 to 2013. As implementation of the project showed that a service of dog guides for persons with vision impairments is very necessary there will be assessed opportunities to continue the provision of a service for the state budgetary resources.

195. Service of technical aids is available to persons with disability, children with disability, persons who need a technical aid to prevent functional incapacity, persons with a predictable disability (if necessity of technical aid is determined in individual rehabilitation plan) and persons with anatomic defects (eligible for prosthetics or orthopedic footwear). Within the scope of a service there is made an assessment of functional abilities of a person, production of relevant technical aid, adjusting, training on instruction, repair, provision of turnover and also the delivery to the place of residence of a person.

196. Technical aids are equipment or different technical systems that prevent, compensate, alleviate or neutralize reduction of a function or disability. As of September 1, 2009 a supply of technical aids to people was delegated to the State Ltd. “National Rehabilitation Centre” “Vaivari” and non-governmental sector. From January 1, 2010 a provision of persons with the sign language techniques took over LAD, but a provision of persons with the typhlo-technique and ocular prosthesis – LSB.

197. Due to shortage of finances as a result of economic crisis it was needed to limit the scope of persons entitled to receive separate technical aids free of charge (for example, breast prosthesis), and to adopt other unpopular decisions. The said decisions were needed to adopt in order to preserve an option under reduced funding circumstances to allocate the bulk of financing to provide technical aids for persons with severe functional impairments. Currently, allocation of separate technical aids for the state budgetary resources is renewed (for example, provision of breast prosthesis), though in separate groups of technical aids like individual mobility aids, footwear, hearing aids there has been formed a long line due to a high demand. On October 1, 2013 there were 9,088 people in line for technical aids. To receive a technical aid urgently there were 1,049 people in line. On average there are about 500 people in line every month in Latvia.

198. On January 1, 2011 there were 9,975 persons in line for technical aids (including 1,144 persons who need technical aids urgently), on January 1, 2012 a number of people in line for technical aids increases to 10,981 persons (incl. 1,100 in urgent need). While on January 1, 2013 a number of persons in line for technical aids was 9,884.

199. In order to improve the availability of technical aids, the legal rules on the receipt of a service are constantly improved (it is envisaged that people shall purchase technical aids providing a co-payment; it is anticipated that the separate technical aids people shall receive out of line to continue a treatment procedure).

200. It is expected that the situation regarding the provision of technical aids will improve in 2014 as the financing to ensure availability of technical aids for persons in line will be increased by 133% if compared to current allocated funding. MoW forecasts that the increase of budgetary resources in 2014 will enable persons in line to receive technical aids until the end of 2014. Likewise to continue the availability of technical aids in coming years, it is planned to increase a funding by 29% against the amount currently available.

201. Persons with Group I and II disability, persons with disability aged until 18 years and a person accompanying a person with Group I disability or person with disability until aged 18 years are entitled to use for the state budgetary resources all kind of public transport except air transport, taxi and passenger traffic on inland waters in the territory of the Republic of Latvia free of charge.

202. Separate municipalities, for example, Rīga and Salaspils provide free public transport from the municipal budget for persons with Group III disability.

203. To improve environmental accessibility for persons with restricted mobility in public transport, some municipalities provide a service of specialized transport. Specialized transport takes persons with movement impairments to educational institutions, treatment institutions, cultural events a.o. public places.

204. Persons with disability who have mobility, incl. movement impairments are assigned a benefit for compensation of transport expenses for people who have restricted movement. An aim of the benefit is to support and promote an inclusion of these people in the society and it is assigned to a person who has a determined disability or whose child has a determined disability and has a conclusion issued by the State Commission on medical indications to purchase a specially adapted car and a receipt of an allowance. The amount of the benefit is 79.68 euro for each six months full period and it is paid two times a year counting from the day when the said conclusion by the State Commission has been issued.⁹ According to the data by SSIA in December 2012 this benefit received 16,556 people.

205. NGO highlight that it is necessary to establish a consultative council on issues related to technical aids where users of technical aids themselves (NGO representatives) shall be involved because currently NGO are invited only in some cases.

206. NGO point out that children with movement impairments in the state social care centers wait for a wheelchair more than a year wherewith a functional condition of a child substantially decreases and disability intensifies. When the turn has come, a child has grown up already and optometric indicators have changed, and the wheelchair is not appropriate anymore.

⁹ Cabinet Regulations of 22 December, 2009 no. 1606 “Regulations regarding the Amount of Allowance for the Compensation of Transport Expenses for Disabled Persons who have Difficulties in Movement, the Procedures for the Review thereof and the Procedures for the Granting and Disbursement of Allowance”.

Article 21 – Freedom of expression and opinion, and access to information

207. Article 99 of Constitution prescribes that everyone has the right to freedom of thought, conscience and religion. Article 100 of Constitution determines that everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express his or her views. Censorship is prohibited.

208. In the framework of project “Availability of life-long learning for persons with intellectual disability” the standards of easy-to-read language were translated in Latvian which are anticipated for preparing an easy and comprehensible information for people with intellectual development impairments and people to whom the Latvian language is not the native one or who have difficulties to read or understand information.¹⁰

209. In the Regulations on the procedure by which institutions place information on the internet to ensure its availability it is prescribed that apart from information on the institution, policy field news and other information, it is required to provide information in an easy-to-read language (“easy-to-read”),¹¹ in readily comprehensible language include a short descriptive information regarding the institution and other information, which the institution regards as necessary. The said provision does not always imply that the inserted information complies with the standards of easy-to-read language therefore its compliance with the easy-to-read language standards and wherewith its availability for persons with intellectual development impairments it is possible to check within Inclusion Europe home page.¹²

210. Persons with disability may receive timely information provided to a broader public on the internet, for example, news websites and home pages of relevant state institutions where it is possible to enlarge a font of written signs, and also some news are available on video, TV and radio. Likewise, persons with disability may receive information they are interested in by contacting the relevant institution in an electronic form, phone or to appear in person.

211. On MoW home page there is a section “For persons with disability” where information about disability determination, social guarantees, allowances for persons with disability etc. (with an option to enlarge relevant sign fonts) is provided. Also on MoW homepage there is a video gallery where are inserted video materials about MoW current issues, for example, conferences, studies, services (a service of an assistant in the municipality for persons with disability) a.o.

212. Receipt of literature and necessary information for persons with vision impairments in accessible way is provided by LLB in Rīga and its regional affiliates. In the library there were registered 2,056 readers in 2012 to whom 265.3 thousands of books and other publications were issued. LLB provides specialized services for blind persons, persons having partial vision loss and others who cannot read the usual print using traditional library services and specialized computer technique ensuring the availability of necessary information in Braille, audio books and electronic form.

213. A number of broadcasted programs by LTV1 that are subtitled and signed increase year by year. In 2010 there were broadcasted 150 hours with subtitles and sign-language

¹⁰ Additional information about the project and easy-to-read language standards incl. in Latvian are available at the home page <http://inclusion-europe.org>, section “Pathways II”.

¹¹ According to Article 10 of Cabinet Regulations of 7 March, 2007 no. 171 “Procedures by which Institutions Place Information on the Internet”.

¹² http://inclusion-europe.org/checklist_lv/.

interpretation (i.e., 53 hours more than in 2009); in 2011 – 205 hours (i.e., 55 hours more than in 2010). As of February 2012, the LTV for allocated state budgetary resources could considerably extend the broadcasting of programs and movies with subtitles and sign-language interpretation. During weekdays there was launched a broadcasting of news by regional communities; solemn meeting of the *Saeima* on occasion of the restoration of Independence Day on May 4 and opening statement by President of Latvia before elections of 10th *Saeima* was broadcasted using the sign-language interpretation for the first time.

214. A choice of programs and movies broadcasted by LTV using subtitles and sign-language interpretation is made in close cooperation with LAD and taking into account suggestions by people with hearing impairments. Implementation of the project proceeded in several phases, extending the scope of subtitled programs after a couple of months and finding the most suitable technical solution as it is a new experience for LTV. The choice for subtitling any new program cycle or movie is agreed with LAD, LAD newspaper “Kopsoli” has summarized the views from deaf viewers about demonstrations of programs with subtitles and sign language interpretation.

215. In 2010 there were broadcasted 150 hours with subtitles and sign language interpretation, in 2011 — 205 hours while in 2012 — 1,079 hours subtitles and sign language interpretation at both LTV1 and LTV7 programs (i.e., 874 hours more than in 2011).

216. NGO indicate that the given number of hours in percentage makes insignificant part of total LTV broadcasting time that makes people with hearing impairments disappointed. Following initiative by LAD the National Electronic Mass Media Council has submitted amendments to the *Saeima* in *Electronic Mass Media Law* and in case of adoption of the said amendments there will be a substantial increase in a number of subtitled programs.

Article 22 – Respect for privacy

217. Article 96 of the Constitution prescribes that everyone, incl. persons with disability has the right to inviolability of his or her private life, home and correspondence.

218. Personal data and information regarding health and rehabilitation of a person with disability which relates to an identified or identifiable patient equally to other people shall be protected in accordance with the legal rules regulating the protection of the data of natural persons. Information regarding a patient may only be disclosed with his or her written consent or in the cases prescribed by the *Law on the Rights of Patients*. The said information shall not be disclosed also after a death of a patient.¹³

Article 23 – Respect for home and the family

219. According to amendments of the *Civil Law* in force as of January 1, 2013 persons with disability shall be not be restricted in ability to act regarding the rights to ally. Wherewith persons with disability equally to others are entitled to ally according to the procedure specified by law.

220. According to the procedures for adoption set by the Cabinet a statement regarding the state of health of the adopter, in which congenital and acquired diseases of the adopter are specified, if such exist, is one of the document an adopter shall present to the orphan’s

¹³ Law on the Rights of Patients, Section 10.

court.¹⁴ Section 29 of the *Law On Orphan's Courts* prescribes that in evaluating the compliance of a person with the fulfillment of the duties of a guardian, an Orphan's court shall take into account the opinions regarding the person's health condition, which are provided by a family doctor in whose care the person has been for at least six months, as well as by a psychiatrist and narcologist. However, a disability of a person does not imply that a person shall not become an adopter or guardian since an ability of person to take care of a child is primarily evaluated.

221. During upbringing of a child parents with disability receive a financial support within framework of universal state benefit system for families with children paying to parents with disability the same state social insurance and state social benefits as to parents without disability.

222. Disability of a child or of one or both parents cannot be a ground to separate a child from a family since according to the *Law on Protection of the Rights of the Child* a child may be separated from his or her family, if: the life, health or development of the child is seriously threatened due to violence or if there are justified suspicions regarding violence against the child, as well as due to lack of care or due to the circumstances of his or her home (social environment) and it is not possible to allay the circumstances unfavorable to the development of the child, if he or she remains in the family; the child is seriously threatening his or her health or development by using alcohol, narcotic or toxic substances and it is not possible to allay the circumstances unfavorable to the development of the child; or the child has committed a criminal offence.

223. A child has a right to wholesome living conditions, namely, a child has the right to such living conditions and benevolent social environment as will ensure his or her full physical and intellectual development. Also every child shall receive adequate nourishment, clothing and housing. A child with physical or mental impairments also has the right to everything that is necessary for the satisfaction of his or her special needs.¹⁵

224. A child with special needs (a child who due to illness, trauma or functional impairment of an organ system caused by an innate defect has a need of additional medical, pedagogical and social assistance irrespective of whether there is a determination of disability in accordance with procedures set out by law) has a right to live a wholesome life. A child with special needs has the same right to an active life, the right to develop and acquire a general and professional education corresponding to the physical and mental abilities and desires of the child, and the right to take part in social life, as any other child.¹⁶

225. A child with functional impairments has the right to a special parental care. While the state and local governments shall assist a child with special needs to integrate into society and ensure for him or her education, health care and social services in accordance with regulatory enactments. Pedagogical and social workers shall be specially trained for work with children with special needs. For this purpose MoES and MoW shall develop special training programs.¹⁷

226. There are set measures in Latvia that reduce an option of hiding a child, namely: a notification about child birth shall be made to civil registry institution within a month after a child birth. A father or a mother of a child (or an authorized person) has a duty to provide a notification. If parents of a child are deceased or due to other reasons they cannot made a notification about a birth of a child, medical person or other person presented at the birth

¹⁴ Cabinet Regulations of 11 March, 2003 no. 111 "Procedure for Adoption", Clause 13.

¹⁵ Section 10 of the Law on Protection of the Rights of the Child.

¹⁶ Section 54 of the Law on Protection of the Rights of the Child.

¹⁷ Ibid, Sections 55, 56.

has a duty to make a notification about the birth of a child;¹⁸ local government has a duty to conduct, in the relevant administrative territory, the registration of children residing therein;¹⁹ the State Service of Education Quality shall perform registration of children who have reached mandatory school age.²⁰

227. Disability of a child or of one or both parents cannot be a ground to separate a child from a family. When separating a child from his or her family, he or she shall be ensured extra-familial care with a guardian, a foster family or in a childcare institution, as well as free-of-charge emergency care in medical treatment institutions or assistance in rehabilitation institutions. A child is primarily ensured with an opportunity to upbringing with a guardian or a foster family. Extra-familial care in child care institution shall be ensured, if care by a guardian or a foster family is not appropriate to a particular child. A child shall stay in a child care institution until appropriate care by a guardian or a foster family is ensured.²¹

228. A child with special needs, whose care his or her family is not able to ensure, shall be taken into the full care of the state or local government according to the procedures specified in regulatory enactments. Where a child with special needs is placed for adoption, the adopters shall be informed regarding the state of health of the child, developmental characteristics and their consequences, and the special nature of care for the child.²²

229. Latvian legal rules do not prescribe a forced sterilization. According to Section 24, Paragraph 3 of the *Sexual and Reproductive Health Law* a surgical contraception is made only upon the written consent of the patient (if the patient is a person lacking a capacity to act – upon the written consent of a guardian). Besides, the given legal norms prescribe criteria by which a surgical contraception is applicable: to a patient exceeding 25 years of age or to a patient (also less than 25 years of age) in the case of medical indications, on the basis of an opinion of the council of doctors.

230. Treatment incl. surgical manipulations in Latvia shall be performed only upon the consent of the patient according to the *Law on the Rights of Patients*. Wherewith a forced sterilization is prohibited.

Article 24 – Education

231. Article 112 of the Constitution anticipates that everyone has the right to education. The State shall ensure that everyone may acquire primary and secondary education without charge. Primary education shall be compulsory.

232. Section 3¹ of the *Education Law* prescribes a prohibition of differential treatment, namely, persons have the right to acquire education regardless of the material and social status, race, nationality, ethnic belonging, gender, religious and political affiliation, state of health, occupation and place of residence. Also Section 11 of *Law on Protection of the Rights of the Child* anticipates that the State shall ensure that all children have equal rights and opportunities to acquire education commensurate to their ability.

233. According to Section 57 of *Education Law* parents have the right to choose the educational institution in which the child will acquire education.

¹⁸ Section 24 of the Civil Status Document Law.

¹⁹ Section 15, Paragraph 1, Clause 22 of the Law On Local Governments.

²⁰ Article 4 of Cabinet Regulations of 23 April, 2013 no. 225 “The State Service of Education Quality”.

²¹ Section 27 of the Law on Protection of the Rights of the Child.

²² Section 55, Paragraph 3 and 4 of the Law on Protection of the Rights of the Child.

234. In the 2011/2012 academic year there were 41 special pre-school educational institutions in Latvia. On September 1, 2012 special pre-school educational institutions attended 3,497 children with special needs, but in 2011 – 3,601 children with special needs.

235. In Latvia during 2012/2013 academic year there are 807 comprehensive schools in total, (200,706 pupils), of which special education institutions amounted to 61 (7,916 pupils) (in the 2010/2011 academic year there were 63 special education institutions).

236. There is a continuous tendency of an increase of a number of educatees who continue to learn in professional education institutions — in the 2012/2013 academic year there were 382 students, but in the 2010/2011 academic year — 348 students.

237. By improving the professional skills of teachers, where they receive information regarding the rights of people with disabilities, there are developed further educational programs for teachers: in 2010 – 20 further educational programs (400 teachers have received documents on improvement of professional qualification); in 2011 — ten further educational programs (400 teachers); in 2012 — nine further educational programs (360 teachers); in 2013 – seven further educational programs (200 teachers).

238. As of September 1, 2012 persons with disability are entitled to receive a new support service – service of an assistant in education institutions to support mobility and self-care. Assistant service includes assistance to perform the following activities: moving within education institution; performing self-care (for example, personal hygiene, assistance during meals, putting on or taking off the clothes, sorting clothes); communication with teacher; taking notes in lectures and preparing lecture materials; school supplies and arrangement of work place; interaction with peers and other people in education institution (for example, during breaks and extended school day groups, after school activities a.o.); participation at events by education institution a.o.

239. Assistant service for mobility and self-care in education institutions in 2012 received 200 educatees. The highest number of assistants was in Riga – 30, Daugavpils – 18, Jelgava – 12, Liepāja – 10. Assistant service for mobility and self-care in 2013 received 214 educatees.

240. Also persons with hearing impairments are entitled to receive state paid service of a sign language interpreter to acquire a professional education program. This service is eligible to persons with hearing disability who acquire professional basic education, professional secondary education or higher education. The service is provided from the 1st September, 2012 and in the framework of this service there is ensured a sign language interpreter during learning process up to 480 academic hours within one study year. Service of a sign language interpreter provides Latvian Association of the Deaf for the state budgetary resources.

241. In 2012 a service of sign language interpreter provided 19 sign language interpreters (incl. 10 structural units in Riga, Valmiera, Daugavpils, Smiltene, Liepāja, Alūksne, Kuldīga, Rēzekne, Ventspils, Barkava and 14 education institutions). In 2013 a service of a sign language interpreter provided 35 interpreters, incl. at 20 education institutions. In 2012 a sign language interpreter support for acquisition of education program received 45 clients, in 2013 – 76 clients.

242. In *General Education Law* special needs are defined as “a necessity to receive such kind of support and rehabilitation that creates the possibility for an educatee to acquire an education appropriate to his or her health condition, skills and level of development”. The said law also prescribes the availability of appropriate support measures for educatees with special needs who are integrated in general education institution shall be provided by education institution. Education institution shall elaborate individual plan for each educatee

with disability to acquire education program. In development of these plans there have to be involved educatee and his or her parents.

243. A duty to evaluate the health condition, abilities and level of development of an educatee and provide an opinion on the most appropriate education program for an educatee is prescribed to pedagogical medical commission of the state and local government. The responsibility of pedagogical medical commission of the state and local government has been extended with setting a new task to define support measures appropriate to the needs of educatees with disability. Unlike current medical model where the requirement for implementation of special education program is driven by the set diagnosis, a pedagogically psychological approach anticipates evaluation of an impact of impairment or illness of an educatee on education process thereby reducing social exclusion risk of educatee with special needs.

244. One of the tasks by pedagogical medical commission of the state and local government is to promote inclusion of educatees with special needs in general education institutions. Specialists of pedagogical medical commission of the state and local government ensure consultative and methodic support to education institutions, local governments, parents on issues regarding the provision of education needs of educatees with special needs. There are organized seminars for general education institutions on relevant issues in organizing the learning process if educatees with special needs learn in education institution.

245. Likewise by means of ESF resources there have been prepared diagnostic tools for four clinic groups – mental impairments, speech/language impairments, specific learning impairments, attention impairments. These tools are necessary at work of psychologists of pedagogical medical commission and schools in order to assess psychological development and behavior of a child evaluating potential risks of impairments according to the International classification of diseases SSK-10 (ICD-10). Developed diagnostic tools will ensure the use of internationally recognized and scientifically based tests to determine special needs of and suggest support measures for educatees, as well as it will create preconditions for a common approach to determine special needs throughout the country. In the framework of the project specialists have developed methodic materials for teachers in work with educatees who have different special needs – autism, behavioral impairments, learning impairments, vision impairments, mixed development impairments, mental impairments and cochlear implants. High schools have also developed informative materials for parents and carers on special needs of the said target groups.

246. Within ERDF project a quality and accessibility of higher education is being improved by modernizing infrastructure of higher education institutions int. al. by adjusting to persons with functional impairments, and the provision with equipment, facilities and technologies. Adjustment of higher education institutions for persons with functional impairments is implemented if higher education institution modernizes or launches implementation of study programs in any of priority fields. Currently under subactivities the modernization has taken place in 20 higher education institutions.

247. In the *Law on Institutions of Higher Education* it is prescribed that each citizen of Latvia and non-citizen of Latvia, as well as a foreigner have the right to study in an institution of higher education and college. If two or more students who apply for the stipend have equivalent school and scientific work performance indicators, the stipend commission shall grant a stipend first to a person with disability.²³ Also several higher education institutions (BA School of Business and Finance, the Baltic International

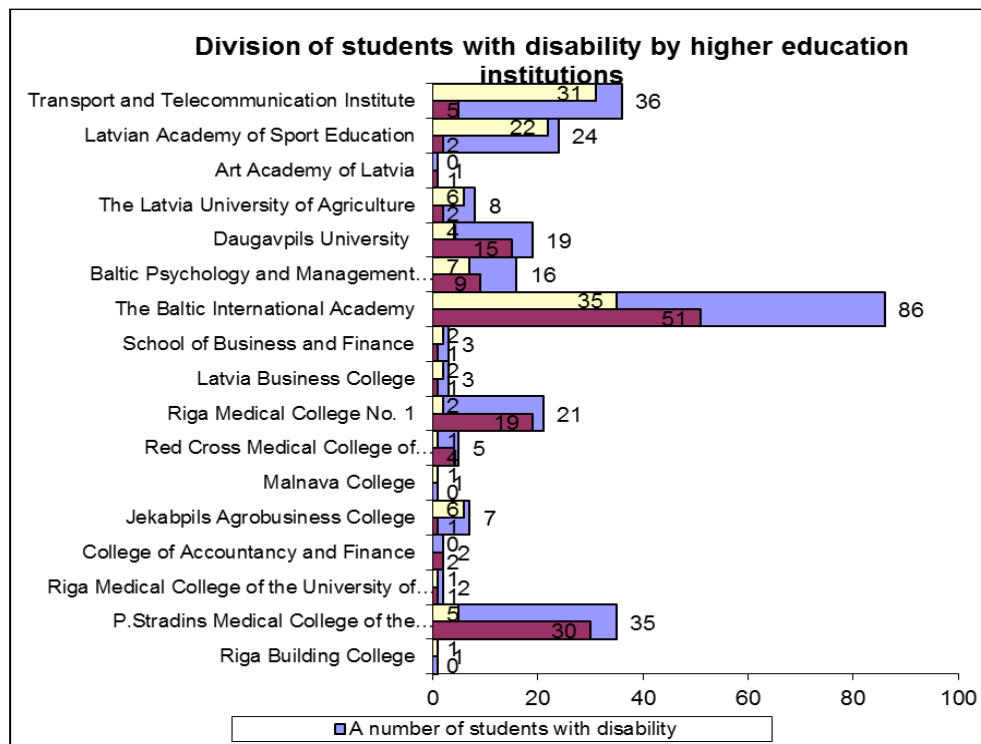
²³ Cabinet Regulations of August 24, 2004 no. 740 “Regulations Regarding Stipends”.

Academy, the Baltic Psychology and Management University College, Transport and Telecommunication Institute, European Distance University) assign tuition fee discounts for students with disability.

248. The quality and accessibility of higher education is being improved in higher education field by modernizing infrastructure of higher education institutions int. al. by adjusting for persons with functional impairments and improving with the provision of equipment, facilities and technologies. Adjustment of higher education institutions for persons with functional impairments is implemented if higher education institution modernizes or launches implementation of study programs in any of priority fields. Currently under subactivities the modernization has taken place in 20 higher education institutions.²⁴

249. A number of students with disability who study at higher education institutions is reflected in Graph 3 where the proportion of women and men with disabilities in higher education institutions is also specified.

Graph 3



250. Having respect for human rights of people, the approval about being a person with disability on behalf of education institutions is not proposed. This information may be obtained by education institution only when an applicant applies for social (lump-sum) stipend presenting a disability card as a confirmation. Education institution does not perform such registration and information about students with disability actually does not reflect a real situation.

²⁴ In the framework of ERDF 3.1.2.1.1.subactivity “Modernization of Premises and Devices for Higher Educational Establishments, Including Provision of Education Opportunities for Individuals with Functional Disabilities” (2009–2013).

251. In education environment it is necessary for students with disability to receive a support so that they could develop their abilities and skills to the utmost and such support is available by implementing inclusive education principles. Inclusive education creates preconditions so that children with disabilities irrespective of their functional impairments but according to their abilities and needs would receive qualitative education. Also inclusive education is a tool that would facilitate the change of paradigm by creating a socially inclusive culture and non-discriminatory attitude towards people with disabilities and would promote greater awareness and respect towards each other when children with and without disability grow and learn together. Wherewith implementation of inclusive education principle is one of the further field in education sphere in order to ensure efficient inclusion of children with disability in comprehensive schools. A lack of education programs, support personnel and infrastructure incl. technical aids may be identified as the most relevant obstacles in provision of education accessibility for children with disability.

252. In order to facilitate the development of inclusive education in Latvia, a course of action "Education" is set as one of the action fields in the Guidelines aimed to ensure children with disability a qualitative and competitive basic education and secondary education, promoting inclusion of children with disabilities in all education levels and types according to their abilities. It is also anticipated to extend a target group that receives an assistant service in education institutions defining that an assistant shall be available also to educatees of higher education thereby promoting education availability at all education levels.

253. Also a draft of *Guidelines on Education Development 2014–2020* includes one of the action fields "Introduction of inclusive education principle". In the framework of the said action field it is planned to ensure remuneration for assistants of teachers and pedagogues, introduce measures for integration of young people with special needs and other youth social risk groups, facilitate early diagnostics of special needs, ensure availability of support personnel (psychologist, speech therapist, special education teacher) at preschool and basic education, as well as to promote the involvement of young people subjected to social exclusion risk in non-formal education programs.

254. However, there still need to be implemented measures to facilitate and ensure availability of education at all education levels and promote inclusion of children with functional impairments in comprehensive schools.

255. NGO believe that children in the state social care centers not always have the same opportunities regarding acquisition of education as other children. For example, children from the state social care centers who attend a special school often have the opportunity to attend the school only a couple of times a week for some hours. A considerable number of children have a home based education when a teacher attends a pupil at home several times a week. It limits opportunities for the development of social skills. Education acquisition is problematic also for pupils having weak hearing since there are not used the latest technologies, for example, FM ("frequency modulation") systems during education process. There exist difficulties also regarding understanding on children with dyslexia. The only opportunity to acquire knowledge for people with intellectual disability after graduating special education institutions are the life-long learning programs which are not available due to learning process and training materials.

Article 25 – Health

256. Article 111 of the Constitution prescribes that the State shall protect human health and guarantee a basic level of medical assistance for everyone.

257. According to the *Law on the Rights of Patients* when ensuring the rights of patients different treatment based on race, ethnic belonging, skin color, gender, age, disability, health status, religious, political or other affiliation, national or social origin, material or family or other circumstances is prohibited. Different treatment implies a direct or indirect discrimination of a person, interference of a person or indication for discrimination. Differential treatment related to any of the circumstances referred above shall only be acceptable in such cases if such treatment is objectively justified with a legal purpose, for the achievement of which the selected means are commensurate. Health care against the will of a patient shall not be permissible, if not otherwise specified by the Law.

258. In order to improve the availability of health care services through implementation of the rights and basic principles defined in the Convention, in 2010 there were made several amendments in legal rules. As of 2011 it was prescribed that the health care for people with a predictable disability is prior. There were also determined preferences for patients with reduced function regarding the receipt of medical rehabilitation services as medical rehabilitation for these people is a continuation of emergency medical treatment and for patients with a predictable disability. To improve the accessibility of medical rehabilitation services and reduce the disability risk for people with a predictable disability there were prescribed rights for these persons in legal rules to receive systematic health care services oriented to maintenance, improvement or renewal of abilities of a person.

259. It is anticipated that persons with a predictable disability will receive health care services according to individual rehabilitation plan for a person with a predictable disability approved by the State Commission. There are also set other relevant terms when medical institution launches the provision of services: out-patient health care services, systematic out-patient and inpatient medical rehabilitation services — within 15 weekdays; systematic operations — within five calendar months.

260. In order to improve the availability of health care services for patients with chronic diseases and mobility impairments as a result a patient can not arrive at medical treatment institution, and to provide an opportunity to discharge patients from a hospital more rapidly and receive social rehabilitation services at the place of residence by involving rehabilitation specialist or physical and medical rehabilitation physician, in Latvia there is constantly developed and improved a health care at home.

261. Provision of health care at home in the whole territory of Latvia was launched on January 1, 2009. Home care provision for patients with severe diseases including medical rehabilitation services for patients after hospitalization is targeted to the development of health care system anticipating the strengthening of out-patient health care as the most efficient way to provide health care services that require comparatively less financial resources. It should be noted that the scope of home care services has substantially increased since its introduction. Thereby the necessity for treatment at inpatient stationary reduces.

262. Public Health Strategy 2011–2017 (Cabinet decree of October 5, 2011 no. 504) renders a high value to inequality reduction in the health sector. Public health policy is targeted to the whole population of Latvia irrespective of gender, age, race, language or other factors. In order to prevent inequality in health sector and ensure equal access to public health and health care services, there are implemented various measures/activities and developed cross-sectoral cooperation int. al. with local governments, social partners and NGO in different regions of Latvia.

263. Population health promotion functions are set not only for state administration institutions but also local governments. According to the *Law On Local Governments* Section 15 prescribes the autonomous functions of local governments – to promote a healthy lifestyle of residents and sport, and from 2012 MoH launched a new approach to

organizing a health promotion work in local governments which were invited to nominate focal points on health promotion issues with whom further will contact CDPC²⁵ on distribution of latest information, implementation of health promotion projects etc.

264. Also to engage local governments more actively and provide them methodological support in organizing and planning health promotion measures, in 2012 MoH prepared "Guidelines for local governments on health promotion".²⁶ In this material there are summarized the best practice examples of other countries and recommendations for different initiatives to perform measures and activities in the health promotion field (healthy food, physical activities, prevention of addictions a.o.) for different target groups, for example, children, young people, seniors a.o.²⁷ MoH in cooperation with CDPC and WHO representation in Latvia since 2013 has established a National Network of Healthy Cities. Its aim is to promote exchange of best practice examples, experience and ideas among local governments and provide them with methodic support in addressing various public health and health promotion issues at local level. National Network of Healthy Cities is a part of WHO Healthy Cities Program that is a first program where WHO cooperates directly with local authorities in addressing local level health promotion issues. According to Healthy Cities Program each member state may establish the own national Healthy Cities /Municipalities network that is created also in Latvia. Each National Network of Healthy Cities is unique and develops according to local government needs and available resources basing upon local cultural and legal framework. In the European region there are currently established WHO National Network of Healthy Cities that unite more than 1,400 local governments in promotion of health for their people.^{28 29} Until November 2013 there were received applications from 27 local governments for participation in National Network of Healthy Cities.

265. In compliance with requirements of legislation all medical persons in the framework of education program acquire legal basis of professional activity. In addition to that in the framework of professional qualification improvement the medical practitioners since 2010 are provided with an opportunity to attend ESF funded further education program "Educating the personnel of health care and promotion institutions on relevant issues about the rights of patients" where the following topics were acquired: health care rights and the rights of patients: notion, main principles and the role in the work of medical practitioners, sources on the rights of patients in Latvia and EU; the rights of a patient to receive information and confirmation on the treatment: provisions included in legal rules and practical aspects of application thereof, confidentiality duty of physician and requirement for the protection of private life of patient, underage patients and patients lacking capacity to act and realization of their rights during treatment process. 1,747 persons acquired the program until 2012.

266. A necessity for mandatory health insurance is not prescribed in legislation of Latvia. Health insurance is a free choice of a person cooperating with insurance companies that are private enterprises and provide this service in the framework of commercial activity.

²⁵ Institution under subordination of the Ministry of Health that coordinates the implementation of health care promotion measures at the state and regional level and informs social groups on issues that influence their health and healthy lifestyle.

²⁶ Approved by MoH decree of 29 December, 2011 no. 243.

²⁷ http://www.vm.gov.lv/lv/ministrija/sadarbiba_ar_pasvaldibam_veselibas_veicinasana/vadlinijas_pasvaldibam_veselibas_veicinasana/.

²⁸ http://www.vm.gov.lv/lv/ministrija/sadarbiba_ar_pasvaldibam_veselibas_veicinasana/.

²⁹ <http://www.spkc.gov.lv/nacionalais-veseligo-pasvaldibu-tikls-latvija/>.

267. MoH has prepared a draft *Law on Health Care Financing* (adopted at the Cabinet sitting on 19 November, 2013 (record no. 61 67.§)) where it is anticipated to launch a new health care financing procedure as of July 1, 2014 by introducing health insurance and linking the rights to state paid health care through tax declaration and payment. According to the said law the state shall ensure compensation of health insurance contributions for the state budgetary resources for persons with Group I, II and III disability and for nine months after termination of this status, thereby these persons will be entitled to receive the state paid health care services according to the procedure and amount specified by the legal rules.

268. In the framework of control and monitoring of medical institutions HI checks how medical institutions ensure environmental accessibility for persons with movement impairments: compliance with requirements regarding provision of environmental accessibility for persons with movement impairments and opportunity to receive necessary sound or visual information for persons with hearing or vision impairments. In 2011 HI made 566 systematic controls in medical institutions and, assessing the performance of requirements, concluded that non-conformity in provision of environmental accessibility was established in 23% medical institutions. One of the monitoring priorities during controls of medical institutions in 2012 was the control of accessibility of provided services and work organization in inpatient and out-patient medical institutions. In 2012 there were made 465 systematic controls in medical institutions. Evaluating the performance of requirements, HI concluded that in 36% cases institutions have not provided environmental accessibility according to requirements for persons with reduced functional abilities.

269. With regard to provision of environmental accessibility in medical institutions HI will consistently continue to control environmental accessibility in medical institutions in compliance with legal rules in force. Due to relevance of this issue also in 2013 medical institutions and the control of accessibility of provided services and work organization in inpatient and out-patient medical institutions is one of the main subjects in monitoring. In 2013 there are planned in total 547 systematic controls in medical institutions.

270. In compliance with legal rules that prescribe hygiene requirements for social care institutions,³⁰ it is defined that a bath for children with disability shall be equipped with a seat and in a shower the edge where to sit. It is also anticipated that in social care institutions for children within the sanitary premises a bath shall be equipped with a shower facility or a shower with a seat, if necessary, but at social care institutions for adults – a bath with shower facility or a shower with a seat, if necessary, a handle or a bar where hold on to. While as of August 30, 2013 it was stated that the social care institution according to the special needs and abilities of a person in care shall assess the necessary support to perform private hygiene.

271. During control and monitoring of social care institutions HI checks how social care institutions provide the compliance of the said requirements. In 2012 HI made 159 systematic controls in social care institutions and assessed the performance of requirements and concluded that in 9% social care institutions there were established non-compliances in using sanitary premises – there were no handles/bars where hold on to, int. al. a seat was also not provided in 2 cases. During 9 months in 2013 by providing 96 systematic controls, HI concluded that non-compliances in using sanitary premises have reduced (4%). Besides, neither in 2012, nor in 2013 there were noted non-compliances in using sanitary premises in children social care institutions.

³⁰ Cabinet Regulations of 12 December, 2000 no.431 “Hygiene Requirements For Social Care Institutions”.

272. Regulations regarding operating of pharmacies prescribe that the entrance of pharmacies intended for customers shall be without a threshold and shall be suitable for entering into the customer servicing area with wheelchairs and prams. It is also stated that the customer servicing area of general-type pharmacies shall normally be situated on the ground floor of the building, but if the customer servicing area is situated higher or lower than the ground floor, customers with restricted movement capabilities shall be provided with the possibility to enter the customer servicing area and to move freely therein. The premises of a pharmacy and the branch of a pharmacy shall be organized so that for customers, including persons with functional impairments (vision, hearing and movement impairments) are ensured with the accessibility to pharmaceutical care.³¹

273. Since half year of 2011 HI supervises environmental accessibility of pharmacies during all systematic controls and controls resulting from complaints. Until now there are organized environmental accessibility controls in 661 pharmacies, of which 342 pharmacies are given a task to ensure requirements of building codes within 6 months. 282 pharmacies, of which 65 by means of alternative methods, have provided environmental accessibility.

274. In 2010 there were registered 5 malaria cases in Latvia (two of these cases – to the citizens of India). Those who had malaria became infected in infection affected territories such as: Africa (Côte d'Ivoire or Ivory Coast, Sierra Leone) and India.³² In 2011 there were registred 4 malaria cases in Latvia, in 2012 – 3 malaria cases, in 2013 January – September – 4 malaria cases.³³ According to Section 39 of the *Epidemiological Safety Law* (International Tourism and Health of Travellers) in organising tours, derived public persons, institutions, merchants, self-employed persons, as well as other legal persons and natural persons, which operate in the field of international tourism and perform the carriage of passengers shall fully and objectively inform clients regarding:

- The health risk factors in the territories which they wish to visit, as well as the threat of infectious diseases and individual measures, including vaccination; and
- The possibility of receiving medical assistance and consultations both before and during the tour.

275. 25th of April is the World Malaria Day during which Riga East University hospital stationary “Infectology Centre of Latvia” provides latest information on disease prevention of travelers and tropical diseases before going abroad. Special information, for example, in Braille on malaria prevention has not been prepared because in Latvia this disease is not a topical issue, including for persons with disabilities, as there is a small number of cases when it is brought. “Infectology Centre of Latvia” ensures consultations by qualified specialists on the disease prevention of travelers and tropical diseases before going abroad. Consultation of travelers on malaria prevention is done by a medical person individually.

276. In the HIV and AIDS prevention field CDPC deals (coordinates activities, gives methodic guidance, provides materials with medical goods) with 18 HIV prevention stations in Latvia who provide HIV prevention for different target audiences. At these stations there is an opportunity to complete Express tests, receive consultations and information about HIV/AIDS prevention and treatment. There is available information also about rehabilitation possibilities, change of hypos, possibility to receive condoms and necessary psychological support. During HIV testing week (November 22–29) there was an opportunity to make a HIV Express test free of charge (at 22 places in Riga and Latvia) and to receive consultation before and after a test. Within World AIDS Day on December 1,

³¹ Cabinet Regulations of 23 December, 2010 no.288 “Regulations regarding operating of pharmacies”.

³² Epidemiological bulletin “Infectious diseases related to tours in 2010”.

³³ Data by the Centre for Disease Prevention and Control.

2012 there were organized open days at HIV prevention stations in Riga and other regions of Latvia. "Infectology Centre of Latvia" opened a 24-hour hotline. In 2012 an informative material "HIV/AIDS ABC" (4 000 copies) in Latvian and Russian languages was issued repeatedly. On August 6 this year at the cinema "Kino Bize" there was a discussion "Do you see a virus?" to discuss HIV, AIDS and hepatitis, its treatment opportunities and care of the sick in Latvia.³⁴ Special information in Braille on HIV/AIDS prevention so far has not been prepared.

277. NGO point out that inaccessibility of health care services is caused directly by inaccessibility of the buildings itself where social care services are provided. Personnel in medicine field lack relevant knowledge on how to communicate with people with intellectual development impairments. NGO argue that health care is not adequate to people with mental impairments.

Article 26 – Adaptation and rehabilitation

278. People with disabilities equally to other people shall be ensured the rights to acquire and maintain the utmost independence, full physical, social and working abilities, as well as a full inclusion and participation at all spheres of life by ensuring comprehensive adaptation and rehabilitation programs in the fields of health care, employment, education and social services.

279. According to Section 10 of the *Disability Law* the development of an individual rehabilitation plan for a person with a predictable disability shall be mandatory, but the necessity for the development of an individual rehabilitation plan for a person with a disability shall be determined by the State Commission. Individual rehabilitation plan shall include measures to return a person into the society and work by improving or training the skills that have been lost due to various reasons.

280. The necessary services may be paid from the state, local government or client resources. The state disburses social rehabilitation services for persons with vision and hearing disability, short-term social rehabilitation course for persons with functional impairments and professional rehabilitation services for persons with disability.

281. Within social rehabilitation services for persons with hearing disability there are implemented measures that reduce an impact of the loss of hearing on social functioning abilities of a person. Social service shall be provided at the place of residence of a client or by a social service provider. Social service provider shall elaborate social rehabilitation programs and, according to individual social rehabilitation plan of a client, shall provide: services of Latvian sign language interpretation and communication; training on the use of Latvian sign language; acquisition of contacts and creative self-expression skills; psychological adaptation practices; assistance and support in addressing social problems of a client.

282. Social service provider, according to individual social rehabilitation plan of a client, shall ensure separate social rehabilitation programs to facilitate social integration (not exceeding 150 hours a year) or a complex of social rehabilitation services for a client to acquire independent functioning abilities (not exceeding 150 days every five years). When providing social rehabilitation services to a client, a social service provider shall work following a team principle by appointing a responsible person on social rehabilitation process. In 2012 the state paid social rehabilitation services received 1 027 persons with hearing impairments.

³⁴ <http://www.spkc.gov.lv/video-galerija/>.

283. Regarding persons with vision impairments it shall be pointed out that within social rehabilitation services for persons with vision impairments there are implemented measures that reduce an impact of the loss of vision on social functioning abilities of a person. Social service shall be provided at the place of residence of a client or by a social service provider. Social service provider shall elaborate social rehabilitation programs and, according to individual social rehabilitation plan of a client, shall provide: psychological adaptation practices; acquisition of orientation and mobility abilities; acquirement of Braille; training on the use of typhlo-technique; training on the use of specialized computer technologies and communication technologies; acquisition of physical and intellectual work basic skills; of improvement of contacts and creative self-expression skills; acquirement of adjusted sport activities; consultation and assistance in addressing social problems of a client.

284. Social service provider, according to individual social rehabilitation plan of a client, shall ensure to a client separate social rehabilitation services to acquire functioning abilities (not exceeding 300 hours a year) or a complex of social rehabilitation services (with staying by the social service provider) to acquire independent functioning abilities of a client (not exceeding 150 days every five years). When providing social rehabilitation services to a client, a social service provider shall work following a team principle by appointing a responsible person on social rehabilitation process. In 2012 the state paid social rehabilitation services received 460 persons with vision impairments.

285. Social rehabilitation services for persons with functional impairments the state shall ensure a short-term (up to 21 day) social rehabilitation source. These services are provided by SISA.³⁵

286. SISA is a state administration institution subordinated under the Minister for Welfare that provides social rehabilitation services for persons (incl. persons with disability) by applying treatment, and professional rehabilitation services for persons with disability. SISA prior activity is a professional education for people with vision, hearing, movement impairments, psychic diseases and general diseases from all regions of Latvia. In 2012 about 95% SISA trainees were persons with functional impairments. During professional rehabilitation process SISA prepares a person with disability for the labour market and ensures a socio-psychological support (consultations of psychologists, ergotherapists, occupational health physicians, support from social workers and career consultants).

287. 21 days long social rehabilitation course is entitled to receive at SISA: working aged persons with functional impairments and persons with functional impairments after working age if they are working; working aged person with a predictable disability and person with a predictable disability after a working age if they are working and if according to individual rehabilitation plan approved by the State Commission there is a necessity to receive this service; persons stated in Section 2 and Section 4 of the *Law On the Determination of the Status of Politically Repressed Persons Suffered during the Communist and Nazi Regimes*; persons stated in Section 15 of the *Law on Social Protection of the Liquidators of the Chernobyl Nuclear Power Plant Accident and Victims of the Chernobyl Nuclear Power Plant Accident*.

288. Due to a high demand for a service a long line has been formed. According to data by SISA on September 17, 2013 in line for receiving a social rehabilitation were 6,800 persons in total, of whom 4,320 are persons with functional impairments, 173 persons with functional impairments after working age who are working, 1,599 are politically repressed

³⁵ Amendments in Cabinet Regulations of 31 March, 2009 no. 279 “Regulations on the Procedure by which Persons Receive Social Rehabilitation Services in Social Rehabilitation Institutions and Requirements for the Providers of Social Rehabilitation Services”.

persons and 708 are liquidators of the Chernobyl nuclear power plant accident and victims of the Chernobyl nuclear power plant accident. However, SISA may annually provide this service to 1,950 persons. Persons with a predictable disability and persons after receipt of medical rehabilitation service are the prior groups entitled to receive social rehabilitation services urgently due to functional impairments resulting in reduced social functioning abilities due to health condition or other reasons.³⁶ In 2012 urgent services were provided to 91 people, at first for persons with a predictable disability – 2 persons. Due to a limited funding there is a line of social service recipients waiting for the receipt of social rehabilitation services. Currently persons that are in the line to receive a service have to wait for about two years to receive a social rehabilitation service.

289. Professional rehabilitation services are provided by SISA. At SISA Jūrmala Professional Secondary School and College there are implemented professional basic education, professional secondary education, first level professional higher education, professional further education and professional improvement programs by preparing specialists in occupations that are necessary to perform social protection measures for persons with disabilities. SISA also ensures professional adequacy. In 2011 professional adequacy was set to 400 persons with disability, of whom 370 persons with disability were recommended to acquire education programs. While in 2012 the professional adequacy was set to 406 persons with disability, but only 339 persons with disability were recommended to acquire education programs.

290. In 2011 rehabilitation services at Jūrmala Professional Secondary School professional received 357 trainees, incl. 225 trainees acquired further education and professional secondary education programs, further education and professional improvement programs – 132 persons. 61% of trainees studied full-time, distance learning education acquired 39%. Jūrmala Professional Secondary School graduated 60 trainees. While in College the professional rehabilitation services used 312 students. 33% of students studied full-time, 67% students acquired education via distance learning. 42 students graduated College. In 2012 the professional rehabilitation services at Jūrmala Professional Secondary School received on average 155 trainees, at College – 227, in study program “Sign Language Interpreter” 22 trainees, in 2013 at Jūrmala Professional Secondary School – 179 trainees, at College – 202 students and in the study program “Sign Language Interpreter” – 18 students.

291. According to Section 3, Paragraph 2 of the *Medical Treatment Law* a health care of persons with a predictable disability shall be prior. On January 1, 2011 in force entered amendments that anticipate the advantages in the receipt of medical rehabilitation services for patients with limited functioning and for whom medical rehabilitation is as a direct continuation after emergency medical assistance and for persons with a predictable disability.³⁷ Amendments were aimed to improve the accessibility of medical rehabilitation services and reduce a risk of disability for persons with a predictable disability by receiving systematic health care services targeted to preserving, improvement or renewal of functioning abilities of a person. Amendments make more precise the selection provisions of patients for the receipt of medical rehabilitation services and organization issues related to the provision of multi-professional medical rehabilitation services.

³⁶ Cabinet Regulations of 31 March, 2009 no. 279 “Regulations on the Procedure by which Persons Receive Social Rehabilitation Services in Social Rehabilitation Institutions and Requirements for the Providers of Social Rehabilitation Services”.

³⁷ Amendments of 28 December, 2010 in Cabinet Regulations of 19 December, 2006 no. 1046 “Procedure On Health Care Organization And Financing”.

292. Also a provision of the state paid health care services is planned for persons with a predictable disability that are provided according to individual rehabilitation plan approved by the State Commission. A medical institution shall commence the provision of this service in the following terms: outpatient health care services – during 15 weekdays; systematic outpatient and inpatient medical rehabilitation services – during 15 weekdays; systematic operations – during five calendar months.

293. In order to improve the availability of health care services for patients with chronic diseases and mobility impairments as a result a patient can not arrive at medical treatment institution, and to provide an opportunity to discharge patients from a hospital more rapidly and receive social rehabilitation services at the place of residence by involving rehabilitation specialist or physical and medical rehabilitation physician, in Latvia there is constantly developed and improved a health care at home that was launched from January 1, 2009.

294. In 2011 a care at home was provided by 181 medical treatment institutions, in 2012 – already 208 institutions. A number of patients treated at home and a number of home visits have increased since 2010. Comparing with 2011 a number of patients, incl. persons with disability, increased by 17.5% in 2012, while a number of home care visits increased by 27%. On development of this service verify also an increase of average home care visits per one patient: if in 2010 per one patient on average there were provided 16 home care visits, then in 2012 there were already 20 home care visits.

295. NGO highlight that there is a lack of statistical data on gender and age of rehabilitated persons with hearing and vision impairments. There is no succession of social rehabilitation programs for persons with intellectual disability.

Article 27 – Work and employment

296. Article 91 of the Constitution sets the general discrimination prohibition principle – “All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind”.

297. According to *Labour Law* everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair work remuneration. Likewise the rights shall be ensured without any direct or indirect discrimination – irrespective of a person’s race, skin colour, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation or other circumstances.

298. With regard to employment of persons with disabilities it shall be concluded that the highest employment rate is for persons having a Group III disability – more than 1/3 of persons with Group III disability are employed or self-employed (according to *Law on State Social Insurance*). Whereas relatively low employment level is for persons with Group II disability (15.5%) and particularly low among persons with Group I disability (4.1%). This can be explained by the loss of working abilities that persons have with the Group III disability and with – moderately expressed disability equals to 25–59%, wherewith inclusion in the labour market for these persons is easier as their functional impairments are less than those people having Group I and II disability. Person with Group I disability has a very severe disability and their loss of ability to work equals to 80–100%, while for person with Group II disability – 60–79% loss of ability to work. Therefore it is quite difficult and often impossible for these persons having Group I and II disability due to their health condition and functional impairments to integrate into the labour market and to become employed.

299. In relation to unemployment indicators of persons with disabilities it shall be noted that according to statistical data by SEA at the end of 2012 there were registered 9,799

unemployed persons with disability (9.4% of total number of registered unemployed in the state). Of which 52.3% (5,127) were women and 47.7% (4,675) – men.

300. 36.3% of registered unemployed with disability are aged 45–54 followed by unemployed with disability at pre-retirement age, i.e., aged 55–59 (24.9%). It means that 2/3 of unemployed with disability are people aged from 45 years.

301. In order to facilitate the access to training and employment measures for persons with disabilities, as well as the integration of such persons into the labour market, there have been several amendments made, providing for the financing of the places of training and traineeship for the unemployed persons with disabilities, in accordance with the opinion of the occupational therapist, but not more than 711.42 euro per training or traineeship place, providing for the possibility of financial resources to cover expenditure on sign language interpreter, assistant, occupational therapist and services of other specialists.³⁸ If the employer, who has entered into a contract regarding the implementation of the measure, is an association or foundation, which aims to support people with disabilities, who employ unemployed persons in the following professions — an assistant or a guide for persons with disabilities, Latvian sign language interpreter for deaf people, teacher of the interest group for persons with disabilities, special educator, — the SEA covers the state mandatory social insurance contributions from the co-financed salary of the grant for the unemployed persons involved in the measures.

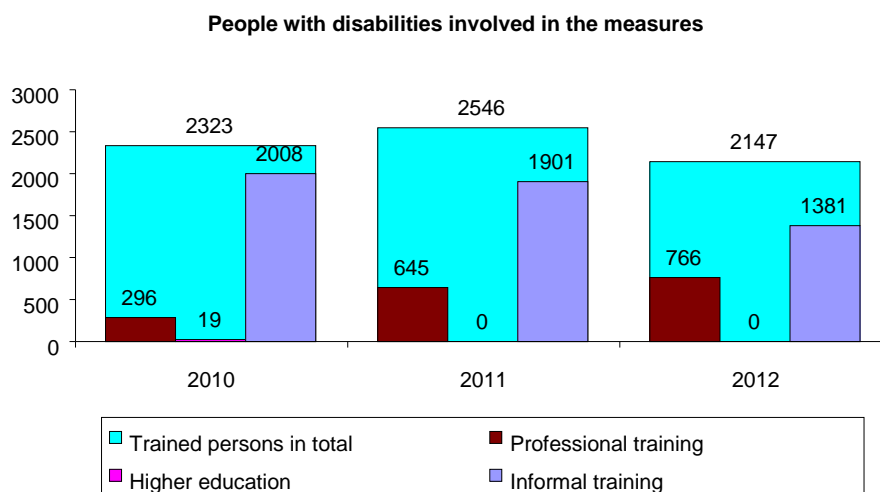
302. MURDG is a special measure for persons with disability (in the framework of ESF project and state funding). Persons with disability is one of the priority target groups within complex aid measures, including the “Workplace for a Young Person” and “Aid for Voluntary Work of Young Persons”, where compared with other persons involved, people with disabilities are provided additional financial support, as well as the additional support is set for measure people “Training at the Employer”. In order to ensure the possibility to receive a support for employed persons in the age group 25 to 44 years involved in the lifelong learning training activities, persons with disabilities are identified as one of the priority groups to be involved in these measures because people with disabilities are exposed to the risk of unemployment most of all.

303. The technical specification of SEA comprises requirements for educational institutions to provide training opportunities for persons with disabilities. During the performance of the procurement contract persons with disabilities, if necessary, shall be enrolled in training implementation locations and they shall be ensured an appropriate training process (including the possibility to carry out the individual adjustments funded by SEA). If an educatee with hearing disability is involved in the training, the tenderer shall ensure the possibility to provide the sign language interpretation services provided by a sign language interpreter financed by SEA.

304. Graph 4 contains information on involvement of persons with disabilities in training between 2010 and 2012.

³⁸ Cabinet Regulations of 25 January, 2011 no. 75 “Regulations regarding the Procedures for Organising and Financing Active Employment Measures for Unemployment Reduction and Principles for Selection of Implementing Bodies of Measures”.

Graph 4



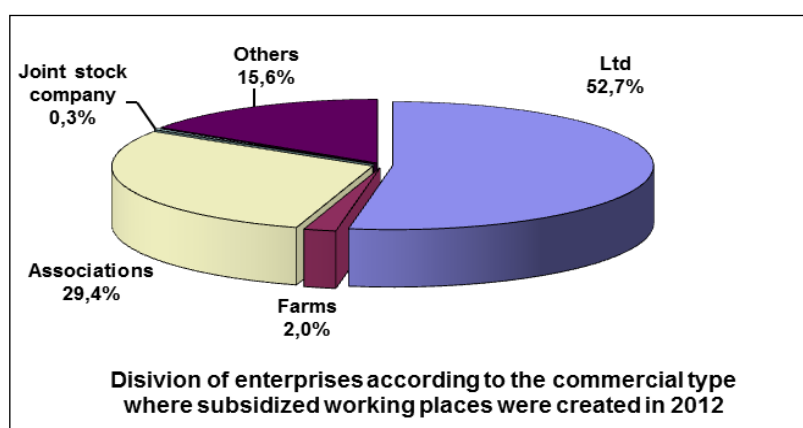
305. In the framework of MURDG in 2012 there were created 390 (in 201 – 603) state co-funded working places. In total 492 (in 2011 – 715) unemployed persons with disability were engaged in MURDG in 2012 (that compose 62% of all participants in this measure and 4% of all unemployed persons with disability who have launched participation in employment measures, incl. information days of competitiveness increase measures).³⁹

306. According to assessment of health condition for every unemployed person with disability engaged in a measure there were adjusted 308 working places in 2012 (in 2011 – 510). Costs for adjustment of a working place are covered by SEA but the work to be performed shall be ensured by an employer.

307. In 2012 assistant services were provided to 15 unemployed persons with disability (in 2011 – 9) and the sign language interpretation services for 9 unemployed (in 2011 – 14).

308. Within MURDG unemployed persons with disability were employed in the following types of enterprises (SEA data) (Graph 5):

Graph 5

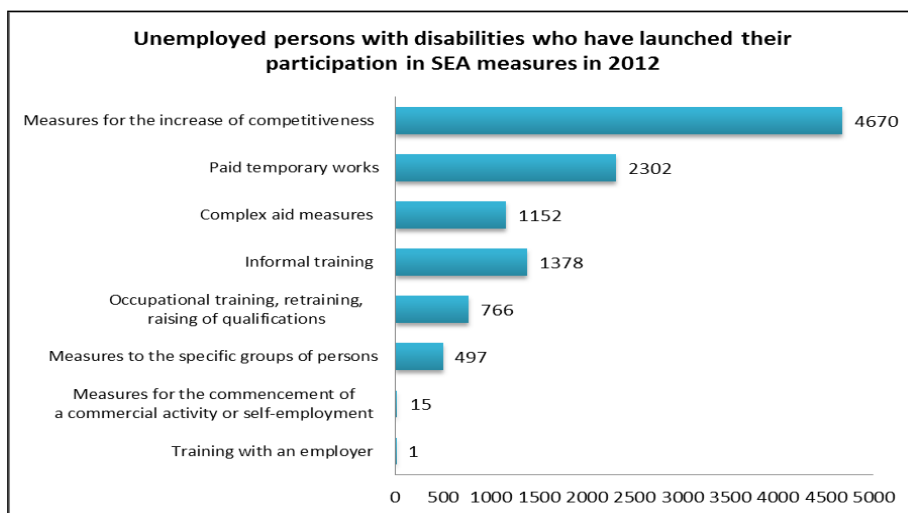


³⁹ One person may be engaged in several measures.

309. In 2012 participation in active employment measures (incl. information days of competitiveness increase measures) organized by SEA launched 13,810 (one person may be provided several services) unemployed persons with disability (in 2011 – 13,051). In addition to these measures they were provided services such as the adjustment of a workplace, the services of the sign language interpreter and occupational therapists. In 2012 career consultations received 2,892 persons with disability, of whom unemployed (job seekers) were 2,812.

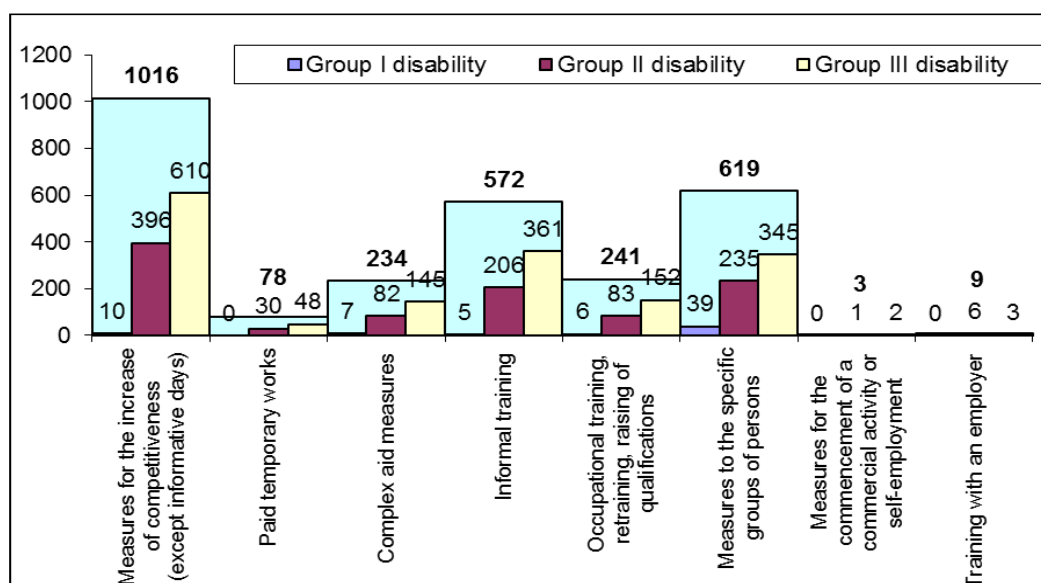
310. The chart below reflects the division of unemployed persons with disability by types of measures (SEA data) (Graph 6).

Graph 6



311. Information on unemployed persons with disabilities who have found a work after participation in the measure in 2012, including those unemployed persons with disabilities who completed the measure in previous periods (in 2012, 2011 and 2011) is displayed in Graph 7.

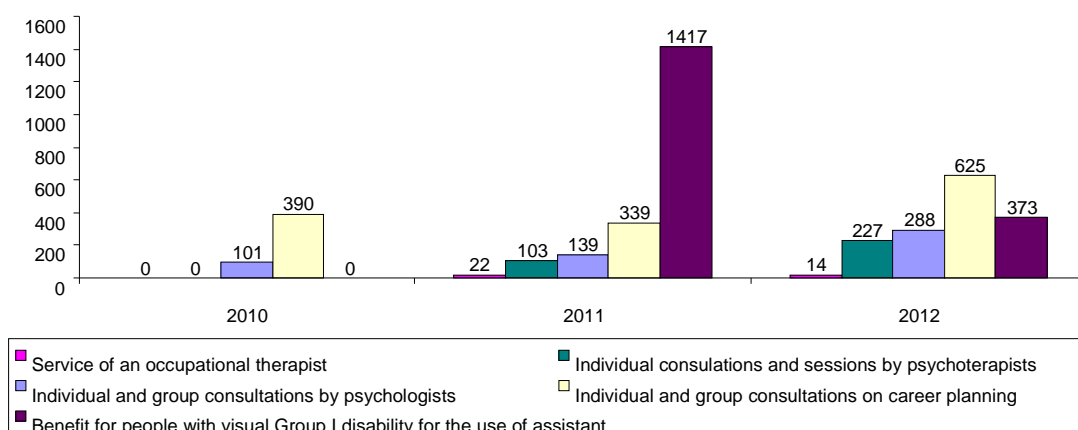
Graph 7



312. Additional information about the active employment measures where the support is provided to persons with disabilities: complex aid measures, the objective of which is by means of complex employment aid measures (comprises several target groups and individual needs of a person) to promote the integration of the target group of unemployed persons in society and the labour market, reducing the risks of social exclusion and supporting the increase of competitiveness and motivation of the target group of unemployed persons in the labour market, in 2012 were involved in 1,152 (2011 – 686) persons with disabilities (8% from all persons with disabilities launched employment measures) (Graph 8).

Graph 8

Within complex aid measures persons with disability were provided:



313. The measure “Workplace for a Young Person” (lasts for nine months) is aimed towards integrating young unemployed persons (aged 18 to 24 years) into the labour market, concurrently promoting creation of a permanent workplace and permanent employment of young unemployed persons. An unemployed person with a disability, while

working by the employer and being under his or her supervision, develops the skills and abilities thus acquiring a work experience. Each month an unemployed person with disabilities receives a salary, which shall not be less than the national minimum wage – 284.57 euro per month, of which the employer shall take all the tax contributions. “Workplace for a Young Person” shall not be organized in unskilled or low-skilled work. In the framework of the measure “Workplace for a Young Person” in 2012, on the basis of the opinion of the occupational therapist, there were adjusted working places for 10 persons with disability (in 2011 – 22 persons). The financial resources of the measure “Workplace for a Young Person” shall be used for: a grant of employer for the monthly salary for the unemployed person with disability 213.43 euro – during first six months and 142.29 euro during the subsequent three months in proportion to the days worked in the month, where employer shall ensure additional financing for the unemployed person with disability as the salary shall not be less than the amount of minimum monthly salary determined in the State; employer receives a grant in the amount of 50% from the minimum monthly salary determined in the State for the work manager if employer employs five young unemployed persons, for employing one young unemployed person – one fifth from the grant of the salary intended for him or her accordingly; financial aid for employer to cover the expenses for the performance of such health examinations to unemployed persons involved in the measure, which have been provided for in the regulatory enactments regarding mandatory health examinations; financial resources (up to 711.44 euro) for employer for the adaptation of workplaces for young unemployed persons with disability in conformity with the opinion provided by the occupational therapist.

314. The measure “Aid for Voluntary Work of Young Persons” (lasts from one month up to six months) is aimed towards promoting activity of young unemployed persons (in the age of 18 to 24 years) for the benefit of the public by providing the support to associations and foundations so that they could organize involvement of young unemployed persons in voluntary work for ensuring the functions specified in the by-laws of associations and foundations. The voluntary work organizes and implements SEA in cooperation with associations and foundations. 45 unemployed persons with disability were engaged in the measure “Aid for Voluntary Work of Young Persons” in 2012 (in 2011 – 65). The financial resources of the measure “Aid for Voluntary Work of Young Persons” may be used for: the disbursement of the monthly allowance (in the amount of LVL 60 that shall be paid in proportion to days worked in the month); covering the expenses related to the insurance of possible accidents (which can happen during the measure to the unemployed persons involved).

315. In order to promote the adoption of the principle of equal rights in relation to disabled persons, an employer has a duty to take measures that are necessary in conformity with the circumstances in order to adapt the work environment to facilitate the possibility of disabled persons to establish employment legal relationships, fulfill work duties, be promoted to higher positions or be sent for occupational training or the raising of qualifications, insofar as such measures do not place an unreasonable burden on the employer. Similarly, the *Labour Law* protects the rights of a person to equal treatment when establishing employment legal relationships as well as during the period of existence of employment legal relationships, including the right to receive equal work remuneration for the same kind of work or work of equal value. Harassment of a person and instructions to discriminate against him or her shall also be deemed to be discrimination within the meaning of this Law. Harassment of a person within the meaning of this Law is the subjection of a person to such actions which are unwanted from the point of view of the person, which are associated with his or her belonging to a specific gender, including actions of a sexual nature if the purpose or result of such actions is the violation of the person’s dignity and the creation of an intimidating, hostile, humiliating, degrading or offensive environment.

316. Relevant provisions of *Labor Law*,⁴⁰ insofar as they are not in conflict with the essence of the relevant right, shall also apply to the prohibition of differential treatment based on race, skin colour, age, disability, religious, political or other conviction, national or social origin, property or marital status, sexual orientation or other circumstances of an employee.

317. A job advertisement (a notification by an employer of vacant work places) may not apply only to men or only to women, except in cases where belonging to a particular gender is an objective and substantiated precondition for the performance of relevant work or for a relevant employment. Wherewith when starting employment legal relationships a new employee shall not be chosen due to his or her gender int. al. in relation also to persons with disabilities. Though, when establishing employment legal relationships, an employer has violated the prohibition of differential treatment, an applicant has the right to bring an action to a court within three months from the date of receipt of refusal of the employer to establish employment legal relationships with the applicant. If employment legal relationships have not been established due to the violation of the prohibition of differential treatment, the applicant does not have the right to request the establishment of such relations on a compulsory basis.

318. The *Labor Law* prescribes that in the case of reducing a number of employees, preference to continue employment relations shall be for those employees who have higher performance results and higher qualifications. If performance results and qualifications do not substantially differ, preference to remain in employment shall be for those employees who, while working for the relevant employer, have suffered an accident or have fallen ill with an occupational disease; who are persons with disability or are suffering from radiation sickness.

319. The *Labor Law* prescribes that an employer is prohibited from giving a notice of termination of an employment contract to an employee who is declared to be a person with disability, except in cases when the base for giving a notice of termination is related to the behavior of the employee (for example, the employee, when performing work, is under the influence of alcohol, narcotic or toxic substances); the employee is unable to perform the contracted work due to his or her state of health and such state is certified with a doctor's opinion; the employer — legal person or partnership — is being liquidated.⁴¹

320. Also in compliance with the *Labor Law* an employer is prohibited from giving a notice of termination of an employment contract to an employee if the employee does not perform work due to temporary incapacity for more than six months, if the incapacity is uninterrupted, or for one year within three years, if the incapacity repeats with interruptions, excluding a prenatal and maternity leave in such period, as well as a period of incapacity, if the reason of incapacity is an accident at work or occupational disease.

321. Some NGO provide employment measures for persons with disabilities as a result they are motivated to work and for them a working place has been found (one NGO during 2 years found the work for 30 persons with disability). Also some NGOs create its own jobs, for example, the cafe, which employs 80% of people with mental impairments. Young people help professional cooks, thus acquiring a valuable experience and a position of an assistant for a cook. After 3 years of a service in the cafe the young people with disabilities

⁴⁰ Section 29, Section 32, Paragraph 1 and Sections 34, 48, 60 and 95 of Labor Law.

⁴¹ According to Section 47, Paragraph 1 of the Labor Law, during the probation period, the employer and the employee have the right to give a notice of termination of the employment contract in writing three-days prior to termination. An employer, when giving the notice of termination of an employment contract during a probation period, does not have a duty to indicate the cause for such notice.

have the right to receive a disability pension. As well as some of the NGO draw up guidelines for employers recruiting people with disabilities.

322. NGO emphasize that alternative forms of employment are not sufficiently developed, specialized workshops are not sufficient and it is not planned to increase this amount. Persons with mental impairments only rarely have the opportunity to become employed. Persons who are placed in the state social care centers have no employment opportunities. The proposed courses by SEA do not define requirements for the course organizers to take account in the training process the specifics of persons with intellectual disabilities.

Article 28 – Adequate standard of living and social protection

323. Article 109 of the Constitution prescribes that everyone has the right to social security in old age, for work disability, for unemployment and in other cases as provided by law.

324. Socially insured persons for whom social insurance contributions have been made or had to be made for them according to the *Law on State Pensions* have the right to a disability pension if such persons have been recognized as persons with disability and their length of period of insurance is not less than three years.

325. Persons with disability, who have reached the retirement age, are granted the old-age pension instead of the disability pension with the condition that during the disability period it shall not be less than the disability pension which was received up to the moment when old-age pension was granted.⁴²

326. The amount of disability pension depends on the determined group of disability. In case of Group III disability the disability pension is granted in the amount of the state social security benefit, i.e., 64.03 euro, but for disabled persons from childhood – 106.72 euro.

327. The amount of pension for persons with Group I and II disability depends on:

- The average monthly wage subject to insurance contributions of the insured person for any consecutive 36 months in the previous five years before the granting of the disability pension;
- The insured person's individual length of period of insurance;
- The maximum length of period of insurance possible from reaching the age of 15 up to reaching the age of retirement.⁴³

328. If a person five years prior to the granting of a disability pension has not been subject to disability insurance, the disability pension shall not be less than the state social security benefit to which the following coefficient shall be applied: in the case of a Group I disability – 1.6; in the case of a Group II disability – 1.4.

329. According to SSIA data on September 2013 the disability pension received 71 369 persons with disability (Group I disability pension – 7%, Group II disability pension – 52%, Group III disability pension – 41%). The average disability pension is 170.13 euro.

330. Legislation prescribes that parents of children with disabilities are entitled to request an old-age pension with preferential conditions. A parent or a guardian of a child who, during the time period until a child has reached 18 years of age, has taken care of five or

⁴² Law “On State Pensions”, Section 17 and Clause 19 of Transitional Provisions.

⁴³ Law “On State Pensions” Section 16.

more children for not less than eight years or of a child who has been recognized as a disabled child in accordance with the procedures laid down in laws and regulations for at least eight years, has the right to an old-age pension five years before reaching the determined age (i.e., currently 62 years of age), if the length of period of his or her insurance is not less than 25 years. A person, who has been withdrawn the right of child care or custody right or who has been suspended from fulfilling the duties of a guardian due to negligent fulfilling of such duties, does not have such a right.⁴⁴ According to SSIA data on September 2013 an old-age pension with preferential conditions received 12,477 persons (9,821 mothers, 2,656 fathers), that composes 2.6% from total number of old-age pension recipients. The average old-age pension amount for the said persons is 232.06 euro.

331. In order to provide financial support to families with children, people with disabilities, people of retirement age a.o. vulnerable groups, the state social benefits system has been introduced. State social benefits is a universal state aid in the form of a cash payment to the certain groups of people in the situations requiring additional expenditure or when these persons are unable to get income and when there is no compensation from the state social insurance system. The rights to receive state social benefits do not depend on income and material situation of a person during the benefit receipt period.

332. The state social security benefit shall be granted in cases when a person cannot obtain income and when compensation from the state social insurance system is not provided. The state social security benefit is aimed to provide a material support to persons who do not have compensation from the state social insurance system, incl. persons with disability.

333. In compliance with the *Law on State Social Allowances* Section 13, Paragraph 1, a state social security benefit shall be granted to a person who does not have the right to receive a state pension (except the pension received by a disabled person for the loss of a provider) or insurance compensation for damages related to an occupational accident or occupational disease if a person has been recognized as a person with disability and has exceeded the age of 18 years. An amount of the state social security benefit is 64.03 euro per month in general occasion; but for disabled persons from childhood – 106.72 euro per month.⁴⁵

334. On November 7, 2013 the *Saeima* by adopting the *Law On the State Budget 2014* supported an increase of state material support for persons having Group I and II disability who receive the state social security benefit by applying to the amount of this benefit the following coefficient: for the Group I disability – 1.3; for the Group II disability – 1.2. Thereby, as of July 1, 2014, persons having Group I disability will receive 83.24 euro per month (previously 64.03 euro) or 138.73 euro a month (previously 106.72 euro) irrespective if disability is from childhood. While persons having Group III disability will receive 76.84 euro or 128.06 euro per month.

335. According to SSIA data on September 2013 the state social security benefit was paid to 17,202 persons of whom 16,267 were persons with disability, incl. 11,735 persons – disabled persons from childhood, 4,532 – other persons with disability (disability incurred after reaching the age of 18).

336. With a view to provide the support for people with very severe disability requiring constant care, starting with the January 1, 2008 a new state aid in the form of cash has been

⁴⁴ Law “On State Pensions” Section 11, Paragraph 4.

⁴⁵ Cabinet Regulations of 22 December, 2009 no. 1605 “Regulations Regarding the Amount of the State Social Security Benefit and Funeral Benefit, Procedures for the Review thereof and Procedures for the Granting and Disbursement of the Benefits”, Section 2.

introduced – an allowance for a disabled person for whom a care is necessary. It is granted to a person who has been recognized as a person with disability, exceeded the age of 18 and for whom in relation to serious functional impairments a special care is determined by the State Commission. According to SSIA data on December 2012, the allowance for a disabled person for whom care is necessary obtained 11,480 persons.

337. An amount of the allowance for a disabled person, for whom a care is necessary, is 142.29 euro per month.⁴⁶ On November 7, 2013 the *Saeima* by adopting the *Law on the State Budget 2014* supported an increase of an amount of the allowance for a disabled person, for whom a care is necessary, by 71.14 euro as from July 1, 2014, wherewith an amount of this allowance will be 213.43 euro per month.

338. Since January 1, 2006 a benefit for the care of a disabled child has been granted and paid to families with children with a very severe disability. This benefit shall be granted to a person who cares for a child when the child reaches the age of 18 years, for whom the State Commission has determined a disability and issued an opinion regarding the necessity for special care in relation to severe functional impairments. An amount of the benefit for the care of a disabled child is 213.43 euro per month.⁴⁷ According to SSIA data on November 2012, a number of children with disabilities for whom a benefit for the care of a disabled child was granted amounted to 1,839 children.

339. A supplement to the state family allowance shall be granted for families with a disabled child. The right to this supplement for a person raising a disabled child is from the day of granting of the status of a disabled child regardless of the payment of the State family allowance until the disabled child has reached 18 years of age. The amount of the first child in a family is 11.38 euro per month and an amount of supplement is 106.72 euro.⁴⁸ According to SSIA data on November 2012, a number of children with disabilities for whom a supplement to the state family allowance was granted amounted to 7,531 children. This number also reflects a total number of children to whom a disability has been determined.

340. According to Section 12 of the *Law on State Social Allowances*, an allowance for the compensation of transport expenses for disabled persons with mobility impairments shall be granted to a person to whom or to whose child has determined a disability and to whom an opinion has been issued by the State Commission regarding the determination of medical indications for the purchase of a specially fitted car and for the receipt of an allowance. An amount of the allowance is 79.68 euro for each full six-month period (i.e., 159.36 euro a year) and it is disbursed twice a year counting from the day when the State Commission has issued the opinion. Thereby persons having Group I and II disability and children with disability who have an opinion by the State Commission on the allowance for transport apart from the state provided public transport free of charge also an allowance for the compensation of transport expenses has been disbursed. According to SSIA data on December 2012, the allowance for the compensation of transport expenses for disabled persons with mobility impairments received 16,556 persons.

⁴⁶ Cabinet Regulations of 22 December, 2009 no. 1608 “Regulations Regarding the Procedures for the Granting and Disbursement of the Allowance For A Disabled Person For Whom Care Is Necessary, the Procedures for the Amount and Review thereof” Section 2.

⁴⁷ Cabinet Regulations of 22 December, 2009 no. 1607 “Regulations Regarding the Amount of the Care Of Disabled Child Benefit, Procedures for the Review thereof and Procedures for the Granting and Disbursement of the Benefit ” Section 2.

⁴⁸ Cabinet Regulations of 22 December, 2009 no. 1517 “Regulations Regarding the Amount of the State Family Allowance and Supplement to a State Family Allowance for a Disabled Child, Procedures for the Review thereof and Procedures for the Granting and Disbursement of the Allowance and Supplement thereof” Section 7 and 8.

341. At the same time in the Guidelines under the course of action “Social protection” the necessity to evaluate the state provided support to persons with mobility impairments in public transport is included, also with regard to the allowance for the compensation of transport expenses for disabled persons with mobility impairments.

342. Several measures to reduce the consequences caused by disability have been determined in the *Disability Law*, for example, the service of a sign language interpreter for acquiring an education; service of a sign language interpreter for providing contact with other natural and legal persons; service of an assistant in performing activities outside dwelling; service of an assistant for acquiring an education; the service of a psychologist for a child to whom a disability expert-examination is performed for the first time, as well as to his or her legal representative; aid for adapting one dwelling; a service of public transport free of charge for persons with Group I and II disability and children with disability, as well as persons accompanying a child with disability and a person with a Group I disability.⁴⁹

343. Persons with Group I or Group II disability, the persons with a disability up to the age of 18 years and the person who accompanies a person with a Group I disability or a person with a disability up to 18 years of age shall use all types of public transport within the territory of the Republic of Latvia free of charge, except for air transport, taxis and passenger carriage on inland waters.⁵⁰

344. In addition to determined preferences regarding the use of public transport, separate municipalities have set additional preferences for persons with Group III disability who use the public transport in a particular administrative territory of the local government. For instance, Rīga and Salaspils provide free public transport from the municipal budgetary resources for persons with Group III disability. While in Daugavpils unemployed persons with Group III disability have preferences in public transport if their income does not exceed a specific amount.

345. Families having children with disability and families where either of parents is a person with disability may receive at the social service office of respective local government a gift voucher in amount of 76.41 euro by Latvenergo AS to pay for the electricity. The available amount of gift vouchers a year – 40,000. Within this campaign each family may receive one gift voucher.

346. Additional personal income tax reliefs have been prescribed for persons with disability depending on the determined group of disability– 1,848 euro for persons with Group I and II disability and 1,440 euro for persons with Group III disability.

347. According to the *Law on Immovable Property Tax* local governments have the right to issue binding regulations, which provide for reliefs for separate categories of immovable property taxpayers, incl. persons with disability. In determining the immovable property tax reliefs, a local government shall comply with the principle of social responsibility, according to which it shall particularly take into account the impact of the tax on the groups of socially disadvantaged and poor inhabitants. Having said that several local governments have provided the immovable property tax reliefs for persons with disability (Aizkraukle, Ilūkste, Baltinava a.o.).

348. A full list of reliefs for persons with disability depending on the determined group of disability is available on the website of the Ministry of Welfare in section “Persons with disability” — “Reliefs for persons with disability” — <http://www.lm.gov.lv/text/918>.

⁴⁹ Each of the said services is looked at in other Report Articles.

⁵⁰ Section 12, Paragraph 1, Clause 7 of the Disability Law.

349. Section 15, Clause 9 of the *Law on Local Governments* prescribe that one of the autonomous functions of local governments is to provide assistance to residents in resolving issues regarding housing. In compliance with *Law on Assistance in Solving Apartment Matters*, Section 4, assistance shall be provided by the local government in the administrative territory of which the relevant person has declared the place of his or her residence. Section 3 of this Law names several types of assistance how local government may provide assistance and one of these types includes assistance in exchanging a rented residential space for other rentable residential space.

Article 29 – Participation in political and public life

350. Article 102 of the Constitution prescribes that everyone has the right to form and join associations, political parties and other public organizations.

351. According to legislation regulating *Saeima*, European Parliament and other elections related standards if due a physical impairment a voter cannot himself or herself vote or sign the electoral roll, in the presence of the voter and his or her instructions, notations on the ballot paper shall be made or the electoral roll shall be signed by the voter's family member or any other person that the voter trusts. The law also states that, if certain voters due their state of health are unable to come to the election premises, the polling station commission shall, on the basis of such voters or their authorized person in a written submission, organize voting at the place where voters are located.

352. Although current legislation on elections provide that persons who, in accordance with the procedures prescribed by law, are recognized as not having the capacity to act, do not have the right to vote, in compliance with international commitments and Constitutional Court judgment of December 27, 2010 "On Compliance of Section 358 and Section 364 of the *Civil Law* with Article 96 of the Constitution of the Republic of Latvia", on June 1, 2013 persons with mental impairments were secured the rights to participate in the local elections for the first time.

353. Of all 950 polling stations 447 or 47% are accessible for voters with movement impairments. Along with improvement of accessibility of general structures also accessibility of polling stations improves since the most of polling stations are placed at schools or other buildings of the state and municipalities.

354. On the website of the Central Election Commission there is included a possibility to enlarge the text – enlargement that makes easier to read for persons having a partial vision loss. While for voters with cognitive impairments on the website of CEC there is available an "Easy to read" section.

355. Since 2001 the CEC has implemented several projects to provide information for voters with disabilities. In cooperation with the Easy Language Agency an informative brochure about election procedures and information sheet on the possibilities to apply for voting at the place of residence has been issued for voters with cognitive impairments for several times. For the voters with a partial or complete vision loss the CEC has made records in audio format of the lists of election candidates and pre-election programs of *Saeima* elections and elections of the European Parliament. During European Parliament elections in 2009 and 10th *Saeima* elections on 2010 the CEC implemented a special project to inform deaf persons; – the lists of election candidates and pre-election programs were translated into the sign language of the deaf and placed on CEC website. Also CEC prepared informative video clips on television were made so that the most relevant information on voting procedure reflects in written format not only in audio format thereby promoting the information perceptibility among voters with hearing impairments. Similar

measures to inform voters with disabilities CEC plans to implement also during 2014 elections.

356. In Latvia there are several NGOs representing the rights and interests of persons with disabilities at local, regional and national level. Some of NGO implement the state delegated functions (for example, LSB, LAD). It is planned to establish a high-level inter-institutional working group to ensure the elaboration of proposals for making more efficient the NGO financing system.

357. There are several local governments (Rīga, Kuldīga, Madona, Alūksne, Saldus, Salaspils, Bauska u.c.) that support NGO by allocating a particular funding and assigning the premises under its possession and other necessary inventory for the provision of activity by organizations or associations.

358. NGO indicate that still the financial support from the state for NGO activities is not received. It also underlines that the most of the polling stations are not available. Programs of political parties are not available in audio format, with the exception of EP elections. Also, many of the state created working groups are organized in premises, which are not available to people in wheelchairs and alternative communication options are not provided, thus many groups of people with disabilities are denied the opportunity to participate in the working groups. Not always during the development and implementation of legislation and policy and other decision-making processes the consultation takes place with people with intellectual disabilities and their active involvement.

Article 30 – Participation in cultural life, recreation, leisure and sport

359. Persons with disability have the same rights as other people for participation in leisure, recreation, cultural and sport activities.

360. Within ESF project “Reducing the anthropogenic load and developing of informative infrastructure in the areas of Natura 2000” there is provided environmental accessibility for persons with special needs – at “Dviete river valley” and Slītere National Park there are built two specialized lavatories, and at Slītere National Park there is also created a Kolka pine tree trail that is available for persons with movement impairments. Currently, tree trails for persons with special needs are under process in Southern Vidzeme, Gauja National Park. Also at Teiči nature reserve the Sīksala trail will be created and two nature trails will be created at Slītere National Park – in Vaide and Kolka – that will be available for persons with special needs.

361. Promoting the provision of equal access and the integration of people with disabilities in society there are implemented several activities within project “My social responsibility” by Latvia and Lithuania cross-border cooperation program: ensuring that persons with disabilities are provided a guide-assistant services; ensuring temporary stays for persons with mental impairments in some Latvian and Lithuanian government institutions (up to 30 days per year), as well as adjusting the Baltic Sea beach for people with functional impairments.

362. Guide-assistant services are available as additional services for persons with functional impairments in everyday situations related to personal hygiene, recreation and entertainment, education, work and health issues. During the project implementation this service is available free of charge, because a guide-assistant service shall be covered from the project expenses during piloting the project. On behalf of Latvia the guide-assistant services will offer in Ventspils and Liepāja, as well as municipalities of Kuldīga, Nīca and Saldus.

363. A part of museum building is cultural monuments, which often makes it difficult to adjust their premises to the needs and comfort of people with disabilities, often there are relatively minor adjustments. The museum buildings that have been reconstructed fully are designed for people with disabilities so that they move there independently. Such examples are the Art Museum “Riga Stock Exchange” and Cultural History Museum of Latgale where independent accessibility to the exhibitions, exposures, as well as various other museum services by persons with functional impairments is possible to a large extent. While the exhibition newly created at Cēsis Castle, the Castle of the Livonian Order at Ventspils Museum and at Krustpils Castle of Jēkabpils History Museum – separate rooms for people with disabilities are not accessible due to the specific nature of the structure (towers, narrow and steep ladder), therefore special systems have been created that allow to view the premises, or view a panorama, as well as to obtain information virtually.

364. According to the data provided by museums for the period from 2010 to 2012, various measures to provide and improve the accessibility for people with disabilities have been performed at 76 museums – locations of physical visitation (or 54% from all accredited museum visitation places the number of which in 2012 was 141⁵¹). Inter alia measures done: provision of accessibility to persons with functional impairments (62 visitation places); provision of accessibility to persons with vision disability (29 visitation places); to persons with hearing disability (17 visitation places); to other groups of persons with disability (7 visitation places).

365. Several museums, to ensure the accessibility for people with disabilities and to better understand their needs, consult and develop regular cooperation with various NGOs representing people with disability, as well as with the special schools, boarding schools, institutions and care institutions. Wherewith some improvements have been made in several museums, for example, groups are guided for people with hearing impairments using a sign language interpretation or a sign language; exhibits through touch and/or smell are offered to people with vision disabilities, as well as annotations for exhibitions are prepared with the increased letters or panels with the annotations in Braille for persons with functional impairments etc., the accessibility of the environment (lower thresholds, widened doorways, etc.); museum-pedagogy programs or creative workshops as training are offered to persons with mental illnesses and development impairments.

366. Already for the third year the Literature and Music Museum works on providing a travelling exhibition free of charge (in 2012 a new one has been created – the Faust like Latvian) to enable to see the exhibition and information to those who cannot get to the museum. The museum package includes classes and lectures run by the museum staff also outside the museum.

367. Within public library development project “The third son of the father” co-funded by Bill & Melinda Gates Foundation, the Latvian Library of the Blind and its seven affiliates for the first time in the history were equipped with a special computer technology for persons having a partial or a complete loss of vision. Also all the main libraries of 28 districts were adjusted with a special computer technology for persons having a partial loss of vision.

368. To support librarians of public libraries in work with people with special needs, methodic material “Computer and Internet accessibility for people with special needs” was developed where have been summarized all the knowledge necessary for librarians who

⁵¹ A total number of accredited museums, its affiliates, structural branches, visitation premises (museum physically separated as a visitation place that performs museum functions – not a legal person) – in compliance with the definition provided by the working group of the International Council of Museums (ICOM) in Amsterdam in 2002.

encounter possible situations in their daily work when there is a need to provide a help to people with special needs — people with movement impairments, visually impaired and blind people — to acquire new information technology and information literacy. In addition to the methodic material there was prepared a 16 academic hours long training program “Methodic in work with people with special needs”, which have been acquired by managers of regional training centers of all 10 public libraries who, in turn, transferred the acquired knowledge to the other librarians of public libraries.

369. In 2011 the campaign “Library goes to people” was implemented where the librarians, equipped with portable computers and wireless Internet, visited people with limited opportunities to be socially active at home, to teach them IT skills, would create an access to the information, the knowledge, the labour market, open up opportunities to socialize, as well as ensure the possibility to use the local government and other e-services. In several cases the training participants themselves or their relatives decided to purchase a computer so that they could continue to use their new knowledge and skills in everyday life.

370. LAD center “Rītausma” is the largest authority in Latvia for the deaf people where take place a variety of creative self-expression measures: free time activities (the various interest groups and amateur art groups, recreational and entertainment activities); educational and informative measures (lectures and the latest information in sign language, meeting with the representatives of different institutions) and amateur performances which is one of the most popular area of leisure for deaf people. The center “Rītausma” has also theater of the deaf. The theater team has produced many performances in sign language and with their art have delighted viewers in Latvia and other countries. Young people with hearing impairments are engaged in dance collective, they are fond of performing popular songs in the sign language. Deaf people also deal with pantomime and folk dancing. Every year in one of the Latvian municipalities during the spring there take place amateur art festivals by people with hearing disabilities.

371. The operation of sport federations of people with disabilities recognized in Latvia regarding the sport types represented by the International Paralympic Committee and other types of sports of people with disabilities is co-coordinated, represented and implemented by the Latvian Paralympic Committee (LPC) which currently comprises 14 sports federations and organizations of people with disabilities (with the total number of members of 1,155), which enables people with disabilities to engage with 21 types of sport – track and field athletics, swimming, powerlifting, paralympic equestrian, cycling, archery, boccia, table tennis, wheelchair tennis, judo, showdown, tandem cycling, chess, 100 square draught, wheelchair basketball, sitting volleyball, standing ice hockey, goalball, paraboltsleigh, paraskelton. Each year the Latvian athletes participate in the World and European Championships.

372. It was prescribed as of September 29, 2012⁵² that when granting monetary awards on excellent achievements in sport, the achievements of athletes with disability in Paralympic Games and games for the deaf will equate to achievements obtained by athletes without disability by setting an equal amount of a monetary award granted to utmost and anticipating an equal possible support for the achievements by athletes with disabilities of national team sport. In this way the inequality was prevented as previously it was prescribed that champions of Paralympic games may receive a monetary award in the amount of up to 50% of achievements of other athletes.

⁵² According to Cabinet Regulations of 18 September, 2012 no.640 “Amendments in Cabinet Regulations of 3 January, 2012 no. 26 “Regulations on the Procedure for Granting of a Monetary Award for Excellent Achievements in Sports, and the Amount of Monetary Award””.

373. LPC in cooperation with Ltd “Sports Laboratory” has organized seminars on Paralympic movement and latest medicine news in sport for people with disabilities. Each year seminars are attended and certificates received by more than 50 coaches, sport teachers, sport and medicine rehabilitation employees, and employees of social service offices. Those present in the seminars are introduced with the latest training methodology. Also LPC in cooperation with Ltd “Sports Laboratory” provide health care and medical surveillance of 370 athletes with disabilities per year on average by providing regular medical examination twice a year and monitoring of the state of health of athletes before and during the competitions. Medical classification is carried out in accordance with the medical classification groups of athletes approved by the International Paralympic Committee.

374. Insurance companies in Latvia do not undertake to provide a mandatory health insurance of the high class athletes with disabilities. LPC athletes who participate in the major international sport competitions receive a common medical insurance (every year 250 athletes with disabilities).

375. LPC cooperates with the various international sport organizations, particularly with the International Paralympic Committee. Cooperation is also developed with the European Paralympic Committee, the International Wheelchair Basketball Association, the World Organization Volleyball for Disabled, the International Ice Hockey Federation and many other world and European sport organizations.

376. The opportunity for people with disabilities to engage in sport is organized by LPC member organizations (together 14 disabled sport federations). Around 40 events on average in 21 types of sport which are open to people with disabilities are organized per year. Similarly, measures for people with disabilities are also organized by other sport organizations (which do not represent persons with disabilities). According to LPC data about 5,000 people with disabilities every year participate in adjusted physical activity, which is 10% of all people with disabilities in Latvia.

377. The main precondition in the new projects which ensure the development of sport infrastructure is to create the accessibility for people with disabilities. Currently in Latvia there are 31 sport base, to which the status of a national sports base is granted according to the procedures specified by law; one of the conditions for granting of the status of is that it is able to provide regular training of participants of national teams, as well as sports events of children, young people and persons with disability.

378. Sport activities for children with special needs (mental impairments), who attend boarding schools and comprehensive schools in Latvia, are organized by the Association “Special Olympics Latvia” (SOL), which consists of 27 special schools for children with special needs. The total number of athletes in the association amounts to 1,985, but at the SOL organized sports competitions participate athletes from schools who are not members of SOL. Sport competitions are organized in several rounds, school teams are divided into five regions – Vidzeme, Latgale, Kurzeme, Zemgale, Rīga. The first round of the competition takes place in regions where participate any interested person. The winners of these regions participate in final republic competition. Individual competitions are being organized throughout Latvia depending on the sport base and financial possibilities.

379. Twice a year with the support of Special Olympics Europe/Eurasia there are organized basketball and football weeks. In the framework of these weeks competitions are organized at schools and regions which involve the majority of pupils with special needs. On average there are organized 14 national competitions a year, from which the selection is made to international competition, which takes place at both European and world level. In recent years the Latvian team that is made of pupils with special needs has participated in the Special Olympics European Summer Games in Warsaw, in the Special Olympics World

Summer Games in Athens and the Special Olympics World Winter Games in South Korea, as well as in the different European Championship types of sport organized by Special Olympics Europe/Eurasia.

380. In the next programming period under the Guidelines of Sport Policy for 2014 to 2020 it is planned to financially support projects aimed to promote equal opportunities for children and young people with disabilities for their participation in sport events, including within education system; organization of nationwide sport events for general, professional and special educational institutions; preparation and participation of athletes with disabilities in Paralympic Games and the Games for the deaf, the World and European Championships (the selection tournaments as well); and to promote the development of sport infrastructure of the state and local government significance.

381. Adjustment of beaches and resting places for persons with visual and movement impairments under several individual projects is on the positive examples in promoting the integration of persons with disabilities. On May 19, 2013 in Kauguri, the resort city of Jūrmala, a project “A beach for all” was launched. During a beach adjustment process there was constructed a path which was created from the special cover of a deal, labeled with a brightly yellow and wide lane in order to help people with vision disabilities to orient themselves. The width of a path and a dressing room are suitable for people in a wheelchair. Equipment includes tandem bicycles, chess and special balls that sound when played so that people with vision impairments can spend leisure time actively and interestingly.

382. A similar measure to improve the accessibility of the environment in the framework of the project “My Social responsibility” of the Latvia — Lithuania cross-border cooperation program for 2012–2013 took place at Liepāja beach and the seaside of Liepāja for people with vision and movement impairments. On the seaside there is created a bathing site for people with movement impairments — a dock appropriate to wheelchairs allows easily to get to the beach, but in a special swimming chair people with disabilities can enjoy a swim in the sea. This swimming area is equipped with audio floats having a sanitary module appropriate for people with vision disabilities and people with disabilities. Within framework of the project there were trained two assistants, which may, if necessary, help visitors with impaired movement and vision.

383. NGO indicate that there are not defined accessibility standards for nature trails, therefore some of the project activities do not always meet the needs of people with disabilities.

Article 31 – Statistics and data collection

384. Already since 1992 the MoW compiles statistics on social assistance in Latvia. The aggregated data are obtained from the local government data, which is collected for each person who wants to obtain any of the state or local government provided social service or social benefit. The data are summarized in the annual statistical reviews. Aggregated information does not contain personalized data about each person separately, but the data for local government in total. The information collected from these reviews is available on the website of MoW.

385. The State Social Insurance Agency is a state institution supervised by MoW which implements the state administration function in the field of social insurance and social services. Information is collected on the SSIA information system, which data are available on SSIA website. The information is published only in an aggregated form for Latvia in total in such a way to ensure the protection of personal data and not violating the rights whereof. Personalized data for each of the state social insurance contributions, as well as the received services or benefits are available on portal www.latvija.lv.

386. The State Commission is a state administration authority supervised by MoW, which shall perform a disability expert examination and a predictable disability expert-examination in the Republic of Latvia. Information concerning persons with disabilities is entered into Disability Information System of the State Commission. The Disability Information System of the State Commission was created to ensure an accurate and timely data storage about all persons with disabilities in the country broken down by gender, age, regions, diagnosis, services a.o. In order to ensure the full functioning of the Disability Information System of the State Commission, data digitalization is currently in process. Every year the State Commission shall prepare and publish the annual public reports on the activities of the institution.

Article 32 – International cooperation

387. A representative of the Ministry of Welfare participates in regular meetings of the High Level Group on Disability of the European Commission, European Commission's Directorate General for Justice, Fundamental Rights and Citizenship where are discussed issues concerning developments and challenges in the field of disability policies, including the progress of implementation of the Convention. Representatives from all EU Member States which are responsible for disability policies at national level participate in the HLG.

388. The Latvian Umbrella Body for Disability Organization SUSTENTO, which is a union of 43 associations of people a disability and chronic diseases, is a member organization of the European Disability Forum (EDF) and a member organization of the Disabled Peoples' International (DPI).

Article 33 – National implementation and monitoring

389. The implementation of Convention shall coordinate MoW but its implementation is monitored by the Ombudsman.⁵³ The Ombudsman is an independent institution whose function is to encourage individuals to contribute to the protection of human rights and compliance with the principle of equal treatment and the prevention of any kind of discrimination.

390. MoW is in charge of coordinating the equal opportunities for people with disabilities in the country. NCDA has been established with the Decree of the Minister for Welfare, which is a co-ordinating institution in the policy area of persons with disabilities that facilitates the cooperation and participation of ministries, NGO, social partners, local authorities and other stakeholders, in order to facilitate the implementation, monitoring and improvement of policies for persons with disability. Each year not less than four NCDA meetings shall be organized and, if necessary, also exceptional meetings can be convoked. NCDA is chaired by the Minister for Welfare and NCDA is responsible for monitoring of the Convention in compliance with the Article 33, Clause 3 of the Convention.

391. Similarly, to involve the NGOs in the disability policy, MoW regularly organizes meetings with NGO where NGO are given the opportunity to express their views and proposals for the implementation of the commitments set out in the Convention, as well as to submit proposals or express an opinion regarding other issues related to the implementation of the rights of persons with disabilities. Similarly MoW representatives participate in the events organized by NGO – discussions, workshops, conferences etc.

⁵³ Law on Convention on the Rights of Persons with Disabilities, Section 2.

392. Since the Convention shall be implemented by applying the mainstreaming principle, each line ministry is responsible for implementing the commitments laid down in the Convention in the field of their responsibility, and each ministry shall plan the state budgetary resources for ensuring the provision of the rights of persons with disabilities.

393. The principle of discrimination prohibition is protected by Constitution. Latvia has chosen to apply an integrated approach regarding the system of regulatory enactments in the field of anti-discrimination, i.e., the prohibition of discrimination is laid down in legal rules of different fields (for example, the *Labour Law*), and separate law on discrimination prohibition has not been elaborated.

394. Gender mainstreaming is implemented in all policy areas, including the policy for persons with disability. In each ministry there is a responsible person for gender equality, including implementation of gender mainstreaming in the sector.
