



Quality in Gender+ Equality Policies

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Issue Histories Latvia: Series of Timelines of Policy Debates

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1. Review of Equality Policies and Responsible Institutional Structures

The chapter starts with a short history of the gender equality question and the development of the framing of women's questions and introduction of gender equality policies. Gender equality policy and prevention of discrimination on sexual orientation grounds developed separately from the prevention mechanisms for other kinds of discrimination. First the formation of gender equality policies and institutions is reviewed and then the overall background to antidiscrimination policies is examined.

Pre 1990 situation

There were no specific gender equality policies or initiatives prior to 1998 in Latvia. During the Soviet period gender equality was not mentioned as a separate social or political issue¹. Apart from women's quota system to People's Councils that granted formal equality, the Women's Council of Latvian People's Socialist Republic was established in 1977. Member organisations were organised in all workplaces where the number of women exceeded 50. Those were united at the district, city, republican and state levels. The council throughout all levels had 5 commissions: (1) production, (2) political ideology and mass culture work, (3) work with children and teenagers, (3) introduction of Soviet tradition and atheistic education, and (5) sanitary and social life². Apart from more general duties like fighting for peace, women's involvement in production in these organisations dealt with issues similar to those raised in gender equality policies (e.g. promoting availability of childcare facilities, monitoring maternal and child health policy, education, etc.). However, the overall context of these activities should be mentioned as essentially different; work was the obligatory duty of all Soviet citizens regardless their sex and not a choice, the Council like the rest of civil organisations was set up under Communist party authority and guidance and public participation in decision-making had a completely different content than that in democratic countries.

1990-present

The formal and obligatory nature of the women's movement in the Soviet past was one of the reasons why women's movement was weak and issues were politically discredited in Latvian society after re-establishing independence. The first decade after re-establishing independence is characterized by several uncooperative and small women's organizations - Latvian Women's organization, Latvian Women's League, Latvian National Women's League, Institute of Women's Rights and others. The first women's political party *Social Democratic Women's organisation* (established in 1998) received 3133 votes or 0,33% of all

¹ See for a more detail: Soviet Sisterhood: British Feminists on Women in the USSR (ed.) B. Holland. London: Fourth Estate, 1985; Watson, P. 1997. (Anti)feminism after Communism. In *Who's Afraid of Feminism? Seeing through the Backlash* (eds.) A. Oakley, J. Mitchell. London: Hamish Hamilton.

² Latvijas PSR Enciklopēdija, 5/2, Rīga, 1984, p.309.

votes in Parliamentary elections in 1998. Though gender equality was not explicitly mentioned in the election campaign programme, human rights, social inclusion, balancing family and work life and health care availability appear on the agenda of a political party for the first time³.

Much influence and support for establishing women's interests in a democratic environment came from Scandinavia. For example, the Association of Handicapped Women "Aspazija" was established with support of Swedish organizations, and Scandinavian Women's NGOs organized seminars for Latvian activists resulting in the establishment of the above mentioned political party. The Resource Centre for Women "Marta" was established which united women's organizations with support of the Finnish Association of Swedish women "MARTHA" in 2000. In the same year, the Coalition for Gender Equality was established uniting Free Trade Union, Family planning and sexual health association "Papardes Zieds", women's research NGOs, and the above mentioned "Marta" and individual members.

EU directives and international documents: equal treatment and non-discrimination policies

The late 1990s brought the mobilization of resources for the implementation of gender equality into national legislation and policy for EU accession. The government commissioned two research projects for assessing the legal and social-economic situation with regard to gender equality in 1999. None of the organizations and events influenced the public opinion to introduce their agenda into the political and social arena. Prior to that year several international documents on inequality were signed without any public debate or action. Gender equality, similar to the rights of handicapped persons or discrimination due to age, was not publicly debated. However, ethnic and racial discrimination continues to be a particularly sensitive topic and Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Council of Europe's Framework Convention for the Protection of National Minorities has not been ratified. With a large proportion of immigrants emigrating from the former USSR during the Soviet period and staying in Latvia after the restoration of independence, migration is a sensitive issue leading to international court cases on human rights. However, these are not voiced in Latvian media and policy space within the frame of human rights but rather as the consequences of Soviet occupation. Questions of migration and family re-unification are still looked upon with suspicion in this context.

The introduction of EU directives concerning prevention of discrimination has not been successful. Directives 86/613, 2000/43 and 2000/78 are not introduced and the Anti-discrimination Act covering the directive 2000/43 had remained in the form of being prepared for its second reading in Parliament in 2004 and has not been viewed in the Parliament since then⁴. A shadow CEDAW report criticises the introduction of anti-discrimination directives especially in terms of indirect discrimination in fields other than employment (as the Labour

³ <http://web.cvk.lv/pub/public/27718.html>

⁴ http://www.saeima.lv/saeima8/mek_reg.fre

Code was amended in 2002), including social security, health care, education, provision of shelter, and in provision of goods and services.

As the recognition of equal opportunities and need for gender equality in society has been low it has not yet become a widely discussed public issue. The development of gender equality institutional mechanisms and legal and political tools has largely been defined by international and EU demands and internal and national need for such change. At the same time EU directives serve as an important argument for enacting gender equality both for NGO activists and dedicated civil servants located in a rather uncooperative and ignorant environment. The mobilisation of NGOs and availability of financial resources for projects to enact gender equality has been the main condition for change in actors and their strategies since 2000. At the same time, the main achievements are the drafting of policy documents and laws as these are the main milestones and points of development uniting the efforts of state and NGO actors.

CEDAW and the Beijing process have played a more formal role. The first governmental reporting to CEDAW was carried out in 2004 and the late reporting was justified by work to set up a gender equality mechanism. The state received the critique of the committee and promised to popularise the final conclusions of the CEDAW Committee in Latvia. The Beijing Platform for Action reporting was done in the following year stressing the work on setting up gender equality mechanisms and initiating policy. At the same time, international documents are rarely used in legal practice and other policy fields. For example, family policy documents do not mention any of the CEDAW and Beijing regulations. RCW "Marta" experts claim that the low level of knowledge of international and EU level documents on gender equality in courts leads to the situation whereby these documents are disregarded.

1.1. A short history of the development of (gender) equality law or (gender) equality strategies or plans

Gender equality is first publicly defined as a problem in the Ministry of Welfare Social Report 1999 and National Human Rights Office (NHRO) Report 1999. The Ministry of Welfare has become the responsible institution for gender equality policy and its guidelines are drawn from EU directives. The Social Report considers the gender pay gap, the double work load of women, gendered segregation of professions and pensions⁵. The NHRO Report states that traditional beliefs on sex roles can influence the just application of the equality principle. It stresses 3 fields of problems: discrimination in political participation and representation, economic discrimination and violence in family⁶. Both reports have set the main frame for policy debates that occur in Parliament and government and occasionally in the media.

⁵ http://www.lm.gov.lv/doc_upl/soczin_par1999_lat.pdf

⁶ <http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.73>

Equality Laws

There is no explicit single normative act granting equality. Equality provisions are instead being gradually inscribed in various already existing acts.

The legal system also had to be reorganised after re-establishing independence. The legislation of the first independent Republic was not directly applicable to the new situation. The Constitutional Law (1991) defining human rights missing in the Constitution of 1922 lists several aspects of equality, stating that all people in Latvia are equal regardless race, nationality, sex, language, party membership, political and religious beliefs, social, economic or service position and origin (Article 12).

Drafting equality laws greatly depends on the agenda of creating a social security system. The rights of disabled persons were incorporated in the “Law on Social and medical Protection of Disabled Persons” (1992) which stated the rights and responsibilities of the state and local governments. In 1995, the social security system was re-organised to create a stable pension system and social assistance system. The law “On social security” provided that social services are available regardless sex, race, nationality and religious beliefs and is based on a solidarity principle. In 1998, the government accepts the concept paper and programme “Equal Opportunities for All” which defined the policy towards disabled people until 2010.

Constitution amendments of 1998 included a new chapter on basic human rights. Article 91, in a general form, protects equality and prohibits discrimination. The only specific group rights are the rights of persons belonging to ethnic minorities to preserve and develop their language, ethnic and cultural specificity (Article 114) and rights to religious freedom (Article 99). The government believes⁷ that the absence of explicit restrictions on rights provides for equal treatment. In its report to CEDAW, it also states that “the Criminal Code and Civil Law norms neither provide nor prohibit any specific rights according to sex difference⁸”.

Further amendments in law are directly linked to the transposition of the *acquis communautaire*. There were amendments made in national legislation following the Directive on Gender Equality which extended provision against discrimination to goods and services as well as employment in the Labour Code. The Law on Labour Protection came into force on 1 January 2002 and the new Labour Code on 1 June 2002. Grounds for protection include racial, colour of skin, sex, age, disability, religious, political or other beliefs, economic and family situation, sexual orientation and other circumstances. Sexual orientation was included in the wording only after extensive debates and when the President returned the Law to the Parliament. The Law transposed the directives on equal pay (75/117/EEC), equal treatment in job accessibility, professional training, career and conditions of work (76/207/EEC), childcare leave for both parents (96/34/EC), the duty for providing proof in cases of

⁷ The combined initial, second, and third periodic report of Latvia on the implementation of convention of 18 December 1979 on elimination of all forms of discrimination against women in the Republic of Latvia, 2003, <http://www.politika.lv/index.php?id=8970> (In Latvian)

⁸ *ibid.*

discrimination on sex grounds (97/80/EC) and on the protection of pregnant women at work (92/85/EEC). These normative acts thus incorporate the requirements of the European Union Directives in the field of equal treatment.

However, the Women's NGO network Shadow report to the UN, 2004, stresses: "it is necessary to raise awareness and understanding on equal treatment, which is essential for social partners. Although specific articles in the Latvia Labour Code focus on the gender aspect, measures should be undertaken to ensure that the above norms stimulate *de facto* equality in the economic as well as other areas of life⁹." De facto equality in the labour market is still one of the priorities in the Equal programme project activities 2004-2007.

The position of Latvia in negotiations prior to accession to EU in 2004 was that the above mentioned steps would be taken to correspond to EU requirements of equal treatment and non-discrimination. One of most controversial steps were amendments to the law "On Pensions" with the increase in the pension age for women that was previously five years lower than that of men. The retirement age for both sexes will slowly increase to 62. This decision severely influenced women of pre-retirement age as this was the group most vulnerable to unemployment. The amendment granting gender equality put many women into a worse position.

The equal treatment of men and women in social security schemes provided by employers (Directive 86/378/EEC (96/97/EC)) was transposed in law on "Private Pension Funds" (1997) prohibiting discrimination based on origin, economic position, race and nationality, sex or religious beliefs. Directive 86/613/EEC on equal treatment of self-employed men and women was transposed in the laws "On Social Insurance" and "On Insurance of Maternity and Illness".

The Law on Sexual and Reproductive Health entered into force on 1 July 2002 guaranteeing the right to abortion - a right previously granted only through the Welfare Ministry Regulation of 1993. There was a public debate prior to the Parliamentary vote. Christian organisations lobbied against the abortion provision and family planning and women's organisations lobbied for it; the impact of the arguments of both sides was unclear until the final vote on the law.

Parliament amended the Criminal Code to strengthen norms against trafficking in human beings in April 2002. In 2002, charges on sending a person abroad for sexual exploitation with the person's consent were filed in 13 criminal cases, bringing the total number of cases to 25. Amendments came into force following both international pressure and NGO lobbying to prevent Latvia becoming a supplier and transit country of human trafficking.

The Directive on Gender Equality (extending provision against discrimination to goods and services as well as employment) is incorporated also in the "Radio and Television Act", including the prohibition to instigate hate on national, racial, sex or religious grounds, as well

⁹ <http://www.politika.lv/index.php?id=5287>

as humiliation of national honour and esteem; and the "Advertisement Act", prohibiting discrimination against persons on grounds of race, skin colour, sex, age, religious or political beliefs, national or social origin, wealth and other factors.

The "Judicial power Act" in that year also states the basic principles of the legal system and provides for equal treatment and protection of all persons. It states that the court makes decisions independently of a person's origin, social and financial background, race or national identity, sex, education, language, attitude towards religion, kind and character of employment, place of residence, political and other judgements.

All these changes occurred in a relatively short time period and mostly without public discussions. The changes can be seen more as part of the necessary steps towards EU accession rather than significant changes to the moral principles in society.

Incorporation of equal treatment and prohibition of direct and indirect discrimination into the general legal framework was not successful; the second reading of the Equality Law was moved from the Parliament agenda in 2004 to be discussed in more depth and it never re-appeared. The debate on transposition of the directives has moved towards the quality of transposition. For example, the NHRO has stated¹⁰ that the racial directive 2000/43/EC has not been fully incorporated in legislation on the private sector in the Civil Code and Consumer Rights Act. Between 2005 and 2006 there have been several attacks on people of different racial and ethnic origin. Though public opinion repudiated the attacks, the USA State department put a warning on their home page in July 2006 on possible racial attacks on tourists. The Criminal Code (Paragraph 78) states the measures for breaching racial and national equality but it has rarely been applied, as the police tend to qualify attacks as ordinary offences. Similarly, proving discrimination on sex grounds in the workplace appeared to be difficult and even though the law put the responsibility to provide proof on employer, employees still had the difficulty in proving the discrimination in submitting the claim.

Association with other inequalities

Gender equality is a new topic; it is voiced as multiple discrimination in the NGO sector around 2007, when a group of WRC "Marta" experts work on a Gender Equality Law initiative. Issues of multiple discrimination had been previously articulated as implicitly linked to gender and women's position in society. Issues concerning ethnicity, poverty, care for handicapped children, violence and human trade have been targeted by RCW "Marta" and women's crisis centre practical projects. However, these issues have been voiced more in the form of "Marta's" correspondence with governmental institutions and Parliament and chapters under the same headlines in reports rather than being supported by open public discussions. Similarly, the Institute for Women's Rights expresses its concerns on multiple discrimination. The Institute publishes a report on direct and indirect discrimination in labour market. Those most affected are disabled women, single mothers, and women above 35.

¹⁰ <http://www.vcb.lv/zinojumi/VCB-2005-gadaZinojums.pdf>

The Institute stresses that these women feel discrimination both from their employers and society. It issues recommendations to the Ministry of Welfare, Parliament and NGO sector. However, these recommendations do not bring about a major turn in the formulation of gender equality policies and recommended gender equality law.

One of the reasons for this lack of change is that gender inequality is not taken for granted to the same degree as other inequalities are and readers' comments following articles featuring gender inequality in Internet media mostly position it as an artificially constructed form of discrimination. Social inequality was stressed in the farewell speech of the previous President as one of the major points that should be further addressed in July 2007.

Major turning points

The first turning point was the creation of a new social security system dealing with different inequalities. Provisions for disabled people were one of the first areas of the new legislation. The pension and social security legislation was set up in 1995 granting men and women the same retirement age but in the short-term it worsened the position of persons in pre-retirement age as the retirement age was increased, heavily influencing women.

The other change is linked to the rapid transposition of the *acquis communautaire* in 1999-2000. This is the period when gender equality explicitly comes onto the Latvian policy agenda. A gender equality institutional mechanism is set up in the Ministry of Welfare. Change activates the NGO sector and stimulates formulations of interests in the field. Further turning points in gender equality policy and law are also associated with the state regulations necessary for implementing EU directives and rising public consciousness and there have not been a wide range of other influences.

Exceptions to these patterns of influence came with the involvement of the Constitutional Court in cases linked to the defining and regulating of the family. In 2004, the NHRO submits a claim on Civil Code Article 155.6 limiting paternity claims for married fathers to their children born outside wedlock. The court ruled that biological and social reality is prior to legal assumption. In 2005, a group of mothers claimed against child care provisions limiting support to non-working parents only. Though gender equality was not the prime base for the court decision, it significantly changed the state policy towards and public opinion on child-care and initiated a new flow of claims from women of handicapped children and mothers' on childcare leaves. Both events initiated change in social policy that previously was not directly influenced by EU directives.

Public discussions in the policy arena on gender equality emerge in 1999 in the context of a low level of understanding of the issue in society and in state institutions. NHRO and NGO partners (Latvian National Women's League, Institute for Women's Rights, Association of Handicapped Women "Aspazija", Association of Academically Educated Women) draft legal recommendations for gender equality and non-discrimination in social security provisions and the Labour Code (entitling fathers to child care leave). Debates start with the initiative of

LHRO tackling the question of the formal nature of granting gender equality in work and family life at the same time as pointing at the gender pay gap and the lower opportunities in relation to women's careers and promotion.

In the same year, a work group to develop a Concept Paper on Gender Equality is established at the Ministry of Welfare largely answering the demands for EU accession¹¹. Participants of both work groups establish a good partnership on gender equality policy thus being an exemplary case of state-NGO partnership in terms of organisation. NGO partners remain only partly satisfied with the result as the government declines all the suggested institutional mechanisms which require additional costs – the establishment of a Centre for Gender Equality and institution for dealing with gender equality disputes. The shadow CEDAW report three years later states that this decision should be reviewed as: “each country of the European Union will be obliged to establish an institution promoting prevention of gender discrimination and preparing independent reviews on situation and legal initiatives”. EU funds largely remain the main sources for directing activity.

The first policy paper defining gender equality policy - the Concept Paper on Gender Equality Implementation- is passed in the Cabinet of Ministers in October 2001 and sets following policy directions:

1. Creation of national machinery;
2. Training and raising awareness in public administration, among civil servants;
3. Improvement of the legislation;
4. Development of the Programme for the implementation of gender equality, setting quantitative and qualitative goals;
5. Regular monitoring and evaluation.

However, gender equality issues are not very popular in society and creation of understanding in society and in the civil service is the ultimate task and not the context of governmental policy. There is no pressure- apart from the existing NGO partners- for a different institutional mechanism and more state effort. At the time of passing the concept paper it is not clear how all the tasks included in the Concept papers should be enacted as financing is not yet allocated. The situation is confirmed by the Report of the Ministry of Welfare “Attitude and understanding of gender equality issues in society”, accepted to the knowledge of the Cabinet of Ministers and sent out to all ministries and secretariats in January 2003.

Further activities are directed towards incorporation of the gender equality principle into national policies and Law. EU requirements are the major driving force for changes. On July 9, 2002, the Cabinet of Ministers (CoM) accepts amendments in the CoM instruction “Procedure of filling in annotation to normative act projects” providing “analysis of impact of the normative act on equal rights and opportunities of men and women”. This motivates ministries to develop competence in this policy field. These and further activities are driven

¹¹ <http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.73>

by the EU framework programme "Promotion of an Integrated Approach to Gender Equality in Latvian Policy".

The first field for implementation of EU directives are labour regulations. Prohibition of different treatment on the grounds of sex is included in the new Labour Code passed in 2002 and amended in 2004. The only controversial issue regarded discrimination on the grounds of sexual orientation (included in the law in 2004 and discussed in more detail under the sub issue).

The state machinery proceeded with further developments in gender equality policy. The Ministry of Welfare became the responsible ministry. Gender questions implicitly appear in state family policy created for solving the demographic situation (i.e. population ageing and a low birth rate). However, gender equality is not mentioned as its priority. All "State programmes for improving children and family situation" (2003, 2004, 2005, and 2006) ignore integrating gender equality and do not view the situation from this perspective comprehensively. NGOs criticise the programmes for their lack of a gender perspective and this problem persists.

The NGO Coalition for Gender Equality stages its first larger public information campaign on the gender equality question in 2003, targeting media and university students. The response to the campaign from society is not welcoming. At the same time, the first forum of Latvian Women's organisations is organised by WRC "Marta" in September 2003, now uniting 49 women's organisations. RCW "Marta" becomes the centre for Latvian Women's organisations and part of EU Women's Lobby. "Marta's" president becomes Women's Lobby vice-president in 2006. Part of the success of the NGO is their expertise in the field, much lacking in state policy-making. Their impact on policy much depends on international cooperation with worldwide NGO networks, policy monitoring and shadow reporting. It becomes a regular forum for setting priorities for ensuring gender equality, public participation and improvement of the administrative capacity to work with gender equality issues and improvements to the gender equality policy mechanism; and prevention of violence in the family and monitoring policy¹². Both gender equality organisations together with the Free Trade Union Association lobby Parliament and government to establish a specific state institution for implementing gender equality. Around 500 citizens sent cards to the Prime Minister in support of this demand. The action is not very successful, receiving the response that these tasks are mainstreamed through the ministries and that a separate institution for implementing gender equality is unnecessary.

From 2004 onwards, a gender-mainstreaming approach is included as a horizontal objective in the strategic documents of Latvia (i.e. national development plans prepared in relation to the accession to European Union structures and the use of European Union financial funds). The European Commission has defined compliance with the gender equality principle as one of the three horizontal priorities in adoption of Structural Fund resources. The Ministry of

¹² <http://www.marta.lv/new.php?lang=lv&id=43>

Welfare has developed Guidelines to incorporate and evaluate the projects from a gender perspective that stands both as education material and a formal demand¹³.

The debates on the action plan to enact the Concept Paper on Gender Equality Implementation are slow, despite NGO pressure. The first action plan 'The Programme for the Implementation of Gender Equality 2005-2006' is accepted by the Cabinet of Ministers only on September 8 2004, three years late. It sets activities in four directions: education and awareness raising in society about gender equality issues; reconciliation of work and family life, violence prevention and increasing the capacity of state administrations in field of gender equality.

Public institutions, as well as nongovernmental organizations, carry out activities covered by the programme. They are focused on the different target groups – employers, employees, women and men in different age groups, the family, and specialists working in education. A separate financing mechanism for the programme is still not introduced. Its progress reports show that the greatest progress is achieved in implementing the tasks of the Ministry of Welfare, attracting international funds. At the same time, the integration of gender equality into education programmes is slow and representatives from education authorities fail to cooperate efficiently¹⁴. Part of the programme's activities is set under an EU Structural Funds project "Strengthening Capacity of competent institutions in developing and implementing employment and gender equality policy".

The European Social Fund and "Equal" programme gives funds to major activities in relation to gender equality policies and research throughout 2004-2007. A wide range of organisations (state, local government and NGO) create partnerships to enact their activities under the programme. The activities are wide-ranging, including: research, education campaigns, pilot projects on women's participation in the labour market, child care, popularisation of paternity rights, discrimination at work, legal advice, awareness raising, human trade, and prostitution. The activities help promote understandings of gender equality in different areas and parts of society. Some projects (WRC "Marta", NHRO) included lobbying activities and monitoring of gender equality in different policy areas and elaborating proposals for legislation. The National Human Rights Office staged an information and education campaign as a part of the EQUAL project "Open labour market for women", fighting discrimination in the workplace. During the campaign, NHRO received a higher number of complaints and offered 257 consultations. The Parliament amended the NHRO Act and enlarged its competence, transforming it to the national organisation for promoting equal treatment in the context of EU law. The Office received the right to represent persons in cases of unequal treatment.

Lobbying is enacted through participation in governmental and Parliament work groups that acquire more and more professional features. However, there is no explicit demand for

¹³ Translated in English, available on <http://www.lm.gov.lv/?sadala=310>

¹⁴ Council for Gender Equality, Protocol of 9th meeting March 24, 2005, <http://www.lm.gov.lv/index.php?sadala=344&id=1040>

gender equality policies in society at large. Even a debate of the Parliamentary Sub commission for Gender Equality with experts on gender equality and the demographic situation ended with some deputies blaming women for not staying at home and giving birth to children and the “evil” ideology of gender equality¹⁵.

2006 is a Parliamentary election year and gender equality first appears on the policy agenda as a result of the initiative of politicians themselves. The Minister of Welfare Dagnija Staķe openly criticises the expressions of the fraction leader of the First Party (right wing Christian party) regretting the appointment of a woman on the post of Minister of Defence as discriminatory and ungrounded. The Parliament speaker Ms. Ingrīda Ūdre together with women’s NGOs organises a Parliamentary discussion on gender balance in political decision making on May 24, 2006. In this discussion, women parliamentarians openly voice problems of informal rules on decision-making excluding women. 2006 is a turning point, including implementation of gender equality in the new Government action programme after the Parliament elections. Gender equality is included as one of the priorities in discussing the new National Development Plan where NGOs actively participate both in draft discussions and final public discussions of the plan. The government develops procedures for consultations with civil society. Gender equality is not a prominent issue in these discussions and many ministries still fail to frame their plans taking gender equality into account. However, support to families and reconciliation for work and family life is included in the plan.

The Department of Gender Equality (Ministry of Welfare) use EU Social Funds for staging a gender equality awareness campaign¹⁶ that, together with other events, contributes to a different positioning of gender equality in public space.

The new Programme for the Implementation of Gender Equality 2007-2010 prepared by the Ministry of Welfare and submitted to Cabinet of Ministers in 2007 is the main policy document compiling activities from all ministries. The fragmentation and the lack of a common position is the main point of critique from NGO experts. However, a shortage of financing largely influences the contents of the programme. This year the EQUAL project tenure ends which places in question further NGO monitoring and lobbying for gender equality as no state funds are available for this purpose.

A lack of financing and political support delays the Gender Equality programme 2003-2007 for 3 years. As the Ministry of Welfare admits in 2003¹⁷, the programme covered too broad an area and lacked financial means for its implementation, meaning it had to be re-worked. Gender equality policy is implemented mostly using EU funds on a project basis. In practice, the activities are “collected” through all ministries and put under the gender equality

¹⁵ <http://www.delfi.lv/archive/article.php?id=7510414>

¹⁶ <http://www.delfi.lv/archive/article.php?id=15736125>

¹⁷ Ministry of Welfare Report, 2003 “Paveiktais dzimumu līdztiesības jomā Latvijā 2002.gada laikā”, <http://www.politika.lv/index.php?id=8974>, Council for Gender equality 5th meeting protocol, July 17, 2003, <http://www.lm.gov.lv/index.php?sadala=344&id=254>, Council for Gender equality 9th meeting protocol March 24, 2005, <http://www.lm.gov.lv/index.php?sadala=344&id=1040>, Council for Gender equality 10th meeting protocol, March 30, 2006, <http://www.lm.gov.lv/index.php?sadala=344&id=254>

programme. The Gender Equality Unit at the Ministry of Welfare has been active in attracting financial resources. In 2002, the government accepts the participation in the EU programme “Community Framework Strategy on Gender Equality (2001-2005)”, co-financing the programme. Latvia participates in the EU/PHARE programme Twinning Light, is organising their first larger national conference on gender equality policy and is translating and publishing EU policy documents and guidelines for implementing gender equality. It is also creating an educational programme on gender mainstreaming at the state administration school¹⁸.

Later the government participates in the ESF programmes “Strengthening capacity in developing and implementing employment and gender equality policies of the institutions involved” (2004-2007) and EQUAL programme (2004-2006) that allows a wide range of projects involving NGOs, state institutions and local governments.

1.2. International legislation ratified

Latvia has ratified the majority of the international human rights agreements since the restoration of independence. The most important of these include:

Universal Declaration of Human Rights,

International Covenant on Civil and Political Rights (ICCPR),

International Covenant on Social and Economic Rights (ICESR),

The International Convention on the Elimination of all Forms of Racial Discrimination (CERD),

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); Latvia has not ratified the Protocol 12 to ECHR, prohibiting discrimination and the Council of Europe’s Framework Convention for the Protection of National Minorities,

Convention for the Suppression of Trafficking in Persons and the Exploitation of the Prostitution of Others in 1992,

European Social Charter (ESC),

International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1992; however, the Optional Protocol to CEDAW is not ratified.

¹⁸ Council for Gender Equality, protocol of the 6th meeting November 10, 2003, <http://www.lm.gov.lv/index.php?sadala=344&id=255>

1.3. National legislation

The Constitution (Amendments in 1998 including a chapter on basic human rights and prohibiting discrimination)

The Constitutional Law (1991) Defining basic Human rights and prohibition of discrimination absent in the Constitution

The Law on Labour Protection (2002) includes equal treatment, transposed from EU directives

Labour Code (2002, Amendments 2004, 2006) includes equal treatment, equal pay, transposed from EU directives, amendments include precision of wording and including discrimination on sexual orientation grounds

The Law on Sexual and Reproductive Health 2002

Criminal Code (Amendments 2002 on measures against human trafficking)

“Law on Social and medical Protection of Disabled Persons” (1992)

“Pensions Act” (1995, grants equal treatment, transposed from EU directives)

Law “On Social Security” (1995, grants equal treatment and conditions)

Law on “Private Pension Funds” (1997, grants equal treatment)

Law “On Social Insurance” (1997)

Law “On Insurance of Maternity and Illness” (1995)

"Radio and Television Act" (Amendments 2002)

"Advertisement Act" (Amendments 2002)

“Judicial Power Act” (prohibition discrimination listed)

Programme “Equal Opportunities for All” (1999, promoting equal treatment of disabled persons)

National Development Plan 2006-2013¹⁹

¹⁹ English version <http://www.nap.lv/>

1.4. A short history of the development of gender equality machinery in government and its relationship with governmental institutions for other equalities

National Human Rights Office (NHRO)

Since 1996 the National Human Rights Office (NHRO) has monitored compliance with norms in respect of gender equality and non-discrimination, provides consultations, recommendations on gender equality issues, reviews complaints on violations of gender equality, and represents individuals in court. The last authorisation was given in 2005 when the Parliament amended the NHRO Act and enlarged its competence, transforming it to the national organisation for promoting equal treatment in the context of EU law.

Gender equality implementation and prevention of discrimination is one of the tasks of the National Human Rights Office (NHRO). The Department of Discrimination Prevention was established there in 2004. The department dealt with discrimination on the grounds of sex as well as other forms of discrimination. The National Human Rights Office has reviewed several complaints on discrimination at work and police attitudes to domestic violence. On 30 June 2003 a working group was formed assigned with the task of developing a draft law on the institution of ombudsman in cooperation with the Chancellery of the President and the State Chancellery. A draft law had been timely developed but the Latvian Parliament delayed the formation of the institution. The same problem of administrative capacity and financial resources of gender equality mechanisms influenced the work of NHRO. The financing to the Ombudsman institution was not allocated until the last minute of appointing the Ombudsman. This resulted in several candidates refusing to be nominated for the post which did not have real budgetary cover or prestige among the Parliamentarians. The re-organisation of NHRO into the Ombudsman was delayed for 2 years and it started its work only in 2007.

Gender equality policy unit: Ministry of Welfare

The demand for setting up an institutional mechanism for the development of gender equality explicitly comes from the *acquis communautaire*. Since January 1999 the Ministry of Welfare has been the responsible institution for gender equality issues in the Government²⁰. At that time it meant both coordination of transposition of EU directives to the national legislation as well as implementing gender equality, coordinating collaboration with other state institutions, NGOs, collecting and summing up information on developments of gender equality, and preparing proposals and projects on general questions of gender equality. In the beginning the Department of Social Policy Development was responsible for coordination. The Societal Integration and Gender Equality unit was established there and took over the function in 2000. In 2001 the Government rejects the proposal of NGOs and the Ministry of Welfare for setting up a specific institution for implementing gender equality. Later, in July 2003, the Gender Equality Unit is formed in the Department of European and Legal Affairs, Ministry of Welfare. It coordinates the implementation of the gender equality policy, monitors and assesses gender equality promotion programmes and projects, monitors the overall situation

²⁰ Protocol of the Cabinet of Ministers of December, 8, 1998 (Nb.66 35.§)

and the assessment of the political impact from the gender equality aspect, and ensures the co-ordination of various normative acts.

Latvia has chosen the gender-mainstreaming principle, largely in the context of an absence of a strong gender equality implementation unit and targeted financing. The choice was made in 2001, accepting the Concept Paper on Gender Equality Implementation. The government did not support the establishment of Gender Equality Promotion Centre and mechanisms for reviewing cases of gender equality disputes. With the establishing of the Council for Gender Equality, the question of a gender equality promotion agency reappears on agenda. However, the Ministry of Welfare does not succeed and proposal is rejected in government. In the first Council for Gender Equality meeting, the ministry rejects further efforts promoting the issue until “there is a pressure from society²¹”. There have been several attempts to reverse the decision but costs have been the main argument for rejecting the claim. The current institutional framework shows that the capacity and good qualifications of Gender Equality Unit alone does not seem to guarantee implementation of gender equality policy as it does not possess adequate financial, power and political support mechanisms.

Secretariat of the Special Assignments Minister for Society Integration Affairs

Other aspects of inequality are transferred from the Ministry of Welfare to the Secretariat of the Special Assignments Minister for Society Integration Affairs in 2003. The secretariat has its own budget for implementing the social integration programme. It targets the promotion of civil society, supports ethnic minorities, especially targeting *livu* aboriginal ethnic group and Latvians abroad, as well as broadly promoting tolerance and fighting discrimination. The function for preventing discrimination has become one of the controversies since 2005 as the Secretariat supported sexual minorities while public opinion was strongly against the rights of sexual minorities. In this way, ethnic, religious, cultural, and sexual diversity became divorced from questions of gender, welfare and disability; the responsibility partly lying within the Ministry of Welfare. The last two grounds are included under the headline of societal integration in project competitions of the Secretariat and Social Integration Fund but gender is often seen as a separate area because its specific coordinating mechanism belongs to a different state sector.

Gender mainstreaming mechanisms: Inter-ministerial working group and Council for Gender Equality

From 2001 gendered equality was mainstreamed in government. To solve the lack of cooperation between ministries the Inter-ministerial working group (Gender equality coordination group) was set up in Ministry of Welfare in December 2001 which included representatives from line ministries, NGO's, the Latvian Free Trade Union and Latvian Employers' Confederation. The working group co-ordinates the incorporation of gender equality principles into the sectoral policies, programmes and normative acts. The workgroup

²¹ Council for Gender Equality, protocol of the 1st meeting, June 20, 2002, <http://www.lm.gov.lv/index.php?sadala=344&id=250>

has been criticised in the Shadow report of 2004, which claims that “despite the fact that a framework document on gender equality was adopted in 2001, the relevant inter-ministerial working-group failed to draft a National Gender Equality Programme for 2003-2007²²”. In 2004 gender equality becomes officially declared a horizontal priority - ministries, as well as the Secretariats of Ministers for Special Assignments, are responsible for the coordination of the incorporation of gender equality principles into already existing and future policies, normative acts and programmes, preparation of proposals for the gender equality implementation, and information of the society about activities undertaken in the area of gender equality in accordance with their competence. All ministries have a nominated person responsible for gender equality issues at the highest level (understate secretary)²³. The latest change facilitates the work of NGOs as they start working with state officials who are permanently responsible for gender equality policy and this allows for improvement in the quality of dialogue.

Principles of partnership with civil society are taken into account in the setting up of the advisory body Council for Gender Equality in 2002. This body includes representatives from trade unions, the Coalition for Gender Equality, research institutions, local governments and the ministries. The minister of Welfare chairs the Council, and the members of the Council are elected for 3 years. In its first meeting in 2002 the necessity to inform trade unions, employers and local governments “on various aspects of gender equality, stressing additionally one of the EU demands to assess how the particular project influences one or another sex” is discussed²⁴. The first Council for Gender Equality meeting also voices problems ensuring de facto rights and mechanisms for promoting gender equality (Latvian Human Rights Office) and lack of financial means (Coalition for Gender Equality). The Gender Equality Council is an advisory body in gender issues for the government and has a strategic role to promote the implementation of the gender equality policy at all levels in public administration institutions and to draft recommendations about the necessary changes. Its work was not efficient however and it was proposed to reorganise the council. The Shadow CEDAW report criticises the capacity of the Council to promote the implementation of the gender equality policy in public administration institutions. The Shadow report claims that the body does not possess “the adequate administrative capacities in place and is not able to fulfil its new responsibilities emerging from the new legislation²⁵”. The CEDAW Commission conclusions echoed the NGO view, doubting the effectiveness of a small gender equality implementation unit with small administrative and financial resources²⁶.

²² <http://www.politika.lv/index.php?id=5287>

²³ <http://www.lm.gov.lv/index.php?sadala=344&id=721>

²⁴ Council for Gender Equality, protocol of the 1st meeting, June 20, 2002, <http://www.lm.gov.lv/index.php?sadala=344&id=250>

²⁵ <http://www.politika.lv/index.php?id=5287>

²⁶ CEDAW Concluding Comments: Latvia, 26 July, 2004, CEDAW/C/2004/II/CRP.3/Add.5/Rev.1, p. 4, www.politika.lv/index.php?f=349

Central Statistical Bureau of Latvia

The bureau plays an important role in monitoring gender equality. In 2003, a set of indicators monitoring the implementation of gender equality is set up using the data available at the Central Statistical Bureau of Latvia. It collects statistical data disaggregated by sex and the main data is also presented by sex (e.g. the Statistical Yearbook, Men and Women in Latvia). More specific data are collected but not necessarily presented by sex. The Statistical Bureau also performs some research (e.g. Workforce Survey, Statistical bulletin on Household Budget, statistical data collection on Time Use of the Population of Latvia, etc.) that includes data analysis from a gender perspective.

Regular reports on policy implementation are given to the Council for Gender Equality and are available on the Ministry of Welfare web page where gender equality policy has a separate well-documented folder available to the broader public. The bureau also participates in European Union joint projects and is currently planning a large research project on violence against women.

State Labour Inspectorate (SLI)

The State Labour Inspectorate (SLI) is a state administrative and supervisory institution that works under the supervision of the Ministry of Welfare. The main task of SLI is to take measures to ensure effective implementation of state policy in the field of labour legal regulations, labour protection and the technical supervision of dangerous equipment. It has become the main institution controlling implementation of gender equality in the workplace. The Inspectorate had approximately 100 inspectors across the country in 2005. Within the EU project, inspectors received training on gender and employment issues providing that in the future all inspectors would be able to handle cases involving discrimination on grounds of sex. However, the capacity of the authority to recognise violation of equal treatment has often been questioned by women's rights NGOs.

Evaluation of the institutional mechanisms

Institutional mechanisms are introduced but often criticised for being inefficient for the Latvian situation. As the Shadow report on the implementation of the Convention of 18 December 1979 on Elimination of all forms of discrimination against women (2004) states, low public awareness and the lack of information on equal opportunities issues contributes to the fact that targets of discrimination have rarely fought discrimination in courts or sought assistance from state bodies or non-governmental institutions. The statistical data shows that 74 % of the population would not go to court in the case of human rights violation, 37 % of the population does not trust the court system, and 13 % do not know where to turn for assistance. As a result, the effectiveness of the Constitution's provisions questionable²⁷.

²⁷ Shadow report to the combined initial, second, and third periodic report of Latvia on the implementation of convention of 18 December 1979 on elimination of all forms of discrimination

The shadow report on CEDAW admits: “in practice there are neither proper mechanisms nor culture for resolving gender equality disputes. At present the only institutions for the submission of complaints and claims are court, the State Labour Inspection Bureau and the National Human Rights Office. The small number of complaints about failure to observe gender equality testifies the low information level of the community on these issues, to the distrust of the population in the court system as well as the fear of employees about possible sanctions undertaken by the employer, e.g., the dismissal of the employee. Only a small number of NGOs provide legal aid specifically for women”.

Parliamentary groups

There were two parliamentary groups throughout 2003-2006 working with questions of gender equality. With the election of the new Parliament in 2006 their work ceased.

Women’s Inter-parliamentary Cooperation Group

One of problems of the gender equality mechanisms has been the weak support from society. The Women’s Inter-parliamentary Cooperation Group was set up at the beginning of 2003. There were all women parliamentarians involved in this group. The main idea behind establishing such a group was to highlight gender equality issues and to pay specific attention to women’s socio-economic situation and their role in society as a whole. Women parliamentarians having different party backgrounds formed this group two months after the last parliamentary elections. After election of the next Parliament in 2006 the group was not re-established. It did not make any major contributions to gender equality policy.

Gender Equality Subcommittee at the Committee of Human Rights and Public Affairs of the Latvian Parliament

In October 2003 a subcommittee Gender Equality Subcommittee at the Committee of Human Rights and Public Affairs of the Latvian Parliament is established to promote gender equality and gender mainstreaming at the legislative level: prepare proposals for legislative changes, raise discussions about gender equality, discrimination, gender mainstreaming, domestic violence and trafficking in human beings in the parliament and exchange experience with other countries and adopt best practices. The representatives of all political parties which are represented in Parliament took part in the work of the Gender Equality Subcommittee. It worked actively through 2003-2006 due to the enthusiasm of its chair. The under-commission played an important role promoting discussion between state institutions, NGOs and Parliament²⁸ even though the opinions of its members were criticised by experts²⁹.

against women in the Republic of Latvia, Submitted by women’s NGOs network of Latvia, Riga, Latvia, 2004 <http://www.politika.lv/index.php?id=5287>

²⁸ <http://www.lm.gov.lv/index.php?sadala=344&id=255>

²⁹ <http://www.delfi.lv/archive/article.php?id=7510414>

Government institutions

Ministry of Welfare

Department of Social Policy Development (1999)

Societal Integration and Gender Equality (2000)

Gender Equality Unit (2003)

Secretariat of the Special Assignments Minister for Society Integration Affairs

Inter-ministerial working group (Gender equality coordination group, December, 2001)

Gender Equality Council (2002)

Controlling and monitoring institutions:

State Labour Inspectorate (SLI) (Under Ministry of Welfare)

The Central Statistical Bureau of Latvia

National Human Rights Office (NHRO), The Ombudsman of the Republic of Latvia since 2007

Parliament

Women's Inter-parliamentary Cooperation Group (2003-2006)

Gender Equality Subcommittee of Human Rights and Public Affairs Committee of the Latvian Parliament (2003-2006)

2. Non-employment

The sub-issue of non-employment concerns the construction of the boundary between employment and non-employment. Non-employment here includes both what is conventionally considered to be unemployment and also economic inactivity; however, the focus for QUING is on the second issue. There is a particular focus in the issue of the changing legitimacy of whether particular groups are not employed, in a context where employment has become the 'norm'. The QUING interest is in the gender+ equality issues embedded within policies on the boundary between employment and non-employment. The Latvian situation is particular in the context of non-employment as the obligatory employment during the Soviet period remains in public memory. Women's access to labour market is virtually a non-issue but low pay and long work hours are considered as problems by women's NGOs.

Introduction to the sub-issue and topics

- **Care work and benefit system** childcare leave and benefits, promotion of birth rate;
- **Reconciliation of work and family life** flexible working, part-time working, length of working hours;
- **Equal Pay** Work to eliminate the gender pay gap by state, semi-state and NGO actors;
- **Equal access to labour market.**

One of the problems with selecting topics within non-employment most relevant for the QUING project is the lack of their direct reference to gender issues. Topics are selected according to main topics identified by QUING guidelines though not defined as such within Latvian policy.

Latvia traditionally has had a high rate of women's employment. After re-gaining independence, the employment of women with small children was somehow considered a sign of a socialist regime and was not ideologically promoted. At the same time however economic hardship forced women to enter the workforce. During the 1990s research showed that Latvian women had two seemingly contradictory priorities – work career on the one hand, and childcare and family on the other.³⁰ Politicians often do not extend human rights to women, instead referring to the "natural" order of things and pointing to childbirth and childcare as "natural" fields where women could express themselves.

Care work and the benefit system are seen separately from reconciliation of work and family life as they are seen as different policies. The benefit system is seen in terms of measures for promoting improvement of the demographic situation, often contradicting the logic of

³⁰ Koroleva, I. 1997. Gender Roles in Family: Perception and Reality. In *Invitation to Dialogue: Beyond Gender (In)equality* (ed.) I. Koroleva. Riga: Institute of Philosophy and Sociology, Academy of Sciences of Latvia; Zarina, I. B. 1997. The Views of Women on Gender Issues in Family and Employment. In *Invitation to Dialogue: Beyond Gender (In)equality* (ed.) I. Koroleva. Riga: Institute of Philosophy and Sociology, Academy of Sciences of Latvia.

reconciliation. Reconciliation of family and work life and equal pay are seen as measures of gender equality policy and social inclusion but not necessarily as a part of family policy.

Childcare and the benefit system are much debated as a gender question both in governmental policies and NGO work. These issues attract high levels of publicity and have experienced the most changes. Care for disabled people and other care work is less prominent in this respect.

Pension regulations have already been described under general gender equality policies (page 7). Increasing the retirement age for women brought negative consequences, worsening the situation of women of pre-retirement age. An implicit gender equality aspect of the policy around pensions concerns the lower pensions of women as for the gender pay gap and unisex calculation of pensions in the situation where men's life expectancy is 11 years lower than that of women. However, it is not recognised explicitly. With elevation of the retirement age for men up to 62 years, the retirement age is initially higher than the average life span of men. Many pensioners (employment above the EU average is reached already in pre-retirement age) do work and the small amount of the pensions forces them to do so. With an increasing labour force deficit since 2000 employment becomes easier. The Constitutional Court overruled the law providing that working pensioners do not receive full pensions in 2002. Employment of retired persons is promoted with the option that social security payment during retirement adds to the amount of the pension. NGO activity and publicity in pension policy is high but it has never acquired a gender dimension.

Equal access to the labour market and social inclusion appeared on the agenda in close connection to the Lisbon strategy. Women returning to employment after childcare leave appear as one of the risk groups in terms of social exclusion, along with young and elderly people, disabled people, persons released from detention and ethnic minorities. Only one minority - Roma – have acquired special attention and a special programme. As research data suggests, the Russian speaking minority experience exclusion only on grounds of their poor knowledge of Latvian language, so this is not labelled as an ethnic minority problem. Another difference from other EU countries is that the level of employment of men, women and elderly people is higher than the EU average but lower than the Lisbon targets. One of the distinct features of the Latvian action plan is in legalising unregistered employment, which is estimated as remaining high, thus bringing the official level of employment closer to the real one.

2.1. Actors

Parliament:

Human Rights and Public Affairs Committee
Subcommittee for Gender Equality

Courts:

Constitutional Court

State Institutions and agencies

Ministry of Welfare coordinates gender equality policy and is a partner in EQUAL programmes directed at the reconciliation of family and work life

National Human Rights Office (NHRO)

Ministry for Children and Family Affairs

Ministry of Education and Science

State Social Insurance Agency

Council for Demography and Family Affairs at the Cabinet of Ministers

[State Labour Inspectorate \(SLI\)](#)

Advisory bodies

Gender Equality Council

Employers and employer bodies

Employers' Confederation of Latvia, social partner of the government

Trade Unions

Free Trade Union Confederation of Latvia, social partner of the government

NGO sector

Association for Gender Equality

Women's Resource Centre "Marta", also representing the Latvian Women's Organisation Network

Rural Women's association

Federation of Pensioners

Religious groups

Not explicitly present but form public opinion in favour of the traditional family role model. Two of the largest groups have signed an agreement on exemption from liability to discrimination prohibition on the grounds of sex and sexual orientation.

International influences

High: the CEDAW commission comments on implementation of the convention; EU equal opportunity directives are the direct cause of legislation changes; and most of the events are sponsored by ESF thus shaping the policy agenda in Latvia.

Policy experts / Research

Many research institutions are involved. Amongst the most prominent research institutions, the University of Latvia with its multiple research institutions should be mentioned. Local governments themselves also conduct research projects.

Organisation of actors and intersectionality

Intersectionality is increasingly achieved through cooperation using the ESF, allowing the creation of partnerships around a project base. The Cabinet of Ministers as well as Ministry of Welfare uses advisory councils comprising representatives from the NGO, state and research sector.

The issue of reconciliation of family life and work is increasingly promoted by employers' organisations, trade unions and women's NGOs.

2.2. Timeline

Care work and benefit system

This sub issue concentrates on the tax and benefit system for care work. Most of the events are concentrated around childcare. Care of disabled children comes onto the agenda only in 2005. Other forms of care and domestic work are virtually absent from policy debates and are voiced by women NGOs only. Recent events in 2007 when a social care centre for disabled people "Reģi" suffered in fire and many of its inhabitants were burnt alive initiated a debate on alternative forms of care instead of continuing the Soviet tradition of placing adult disabled people and elderly persons in large care centres. However, the debate has not moved to home care conditions. The debate on private childcare services provided illegally by women is discussed in the section on reconciliation of work and family life.

Pre QUING period and period up to 2003

The change of the Soviet regime brought significant changes to childcare. Since 1959 The Soviet state granted childcare services for children from the age of 2 months to 7 years. During the Soviet period mothers were encouraged to return to the labour market. Maternity leave of 56 days prior and after birth was paid to working women (and to students that had interrupted their work to study) at their salary rate. This group of women could also receive a singular fixed sum at birth. In case the mother was not insured (i.e. had not previously worked), the father was entitled to a smaller amount of this fixed support. Working mothers with at least a one year employment history were also entitled to paid childcare leave until the child was one year old. The sum was rather modest and varied by region. An additional six months unpaid leave without the right to remain in the workplace was available under particular request.³¹ Overall, the policy favoured women's employment and the largest enterprises had nurseries allowing women to breastfeed children during their work breaks. Weeklong nursery services were also available and mothers could leave their children for 24-hour care. Such care provision is available in some state-sponsored kindergartens even today.

After re-establishing independence, the structure of the social security system changed. According to Social Tax Law of 1990, social security became financed by the state and social tax (previously by "voluntary" payments to a trade union). Since then, the social security

³¹ Latvijas PSR Enciklopēdija Vol.7, Rīga 1986, p. 387; Vol 3, p. 65, Rīga, 1983.

system has been haunted by increasing expenditure and no accumulated means. The fall of the birth rate is the immediate reaction to economic hardship. Additionally, the demographic load is high; there are 1.5 dependents for each employed person. During the 1990s, households with children are subjected to the highest risk of poverty, as state support to families raising children is minimal. At the same time, the content of maternity insurance remained intact. In fact, regulations of 1984 of the Council of Ministers of USSR and Central Council of Soviet Trade Unions on social insurance were in force until 1997 when the new law "On maternity and illness support" came into force. The system of paying out supports is changing. Previously, the employer paid sickness and maternity support directly from its social tax payments. Persons in maternity and childcare leave up to one year became insured for pensions and unemployment. For persons not receiving maternity and childcare support these payments were voluntary. However, the provision that granted payment of maternity support according to the amount of wage social tax paid introduced the condition that the limit of such payment is half of maximum social tax wage during the five-year transition period. Two mothers submitted a claim to the Constitutional Court in 2002 on unjust limitations. The state claimed that restrictions were introduced because of the budgetary deficit and the solidarity principle for the transition period only, but the Court ruled that budget constraints could not violate the rights of individuals.

Women have also traditionally taken on another form of care- for elderly and disabled members of the family. The Soviet legacy left a rigid form of care based on centres for elderly people (financed by the state budget, pensions and supporters) and centres for persons with special needs (financed by the state budget and pensions). Parents of disabled children were faced with a choice of leaving children in state care or providing care at home with virtually no state support. There was and still is a shortage of centres for elderly people. During 1993-1995 alternative forms of home care were introduced but those were mostly used by elderly and by mothers of disabled children. As the Social Report of the Ministry of Welfare states, the frequent changes of laws and lack of information are the main problems of the care system³². The main form of care for disabled children and adults are large centres and alternative forms of care such as the government supported halfway houses. State support for parents of disabled children has been low (50 lats or approx. 70 EUR per month) and could not cover even part of the costs. Concentration of care in large centres did not allow for combining home and institutional care. A shortage of budget was the main argument for not allowing increases in childcare benefits for parents of disabled children.

During the Soviet period, pensions were paid from the state budget and the retirement age was low – 55 for women and 60 for men. The system could not be continued in the demographic situation of an independent Latvia. The old system also discouraged citizens to pay social tax, as payments were not linked to the final amount of the pension. A law "On state pensions" was introduced in January 1996 regulating the introduction of the first tier pension system.

³² Social Report 1997, http://www.lm.gov.lv/doc_upl/soczin_par1997_lat.pdf

In 1996 the pension system was reorganised leaving earmarked social tax contributions for accumulation of pension capital. Meanwhile the real accumulations are used to finance current pensions. The sum accumulated in a notional account is divided according to the projected life expectancy at the date of retirement. No gender difference is taken into account. As women's life expectancy is 11 years longer than that of men, this results in a situation where the pension capital accumulated by men is used in benefit of women. On a general level this inequality is seen as compensating women as the poorer part of the population and for their wage gaps due to maternity leave.³³ The pension age was gradually raised for both sexes to 62.

The campaign introducing the new pension system was virtually absent, with the main financial means being invested in administrative and institutional mechanisms (ibid.). The reform creates two sorts of pension calculations: those of pre 1992 receiving an equal amount of pension regardless of salary and pensions differentiated according to the social tax paid. In the latter group gender differences become more and more visible.

Sources:

Likums par slimības un maternitātes apdrošināšanu [Law On maternity and Illness Support], 1997

Verdict of Constitutional Court, Case No 2003-19-0103, January 14, 2004

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Latvijas PSR Enciklopēdija [Soviet Socialist Republic of Latvia Enciclopedia] Vol.7,
Rīga 1986, p. 387; Vol 3, p. 65, Riga, 1983.

National Lisbon programme for Latvia (2005-2008), Ministry of Economics, 2005
http://www.em.gov.lv/em/images/modules/items/item_file_11635_2.pdf

Pension Reform in Latvia: Achievements and Challenges, Inta Vanovska, Ministry of Welfare, 2002,
[http://www.oilis.oecd.org/olis/2002doc.nsf/7b20c1f93939d029c125685d005300b1/9efe00ac85257c4dc1256be60052b465/\\$FILE/JT00129017.PDF](http://www.oilis.oecd.org/olis/2002doc.nsf/7b20c1f93939d029c125685d005300b1/9efe00ac85257c4dc1256be60052b465/$FILE/JT00129017.PDF)

Likums par valsts pensijām, [Law on state pensions]
<http://www.lm.gov.lv/?sadala=616>

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[http://www.oilis.oecd.org/olis/2002doc.nsf/7b20c1f93939d029c125685d005300b1/9efe00ac85257c4dc1256be60052b465/\\$FILE/JT00129017.PDF](http://www.oilis.oecd.org/olis/2002doc.nsf/7b20c1f93939d029c125685d005300b1/9efe00ac85257c4dc1256be60052b465/$FILE/JT00129017.PDF)

**Pensiju reforma. [Pension reform], Ministry of Welfare information,
<http://www.lm.gov.lv/?sadala=284>**

1999

The Federation of Pensioners protest against pension reform and initiate a referendum in October 1999. They protest against amendments that include elevation of retirement age for men and women, conditions of early retirement etc. The referendum is not successful as it does not reach the voters' quota.

Sources:

**"Grozījumi likumā "Par valsts pensijām"" - salīdzinošā tabula (pdf formātā)
[Amendments to the Law on State Pensions – comparative table], Central Election
Commission, 1999, <http://www.cvk.lv/cvkserv/paraksti/Pensijas.pdf>**

**Social Policy in Latvia: Welfare State under double pressure, Feliciana Rajevska,
FAFO, 2005, <http://www.faf.no/pub/rapp/498/498.pdf>**

2001

The Law on State founded Pensions comes into force. Second tier of pension system is introduced where a part of the social insurance contributions are transferred to state funded and privately managed pensioned schemes. The system is mandatory for those born after July 1971. The introduction of the system is followed by an information campaign.

**Social Policy in Latvia: Welfare State under double pressure, Feliciana Rajevska,
FAFO, 2005, <http://www.faf.no/pub/rapp/498/498.pdf>**

**Pensiju reforma. [Pension reform], Ministry of Welfare information,
<http://www.lm.gov.lv/?sadala=284>**

**Likums par fondētajām valsts pensijām [Law on State founded Pensions], 2001,
<http://www.lm.gov.lv/?sadala=616>**

2002

As the Law on state pensions limited the payment of pensions to working pensioners (social tax payers) a group of pensioners submit a claim to the Constitutional Court. The Court ruled that the limitations contradict the equality principle in the Constitution and abolished the limitation. Since March 20 2002, employed pensioners receive their full pensions.

**Constitutional Court Case No. 2002-15-01, Stenograph of Court debates and Verdict,
<http://www.satv.tiesa.gov.lv/?lang=1&mid=19>**

2003-2004

The period up to 2003 in relation to care work and benefit system policy can be characterised as being framed in terms of shortage and state budgetary interests. The Constitutional Court decision marked the ensuing trend of influencing state policy on child care provisions and benefits. On the one hand, the return of patriarchal ideology as part of nationalism encouraged traditional family roles. On the other hand, the shortage of the social budget did not allow for securing of the ideological premises and served as a final argument. The period of childcare leave was extended to 3 years but the amount of support for non-employed and part-time employed mothers was small and could not compensate the expenditures of a mother and child. Another form of support – state family support- was and still is small even though it has been doubled since the 1990s and reaches 8 lats (12 EUR) per month in 2007. The state commissioned research in 2002 that showed that the childcare benefit system is inefficient.

The main turning point in the care and benefit system came with the establishment of the Secretariat and later the Ministry for Children and Family Affairs and their proposed family support policy. Though the necessity for family policy and improvement in the demographic situation had been discussed in the policy arena since beginning of the 1990s no action had followed since it required investment. The state action plan “State Family policy 2004-2013”³⁴ came into force and represented the major turning point. It provides elevation in child support, and developing childcare facilities etc. The new government introduces the concept of “mothers’ salary” in 2003.³⁵ The project soon becomes named as the “mothers’ salary”, gaining an explicit gender aspect.³⁶ Women’s NGOs protest and the Minister promises to call it by the gender neutral term of “parent salaries”. Extensive consultations with women’s organisations, trade unions and experts followed focusing on setting up an efficient childcare benefit system. The Latvian Women’s organisation Network actively lobbies for the creation of a comprehensive childcare benefit system³⁷. The assumption underlying the change was the necessity for increasing the birth rate in the context of the economic instability of families. Increasing the level of child support to the amount of the salary of one of the parents would compensate the loss of income during the period of child-care. The child support and its aims were well advertised in the media as a part of *The Programme for the Implementation of Gender Equality 2005-2006*.

The disputes were around the differentiation and upper limit of such support. The Ministry of Children and Family Affairs and Ministry of Welfare supported the introduction of the provision that the recipient of the support could be one of the parents or both parents interchangeably (ensuring the gender equality principle) and the nature of the support was the replacement of the salary. Child support until the child is one year old is paid to one of the parents replacing 70% of the social tax salary. Previously the parent receiving child-care

³⁴ http://www.bm.gov.lv/lat/gimenes_valsts_politika/

³⁵ <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=126>

³⁶ <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=144>

³⁷ <http://www.marta.lv/vpage.php?lang=lv&id=15&lapa=38>

support could work up to 20 hours per week. The child support from one year of age to one and a half years was also elevated reaching a fixed amount of 30 lats (appr. 50 EUR) per month and combined with part-time employment.³⁸ Trade Unions and women's organisations did not support the prohibition of employment but the compromise was reached as the change was generally seen as improving the position of families, and mothers in particular. The NGO sector pointed to the problems with gender equality and enforcement of a patriarchal family model. It also criticised the state policy for its short-term approach and called for increasing state family support during the period of upbringing.³⁹

Changes in Administrative Codex of 2003 initiated sanctions against parents leaving children under 6 without supervision. Parliament debates show that deputies were concerned by the conditions making parents leave children without direct supervision, including: a lack of state provided childcare facilities, day centres, low child support, and single parenthood mostly – mothers and grandmothers in attempting to reconcile breadwinning and childcare⁴⁰.

Sources:

Valsts Ģimenes politika 2004-213 [State action plan “State Family policy 2004-2013], Ministry for Children and Family Affairs,
http://www.bm.gov.lv/lat/gimenes_valsts_politika/

MK Nr.349 ”Noteikumi par bērna kopšanas pabalsta apmēru, tā pārskatīšanas kārtību un pabalsta piešķiršanas un izmaksas kārtību”. [Regulations on childcare support order, reviewing and distribution order]
<http://www.lm.gov.lv/index.php?sadala=431&id=1028>,

The Programme for the Implementation of Gender Equality 2005-2006, Ministry of Welfare, 2004, <http://www.politika.lv/index.php?id=5117>

Secondary sources:

Īpašu uzdevumu ministrs bērnu un ģimenes lietās Ainars Baštiks koalīcijas partnerus iepazīstina ar ideju, kā stabilizēt demogrāfisko situāciju [Minister introduces the idea for stabilising demographic situation to coalition partners] Ministry for Children and Family Affairs, October 10, 2003,
<http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=126>

Demogrāfisko un ģimenes lietu padomes locekļi vienbalsīgi atbalsta “Māmiņu algu” ieviešanas priekšlikumu [Demography and Family Affairs Commission unanimously

³⁸ <http://www.lm.gov.lv/index.php?sadala=431&id=1028>, Nr.349 ”Noteikumi par bērna kopšanas pabalsta apmēru, tā pārskatīšanas kārtību un pabalsta piešķiršanas un izmaksas kārtību”.

³⁹ <http://www.apvieniba.lv/article.php?mnu=0&mnuact=&article=111>

⁴⁰ <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=101>,
<http://www.mk.gov.lv/index.php/files/0/25033.doc>

supports introduction of “Mother’s salaries”], Ministry for Children and Family Affairs, December 11, 2003, <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=144>

Ainars Baštiks, 2004, Diena tēvam [Day for fathers], Ministry for Children and Family Affairs, July 9, 2004, <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=324>

K. Dupate. Latvijas Dzimumu līdztiesības apvienība pauž bažas par valdības piekopto politiku dzimstības veicināšanas jomā, proti, neizstrādājot ilgtermiņa pasākumu veikšanas plānu dzimstības veicināšanai, tā vietā „izlīdzoties” ar haotisku un nepārdomātu darbību pabalstu paaugstināšanas jomā. [Coalition for Gender Equality expresses concerns on state demographic policy], Coalition for Gender Equality official opinion. <http://www.apvieniba.lv/article.php?mnu=0&mnuact=&article=111>

2004

The Federation of Pensioners press the government to start indexing small pensions that influence most women and pensioners of older age.

Latvian National Action Plan for Reduction of Poverty and Social Exclusion (2004-2006) names people of old age as a socially excluded group. Pensioners live below the average income level and have limited access to homes, health care and culture.

Sources:

Latvian National Action Plan for Reduction of Poverty and Social Exclusion (2004-2006) <http://www.lm.gov.lv/?sadala=399>

Latvian National Action Plan for Reduction of Poverty and Social Exclusion 2004-2006 in 2005] Ministry of Welfare, 2005, <http://www.lm.gov.lv/?sadala=497>

Secondary Source:

Social Policy in Latvia: Welfare State under double pressure, Feliciana Rajevska, FAFO, 2005, <http://www.fafo.no/pub/rapp/498/498.pdf>

2005

Three mothers submitted a claim against the provision that limited child support payment to unemployed mothers on 8 March 2005, a few months later the new law came into force. The claim was supported by the Coalition for Gender Equality and Free Trade Unions. The date was symbolic since 8 March, celebrated as International Women’s day during the Soviet period, was replaced by Mother’s day on the second Sunday of May. Only in 2007 Parliament returned 8 March to its status and marked it as a special day again (but not a holiday as it was during the Soviet period). NHRO was sceptical about the justification of the

claim and saw strong arguments on both sides⁴¹. The general attitude in society was rather hostile, opposing the employment of mothers. The prime-minister criticised the Constitutional Court for making decisions that influence the state budget (it had lifted also the limitations on the amount of pensions for working pensioners) and proposed that the Court should not view cases linked to the state budget expenditure.

The claim was based on the violation of the equal treatment principle, free choice of employment and duty of the state to protect families. The court debates revealed the arguments of both sides and were one of the most extensive debates on the topic between traditional and egalitarian family model supporters. Gender equality had an important role in the discussion. Mothers claimed that provisions limiting their employment are gender discriminatory and negatively influence women's participation in the labour market and subsequently also the wellbeing of families in the long term. The provision was suitable for two-parent families. Most of the parents receiving the support received the minimal amount (50 or 56 lats or around 70-80 EUR per month) that amounted to half of the officially calculated minimum maintenance and thus required a second earner in the family. As one third of families with children in Latvia are single parent families the limits on employment significantly influence their wellbeing and place single parents in a position that does not allow for sufficient exclusive childcare. Additionally, parents on childcare leave faced a high unemployment risk – 10% of the unemployed were women who had taken childcare leave.

The representative of Parliament argued that the interest of children should be put first and mothers were the best carers of children during the first year of life and that the provision was directed towards diminishing injuries and death of children up to one year old. The view of the Parliament and even the Ministry Welfare responsible for implementing gender equality was that maternity and children's interests to be with their mothers as the primary carers are reasons for overriding women's rights. The representative of the Parliament also claimed that the purpose of the provision was compensation for childcare leave time for working parents to allow for maintaining the social status of the family and not for providing a general social support. Ministries responsible for the matter supported the Parliament even though the representative of the Ministry of Welfare admitted that lifting the prohibition would be beneficial for the state budget insofar as more taxes would be paid. The NHRO office changed its initial opinion and expressed the opinion that limitations are disproportionate to the means selected. The Court ruled that limitations were disproportionate to the aim of the provision, especially for long-term family interests, and ordered the Parliament to amend the law.⁴² The public opinion changed on the issue and the Court decision was welcomed. The event is widely discussed in Latvian and Russian speaking media and is considered a turning point in discussion of women's position in society in respect to childcare. The most popular women's journal "Santa" nominated one of the mothers to its prize for the most popular contribution to women's situation during a 5-year period. The mother received the third highest number of women's votes.

⁴¹ press conference March 8, 2005.

⁴² <http://www.likumi.lv/doc.php?id=120788&mode=DOC>

In 2005 the opportunity of early retirement on a pension was discontinued after discussions in Parliament and society. The pension reform included abolishing early retirement according to the demands and agreement with the International Monetary Fund and World Bank. Employment at pre-pension age is 6.9% higher than the EU average.

Another Constitutional Court case makes the state amend the Law on State Pensions Article 32 that granted limitation on pensions for those pensioners who worked without informing the State Social Insurance Authority. These persons were charged for the excess amount of pensions being paid between 2000 and 2002 due to failure to inform the authority. The court obliges the state to return the payments. In 2005 the Ministry of Welfare prepares the plan for returning the retained pensions for all working pensioners between 2000 and 2002.

The EQUAL programme invests state institutions and NGOs with financial means for projects on integrating women, disabled people, and former detained persons into the labour market.

Sources:

Par Valsts sociālo pabalstu likuma 7. panta pirmās daļas 1. punktā ietvertā nosacījuma – "ja šī persona nav nodarbināta (nav uzskatāma par darba ņēmēju vai pašnodarbināto saskaņā ar likumu "Par valsts sociālo apdrošināšanu") vai ir nodarbināta un atrodas bērna kopšanas atvaļinājumā" – atbilstību Latvijas Republikas Satversmes 91., 106. un 110. pantam [Case 2005-09-01 on Social support law, Article 7/1 limitation

Constitutional Court Press release

Constitutional Court debates

Constitutional Court Verdict, <http://www.satv.tiesa.gov.lv/?lang=1&mid=19>

Informatīvais ziņojums par 2007.gadā veicamo ieturētās pensijas daļas atmaksu [Informative report on return of retained pension part in 2007], Ministry of Welfare, 2006

Parliament discussion of amendments to state Pension Law, stenograph, June 9, 2005, http://www.saeima.lv/steno/2002_8/st_050609/st0906.htm

Social Policy in Latvia: Welfare State under double pressure, Feliciana Rajevska, FAFO, 2005, <http://www.fafo.no/pub/rapp/498/498.pdf>

National Lisbon programme for Latvia (2005-2008), Ministry of Economics, 2005 http://www.em.gov.lv/em/images/modules/items/item_file_11635_2.pdf

Pension Reform in Latvia: Achievements and Challenges, Inta Vanovska, Ministry of Welfare, 2002, [http://www.olis.oecd.org/olis/2002doc.nsf/7b20c1f93939d029c125685d005300b1/9efe00ac85257c4dc1256be60052b465/\\$FILE/JT00129017.PDF](http://www.olis.oecd.org/olis/2002doc.nsf/7b20c1f93939d029c125685d005300b1/9efe00ac85257c4dc1256be60052b465/$FILE/JT00129017.PDF)

EQUAL projects home page, Ministry of Welfare,
http://sf.lm.gov.lv/equal/index.php?main_page_id=2&page_type=d_cat

2006

The Parliament amended the law providing no limitations for receiving childcare support, providing that working parents receive half of the support but not less than the minimal sum of support, but a year later lifted the limitations. Meanwhile new amendments to State Social Support Law were prepared to introduce childcare support to parents of children with severe disabilities, coming into force in January 2006. This support was payable in addition to the general support of 50 lats (70 EUR) up to the child reaching 18 years. The state limited this form support to non-employed parents only. One of the mothers approached WRC “Marta” for help and “Marta” experts prepared to submit the claim to the Constitutional Court within the framework of the ESF EQUAL project “Open labour market for women”. The interest of journalists to this case was considerably smaller. Three more mothers joined the claim later. The claim was based on similar arguments as the previous ones and stressed that the limitations contradict national and European employment policies and encourages a situation whereby non-employed parents lose competitiveness in labour market and run the risk of becoming socially excluded, thereby inducing subsequent costs for social inclusion. The case highlighted the long-standing problems faced by parents of disabled children.

The Constitutional Court ruled that the limitations are disproportionate to their aim and called for improvement in the situation. The Constitutional Court cases continued as more women and opposition deputies argued against the limits of child support.

Court cases did not change the overall policy agenda in the government and Parliament. 14 subsequent claims are submitted on childcare support regulations. In 2006 mothers submitted a complaint to the Constitutional Court on the limits to the maximum sum of childcare support (the claim is upheld). 20 deputies from the Parliament left wing opposition party disputed the justification of paying half the amount of child support to working parents and following the Court decision the law was amended again in 2006, lifting all limitations on childcare support for working parents. The Court ruled: “the legislator has not taken into account the different situation of those young mothers who are able to combine childcare and breast-feeding with part-time employment and without harming child’s interests. The Legislator had not taken into account the provision of Labour Code granting breastfeeding break for employed women and work at home using modern technologies⁴³”.

Sources:

**Valsts Sociālo pabalsta likumu grozījumi [Amendments to State Social Support Law],
October, 27, 2005**

⁴³ Decision in case Nb. 2006-07-01, <http://www.satv.tiesa.gov.lv/?lang=1&mid=19>

Constitutional Court Decision in case No. 2006-07-01,
<http://www.satv.tiesa.gov.lv/?lang=1&mid=19>

2007

The Prime Minister ordered change in the overall system of childcare support for working parents, moving childcare support payments from the state budget to the special social insurance budget in 2007. Unemployed parents would continue to receive the support from the state budget. There was indecision over the task because the Constitutional Court decision of 2006 had lifted the limitations for working parents to receive only part of the support amount. At the same time, the full amount of social insurance could be paid only to unemployed or non-employed persons. The ministry offered several solutions: paying 50% of social tax wages to the employed parent, paying support proportionally to employment hours and refusing to pay the support for employed parents. All these solutions favoured non-employment of one of the parents. The fourth solution – not to change the system- was supported by social partners Employer Confederation and Free Trade Unions when the case was viewed in the Social security Council on March 27⁴⁴. WRC “Marta” also called the government not to change the provision. The final decision has not yet been made.

Meanwhile paternity leave of 10 calendar days was introduced in 2004 with an information campaign from the State Social Insurance Agency. The Ministry of Welfare staged a social advertising campaign “Why not?”⁴⁵ on gender equality and fathers’ involvement in childcare. Both campaigns are based on research data confirming the prevalence of traditional family roles which allocate fathers the role of the breadwinner and not the caretaker. In September 2004 the Minister for Children and Family Affairs introduces fathers’ day to strengthen the traditional family⁴⁶.

The Ministry for Children and Family Affairs commissioned research on fathers’ involvement as a part of an EC project “Men equal, men different” included in the gender equality policy programme. The research results published in 2006 conclude that Latvia has good gender equality policy but that the stereotypes held by the population do not allow use of the gender equality provisions. The Ministry stages a campaign for fathers’ involvement and reconciliation of family and work for men. Research and guidelines for good practice are developed as a part of the project. Compared to a rather traditional framing of mothers’ role in the family, fathers’ involvement in childcare receives much government support. Initially fathers received 70% compensation of their social tax wage, and in 2006 the compensation was lifted to 100%, provision identical to maternity support. WRC “Marta” asks the government to consider the promotion of a new type of childcare provision allowing both parents to work part-time, simultaneously retaining state guarantees for part-time employment and receiving full child support during the period until the child reaches one year

⁴⁴ <http://www.lm.gov.lv/index.php?sadala=832&id=3420>

⁴⁵ www.medijuprojekts.lv

⁴⁶ <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=324>

thus promoting equal involvement of both parents in childcare. The option was discussed in the annual NGO meeting with the Prime minister and responsible ministers in spring 2007.

In July 2003, the care of disabled children in families comes onto the agenda. The ministry of Welfare has provided new suggestions for improving life conditions in families with disabled children, paying particular attention to single parent families.⁴⁷

After the fire in Social Care Centre “Reģi”, care for disabled people is addressed; however, home care was not discussed. Halfway homes and integration of disabled people into the community was declared as one of the priorities. The policy relationship to gender issues is implicit as better conditions in social care institutions would facilitate the participation of caretakers in the labour market.

Sources:

Social security Council Protocol on March 27,

<http://www.lm.gov.lv/index.php?sadala=832&id=3420>

Plāno paaugstināt bērnu invalīdu kopšanas pabalstu [Plan to elevate care support for disabled children] <http://www.delfi.lv/news/national/politics/article.php?id=18527859>

The Programme for the Implementation of Gender Equality 2007-2010, Ministry of Welfare, 2007, www.mk.gov.lv/doc/2005/LMprog_220607_info.doc

Informatīvais ziņojums "Par ugunsgrēku valsts sociālās aprūpes centrā “Reģi” [informative report on fire in social care centre “Reģi”] Ministry of Welfare, 2007, www.mk.gov.lv/doc/2005/LMProt_260207.doc

Reconciliation of work and family life

PreQUING period

During the Soviet period the high level of women’s participation in production was the main drive for creating conditions for reconciliation – state sponsored childcare facilities, promotion of the role of mother-worker, facilitating homework amongst women and offering a subsidised public feeding system.

2003-2005

Reconciliation of work and family life came to the national agenda in the late 1990s. The timing coincided with the EU policy agenda. However, the positioning of the issue is

⁴⁷ <http://www.delfi.lv/news/national/politics/article.php?id=18527859>

somewhat declarative.⁴⁸ It was the most prominent issue in the political agenda of gender equality introduced by international organisations, and it is one of the priorities of *The Programme for the Implementation of Gender Equality 2005-2006*. The activities mostly contain information campaigns organised in ESF projects: public information campaigns, discussions, printed materials on gender equality and employment; action providing actual legal and institutional support was lacking. The CEDAW Commission report published in 2004 criticised Latvia for the failure of the state to provide conditions for reconciliation work and family life, emphasising the sharing of domestic duties between men and women⁴⁹ – a measure that has been missing from the local policy agenda.

The Ministry for Children and Family Affairs developed the Action Plan Conception “State Family Policy” (2003) which tackles one measure for reconciliation – provision of state sponsored childcare facilities. The Ministry encourages the opening and financing of short-period childcare centres but those do not allow parents’ regular employment but rather short relief. Short-term care child development centres are opened in each Latvian town on grounds of state/local government joint financing. 39 centres have been established and this activity still remains the priority for the Ministry action.

Women’s organisations submitted the Shadow report on CEDAW (2004) recommending the promotion of reconciliation of family and work life, providing access to preschool institutions all around country and access to public transport especially in rural areas. According to statistics, 63% of children aged 1-6 attend pre-school institutions (72% in urban and 44% in rural areas), and 80% of children aged 3-6 in 2004/5. In 2005 the discussion accelerates involving more state institutions.⁵⁰

Sources

The Programme for the Implementation of Gender Equality 2005-2006, Ministry of Welfare, 2004, <http://www.politika.lv/index.php?id=5117>

Valsts Ģimenes politika 2004-213 [State action plan “State Family policy 2004-2013], Ministry for Children and Family Affairs, http://www.bm.gov.lv/lat/gimenes_valsts_politika/

Secondary sources:

Reconciliation of work and family life and collective bargaining in the European Union, 2006. http://www.eurofound.europa.eu/eiro/other_reports/work_family_life.pdf

⁴⁸ Reconciliation of work and family life and collective bargaining in the European Union, 2006. http://www.eurofound.europa.eu/eiro/other_reports/work_family_life.pdf

⁴⁹ CEDAW Concluding Comments: Latvia, 26 July, 2004, CEDAW/C/2004/II/CRP.3/Add.5/Rev.1, p. 7, www.politika.lv/index.php?f=349

⁵⁰ <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=705>

CEDAW Concluding Comments: Latvia, 26 July, 2004,
CEDAW/C/2004/II/CRP.3/Add.5/Rev.1, p. 7, www.politika.lv/index.php?f=349

Country Report To The Combined Initial, Second, and Third Periodic Report of Latvia on The Implementation of Convention of 18 December 1979 On Elimination of All Forms of Discrimination against Women in The Republic of Latvia,
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/422/51/PDF/N0342251.pdf?OpenElement>

Shadow Report To The Combined Initial, Second, and Third Periodic Report of Latvia on The Implementation of Convention of 18 December 1979 On Elimination of All Forms of Discrimination against Women in The Republic of Latvia, Women's NGOs Network of Latvia, Riga, Latvia, 2004, <http://www.politika.lv/index.php?id=8971>

Alternatīvais ziņojums par Pekinas Rīcības platformas ieviešanu Latvijā 1995-2005 [Alternative Report on Beijing Action Platform 1995-2005], Latvian Women's Organisation Network, 2005

2006

The debate over access to childcare facilities becomes prominent throughout 2005-2006. Birth rates started to rise as the generation of baby boomers of the 1980s enter reproductive age. Parents are increasingly dissatisfied with the situation when their taxes are used for state sponsored childcare facilities but their children do not receive the benefit because of the shortage of facilities. Debate on pre-school child-care facilities and salaries takes new turns both in Parliament⁵¹ and the media in 2006. The Ministry for Children and Family Affairs establishes a work group to prepare legislative background for demands to establish children's play rooms in institutions and the development of alternative childcare forms in 2005.

The public pressure makes Riga City Council, the largest city with almost half of population of Latvia, introduce a special compensation for parents queuing for a place in the local government sponsored net of childcare facilities⁵² in 2006. The University of Latvia, the largest university located in Riga, opens a short-period playroom for its students and staff in the same year.

The Ministry of Economy prepared the Informative Report on Action plan for building new pre-school child care facilities to the Cabinet of Ministers in 2006⁵³. Public concern rather than the Barcelona targets seem to be the main generators of change. At that time, workforce problems become prominent; the Ministry of Education and Science had issued

⁵¹ <http://www.saeima.lv/steno/Saeima9/061207/st061207.htm>

⁵² Pirmsskolas izglītības iestāžu projektu īstenošanas ietekme uz vietu skaita palielināšanos, 2006; <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=5297>

⁵³ 12.09.2006.(prot. Nr.47 34.§)

demands for pre-school teachers to receive training in higher pedagogical education. However, teachers were reluctant to invest in training because salaries in the sector were low and many left for work in the private sector.

The government is criticised for its lack of systematic support for childcare. The state grants child support for childcare until a child reaches the age of one and a half years but state sponsored kindergartens are opened to children from age of two and three years. This is one of the arguments the Constitutional Court took into account in its decisions on employment and childcare support (described above) – arguing that the state does not grant enough support for families in the long term and therefore maintaining employment is important and in the interest of families⁵⁴.

Another way of addressing the reconciliation of work and family life mentioned by the Ministry for Children and Family Affairs in the Action Plan Conception “State Family Policy” is real guarantees for implementing rights to return to the same employment position after childcare leave. The Plan provides the development of methodological recommendations but no action follows. RCW “Marta” and NHRO receives complaints and prepares several claims for the courts. However, the discrimination appears to be hard to prove and no successful cases have appeared in the public. The EQUAL programme project “Open labour market for women” 2004-2007 finances the projects. The Ministry of Welfare introduced a campaign “Un kā domā Tu? [What do you think?]” in 2006⁵⁵, stressing the reconciliation of work and family life through media.

In 2005 the Employers’ Confederation of Latvia started popularising good practice of flexible work forms by organising seminars and preparing information materials. Free Trade Union Confederation of Latvia promoted collective labour agreement practice, including options for flexible working hours, organising 20 seminars. Partly the agenda is influenced by the EU policy agenda, partly by the growing workforce deficit.

Sources:

Stenograph of Parliament Debates on December 7, 2006,
<http://www.saeima.lv/steno/Saeima9/061207/st061207.htm>

Ekonomikas ministrijas ziņojums par Rīcības plānu jaunu pirmskolas bērnu aprūpes iestāžu būvniecību [Informative Report on Action plan for building new pre-school child care facilities to the Cabinet of Ministers] September 12, 2006.(prot. Nr.47 34.§)

Valsts Ģimenes politika 2004-213 [State action plan “State Family policy 2004-2013], Ministry for Children and Family Affairs,
http://www.bm.gov.lv/lat/gimenes_valsts_politika/

⁵⁴ Constitutional Court debates, Case 2005-09-01, <http://www.satv.tiesa.gov.lv/?lang=1&mid=19>

⁵⁵ http://sf.lm.gov.lv/esf/?main_page_id=5&page_type=text&second_page_id=37

The Programme for the Implementation of Gender Equality 2007-2010, Ministry of Welfare, 2007, www.mk.gov.lv/doc/2005/LMprog_220607_info.doc

Secondary sources:

Goze, Evita, Diena, December 1, 2006. Pabalsti bērnodārzus neaizstās [Child support will not replace kindergartens] Pirmsskolas izglītības iestāžu projektu īstenošanas ietekme uz vietu skaita palielināšanos [Increasing the number of places in pre-school education institutions], <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=5297>

2007

2007 brought questions of childcare and the illegal employment of child minders to the Parliament commission agenda. RCW “Marta” and the Confederation of Employers advocated for tax reduction for employing nannies and linked the proposal to implementing the gender equality principle in terms of both finding legal childcare options and in terms of the social security of women working as nannies. The labour force deficit argument for promoting women’s return to the labour market after childcare leave is stressed by employers in 2007 in the debate on child-care service availability.

Sources:

The Programme for the Implementation of Gender Equality 2007-2010, Ministry of Welfare, 2007, www.mk.gov.lv/doc/2005/LMprog_220607_info.doc

RCW “Marta” letter to Parliament, April, 2007.

Gender pay gap

1999

In its 1999 Report, NHRO defined professional segregation and the gender pay gap as key factors in discrimination against women.⁵⁶ Those remain the main framings of the issue. No significant government action to change the situation followed. The *Concept Paper on Gender Equality Implementation, 2001*, in an analysis of the situation mentions de facto inequality in economics, stressing the small number of women-employers and lower salary of women. Women experience discrimination entering the job market according to age, family status or visual appearance⁵⁷.

Source:

VCB Ziņojums 1999 [NHRO Report 1999], NHRO, 2000, www.vcb.lv/zinojumi/2000.g.z.doc

⁵⁶ www.vcb.lv/zinojumi/2000.g.z.doc

⁵⁷ Institute of Philosophy and Sociology, “Nabadzīgo cilvēku viedokļi – nabadzības sociālais vērtējums Latvijā” (Opinions of poor – social evaluation of poverty in Latvia), 2000.

Secondary source:

Institute of Philosophy and Sociology, “Nabadzīgo cilvēku viedokļi – nabadzības sociālais vērtējums Latvijā” [Opinions of poor – social evaluation of poverty in Latvia], 2000.

2000

NHRO in its Report and the Ministry of Welfare in its Social report defines profession segregation and gender pay gap as key factors for discrimination against women⁵⁸. No action follows.

Source:

VCB Ziņojums 2000 [NHRO Report 1999], NHRO, 2001,
www.vcb.lv/zinojumi/2000.g.z.doc

2002

Labour Code and Labour Protection Code amendments include equal pay as part of the equal treatment package necessary for accession procedures. No debates around the amendments take place in the Parliament session or public. Amendments are seen as a rather formal procedure.

Sources:

Darba likums [Labour Code] 2002

Darba aizsardzības likums [Labour Protection Code] 2002

Informatīvais pārskats par galvenajām sociālās politikas pārmaiņām 2002.gadā [Informative Report on social policy changes 2002] Ministry of Welfare, 2004.

2004

Year 2004 is a milestone in women’s NGO work. The Equal programme project activities 2004-2007 start. EU money flows into gender equality policy. The Latvian Women’s Organisation Network (LWON) started lobbying the European Commission and European Parliament for women’s economic independence through the European Women’s Lobby. The position of Latvian women was critical towards promoting employment as the main instrument for promoting gender equality. LWON claimed that a high level of women’s employment could create the impression that women are in good position in Latvia. On the contrary, women received lower salaries than men⁵⁹ and were forced to overwork to support

⁵⁸ www.vcb.lv/zinojumi/2000.g.z.doc

⁵⁹ Gender pay gap is slowly decreasing women receiving average 82,4% of men’s salary in 2006, Central Bureau of Statistics data

their families. LWON called for an EU directive putting the obligation to member states to guarantee and implement de facto economic independence of women⁶⁰.

The NGO sector claimed for equal pay for the same job for women and men, additional wage increases in female-dominated sectors and acceleration of the representation of women in all levels of decision-making, and the promotion of women's presence in well-paid and high-ranking posts.⁶¹ The CEDAW Commission concluding comments supported the same recommendations.⁶²

Gender segregation in the labour market came to the agenda of equality policies as the main reason for the pay gap. The problem was debated also in the CEDAW 31st session discussing the Latvian report⁶³. The government commissioned several studies that proved gender bias in education materials for schools. Profession segregation was also one of the problems targeted by EQUAL programmes providing support for women's entrepreneurship⁶⁴, promoting choice of high technology professions⁶⁵ etc. While NGOs (Association of Business Women, Zonta's, Rural Women's Association) have been active in this field, government had difficulties in tackling change of the education system and the education sector was recognised to be the weakest sector for implementing a gender equality programme. The informative report on implementing the Programme for Gender Equality 2005-2006, states that several of the tasks for the education of school teachers in matters of gender equality were only partly implemented.⁶⁶

Sources:

Country Report To The Combined Initial, Second, and Third Periodic Report of Latvia on The Implementation of Convention of 18 December 1979 On Elimination of All Forms of Discrimination against Women in The Republic of Latvia,
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/422/51/PDF/N0342251.pdf?OpenElement>

Shadow Report To The Combined Initial, Second, and Third Periodic Report of Latvia on The Implementation of Convention of 18 December 1979 On Elimination of All Forms of Discrimination against Women in The Republic of Latvia, Women's NGOs Network of Latvia, Riga, Latvia, 2004, <http://www.politika.lv/index.php?id=8971>

⁶⁰ <http://www.politika.lv/index.php?id=5657>

⁶¹ Shadow CEDAW report.

⁶² CEDAW Concluding Comments: Latvia, 26 July, 2004, CEDAW/C/2004/II/CRP.3/Add.5/Rev.1, www.politika.lv/index.php?f=349

⁶³ CEDAW 31st Session, 6-23 July, 2004,

<http://daccessdds.un.org/doc/UNDOC/GEN/N04/425/03/PDF/N0442503.pdf?OpenElement>

⁶⁴ <http://equal.lisif.lv/zinas/news-24.html>

⁶⁵ <http://equal.lisif.lv/zinas/news-21.html>

⁶⁶ Informatīvais ziņojums par *Programmas dzimumu līdztiesības īstenošanai 2005.-2006.gadam* izpildi [Informative Report on Implementation of Gender Equality Programme], 2007, pp. 11-12.

CEDAW 31st Session, 6-23 July, 2004,

<http://daccessdds.un.org/doc/UNDOC/GEN/N04/425/03/PDF/N0442503.pdf?OpenElement>

CEDAW Concluding Comments: Latvia, 26 July, 2004,

CEDAW/C/2004/II/CRP.3/Add.5/Rev.1, www.politika.lv/index.php?f=349

Secondary Sources:

[Iluta Lāce](#), [Evija Caune](#), 11.05.2004. **Sieviešu organizācijas apvienojas politikas lobēšanai [Women's organisations unite for lobbying politics]**

<http://www.politika.lv/index.php?id=5657>

Informatīvais ziņojums par Programmas dzimumu līdztiesības īstenošanai 2005.-2006.gadam izpildi [Informative Report on Implementation of Gender Equality Programme], 2007, pp. 11-12.

2005

Latvian Women's Organisation Network Alternative Report on Implementation of Beijing Platform for Action 1995-2005 criticises the Ministry of Education of Science for failing to analyse the situation in education from a gender perspective. For example, the governmental priority of technical education and natural sciences is not tackled from a gender perspective resulting typically in male professions being favoured instead of promoting girls to study natural sciences. The efficiency of the Ministry in the field of education cannot be tackled because of the lack of relevant data.

Source:

Alternatīvais ziņojums par Pekinas Rīcības platformas ieviešanu Latvijā 1995-2005 [Alternative Report on Beijing Action Platform 1995-2005], Latvian Women's Organisation Network, 2005

Equal Access to labour market

2002

Latvia joins the Lisbon Strategy in July 2002 when it signs the Joint Memorandum and prepares a National action plan. The mechanism of the strategy includes close collaboration and peer review within EU Countries.

Source:

Sociālā iekļaušana [Social Inclusion], Ministry of Welfare information, <http://www.lm.gov.lv/?sadala=355>

2004

Latvia develops a State Action Plan for Reduction of Poverty and Social Exclusion. Gender equality is mentioned as its horizontal priority. However, the plan criticises the situation in which the government lacks any mechanisms for implementing real and not only formal gender equality provisions. The plan states that ignoring policy documents and legal acts in real life situations hinders gender equality in the labour market.

The programme also states the problems in the different economic activity levels for men and women (women's employment even exceeds the EU average), unequal pay and segregation in the labour market, as well as violence in the family. The main tasks of the programme coincide with gender equality programmes and are directed at popularising gender equality in society, state and local government administrations and at the prevention of violence.

The programme formulates ethnicity as a less significant factor for social exclusion than poverty except for the Roma minority. For non-Latvians exclusion is driven by insufficient knowledge of Latvian language but for Roma it is influenced by cultural and education background as the Roma community is well integrated in society in terms of language. Integration of these groups is planned through making social assistance and social rehabilitation services available to the groups in need.

Inclusion of disabled persons is directed both towards developing environmental accessibility, providing rehabilitation services, and opening state subsidised employment programmes, also through EQUAL.

In the same year the Secretariat of the Minister of Special assignments for Societal Integration Affairs passes the National Programme for Promoting tolerance. It aims at cultural factors of discrimination and promotion of tolerance but is not linked to social inclusion plans. Roma, Muslims and Jews are named among the less tolerated groups. The main action includes education and support to minority groups.

Sources:

Latvian National Action Plan for Reduction of Poverty and Social Exclusion (2004-2006) <http://www.lm.gov.lv/?sadala=399>

L atvijas Nacionālā rīcības plāna nabadzības un sociālās atstumtības mazināšanai 2004. - 2006.gadam īstenošanas gaita 2004.gadā [Implementation Report of the Latvian National Action Plan for Reduction of Poverty and Social Exclusion 2004-2006 in 2005] Ministry of Welfare, 2005, <http://www.lm.gov.lv/?sadala=497>

Nacionālā programma iecietības veicināšanai 2005-2009 [National Programme for Promoting Tolerance (2005-2009)], Secretariat of the Minister of Special assignments for Societal Integration Affairs, 2004, http://www.integracija.gov.lv/doc_upl/programma-iecietiba.pdf

2005

The ministry of Welfare conducts a survey asking local governments and NGOs to identify socially excluded groups. The results were publicly discussed ensuring the participation of excluded groups later that year. Families with three or more children, single parent families, old people, unemployed people, disabled people, children and youth at social risk, persons released from detention, ethnic minorities, homeless and victims of trade in humans were named as risk groups. The results of public discussions and the survey are to be included in the new governmental action plan.

There are some national differences in formulating the National Lisbon Programme for Latvia (2005-2008). Women after childcare leave, young people and people of pre-retirement age are the main risk groups in taking a life cycle perspective. Women are not seen as a threatened group due to their higher employment rates than the EU average but mostly as the group receiving a lower salary and unaware of gender discrimination.⁶⁷ People with poor knowledge of Latvia are included as a risk group named separately from other socially excluded groups in the National Lisbon programme for Latvia, thus avoiding speaking directly of national minorities.

Sources:

National Lisbon programme for Latvia (2005-2008), Ministry of Economics, 2005
http://www.em.gov.lv/em/images/modules/items/item_file_11635_2.pdf

Latvian National Action Plan for Reduction of Poverty and Social Exclusion (2004-2006) <http://www.lm.gov.lv/?sadala=399>

Latvijas Nacionālā rīcības plāna nabadzības un sociālās atstumtības mazināšanai 2004. - 2006.gadam īstenošanas gaita 2005.gadā [Implementation Report of the Latvian National Action Plan for Reduction of Poverty and Social Exclusion 2004-2006 in 2005], Ministry of Welfare, 2006, <http://www.lm.gov.lv/?sadala=497>

2006

The government, experts and NGOs began work on the programme “Roma in Latvia 2007-2009”. The programme was widely discussed in regions. The programme grants support to Roma organisations and promotes their integration in society. The programme states that it has been developed under EU and international demands as well as local policy needs as Roma stand in a particular situation compared to other minorities, being the less tolerated ethnic groups and at the same time well integrated in society in terms of having knowledge of the language and Latvian citizenship.

⁶⁷ National Lisbon programme for Latvia (2005-2008)

**Čigāni (romi) Latvijā” 2007. – 2009 [Roma in Latvia 2007-2009], Secretariat of the
Minister of Special assignments for Societal Integration Affairs, 2006,
[http://www.integracija.gov.lv/doc_upl/valsts_programma_Cigani_\(romi\)_Latvija.pdf](http://www.integracija.gov.lv/doc_upl/valsts_programma_Cigani_(romi)_Latvija.pdf)**

3. Intimate citizenship

Introduction to the sub-issue and topics

Three broad topics are covered:

- **Marriage and paternal / maternal rights.**
- **Rights of homosexual people;**
- **Reproductive rights, abortion rights;**

Marriage and parental rights much depend on framing family policy. Civil Code of 1937 that was rather liberal at the time when it was created regulates marriage and divorce. No partnership or co-habitation regulations are present even though 44% of children are born outside of wedlock. Since the establishment of the Ministry for Children and Family Affairs it has been under the responsibility of the Christian First Party and the minister has been Baptist priest Ainars Bastiks. The policy of the Ministry thus has often contradicted the aims of the Ministry of Welfare responsible for implementing gender equality and promoting a more egalitarian family model based on gender equality. The strong definition of marriage under the Civil Code has created difficulties for paternity recognition procedures, giving priority to marital and not biological links. This definition has also led to the absence of family policy directed at other types of family – single parents or non-married parent families. There are no special provisions or privileges for single mothers and women are encouraged to use already existing provisions for stating paternity in court and claiming alimonies from the father.

Homosexuality becomes decriminalised soon after re-establishing independence without any debates along with many other changes in the Soviet Criminal Code. Partnership comes to the agenda in 1999 but is silenced in Parliament. Next it appears in 2005 when LGBT groups demand their rights publicly. The following year the Pride march is banned. The initial hostile reaction from the government is softened under international pressure. However, there is still a strong pressure from religious groups and society in general that forced the government to exclude sexual minorities from the societal integration programme. Similarly, Parliament amends the Labour Code including sexual minorities under prohibition of discrimination only after the President returns the law to the Parliament. The LGBT organisation “Mozaika” and WRC “Marta” have collaborated since 2007 drafting a partnership law that would include both homosexual and heterosexual couples granting them basic rights.

Of the three issues only sexual minority rights stand as a separate coherent issue. Reproductive health has been a largely disregarded issue till 2002. Abortion rights, rights to assisted reproduction, and the inclusion of the notion of sexuality in the name of law were debated extensively in the Parliament since 1996. Meanwhile abortion and assisted reproduction were available under lower level regulations for medical treatment. After passing the law, abortions and home births stand as the most prominent cases when women’s reproductive rights are debated implicitly.

3.1. Actors:

Parliament:

Human Rights and Public Affairs Committee

Courts:

The first discrimination cases on grounds of sex and sexual orientation have been accepted but have not yet been solved. The Supreme Court ruled that prohibition of the Pride March in 2006 was unlawful.

State Institutions and agencies

Ministry of Welfare,

Ministry for Societal Integration coordinates questions of intolerance and integration of sexual minorities,

Ministry for Children and Family Affairs, coordinates family policy, mostly supporting patriarchal family model,

National Human Rights Office (NHRO) national human rights ombudsman, actively addressing human rights issues;

The Administration of the Maintenance Guarantee Fund, administrating alimonies fund and developing measures against parents avoiding payments;

Council for Demography and Family Affairs at the Cabinet of Ministers

Ministry of Health

Employers and employer bodies

Do not participate

Trade Unions

Do not participate

NGO sector

Association for Gender Equality

Women's Resource Centre "Marta", also representing Latvian Women's Organisation Association

Association for Family Planning and Reproductive Health "Papardes Zieds" dealing with reproductive health rights and education

LGBT organisation "Mozaika"

Latvian Association of Anthropologists

ILGA-Latvia, LGBT organisation

NoPride Latvia, organisation protecting traditional family values against homosexuality

Many more organisations involved, especially right and left wing radicals protesting against LGBT rights

Religious groups

Explicitly protecting traditional family role model, advocating against abortion, same sex partnerships and informing on homosexuality or even reproductive health education (Catholic Church). All three main congregations – protestant, catholic and orthodox churches, and a few smaller religious organisations (Baptist church, “New Generation”) submitted a petition to prohibit homosexuality propaganda in schools, workplace and society.

International influences

The international community has silenced homophobic reactions of politicians. This pressure came in the form of both explicit media news abroad and from foreign embassies and European Parliament which see the protection of rights of sexual minorities as key to democracy. Family policy is less influenced as it based on giving priority to the strong traditional family. Homophobia is strongly linked to protecting family values in family policy.

Policy experts / Research

Much psychological and anthropological research is conducted on the family. Legal research on same sex partnerships was commissioned by NHRO. Dialogi.lv has organised two measurements of homophobic reaction

Organisation of actors and intersectionality

NGO partnership is increasingly achieved through cooperation using ESF, allowing the creation of partnerships around a project base. Cabinet of Ministers as well as Ministry Children and Family Affairs and other institutions use formal or informal advisory councils comprising representatives from the NGO, state and research sector. Prime Minister calls NGO sector and responsible ministers to discuss state policy annually. One of the rounds is dedicated to family policy and all relevant state institutions participate in this discussion with the NGO sector.

3.2. Timeline

Marriage and paternal, maternal rights

2002

Year 2002 brought change as Parliament amended Civil Code chapter on origin of child on December 12. It already contained the provision (Article 154) that if the mother of a child is not married or her husband has disproved his paternity in court, paternity can be claimed or acquired through court. An extension to the clause was made stating that the father of a child born outside his wedlock can claim paternity only with knowledge and support of his married partner. The amendment was not discussed in Parliament debates as Parliamentarians stressed the fact that acknowledgment of paternity influences the position of the family and married partner of the father. NHRO claimed that the provision contradicted both the Constitution and European Convention to the status of children born outside wedlock ratified

May 2003.⁶⁸ The Court ruled that the clause should be exempted as putting unlawful limits on rights for paternity and that biological and social reality is prior to legal assumptions. There are still limitations to paternity rights for parents having children outside wedlock. A married woman still cannot claim other paternity than that of her legal husband even if the biological and legal father agrees. Women can make a complaint according to article 158 of the Civil Code but the costs of the court process have to be covered by the petitioner. NGOs disputed against the law claiming that single parents –mostly women- are among the most vulnerable and poorest groups in society and they can have difficulties in filing a petition for the declaration of paternity. This is another major change since 1993 when the Civil Code was re-introduced and amended in 2002. Soviet law allowed stating paternity on the basis of women's claims though only without legal consequences for the real or invented person named as a father. This legal provision is criticised in the CEDAW Shadow Report and paternity recognition regardless of the marital status of the parents is requested in recommendations.⁶⁹

The prevalence of marital links over social and biological kinship ties was also reflected in Constitutional amendments defining marriage as the union between a man and a woman in 2006. These amendments underlay the nature of family policy still based on husbands with women as dependents.

Sources:

VCB pieteikums ST par Civillikuma 155.panta 6.daļas atbilstību Eiropas Konvencijas par to bērnu tiesisko statusu, kuri nav dzimuši laulībā, 4.pantam, Latvijas Republikas Satversmes 110.panta 1.teikumam un ANO Konvencijas par bērna tiesībām 3.panta 1.daļai [NHRO claim to the Constitutional Court on Civil Code Article 155], NHRO, 2004, case No 2004-02-0106 <http://www.politika.lv/index.php?id=108403&lang=lv>

Shadow Report To The Combined Initial, Second, and Third Periodic Report of Latvia on The Implementation of Convention of 18 December 1979 On Elimination of All Forms of Discrimination against Women in The Republic of Latvia, Women's NGOs Network of Latvia, Riga, Latvia, 2004, <http://www.politika.lv/index.php?id=8971>

2003

There was no active family policy prior to 2003 when the Secretariat and later Ministry for Children and Family Affairs was established. Marriage is still regulated by Civil Code of 1937 and there are no provisions for registered partnership.⁷⁰ The low marriage rate and high percentage of children born outside wedlock (43%) are declared as problems to solve.⁷¹ The Ministry calls for the strengthening of mediation services during divorce procedures.⁷² The

⁶⁸ <http://www.politika.lv/index.php?id=108403&lang=lv>

⁶⁹ <http://www.politika.lv/index.php?id=5287>

⁷⁰ http://www.bm.gov.lv/lat/normativie_akti/likumi/?doc=732

⁷¹ <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=55>,

http://www.bm.gov.lv/lat/gimenes_valsts_politika/

⁷² <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=78>

family policy becomes designed on the traditional family and other forms of family fall outside the policy debate.

Sources:

Civillikums Pirmā Daļa Ģimenes Tiesības [Part one – Family rights, Civil Code], 1937.
http://www.bm.gov.lv/lat/normativie_akti/likumi/?doc=732

Valsts Ģimenes politika [State Family Policy], Ministry for Children and Family Affairs, 2003, http://www.bm.gov.lv/lat/gimenes_valsts_politika/

Secondary Source

Īpašu uzdevumu ministra bērnu un ģimenes lietās sekretariāts meklē iespējas kā palīdzēt laulātajiem [Ministry for Children and Family Affairs reaches for opportunities to help married couples], Ministry for Children and Family Affairs, August 20, 2003, <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=78>

2004

A great deal of family policy is directed towards the increasing role of fathers in the family. At the same time, mothers' role is not altered. As already discussed, childcare support policy endorses an unequal role division and promoting fathers' equality is ambivalent. The state also solves the long-standing problem of children staying in mother's custody after divorce and not receiving alimonies from the other parent. The majority of parents receiving money from the fund are mothers.⁷³ The Administration of the Maintenance Guarantee Fund established August 2004 resolves the problem created when the parent leaving the family does not pay alimonies. The state pays the minimum sum of 25% and 30% of minimal salary per child and uses its power to recover debt and limit the rights of the debtor to leave the state or registry property.⁷⁴ The Administration of the Maintenance Guarantee Fund improves the situation but the sum of money still does not provide for an equal share of both parents in upbringing and silences further debate on equal responsibilities. There are no provisions for the parent staying with the child as the Administration of the Maintenance Guarantee Fund is responsible only for alimonies for children.

Measures taken against parents avoiding paying alimonies are strengthened year by year and now include the restrictions to leave the country and register property.

Secondary Sources:

Sāks darboties Uzturliedzekļu garantiju fonds [Administration of the Maintenance Guarantee Fund is set up], Ministry for Children and Family Affairs, June 17, 2005, <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=260;>

⁷³ <http://www.ugf.gov.lv/eng/>

⁷⁴ <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=260;> <http://www.ugf.gov.lv/eng/>

The Administration of the Maintenance Guarantee Fund information,
<http://www.ugf.gov.lv/eng/>

Plānoti būtiski grozījumi Bērnu tiesību aizsardzības likumā [Important changes are planned to Children protection Act], on measures against parents avoiding paying alimonies to their children, The Administration of the Maintenance Guarantee Fund, June 22, 2007, <http://www.ugf.gov.lv/lat/news/aktualitates/?doc=381>

2006

Further controversies on family and parental roles brought the amendments to the Medical Treatment Act (Ārstniecības likums) Article 50. Previously it protected the confidentiality of patient treatment. The amendment provides that the health care institution providing maternity services is obliged to inform orphans' courts (Bāriņtiesa) about the mothers' residence in case "there is a definite suspicion that the newborn is not receiving corresponding care in family". WRC "Marta" has protested against discriminating women (fathers are not subjected to the "suspicion") and the vague definition of "suspicion".⁷⁵ No explicit conditions for "suspicions" were outlined in the Treatment Act (Ārstniecības likums)⁷⁶. The Amendments made women alone responsible for childcare and orienting condemnation toward mothers only. WRC "Marta" protested against this decision claiming violation of equal treatment and women's private life. Amendments were passed February 13, 2007.

Sources:

Valsts sekretāru sanāsmē izsludina likumprojektu „Grozījumi ārstniecības likumā” [State Secretaries meeting pass amendments to “Medical Treatment Act”, November 11, 2006, Ministry for Children and Family Affairs, <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=5574>,

Apstiprina likumprojektu „Grozījumi ārstniecības likumā” [Amendments to “Medical Treatment Act” passed, February 13, 2007, Ministry for Children and Family Affairs, <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=6352>

Likumprojekta “Grozījumi Ārstniecības likumā” anotācija [Annotation to amendments to “Medical Treatment Act”], Parliament, 26.01.2007, http://www.saeima.lv/saeima9/lasa?dd=LP0242_0

Rights of homosexual people

PreQuing period

February 5 1992: the Supreme Council of Latvia accepts Law on “Amendments to Latvian Criminal Code” and repeals Article 124, part 1, decriminalising homosexual relations under basis of consent. Since then homosexual partnership is not subjected to punishment or limitation. There are no Parliament debates on the issue.

⁷⁵ <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=5574>,

<http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=6352>

⁷⁶ Amendments and annotation on http://www.saeima.lv/saeima9/lasa?dd=LP0242_0

1999

September 28, 1999 NHRO submitted the report on discrimination and non-recognition of gay/lesbian partnerships, as well as the legislation project on registration of same sex partnerships and summary of legal research.⁷⁷ Latvian Civil Code, Article 35, part 2 states that marriage amongst same sex partners is prohibited and contradicts Articles 82 and 91 of the Constitution. The Law is held up in the Parliament after a vote in the Parliament Commission.

Homosexual partnership issue was promoted on the policy agenda by NHRO in 1999 and did not get support in Parliament. The issue did not cause any reaction and surveys commissioned by NHRO showed rather a high level of tolerance in society. The matter was silenced.

Source:

VCB Ziņojums 1999 [NHRO Report 1999], NHRO, 2000,
<http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.71>

Secondary source:

Lavrikovs, Juris Ludvigs. 1999. Geju un lezbiešu tiesību stāvokļa analīze Latvijā [The Analysis of the Gay and Lesbian Situation in Latvia]. Valsts Cilvēktiesību birojs [The Bureau of Human Rights] www.vcb.lv/zinojumi/geju_un_lezbiesu_ties_1999.doc.

2005

The First Pride March was staged 23 July 2005 and brought major counter-reaction among politicians and in society. The Church, politicians, high government officials and radical nongovernmental organisations expressed their protest against the Pride. Riga city council banned the Pride but the Administrative court overruled this decision. Thousands of protesters gathered to prevent the demonstration. Despite the police protection the demonstration had to change its route and demonstrators had to be evacuated. 8 demonstrators were detained. Later the debate continued in media space continuing to provoke hatred against sexual minorities.

July 14, 2005 the Ministry for Children and Family Affairs criticise the first pride March in Riga. This information is published on the Ministry's front page. It states that the family "is mother, father and a child" and calls pride march "popularisation of homosexuality" and "taking the last bastion of societies moral health".⁷⁸ Many deputies and officials, the Prime Minister included, reproach the rights of LGBT publicly. The question is widely debated in media and the public. NGOs write several protest letters and debates are staged.⁷⁹ 6 complaints on discrimination on sexual orientation grounds were handled in NHRO in 2005. The state took an ambivalent position in the debate. High state officials accused the Minister

⁷⁷ <http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.71>

⁷⁸ <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=792>

⁷⁹ <http://www.politika.lv/index.php?keyw=antropologu&id=22>

of Societal Integration for offering space for the conference of sexual minorities and Riga City Council for allowing Pride March. The responsible authorities did not react to discriminatory opinions of Prime Minister and several Parliament deputies. Civil society activists wrote a letter in support of sexual minority rights and repudiating the attitude of state officials. The first public discussion gathering Parliament deputies, experts, Church representatives, NGOs was held under the initiative of the Latvian Association of Anthropologists on November 15, 2005. However, there was a major counter-reaction in society in general condemning the public appearance of sexual minorities.

NHRO stated that the public comments on the Internet that call for violence against sexual minorities are highly unacceptable. It was also ambivalent to amendments to the Constitution stipulating marriage as "institution between man and a woman". The topic is widely debated in Parliament, society and media. Civil society leaders and intellectuals called for not passing the amendments.

NHRO publishes their annual Report 2005⁸⁰ where it describes the situation after Riga Pride 2005 and criticises homophobic expression from politicians and in media discussions. It also criticises the Constitution amendments regarding the definition of marriage.

Sources:

Latvijas Antropologu biedrības atklātā vēstule par Satversmes 110. panta grozījumiem [Open Letter of Latvian Association of Anthropologists on Amendments to Constitution Article 110], October 27, 2005, <http://www.politika.lv/index.php?id=5315>

Ainars Baštiks neatbalsta homoseksualitātes popularizēšanu [Ainars Bastiks (the minister) does not support homosexuality propoganda], July, 14, 2005, Ministry for Children and Family Affairs, <http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=792>

VCB Ziņojums 2005 [NHRO Report 1999], NHRO, 2006, <http://www.vcb.lv/zinojumi/VCB-2005-gadaZinojums.pdf>, pp.64-66

Diskusija "Ģimene, laulība un sabiedrības vienotība dažādības un neiecietības kontekstā [Public Discussion on family, marriage and unity in context of diversity and intolerance], Latvian Association of Anthropologists, November 15, 2005, texts and Stenography of discussion on <http://www.politika.lv/index.php?id=5353>

Zviedru «zaļie» kritizē Ozoliņa izteikumus par gejiem [Swedish "Greens" criticise Ozoliņš expressions about gays] LETA, August 4, 2005. <http://www.apollo.lv/portal/news/72/articles/53105/0>

Latvijas tautas vārdā: Tiesas spriedums par Rīgas Praids 2005 gājienu [Administrative Court decision on Riga Pride March 2005]

⁸⁰ <http://www.vcb.lv/zinojumi/VCB-2005-gadaZinojums.pdf>, pp.64-66

[www.temida.lv/Jurista Biblioteka/Administrativais process/Tiesas spriedums par Rigas Praids 2005 gajien.doc](http://www.temida.lv/Jurista_Biblioteka/Administrativais_process/Tiesas_spriedums_par_Rigas_Praids_2005_gajienu.doc)

Homofobiskā runa Latvijā: politiķu monitorings [Homophobic speech in Latvia: monitoring of politicians], LGBT organisation “Mozaika”, 2007, http://www.vilx.lv/Mozaika/Homofobiska_runa.html#_Toc159572982

2006

The next Riga Pride of 2006 was banned and a series of educational events called the “Friendship Days”⁸¹ were held instead. However, representatives of the “No-pride movement”⁸² attacked the participants of the educational events throwing human excrement and splashing holy water.⁸³ The police did not intervene.

The Parliament amended the Constitution stressing that marriage is a union between a man and a woman in 2006 as well as voting against inclusion of discrimination on sexual orientation grounds from the Labour Code in its first readings. LGBT and women’s organisations at the moment of compiling report cooperate in promoting partnership law for homo and heterosexual couples granting basic rights of co-habitation. The First party (Christian right oriented) tries to introduce censorship on media to prohibit “homosexuality” propaganda but does not succeed in getting support in Parliament.

Labour Code amendments prepared by government and including the listing of discrimination on grounds of sexual orientation caused major dispute during the parliamentary debate of 15 June 2006.⁸⁴ Some Parliamentarians expressed their opinion that such discrimination should be allowed or on the contrary that this discrimination is already included under the wording “other”. Homosexuality was openly called perversion, as threatening the birth rate and the reproduction of nation. The debate repeated the debates on Constitution amendments. The culture of the European Union was labelled “death culture” and Latvia positioned as the only country maintaining morality. The debate seemed to be formal as this was the third and final reading of the amendments and the first two readings accepted inclusion of this form of discrimination. EU directives directly required the introduction of wording for this form of discrimination. However, the deputies voted for exclusion of this form of discrimination. The President returned the Labour Code to the Parliament urging it to reconsider inclusion of discrimination of sexual orientation in the list of discrimination grounds and it was completed

⁸¹ The LGBT organisation “Mozaika” organised the days of friendship around the Pride 2006 believing that the information campaign would be beneficial both for the LGBT community and the society in large. The events were organised in collaboration with several local and foreign NGOs and a series of seminars was run on discrimination, sexuality, art and communication events (see <http://www.mozaika.lv/index.php?lng=lv&part=10&us=1001048068>; (29.11.2006))

⁸² Association NoPride is a nongovernmental organisation with the goal “to maintain traditional family values and emphasize their importance in society of Latvia. We think that traditional family, which is a union between a man and a woman, is the basic value of each society, because it ensures the existence of the country and its long term development.” An elaborated English web page of the organisation can be found <http://www.noprider.lv/en/> (29.11.2006.)

⁸³ An English description of the events can be found in <http://ukgaynews.org.uk/Archive/2006july/2201.htm> (29.11.2006.)

⁸⁴ Parliament debates on June 15, 2006, http://www.saeima.lv/steno/2002_8/st_060615/st1506.htm

in September the same year. The Parliament debates were still hostile and the positive vote was followed by verbal insults.⁸⁵

Secretariat of the Minister of Special Assignments for Societal Integration proposed to include sexual minorities in the minority list of the societal integration programme. This causes protests in religious organisations and sexual minorities are removed from the list.

More than 300 schoolteachers sign a petition to eliminate “homosexuality” propaganda from schools insisting on their rights to condemn homosexuality publicly.

Sources:

Official home page of No-Pride organisation, <http://www.nopride.lv/en/>

Stenography of Parliament debates on Labour Code, June 15, 2006, http://www.saeima.lv/steno/2002_8/st_060615/st1506.htm

Atklātā vēstule par Saeimas 15.jūnija lēmumu Darba likumā neiekļaut aizliegumu diskriminācijai seksuālās orientācijas dēļ [Open letter on Parliament decision not to include the discrimination on sexual orientation grounds from Labour Code], June 19, 2006, 2006. <http://www.politika.lv/index.php?id=10020>

Stenography of Parliament debates on Labour Code, September 9, 2006, http://www.saeima.lv/steno/2002_8/st_060921/st2109.htm

Valsts programma “Sabiedrības integrācija Latvijā” [State Programme “Social Integration in Latvia”, Secretariat of the Minister of Special Assignments for Societal Integration, 2001. <http://www.politika.lv/index.php?id=4106>

Secondary sources:

Riga Gay Pride: It's Worse Than Moscow, by Nikolai Alexeyev, GayRussia.ru RIGA, July 22, 2006, <http://ukgaynews.org.uk/Archive/2006july/2201.htm>

Valdība izskatīja atskaiti par šogad paveikto Nacionālās programmas iecietības veicināšanai īstenošanā [Government views report on implementing National tolerance promotion programme], Secretariat of the Minister of Special Assignments for Societal Integration, September 26, 2006, <http://www.integracija.gov.lv/?id=1&top=1>

⁸⁵ Parliament debates on September 9, 2006, http://www.saeima.lv/steno/2002_8/st_060921/st2109.htm

2007

Friendship days May-June 2007 are passed peacefully. The police forces guard the Friendship March and LGBT organisation "Mozaika" stages several events – conference of family models and support lectures from homosexually oriented people and members of their Parliament. A Twinning Agreement is signed with London pride and international human rights organisations, representatives from the European Parliament and Swedish government support the event. The central policy event of the programme became the politician debates on same sex partnership law. Only right wing First Party that is responsible for the Ministry of Children and Family Affairs did not agree that the diversity of families should be taken into account. The party representative also called for exemption of children from homosexual parent families. However the majority of party representatives supported same sex partnership though they also referred to their electorate as disapproving such steps.⁸⁶

Sources:

Politician's debate in Friendship Day Conference on Same Sex partnership Law, May, 30, 2007, See account of debate on <http://www.politika.lv/index.php?id=14272>

Informācija plašsaziņas līdzekļiem [Press release of Friendship days], Mozaika, May, 25, 2007, <http://www.mozaika.lv/index.php?part=2&part2=17&us=747227870&lng=lv>

Latvijas skolu skolotāju un darbinieku atklāta vēstule Ministru Prezidentam [Open letter of Latvian teachers and school employees to Prime Minister (against homosexuality propaganda in schools)], January 14, 2007

Par grozījumiem Nacionālajā iecietības veicināšanas programmā [On amendments of National Tolerance programme, including sexual minorities], No-Pride movement letter to Prime minister, not dated (2007), http://www.nopride.lv/index.php?option=com_content&task=view&id=179&Itemid=48

Reproductive rights

2002

Reproductive rights were first defined and granted by law in 2002. The Parliament debated the law over a 6 year drafting period. The main reason for the law to gain the majority of Parliament voice was the question of abortion. Up to that date abortion was regulated by regulations of the Cabinet of Ministers and was never defined by law. Some parliamentarians objected to including abortion and protection of life (chapter on assisted reproduction and maternity care) in the same body of law.⁸⁷ The debates repeated themselves through three Parliaments until the Law was passed. The Law generally protected pregnant women but did not allocate any finance. The Parliament debated the rights of unmarried women to use

⁸⁶ See account of debate on <http://www.politika.lv/index.php?id=14272>

⁸⁷ See, Parliament debates on 2 May 1996, http://www.saeima.lv/steno/st_96/st2305.html, also December 3, 1998. <http://www.saeima.lv/steno/1998/st0312.html>

assisted reproduction and abortion; initially the right was granted to married heterosexual couples only, but was finally granted also to unmarried women.^{88 89} Church organisations campaign against legalising abortion.

Part 2, Article 5 of the Law and the Regulations of the Cabinet of Ministers No 590 “Administrative Procedures for discontinuation of pregnancy” granted women termination of pregnancy in treatment institutions and gave opportunity to choose the medical technology and pain relief method. Legalisation of abortion created public debates which are still re-occurring. Abortion is still used in political debate. At the end of 2003 a part of the coalition requested the Minister of Health to step down because her political post was thought to be incompatible with the Minister’s role as a practising gynaecologist performing abortions.⁹⁰

One of the compromises for accepting the law was acceptance of a special information sheet called The Order of the Ministry of Health “Written Information on Moral Aspects of Termination of Pregnancy”. Moral aspects were included in the Law in its final reading by the Commission of Social Labour Matters.⁹¹ The sheet had to be signed by all women choosing abortion. The text defined abortion as dangerous and painful operation both for mother and aborted foetus and stated the possibilities to preserve the life of the baby-to-be⁹². It did not speak about family planning and women’s rights. The Order was viewed as controversial among professionals and society. In practice a booklet issued by the Latvian Association for Family Planning and Reproductive Health “Papardes Zieds” was used and it provided comprehensive and neutral information on abortion. The Association extensively lobbies for women’s choice and organizes several public discussions for Parliament members, professionals and media.⁹³ It also lobbies for medically-induced abortion still illegal in Latvia.

Assisted reproduction does not produce debate. It is granted by law to heterosexual couples and single women. Initially only married heterosexual couples were allowed to use assisted reproduction services under the law but later the provision was extended to single women.

Source:

Stenography, Parliament debates on 2 May 1996,
http://www.saeima.lv/steno/st_96/st2305.html,

Stenography, Parliament debates on December 3, 1998.
<http://www.saeima.lv/steno/1998/st0312.html>

⁸⁸ <http://www.saeima.lv/steno/1998/st0312.html>, www.saeima.lv/steno/2002/st_3101/st3101.htm - 370k

⁸⁹ <http://www.saeima.lv/steno/1998/st0312.html>, www.saeima.lv/steno/2002/st_3101/st3101.htm - 370k

⁹⁰ LETA news, November 5, 2003. Chairman of the First Party condemns the Minister of Health I. Circene for performing abortion.

⁹¹ Suggestions for the second and third reading , www.prolife.lv/tabula_likproj.doc

⁹² <http://spogulis.calis.lv/tava-veseliba/medicina/no-likumdosanas-par-abortiem/>

⁹³ http://www.papardeszieds.lv/public/index.php?lang=lv&menu=20_8_16&details=show&did=15

Stenography, Parliament debates on January 31, 2002,
www.saeima.lv/steno/2002/st_3101/st3101.htm - 370k

Suggestions for the second and third reading of Sexual and Reproductive Health Law,
Parliament, www.prolife.lv/tabula_likproj.doc

Latvijas Republikas Veselības ministrija, Rīkojums, 28.08.2003 Nr. 227, Par rakstveida informāciju par grūtniecības pārtraukšanas morālajiem aspektiem [Order on written information on moral aspects of pregnancy termination] <http://spogulis.calis.lv/tava-veseliba/medicina/no-likumdosanas-par-abortiem/>

Secondary sources:

LETA news, November 5, 2003. Chairman of the First Party condemns the Minister of Health I. Circene for performing abortion.

Reproductive Health Report, Latvia 1997-2003. UNPFA, “Papardes Zieds”, 2004.

2004

Year 2004 brought change as two court claims were submitted on refusal of state authorities to register home born children. Riga City mayor intervened and registered children himself. Authorities still refused to do so claiming that their regulations do not allow accepting the form of registration issued by a midwife⁹⁴. The court ruled that authorities were obliged to do so and ordered to pay compensation to parents. State authorities appealed and the second instance court supported the decision of the first instance. One of the court arguments was that birth is a legal act that cannot be repeated in a different procedure. The debate involved the argumentation that midwives certifying birth outside institutions could engage in baby trade falsifying the certificates. The hospital was seen explicitly as an institution granting control over the reproduction of citizens. This debate is as relevant to women’s reproductive rights as abortion; WRC “Marta” explicitly positioned the question of women’s right to decide about the place and form of birth.

This question was brought up by the Sexual and Reproductive Health Law. The Law defined stationary maternity services only. As the home birth movement had already started in the mid-1990s it was not regulated. Part of the controversy was also the practical regulation of midwives not allowing for practising independently contrary to the Directive 80/155/EEC. The Ministry of Health organised the first work group including professional organisations but not patient organisations in 2003. Subsequently the issue was debated in Parliament and the main argumentation against legalising home birth was ignorance and bad health of Latvian women as contra-indicators for home birth. The framing of the issue is interesting as it claimed state control over the reproductive choice of women. This framing also dominated in

⁹⁴ <http://www.delfi.lv/archive/article.php?id=9400655>

the work group at the Ministry of Health working on Procedures on Delivering Out-Of-Hospital Maternity Services.⁹⁵

Sources:

Anotācija Seksuālās un reproduktīvās veselības likuma grozījumiem par mājas dzemdībām [Annotation to amendments to sexual and reproductive Health Law concerning home birth] http://www.saeima.lv/bi8/lasa?dd=LP0806_0

Valsts iestāde atsakās reģistrēt mājās dzimušu bērnu [State refuses to register home born child] LETA, October 24, 2004. <http://www.delfi.lv/archive/article.php?id=9400655>

2005

Parliament amends Sexual and Reproductive Health law legalising home birth on September 22, 2005 without much further debate. The committees had debated the issue extensively with patient rights experts, professional associations and women's organisations.

Ministry for Children and Family Affairs start a children adoption campaign aiming at placing all children in families either in status of adopted children or family care. Foreign adoption is facilitated.

Source:

Stenography, Parliament Session on September 22, 2005
http://www.saeima.lv/steno/2002_8/st_050922/st2209.htm#s23

Adopcijas tendences 2005. gadā [Adoption tendencies in 2005] Ministry for Children and Family Affairs, 2006

2006

During 2006 the Parliament returned to the Law and made the amendments expanding the termination of pregnancy on medical grounds from 22 to 24 weeks.⁹⁶ The opposing party organised consultation with NGOs – association Sustento uniting disabled persons and Women's groups opposing abortion. The debate was ended framing the amendment as a medical problem void of morality.

Finally Regulations on Providing Maternity Services⁹⁷ including home birth provision were accepted July 25, 2006, fully legalising home birth.

⁹⁵ Personal notes

⁹⁶ See, Parliament debates on December 14, 2006, www.saeima.lv/steno/Saeima9/061214/st061214.htm

⁹⁷ <http://www.ginasoc.lv/?page=resource&id=law>

Source:

**Cabinet of Ministers Regulations No 611. Dzemdību palīdzības nodrošināšanas kārtība [Order of providing maternity services], July 25, 2006,
<http://www.ginasoc.lv/?page=resource&id=law>**

4. Gender based violence

Introduction to the sub-issue and topics

The three sub issues most relevant to the QUING project are

- **Domestic violence**
- **Prostitution regulations**
- **Human trafficking in women;**
- **Sexual harassment.**

Other topics of QUING are not relevant for Latvia as the population is rather homogenous in terms of culture and traditions.

The Government does not have a united system and approach to prevent violence against women. There is lack of unified mechanisms and a system of coordination between institutions and professionals working in this field. The Government does not have proper research or data on violence against women, so there are no comprehensive statistics on domestic violence, sexual harassment in the work place, prostitution and trafficking in women. Domestic violence has also not been legally and politically defined. There is a lack of specialists to provide help to the women that have suffered from violence. The gender aspect is secondary and there is a problem of implicitly associating violence with women as perpetrators.

NGOs working on women's rights and protection report that the extent of domestic violence against women is sizeable and underreported. Victims of abuse are often uninformed about their rights as well as reluctant to seek redress through the justice system. One of the obstacles is attitudes still prevailing in society that burden women with guilt and shame. The police and court system also tend to downplay the seriousness of the problem. The lack of supportive legislation is an important obstacle: violence against women is not defined as a serious problem that demands efforts from government and municipalities and NGOs. There is no legal provision that prohibits abusive persons from approaching the victim; therefore women are afraid to report violence.

Police statistics for domestic violence are grouped in more general categories such as assault or battery. The criminal code specifically criminalizes rape but does not recognize spousal rape.⁹⁸ There have not been major debates around the issue in the policy arena.

Regulating prostitution had gone through two major turning points. First, regulations for controlling prostitutes are passed and this framework dominates in approaches to this problem. Women's NGOs discuss prostitution within the framework of violence against women. A high incidence of prostitution is strongly linked with transition in society, poverty and women's position in society. Current regulations control women and require regular medical check-ups to protect their clients. Additionally, this occupation is often associated

⁹⁸ Shadow report to CEDAW <http://www.politika.lv/index.php?id=5287>

with human trafficking and not a free choice⁹⁹. Proposals to punish clients are promoted by NGOs and reach Parliament commissions in 2006.

Prohibition of sexual harassment was included in law in 2004 and the following year it appears on the policy agenda in the Beijing Platform for Action report. Research has followed the report but no action has been taken.

4.1. Actors:

Parliament:

Human Rights and Public Affairs Committee at the Parliament is the responsible committee for developing the legal framework.

Courts:

A few cases of human trafficking are solved in courts. There have not been exemplary court cases concerning domestic violence except with regard to the sexual abuse of children.

State Institutions and agencies

Ministry of Welfare

Ministry of Health

NHRO

Ministry for Children and Family Affairs

National Human Rights Office (NHRO)

Ministry of Internal Affairs, state and municipal police

Chief Prosecutor's Office

As there is no single ministry or body responsible for violence against women, the topic is poorly addressed by governmental policy. Only lately has coordination been undertaken by the Ministry for Interior Affairs (human trafficking, prostitution), and Ministry for Children and Family Affairs (domestic violence). None of the institutions view violence as gendered problem.

Employers and employer bodies

Do not participate

Trade Unions

Do not participate

NGO sector

The gender problem centre "Gender" works with prostitutes offering support and consultation, and cooperates with state institutions for improvement of the situation for prostitutes

Association for Gender Equality has participated in work groups on all issues

⁹⁹ <http://www.politika.lv/index.php?id=5657>

Women's Resource Centre "Marta", also representing Latvian Women's Organisation Association, actively stages information campaigns against domestic violence, human trafficking in women and recently on criminalising the buying of prostitutes and offering rehabilitation and support for victims.

Crisis Centre "Skalbes" offers rehabilitation and support for victims, and actively lobbies against violence against women

"Talsi women and children crises centre" offers rehabilitation and support for victims, and provides expertise

Religious groups

Not prominent on the policy agenda but provide support for victims of violence

International influences

High, most policy oriented toward human trafficking and violence. Research, campaigns and services are most often initiated and funded by foreign bodies. Nordic countries are prominent donors and partners in this area. The UNDP also staged a major campaign against violence in 2005. WHO commissioned a national report on domestic violence in 2007.

Policy experts / Research

NGOs act both as researchers and experts. Research had a prominent place in defining the problem and mapping it onto the policy agenda.

Organisation of actors and intersectionality

Intersectionality is increasingly achieved through cooperation using funding from UN, EU and Nordic countries allowing the creation of partnerships around a project base. There is a considerable lack of cooperation amongst state institutions in relation to the prevention of violence. Recently a work group has been established under the Ministry of Health and one under the Ministry for Children and Family Affairs, ordered by Cabinet of Ministers, to draft the National Report on domestic violence commissioned by WHO. Both work groups are intersectoral but do not coincide.

4.2. Timeline

Prostitution

1998

NHRO and NGO "Gender" work on regulating prostitution. "Gender" is used as a proxy addressing marginal clients of NHRO.¹⁰⁰ Both organisations conduct joint research on the situation and define legal developments in regulating prostitution.

¹⁰⁰ <http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.70>

Regulations for Limitation of Prostitution, Cabinet of Ministers, No427. Previously regulation was based on the Criminal Code and Administrative code prohibiting the organising of prostitution and spread of sexually transmittable disease by prostitution. New regulations introduce identification forms and health cards for prostitutes and state that municipalities have the right to appoint a special district for providing prostitution services. NHRO criticise the regulations. Up until the end of the year state institutions fail to provide forms and health cards thus breaching the regulations¹⁰¹.

The NGO sector and experts criticise the regulations, as caring for the wellbeing of clients and not the prostitutes.¹⁰² The regulations further produce confusion as local councils are reluctant to appoint a special space for prostitution and inhabitants protest against locating their neighbourhood for this purpose (e.g. in Riga). Smaller towns obliged to specify places claim that they do not have any prostitutes to regulate.

Source:

**Prostitūcijas ierobežošanas noteikumi [Measures for restriction of prostitution],
Cabinet of Ministers, No 427, November 4, 1998**

Secondary sources:

**Valsts Cilvēktiesību Biroja Ziņojums 1998, [NHRO Report 1998], NHRO, 1999,
<http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.70>**

**Dupate, Kristīne, 2005. Vai seksuālo pakalpojumu pircēji būtu jā soda? [Should clients
of prostitutes be punished] Policy analysis article,
<http://www.politika.lv/index.php?id=4832>**

2001

Cabinet of Ministers passes new Regulations No 210 on May 22 “Measures for restriction of prostitution” introducing new mechanisms of control and some amendments that persons living in the house or apartment where services are offered can demand the closure of these services.

Source:

**Prostitūcijas ierobežošanas noteikumi [Measures for restriction of prostitution],
Cabinet of Ministers, No210, May 22, 2001**

2003

Gender problems' centre “Gender” working with prostitutes defines the lack of state support as a problem. The Centre estimates that 10 000-15 000 persons provide prostitution services and 25% of prostitutes are under 18 years old. The Centre also criticises the state institutions for failure to provide support and legal assistance to adult prostitutes.

¹⁰¹ LHRO Report 1998, <http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.70>

¹⁰² <http://www.politika.lv/index.php?id=4832>

Secondary source:

Alternatīvais ziņojums par Pekinas Rīcības platformas ieviešanu Latvijā 1995-2005 [Alternative Report on Beijing Platform for Action 1995-2005], Latvian Women's Organisation Network, 2005

2006

WRC "Marta", Information Bureau of European Parliament and Baltic-American Partnership programme organise a discussion on legal regulation of prostitution in Latvia on March 7. The institutions participating agree on the problem but admit that developing regulations lack political will. The Swedish example of punishing clients of prostitutes has gradually entered onto the agenda since 2005. WRC "Marta" lobbies for punishing clients of prostitution services in Parliament. The Church oriented 'First party' supports and lobbies the proposal in Parliament. Several information campaigns are staged in 2006 and 2007.

Parliament votes for submitting amendments to the Criminal Code providing measures against clients of prostitution to the Commissions.¹⁰³

Sources:

Stenograph of Parliament Session, March 23, 2006,
http://www.saeima.lv/steno/2002_8/st_060323/st2303.htm

Par "Grozījumiem Krimināllikumā", Annotation to amendments to Criminal Code
http://www.saeima.lv/bi8/lasa?dd=LP1624_0

Marta information sheet, March 7, 2006,
<http://www.marta.lv/vpage.php?lang=lv&id=8&lapa=64>

2007

Ministry of Interior Affairs rework Measures for restriction of prostitution, Cabinet of Ministers, No210, May 22, 2001. It provides more tight control and prohibits providing prostitution services outside the living space, which is the property of the prostitute or is rented on a contract base. Prostitution in clubs, massage saloons, and at clients' homes is prohibited. The Administrative Code is amended to strengthen the measures for breaching the regulations. The minister publicly promised to fight against prostitution and changing the regulations is the first step.

Source:

Latvijas Vēstnesis [Official News Issue], 03.07.2007, State Secretary Meeting on June 28, 2007, Report,
http://lv.lv/?menu_body=DOC&id=159761&menu_left=LAIIDIENS&fp_izdevums=1&PHPSESSID=9694cd7a611163045e34c204fdafca6c

¹⁰³ http://www.saeima.lv/steno/2002_8/st_060323/st2303.htm

Trafficking in women

1998

Gender problem Centre "Gender" starts several projects for preventing human trafficking in women.¹⁰⁴ Thus human trafficking first appears on the agenda.

Secondary source:

Informative Report of on "Human trafficking, with special focus on women and children, problem in Latvia, Ministry of Welfare, July 28, 2003,
<http://www.politika.lv/index.php?id=5256>

2000

Criminal Code Articles 165.1 and 165.2 amended to include criminal liability for human trafficking May 18, 2000.

2002

This year is marked by international pressure to take steps in prevention of human trafficking. Nordic Council of Ministers funds the project "Informative campaign against trafficking in women" targeting both specialists and society. It also aimed at the creation of a stable mechanism of coordination amongst state institutions and NGOs. Already in 2001 the Swedish government in cooperation with NGOs "Marta" and GENDER had staged a campaign "you will be sold as a doll, don't believe in easy earning abroad!" The International Migration Organisation and Finish government organised pilot project on rehabilitation of human trafficking victims in 2002.¹⁰⁵

Partly following international pressure and NGO claims on 24 April 2002 Parliament amended the Criminal Code Articles 154.1 and 154.2 strengthening norms against trafficking in human beings without debates. In 2002, charges on sending a person abroad for sexual exploitation with the person's consent were filed in 13 criminal cases, bringing the total number of cases to 25.

Amendments to Criminal Code <http://www.likumi.lv/doc.php?id=61914&mode=DOC>

Secondary source:

Informative Report of on "Human trafficking, with special focus on women and children, problem in Latvia, Ministry of Welfare,
<http://www.politika.lv/index.php?id=5256>

¹⁰⁴ <http://www.politika.lv/index.php?id=5256>

¹⁰⁵ <http://www.politika.lv/index.php?id=5256>

2003

Informative Report of Ministry of Welfare on "Human trafficking, with special focus on women and children, problem in Latvia"¹⁰⁶. The report is the result of a work group established April 26, 2002. Apart from the Ministries and state institutions, local governments, International Migration organisation, and the NGOs GENDER, Coalition for Gender Equality, and Crisis Centre "Skalbes" are included.

Sources:

Informative Report of on "Human trafficking, with special focus on women and children, problem in Latvia, Ministry of Welfare,
<http://www.politika.lv/index.php?id=5256>

2004

State programme for Preventing human trafficking 2004-2008 is introduced,¹⁰⁷ defining the main direction for action: legislation, analysis, education and rehabilitation services for victims. Reports on enactment of the programme in 2005 and 2006, without any focus on gender equality, are available.¹⁰⁸ NGOs criticise the government for insufficient provision of assistance for the victims of trafficking and on whether funding will be provided for implementation of the programme.¹⁰⁹

Sources:

Valsts programma cilvēku tirdzniecības novēršanai 2004.-2008. gadam [State programme for Preventing human trafficking 2004-2008] Ministry of Internal Affairs, 2004, <http://www.cilvektirdznieciba.lv/index.php?catalogue&id=65>

Informatīvais ziņojums par Valsts programmas cilvēku tirdzniecības novēršanai 2004.-2008 īstenošanas gaitu [Informative Report on implementation of State Programme for Preventing Human Trafficking 2004-2008, Ministry of Internal Affairs, 2005 http://www.cilvektirdznieciba.lv/data/File/Likumdosana/programmas%20_atskaite%2005.pdf,

Informatīvais ziņojums par Valsts programmas cilvēku tirdzniecības novēršanai 2004.-2008 īstenošanas gaitu [Informative Report on implementation of State Programme for Preventing Human Trafficking 2004-2008, Ministry of Internal Affairs, 2006 http://www.cilvektirdznieciba.lv/data/File/Likumdosana/programmas%20_atskaite%2006.pdf

¹⁰⁶ Informative Report, <http://www.politika.lv/index.php?id=5256>

¹⁰⁷ <http://www.cilvektirdznieciba.lv/data/File/Likumdosana/programma%201.pdf>

¹⁰⁸ http://www.cilvektirdznieciba.lv/data/File/Likumdosana/programmas%20_atskaite%2005.pdf,

http://www.cilvektirdznieciba.lv/data/File/Likumdosana/programmas%20_atskaite%2006.pdf

¹⁰⁹ Shadow report, <http://www.politika.lv/index.php?id=8971>

Shadow Report To The Combined Initial, Second, and Third Periodic Report of Latvia on The Implementation of Convention of 18 December 1979 On Elimination of All Forms of Discrimination against Women in The Republic of Latvia, Women's NGOs Network of Latvia, Riga, Latvia, 2004, <http://www.politika.lv/index.php?id=8971>

2005

Judicial education centre in cooperation with the USA embassy organises a seminar cycle on human trafficking "Legal and socio-psychological aspects of human trafficking."¹¹⁰

November 22, 2005: passing of the Regulation of the Cabinet of Ministers "Regulation of order stating how victims of human trafficking receive social rehabilitation services and requirements for service providers" create legal grounds for human trafficking victim rehabilitation services covered by the state.

Sources:

Mk noteikumi Nr.882 "Noteikumi par kārtību, kādā cilvēku tirdzniecības upuri saņem sociālās rehabilitācijas pakalpojumus, un prasībām sociālās rehabilitācijas pakalpojumu sniedzējiem" [Regulation of Order Determining Access of Human Trafficking Victims to Social Rehabilitation Services, CoM, No882]

2006

Action of human trafficking prevention starts as Ministry for Interior Affairs begins to look at the problem as a specific problem for women. Ministry of Interior Affairs participates as a partner in the EQUAL project "Open labour market for women", developing and maintaining an Internet portal on prevention of human trafficking www.cilvektirdznieciba.lv that serves as the basic source of information and resources on human trafficking.

WRC "Marta" organises a public information campaign against human trafficking in women, organising public actions that are well noticed¹¹¹ ("Be aware of human trafficking: choose legal employment abroad!"¹¹²) and offering a free help line (2006-7). It also develops further international collaboration for lobbying on the fight against human trafficking.

WRC "Marta" starts lobbying for a different order for services to victims of human trafficking. The regulations request women first register with the police in order to qualify for support. This appears to be the major barrier in receiving the service.¹¹³

Sources:

Internet portal on prevention of human trafficking www.cilvektirdznieciba.lv

¹¹⁰ <http://www.cilvektirdznieciba.lv/index.php?catalogue&id=70>

¹¹¹ <http://www.marta.lv/vpage.php?lang=lv&id=8&lapa=107>

¹¹² <http://www.cilvektirdznieciba.lv/index.php?id=55&level=0&cid=52>

¹¹³ <http://www.marta.lv/vpage.php?lang=lv&id=8&lapa=120>

Project information sheet on prevention human trafficking and towards change of the attitude <http://www.marta.lv/vpage.php?lang=lv&id=8&lapa=107>

“Be aware of human trafficking: choose legal employment abroad!” project information sheet <http://www.cilvektirdznieciba.lv/index.php?id=55&level=0&cid=52>

Secondary sources:

WRC “Marta” information sheet
<http://www.marta.lv/vpage.php?lang=lv&id=8&lapa=120>

Domestic violence

1996-7

Though Latvia ratified CEDAW in 1992 and the UN Declaration on Prevention of Violence against women in 1993, no action followed. Even data on the extent of the problem is still not available.

Research institutions and NGOs start collecting data to detail the problem: the Latvian Centre for Criminology question 853 women in 1996. Only 4% of women had reported on cases of violence.¹¹⁴ The Centre for Human Rights and Ethnic Studies explore cases of registered domestic violence leading to injuries and medical treatment. They list 120 cases through 1996 and the first months of 1997. The Centre also interviews women in prison sentenced for violation against their partners, most of them are themselves victims of violence.

The first population survey on violence is conducted. 19% of female respondents have experienced psychological violence, 9% physical, and 7% sexual violence. Only 8% asked for help from the police or health care institution.

Secondary sources:

Женщины в переходный период [Women in transition period],. Флоренция, Италия: Детский фонд ООН. Международный центр развития ребенка UNICEF: 1999, p. 95.

Megne, A. 2000. Fiziska vardarbība pret sievieti ģimenē kā sociāla problēma. [Physical violence against women as a problem] Rīga, p. 53.

2000

NHRO in its Report from 2000 defines violence as a key factor in discrimination against women¹¹⁵; this is also stressed in its Report in 2001,¹¹⁶ claiming that the state institutions pay

¹¹⁴ Женщины в переходный период. Флоренция, Италия: Детский фонд ООН. Международный центр развития ребенка, UNICEF: 1999, с. 95.

¹¹⁵ www.vcb.lv/zinojumi/2000.g.z.doc

attention only to very severe incidents of violence and ignore psychological abuse. It calls for amendments to the Criminal Code. This is the first time violence comes onto the policy agenda and is recognised by the state institution.

Source:

Valsts Cilvēktiesību biroja 2000. gada ziņojums [National Human Rights Office Report], Rīga, 2001, www.vcb.lv/zinojumi/2000.g.z.doc

2004

State Action Programme for State family policy 2004-2013 is passed. Article 3.4.3. defines measures for prevention of violence and for providing support to members of families suffering from violence. However, the document lacks explicit recognition of the gender aspect and solves the problem in terms of informing society, specialists and providing psychological counselling as well as rehabilitation for perpetrators of violence. It also aims at prevention of violence in the media, and provides training for civil servants dealing with victims of violence.¹¹⁷

The government prepares its Report to CEDAW and a Shadow report is prepared by the NGO sector. The NGO sector actively participates in the workgroup drafting the official country report. The CEDAW Committee criticises the government for its lack of data on violence against women and is concerned that “violence against women, particularly domestic violence, continues to be considered a private matter between the perpetrator and the victim”.

The CEDAW Committee calls to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished:

- Women victims of violence should have immediate means of redress and protection, including protection or restraining orders and access to legal aid;
- Measures are taken to provide sufficient numbers of shelters for women victims of violence
- Ensure that public officials adequately respond to violence
- To criminalize marital rape as a separate offence, and prosecute offenders.¹¹⁸

Primary sources

Rīcības plāns Konceptijas "Valsts Ģimenes Politika" īstenošanai 2004.-2013. gadam [Action Plan for Implementing Concept Paper “State family Policy” 2004-2013], Ministry for Children and Family Affairs, 2004, http://www.bm.gov.lv/lat/gimenes_valsts_politika/

¹¹⁶ <http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.73>

¹¹⁷ http://www.bm.gov.lv/lat/gimenes_valsts_politika/

¹¹⁸ Concluding comments of the Committee, pr 55-56

<http://www.unhchr.ch/TBS/doc.nsf/e121f32fbc58faafc1256a2a0027ba24/5c126eefd11c1afcc125729a00331a56?OpenDocument>

Country Report To The Combined Initial, Second, and Third Periodic Report of Latvia on The Implementation of Convention of 18 December 1979 On Elimination of All Forms of Discrimination against Women in The Republic of Latvia,
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/422/51/PDF/N0342251.pdf?OpenElement>

Shadow Report To The Combined Initial, Second, and Third Periodic Report of Latvia on The Implementation of Convention of 18 December 1979 On Elimination of All Forms of Discrimination against Women in The Republic of Latvia, Women's NGOs Network of Latvia, Riga, Latvia, 2004, <http://www.politika.lv/index.php?id=8971>

Concluding comments of the Committee - CEDAW: Latvia. 18/08/2004.
<http://www.unhchr.ch/TBS/doc.nsf/e121f32fbc58faafc1256a2a0027ba24/5c126eefd11c1afcc125729a00331a56?OpenDocument>

2005

This year starts with an intensive series of training seminars. Nordic Council of Ministers and Ministry of Welfare initiate the project "Inter-sectoral cooperation for violence prevention 2005-6", organising seminars for police, social workers, judges, school psychologists and media.¹¹⁹ State programme for improving the situation of children and family in 2005¹²⁰ includes education programmes for families and specialists based on a Canadian programme "Emotional upbringing of children" targeted at prevention of violence in families. Association of Local Governments organise seminars according to State Family Policy "Risk factors in family", violence being amongst the factors.

The most significant turn is associated with the UN and national campaign against violence. UN agencies in Latvia – UNDP, UNICEF, WHO and UNPFA- start an informative campaign against violence. The campaign was aimed at creating awareness and production of legal recommendations. Legal research is conducted and recommendations on improvement in the legal situation of victims of violence are submitted to the government. The Ministry of Welfare supports the project¹²¹.

Legal problems are tackled but these cannot solve the absence of support mechanisms as restraining orders according to Criminal Code, Article 253 cannot be used in real life cases where the perpetrator of violence lives in the same house or apartment as the victim.¹²²

Foreign bodies initiate all the events and most of the activities are undertaken by NGOs educating police and other specialists. Latvian Women's Organisation Network submits an alternative Report on the Beijing Platform for Action where it claims that violence against women is one of the problem aspects of women's position in society. However, no

¹¹⁹ <http://www.lm.gov.lv/index.php?sadala=409&id=1777>

¹²⁰ http://www.bm.gov.lv/lat/valsts_programmas/valsts_programma_attiecigajam_gadam/?doc=761

¹²¹ http://www.un.lv/?object_id=1093

¹²² Rone, Dana. 2005. *Pētījums ANO kampaņai pret vardarbību*. Rīga: UNDP, lpp. 8.

mechanisms and action is proposed. The work between the state institutions, experts and NGOs is uncoordinated. The Report criticises the government for formal inclusion of measures preventing the perpetrator of violence from approaching the victim but not granting real instruments for its implementation.

Sources:

Alternatīvais ziņojums par Pekinas Rīcības platformas ieviešanu Latvijā 1995-2005 [Alternative Report on Beijing Action Platform 1995-2005], Latvian Women's Organisation Network, 2005

Valsts programma bērna un ģimenes stāvokļa uzlabošanai 2005.gadam [State Programme for improving situation of children and families], Ministry for Children and Family Affairs, 2005,

http://www.bm.gov.lv/lat/valsts_programmas/valsts_programma_attiecigajam_gadam/?doc=761

Project "Starpsektorālās sadarbības stiprināšana vardarbības prevencijai" /2005-2006/ [Inter-sectoral cooperation for violence prevention 2006-6]

<http://www.lm.gov.lv/index.php?sadala=409&id=1777>

UN Campaign http://www.un.lv/?object_id=1093

Internet Portal against domestic violence opened on <http://www.pretvardarbibu.lv>.
Ministry of Internal Affairs

2006

WRC "Marta" starts a project on providing free legal assistance to women suffering from violence in the family founded by the Norwegian National Donor Campaign. The project is a subsidiary of the Norwegian Legal Assistance Centre for women and is running until 2008. An internet portal on different aspects of violence and resources is developed on:

<http://www.pretvardarbibu.lv>

Crisis Centre "Skalbes" conducts legal research on court decisions including domestic violence in 2006. The research found that Latvian courts are reluctant to apply international conventions and prefer instead to use the Civil Code. "Cruel treatment" defined by the Code is interpreted as physical violence which leaves psychological violence unattended.¹²³

As a part of the ESF programme project "Strengthening capacity in developing and implementing employment and gender equality policies" an opinion pool on attitudes towards violence is commissioned. It showed that women are traditionally viewed as victims of violence and 37% of respondents had experienced or knew cases of such violence¹²⁴.

¹²³ Tallija, Andra un Elīna Ālere 2006. *Sieviešu un bērnu tiesību īstenošana laulības šķiršanas gadījumos Latvijas tiesu praksē*. [Enacting rights of women and children in divorce cases. Practice of courts in Latvia]. Politika.lv, <http://www.politika.lv/index.php?id=9912>

¹²⁴ www.lm.gov.lv/doc_upl/Vardarbiba_gimenee-08_2006_2.doc

Sources

Vardarbība ģimenē [Domestic Violence] Latvijas Fakti, 2006, www.lm.gov.lv/doc_upl/Vardarbiba_gimenee-08_2006_2.doc

Tallija, Andra un Elīna Ālere 2006. Sieviešu un bērnu tiesību īstenošana laulības šķiršanas gadījumos Latvijas tiesu praksē. [Implementing rights of women and children in divorce cases. Practice of courts in Latvia]. Politika.lv, <http://www.politika.lv/index.php?id=9912>

2007

Council of Europe decides on drafting action plan for preventing violence May 2006. Committee of Minister, Council of Europe accepts plan for the campaign on June 21, 2006. These events facilitate the creation of a national group to provide participation of Latvia in the Council of Europe campaign for prevention of violence against women on January 10, 2007.

Ministry of Welfare develops the new programme for implementing gender equality 2007-2010. One of the six directions for action is violence. No new measures are planned. The programme still plans to analyse the situation and to provide conceptual solutions.

Commission of Human rights and Societal Affairs organises hearing of institutions involved in solving problems of domestic violence. The Commission commends the Cabinet of Ministers to develop complex measures to solve the problems. The task is forwarded to the Ministry for Children and Family Affairs.

The Ministry for Children and Family Affairs submits a report on domestic violence where it acknowledges the difficulties in approaching the problem because domestic violence (in Latvian, violence in family) is not defined, data is inaccurate and no action plans for its prevention have been developed. The report suggests the measures recommended since naming the policy problem – defining domestic violence, gathering data, re-evaluating legal protection measures and their application, inform society and educate specialists, and organise rehabilitation services.¹²⁵

After hearing The Ministry for Children and Family Report, the cabinet of Ministers orders the Ministry for Children and Family in collaboration with Ministry of Health, Ministry of Welfare, Ministry of Justice, Ministry of Internal Affairs, Chief Prosecutor's Office and Ombudsman to draft a programme for prevention of domestic violence until February 1, 2008.

Ministry of Health calls a workgroup for a National Report of preventing domestic violence commissioned by the WHO European Office. The first meeting of the workgroup gathers representatives from state institutions, local governments, NGOs and crisis centres on May

¹²⁵. *Informatīvais ziņojums par problēmām saistībā ar vardarbību ģimenē un to iespējamiem risinājumiem*. Bērnu u ģimenes lietu ministrija, lpp. 1.

5, 2007. The workgroup views domestic violence as a health problem, following WHO suggestions.

Sources:

Informatīvais ziņojums par problēmām saistībā ar vardarbību ģimenē un to iespējamajiem risinājumiem [Informative Report on domestic violence problems and their possible solutions], Ministry for Children and Family Affairs, June 5, 2007. www.mk.gov.lv/doc/2005/BMzino_010607.doc

Latvijas Republikas Ministru Kabineta Sēdes Protokols Protocol of the meeting of Cabinet of Ministers, Republic of Latvia, June 5, 2007. ppd.mk.gov.lv/ui/DocumentContent.aspx?ID=5448

The Programme for the Implementation of Gender Equality 2007-2010, Ministry of Welfare, 2007, www.mk.gov.lv/doc/2005/LMprog_220607_info.doc

Sexual harassment

2004-2006

Sexual harassment appears on the policy agenda in 2004 when Labour Code amendments are made to define the harassment. Formally NHRO reviews the claims of employees suffering from harassment in the workplace. At the same time, the government in its report for the implementation of the Beijing Platform for Action writes that it is difficult to measure the harassment and to assess the situation. In the same year, the Shadow CEDAW Report criticises the low level of understanding of sexual harassment in society.

In 2006 the first research on public attitudes is conducted showing that harassment at the workplace is widespread but normalised. No debate has accelerated since 2004.

Sources:

Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action, Draft Council Conclusions on sexual harassment at the workplace, Ministry of Welfare, 2005. ppd.mk.gov.lv/ui/DocumentContent.aspx?ID=4017 –

Shadow Report To The Combined Initial, Second, and Third Periodic Report of Latvia on The Implementation of Convention of 18 December 1979 On Elimination of All Forms of Discrimination against Women in The Republic of Latvia, Women's NGOs Network of Latvia, Riga, Latvia, 2004, <http://www.politika.lv/index.php?id=8971>

Dzimuma līdztiesības aspekti darba tirgū. Aspects of gender equality in labour market], Factum & BISS, 2006 http://www.darbatirgus.gov.lv/doc_upl/Pet_rez_3dala_galaDzl.PDF

5. CONCLUSIONS AND SUMMARIES OF KEY QUESTIONS

General gender equality policies

Gender equality policy is new in Latvia. Therefore gender+ equality policies and their relationship to the policies for other inequalities are rather weak. The main effort is put into implementing EU Directives and creating a gender equalities machinery; however, separately from other inequalities and integrating it as a horizontal rather than a sectoral topic. Therefore the issue of gender equality is under supervision of the Ministry of Welfare while the question of sexual minorities is a matter of societal integration similar to questions of ethnicity and race. These rights are merged into a single body of all inequalities in the National Human Rights Office that is an Ombudsman type institution. Gender equality is also viewed as separate from family policies, the later being oriented to traditional family roles.

Non- employment

The most important topic in Latvia is the creation of childcare provision and a benefit system that is driven by the need to improve the demographic situation and increase the birth rate. This topic is discussed within the framework of EU directives and policies on reconciliation of work and family life. However, Latvia has always had a high rate of women's participation in the labour market and there is no internal pressure to ensure legal rights de facto. Legal changes are not fully used. The approach is currently changing with an increasing deficit in the work force demanding women return from child leave and provision of state granted child care services to all parents. Childcare services are a particularly hot topic in society but not linked to gender equality. Equal pay and the gender pay gap are often voiced as gender equality problems but as explicit gender equality problems they are not eagerly solved and easily solvable. Social inclusion has entered onto the policy agenda since 2002 under direct influence of the Lisbon strategy. Retirement age has been gradually lifted to 62 from age of 55 for women and 60 for men since 1996 causing dissatisfaction in terms of a gender neutral approach to pensions in society.

Intimate citizenship

The most active topic of policy debate in the area of intimate citizenship is that around sexual orientation. International pressure called for decriminalisation of homosexual relations in 1992 and recently made discrimination in employment and in the sale and supply of goods and services illegal. However, leading opinion in the Latvian policy environment is rather homophobic. The next most important sub-topic is divorce and paternal and maternal rights, especially outside wedlock. Latvia has no partnership provision other than marriage even though around 44% of children are born outside of wedlock. Since gaining independence, Latvia has moved from a very liberal system to a very traditional family model defined in the Civil Code of 1937 and paternity outside wedlock and non-marital relationships are considered a problem despite their high incidence. Reproduction is the least addressed topic; abortion is largely debated on moral and religious grounds but abortion rights are taken for granted in the majority of society. Migration issues are not prominent as Latvia is a country of outward migration and only recently it has been recognised as an economic and family

problem in cases where minors are left behind. However, no measures apart from information campaigns have been taken.

Gender-based violence

Gender-based violence has been subject to sustained policy discussion. Domestic violence has been an increasingly important policy area; but sexual assault and rape inside marriage are not recognised as a problem. Victim protection and rehabilitation is still a major problem mostly solved by foreign aid and only recently has aid been granted delegating the provision of services to the NGO sector. Another problem is human trafficking in women and prostitution that has become increasingly acknowledged with the opening of EU borders and it is a consequence of Latvia being the second poorest state in the EU.

Major changes in gender+ equality policies, generally and in the three sub issues

General

EU directives and the accession process are the major driving forces leading to harmonising of legislation. Areas not strictly regulated like family policy remain rather intact while labour regulations are tailored according to EU directives. International conventions like CEDAW do not play an important role in driving policies but women NGO activists use these to lobby for their interests. Insufficient use of international conventions is recently recognised as a major problem for implementation of gender equality both in the policy and legal sectors. Gender is increasingly being recognised as a priority and as such is included in the main governmental documents and legislation. However, the financial tools and control and support mechanisms for implementing the policies remain rather low.

Non-employment

There have been changes in the tax-benefit system to increase incentives favouring the status of the non-employed parent rather than the employed one thus backing traditionalist family values. It promotes long-term childcare leave as the measure for promoting the birth rate and care for disabled children. Improved arrangements for maternity, paternity and adoption leave, as well as legislation concerning part-time employment and flexible working hours have followed EU Directives. However, many provisions cannot be used, as those are not granted de facto. Reconciliation of work and family life comes from the EU agenda and slowly becomes the headline of both family and gender equality policies. At the same time, society perceived it in a narrow and practical sense as just the provision of state granted services of childcare. The change in the pension system since 1996 was the most radical change bringing social insurance and a unisex approach to pensions.

Intimate citizenship

There have been unsuccessful attempts to normalise homosexual partnerships leading to strengthening heteronormativity even through a legally irrelevant amendment of the Constitution strengthening heterosexual marriage. However, the EU regulation regarding discrimination on grounds of sexual orientation in labour regulations is harmonised with

national legislation. This change did not reach the family policy that remains oriented to the traditional family and its roles.

Gender-based violence

There have been some policy developments in the area of gender-based violence, changing the Criminal Code and defining regulations for providing assistance to victims of violence but NGO actors criticise the state activity, the level of education of state actors and the lack of state financed services and long-term solutions. The domestic violence approach becomes increasingly gendered and violence becomes a major topic in relation to schools. Recognition of prostitution and human trafficking is largely an NGO effort and most action is financed by foreign aid, especially from Nordic countries.

Civil society and political forces

General gender+ equality policies

- Establishing Gender Equality Unit at the Ministry of Welfare in 2003
- Increased visibility of women's NGOs
- Creating communication between NGOs and government with increased number of consultations on major policy issues under EU programmes like EQUAL, etc.

Non-employment

- Major political forces promoting non-employment are organised around nationalistic and Christian policy stressing traditional family values
- Strong coalition of women's, gender equality NGOs, employers and trade unions to promote women's employment
- Strong reaction against unisex approach to pensions and elevating retirement age by Federation of Pensioners, however, government holds the line and the majority of society does support it
- Participation of socially excluded groups in social inclusion programme, however, not popular topic in public opinion

Intimate Citizenship

- Mobilisation of LGBT groups since 2005 and close collaboration with women's rights movement
- The mobilisation of oppositional groups, both religious and political parties against homosexuality and gender equality
- Mobilisation of fatherhood issues by state institutions (Ministry of Welfare, Ministry for Children and Family affairs)

Gender based Violence

- The development of UN campaign against violence, support from Nordic countries
- Active gender equality NGO work

- State institutions increasingly recognise the problem as a part of international pressure

Impact of the EU

Generic gender equality policies

EU Directives have been the major force driving change in Latvian legislation and in the creation of separate gender equality machinery. Most of the Gender Equality programme is funded by different ESF programmes.

Non- employment

Employment has been the major area where EU Directives have been the main force driving the change in Latvian legislation. However, the change is not dramatic, as Latvia has a history of high participation by women in the labour market. Problems like the gender pay gap are acknowledged as a major problem for reaching equality. State support for childcare and reconciliation of work and family life are major topics of demographic policy. Care for disabled people is marginal on the policy agenda and has become accentuated only recently. Social inclusion comes to the policy agenda after joining the Lisbon strategy.

Intimate citizenship

The EU has had most impact on intimate citizenship through its directive that required the ending of discrimination on grounds of sexual orientation in employment, forcing the Latvian Parliament to finally accept it. However, discrimination continues in the lack of recognition of homosexual partnerships.

Gender based violence

The EU does not have a robust legal mandate on gender-based violence resulting in weak pressure and slow change. Human trafficking has become an issue due to initiatives for collaboration from Nordic countries.

Impact of other international bodies

There has been an impact and resonance from the CEDAW Committee critical report on the Latvian situation. Reporting to international bodies produces state and NGO discussion forums which allow discussion of the implementation of conventions and treaties. International bodies influence Latvia through funding projects; Nordic funds or the UNDP campaign for addressing violence being the most prominent cases. The pension system is tailored under the guidance and pressure from the IMF and World Bank.