

*Organisation of People with Disabilities and  
Their Friends "Apeirons"*



report

The Human Right  
of persons with disabilities in  
Latvia

2000  
Riga

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# Preamble

In 1991 Latvia regained its independence. Alongside the regaining of independence a complex of problems appeared which influenced the social and economic life of population. One of the most important issues was to define strictly by means of legislation the obligations and responsibility of the public administration towards the population of Latvia. In this respect the interests of people with disabilities were also touched upon.

The Law “On Medical and Social Protection of People with Disabilities” adopted on September 29, 1992 is one of the most important legal acts providing for the legal protection of people with disabilities. The law determines the rights of disabled persons and obligations of state and self-governments towards the people with disabilities as well as sets the procedures for determining of disability and provision of medical and social assistance to disabled persons. The goal of the social assistance is to provide for the integration of people with disabilities into the society.

The Article 4 of the law defines that “Disabled person is such a person who due to functional disorders of body organs caused by his/her illness, trauma or inborn disability needs additional medical and social assistance and who has been diagnosed disability in accordance with the procedure laid down in this law and other legal acts.

In Latvia disability is divided in three groups:

Group I – serious disability if the person has a very distinct restriction of physical or mental capacity;

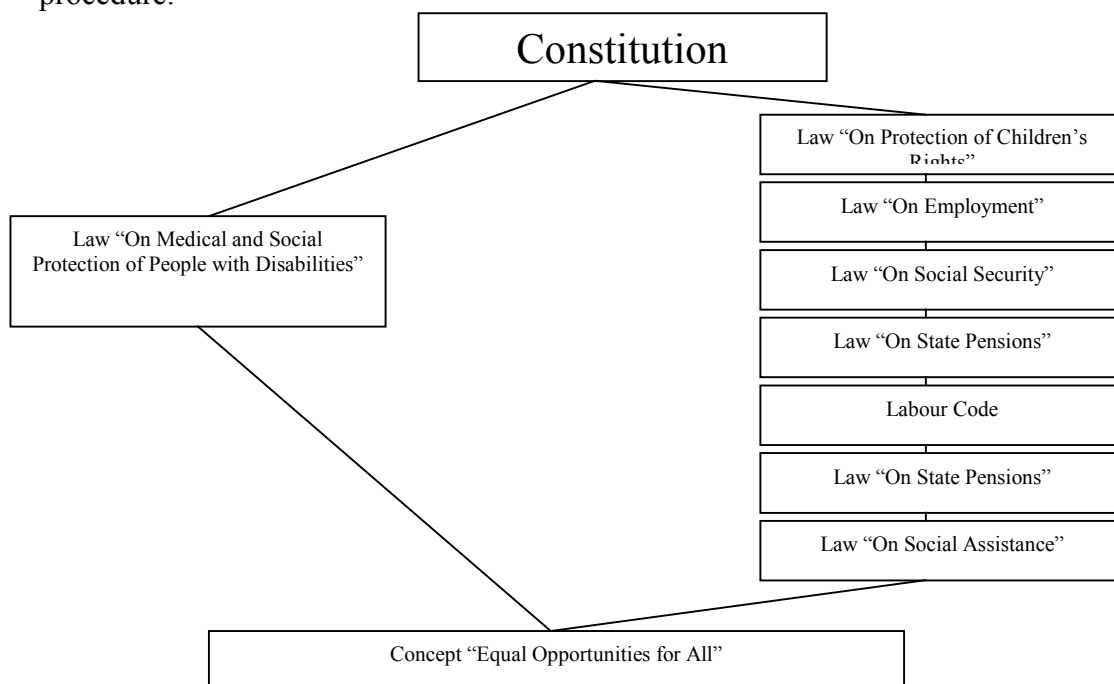
Group II - serious disability if the person has a distinct restriction of physical or mental capacity;

Group III – average disability if the person has an average restriction of physical or mental capacity.

According to the world-wide practice the rights of people with disabilities are determined in two different ways:

1. there are separate or special laws prepared;
2. there are separate sections on the rights and guarantees of people with disabilities included in the general legislation.

In Latvia there is one special law “On Medical and Social Protection of People with Disabilities”. Other laws may be applied to the people with disabilities according to generally accepted procedure.



In our country social rights and guarantees are regulated by following laws: law “On Social Security” adopted on 07.09.95, law “On Social Assistance” adopted on 26.10.95, law “On State Pensions” adopted on 02.11.95 and other laws.

Right to employment is provided for by Labour Code, law “On Employment” adopted on 23.11.91. and regulations of the Cabinet of Ministers “On the Status of Unemployed” adopted on 22.10.96.

As regards education the following legal acts should be mentioned: law “On Education” adopted on 29.10.98, law “On Protection of Children’s Rights” adopted on 19.06.98. and regulation of the Ministry of Welfare “On Professional Training and Retraining of Unemployed” adopted on 24.02.94.

It must be noted that all the above-mentioned legal acts theoretically comply with the international standards. However, it is often the case that their implementation mechanism has not been fully elaborated especially as regards people with disabilities for whom it is necessary to establish not only equal rights, but also create the conditions allowing to use these rights.

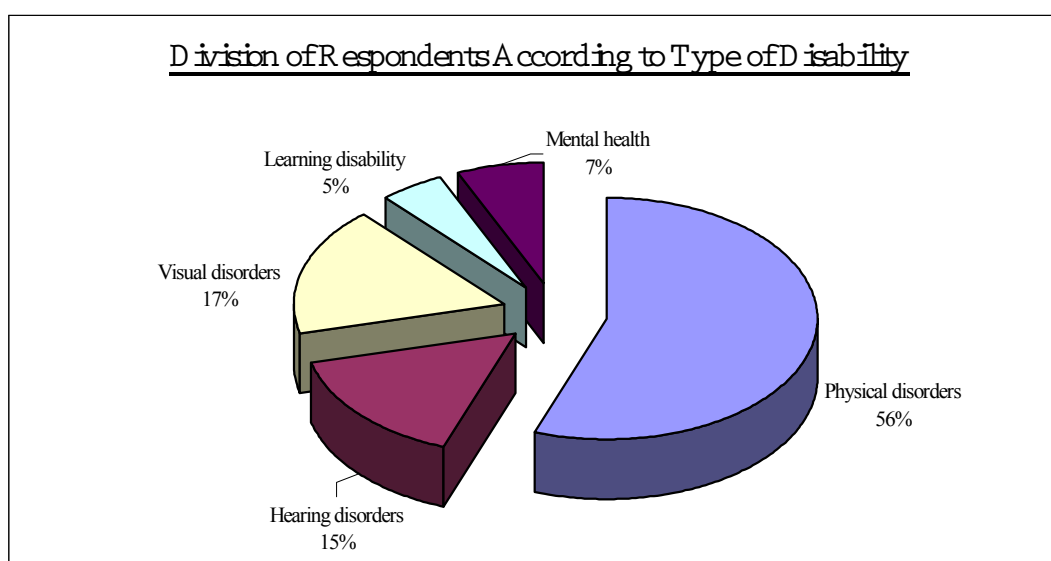
To improve the situation the concept “Equal Opportunities for All” was worked out and approved at the Cabinet of Ministers in 1998. The goal of the concept is to establish the basic principles needed to create equal opportunities for all members of society to perform the role corresponding to their age, sex, social and cultural background. In practice the concept aims to define the steps and measures necessary for eliminating the hindering factors on the way to the implementation of the goal – society with equal opportunities for all, including people with disabilities. The concept basically rests on the UN Standard Rules for the mentioned basic principles.

## Description of Survey

Two types of surveys were performed in order to find out what the opinion of people with disabilities is about their rights theoretically ensured by the legislation of Latvia.

- On the basis of survey fields offered by SHIA questionnaire was prepared. It was requested to indicate some information about the respondent in the questionnaire (age, sex, type of disability), but at the same time allowing the person to stay anonymous. Open and closed questions were lined up in turns what allowed for general assessment of situation and insight into the relation of the actual life of each individual with the question. The evaluation was conducted at two levels – national and regional.
- To ensure the validity of the survey and qualitative gathering of data, we used also the qualitative survey methods. There were several focus groups formed in which the main questions were divided in the same blocks as in the questionnaire. Discussions and debates were organised about the questions of our interest. The participants of focus groups were selected from the regional organisations of people with disabilities. Not more than two people representing the same organisation were involved. The results of focus group discussions were compared with the data acquired by questionnaires as well as some positive/negative examples extracted in the process were mentioned in the analysis.
- To implement the survey we made use of the co-operation network of non-governmental organisations of people with disabilities what comprised around 120 organisations. The questionnaires were distributed both by means of internet and post and also personal meetings with the organisations of co-operation network.

When choosing the respondents large attention was devoted to the proportional selection what allowed to include approximately equal number of representatives of each sex, people of various ages and different types of disability.

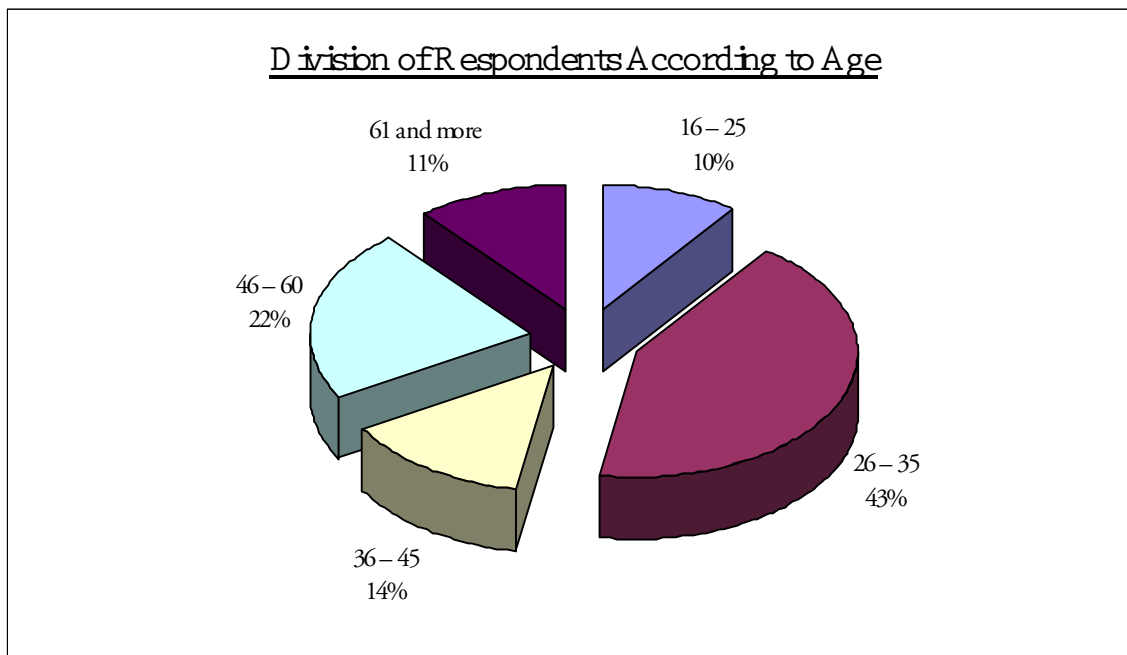


As seen in the diagram the number of interviewed women is slightly larger what is related to several pre-determined reasons:

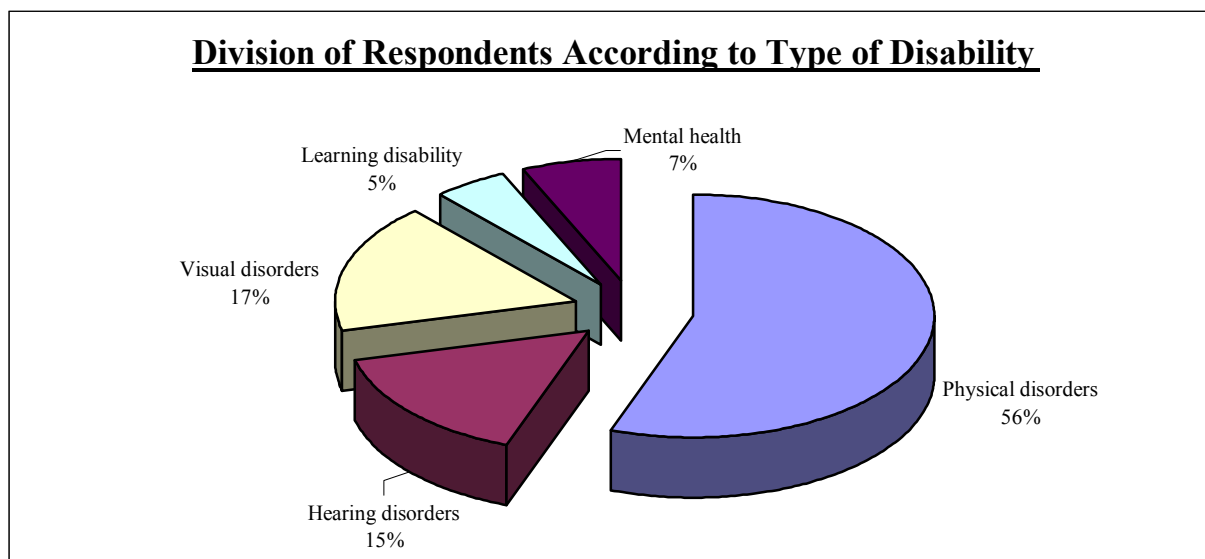
- Women are more active in the social life. Thus, women engage into the activities of various non-governmental organisations (NGOs) more actively and are more prepared to contribute to different surveys.
- In our country the statistics demonstrates that the number of women tends to increase which is especially topical among the people of senior generation.

As seen in the following diagram people of various ages were included in the survey. However, the largest attention was devoted to the youth (43%) whose further life to a larger or smaller extent

depended on the capability of state to implement the requirements it had defined in the legislative acts.



The next largest questioned group was people of age between 46 – 60 what could be explained by availability of more free time consequently spent on social activities. The largest number of respondents is comprised of persons with some physical disabilities. It should be pointed out that pursuant to the legislation of Latvia this group contains not only movement impaired people, but also people with internal diseases.



By percentage the least represented groups are people with mental disorders (7%) and people with disorders of mental development (5%). As regards these people their opinion was represented by relatives or care-takers. In Latvia people with mental disorders are most often placed in specialised institutions, thus, they are being denied the opportunity of active engagement and expression of their own opinion.

# The Right to Work

## Analysis of Legislation

The following provide for and govern labour rights on the national level: Labour Code (LC), law “On Employment”, the Regulations No. 407 of the Cabinet of Ministers of the Republic of Latvia “On the Status of Unemployed” adopted on 22.10.96, Regulation of the Ministry of Welfare of the Republic of Latvia “On Professional Training and Retraining of Unemployed” adopted on 24.02.94. and Article 13 as a special legal provision in the law “On Medical and Social Protection of People with Disabilities”.

Laws of Latvia and legal acts	Articles
Constitution	<p>Article 106 Everybody has the right to choose his/her occupation and place of employment freely in accordance with one’s capabilities and qualification.</p> <p>Article 107 Everybody has the right to receive remuneration corresponding to the performed job which may not be less than state’s defined minimum remuneration and everybody has the right to weekly holidays and annual paid vacation.</p>
Law “On Medical and Social Protection of People With Disabilities”	<p><i>Article 13</i> Assistance to people with disabilities in employment issues includes the possibility to:</p> <ol style="list-style-type: none"> <li>1) find suitable job or occupation;</li> <li>2) supplement knowledge in the previously acquired profession;</li> <li>3) acquire a suitable profession.</li> </ol> <p>The State Employment Service ensures the provision of assistance. The employer may not alter or terminate the contract of employment without the consent of the employee or refuse to employ a person having the appropriate qualification if the person has been recognised as disabled.</p>
Labour Code	<p>Article 1</p> <p>In the Republic of Latvia the natural persons are guaranteed equality concerning legal rights of labour regardless of race, colour, sex, age, religious, political or other convictions, national or social origin and material position.</p>
Law “On Employment”	<p>Article 1</p> <p>The State Employment Service implements the common employment policy in the Republic of Latvia. The main tasks of the State Employment Service are:</p> <ul style="list-style-type: none"> <li>- finding of employment for people and their professional orientation;</li> <li>- provision of information about job vacancies and vacancies of specialists, provision of assistance by means of finding employment;</li> <li>- performance of intermediary function in the training of personnel, raising of qualification and retraining;</li> <li>- organisation of dialogue between the employers and employees with</li> </ul>

	<p>the aim to decrease unemployment;</p> <ul style="list-style-type: none"> <li>- preparation of state and local employment programmes and their implementation;</li> <li>- participation in the organisation of paid temporary community work;</li> <li>- registration of unemployed and provision of their social protection.</li> </ul> <p>Article 6</p> <p>The citizen of the Republic of Latvia or stateless person (...) capable of working who is not employed, is of working age, (...), seeking employment and registered with the State Employment Service (...) shall be considered unemployed.</p>
<p>Regulations “On the Status of Unemployed”</p>	<p>6. The person seeking employment may obtain the status of unemployed if he/she (...) is capable of working. The person who has been diagnosed disability shall be considered capable of working except for the cases when the Medical Committee of Health and Work Capacity Expertise has indicated in its opinion “unfit for work” or hundred per cent loss of ability to work has been established (...), the person is unemployed and has no other income amounting to at least the minimum monthly salary established by state.</p>
<p>Regulation “On Professional Training and Retraining of Unemployed”</p>	<p>Article 5</p> <p>Professional training or retraining of unemployed results in professional qualification and includes:</p> <ul style="list-style-type: none"> <li>- acquiring of profession or speciality,</li> <li>- raising of the existing professional qualification,</li> <li>- retraining of unemployed.</li> </ul> <p>Article 11</p> <p>People with disabilities who are not employed and have registered with the State Employment Service as persons seeking employment are trained for the resources allotted to the training of disabled persons seeking employment from the special social insurance budget of state.</p>

Pursuant to the Regulations of the Cabinet of Ministers of the Republic of Latvia “On the Procedure for Disability Expertise at the State Medical Committee of Health and Work Capacity Expertise” the Medical Committee provides the person with the suggestions on the need for retraining appropriate to his/her state of health or acquiring of other profession /Article 11/. The suggestion is recorded in the disability document as “capable for working in ...” or “unfit for work”.

Disregarding the suggestive nature of the record it acquires the force of law when the disabled person wants to obtain the status of employment seeker or unemployed. As it was already mentioned the disabled person may register at the State Employment Service as employment seeker or unemployed only if he/she has been recognised as the person capable for working who has been diagnosed a particular disability. However, if the opinion of the Medical Committee of Health and Work Capacity Expertise contains the record “unfit for work” or hundred per cent loss of ability to work has been established, the people with disabilities are not registered with the State Employment Service /Article 6 of the Regulations “On the Status of Unemployed”/, thus losing the opportunity to retrain for an occupation appropriate to their state of health.



When concluding the contract of employment also the employer pays substantial attention to the record in the disability document as he/she does not want to assume responsibility for probably unfavourable consequences.

As a result of the described situation many people with disabilities of the groups I and II are denied any opportunity to find an occupation appropriate to their health and interests, supplement their knowledge in the previously acquired profession, acquire a suitable profession or retrain.

At the same time the people with disabilities who have been recognised as capable for working and have registered with the State Employment Service can receive professional training or attend retraining courses financed by state budget at the specialised and also general vocational institutions. It must be noted that in Latvia for the time being there are only two specialised institutions of vocational training for people with disabilities which offer a limited number of professions.

One of the most essential problems regarding the protection of labour rights of people with disabilities is that Article 13 of the law “On Medical and Social Protection of People with Disabilities” is not included in the Labour Code. It often happens that in case the positions are made redundant the employer most frequently terminates the contract of employment exactly with the disabled person. Although the Article 13 stipulates that employer may not alter or terminate the contract of employment without the consent of the employee or refuse to employ a person having the appropriate qualification if he/she has been recognised disabled, the Labour Code does not envisage such a requirement. Usually the employer follows the Labour Code and also the State Labour Inspection does not apply the specialised legal requirement, thus these cases go to the court.

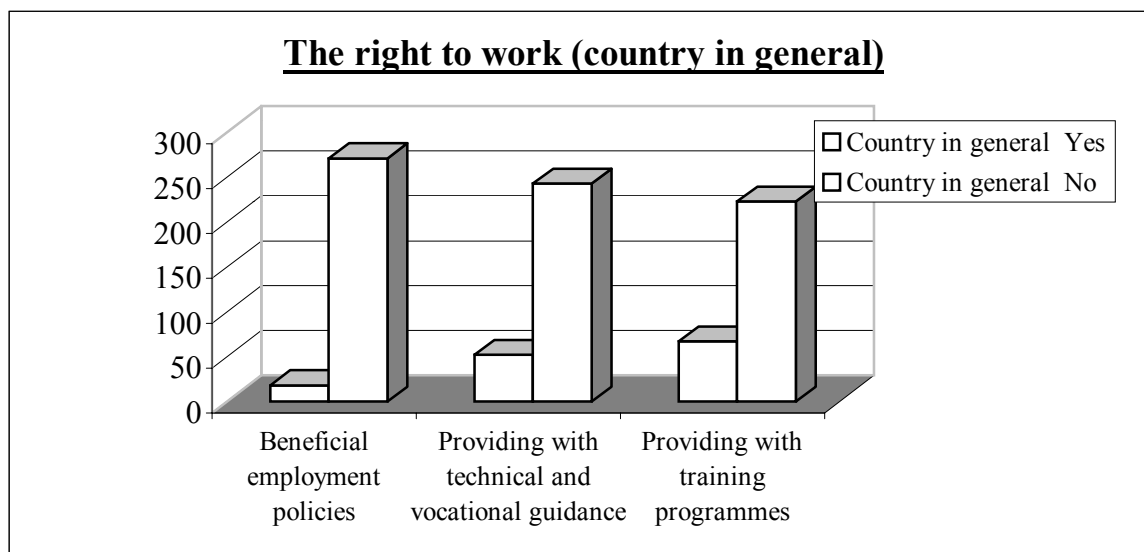
The sole advantage the employer obtains if he/she employs a disabled person is a small rebate of social tax which is that inconsiderable it in no way can promote the employer to involve people with disabilities in the production.

In the concept “Equal Opportunities for All” regarding the employment issue the following significant factors hampering the employment of people with disabilities were identified:

- absence of procedure motivating the people with disabilities to work and comparatively low level of education of these people;
- absence of system promoting the employers to employ the people with disabilities;
- shortage of resources for constructing of work places adjusted to the people with disabilities;
- shortage of vocational diagnostics and orientation;
- approximation of minimum salary and disability pension.

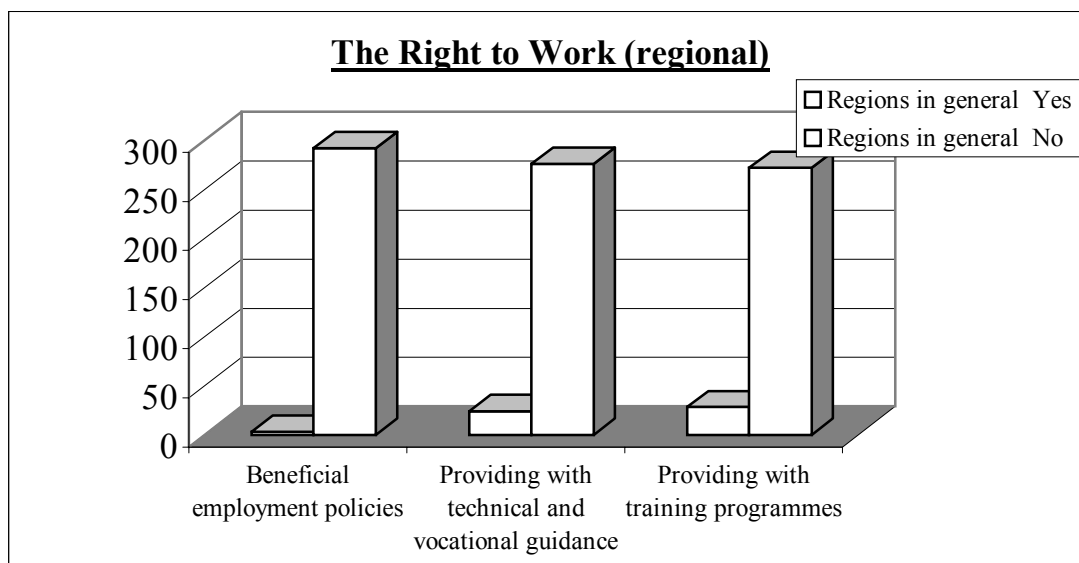
## Summary of Results of Survey

Answering the question on the development of favourable employment policy the respondents considered that both at the national and regional levels such a policy was not being developed at all or its operation was poor.



The respondents consider that there are no specially elaborated training programmes and that the number of special vocational schools is not sufficient. At the moment there are two professional rehabilitation centres for people with disabilities which offer an opportunity to acquire professions demanded on the labour market. However, the choice of professions is limited and often these do not match the interests of people. As there are only two rehabilitation centres the pupils have to live there for a rather long time being far away from their homes and families. Also there is a shortage of information about the existence of professional rehabilitation institutions and study programmes. At the regional level the State Employment Service organises training groups of people with disabilities, however, there is insufficient information about the opportunity. The employers are not interested in hiring people with disabilities because of several considerations:

- the prejudice prevails in the society that disabled person cannot perform his/her duties qualitatively;



- the employer is offered nearly no tax rebates which would promote employment of people with disability;
- the employer has to invest additional resources to adjust the work place.

## Positive and Negative Examples

### Respondent No.1

Age: 32

Sex: Male

Disability: Blind person

I live in small town in countryside. Ten years ago because of trauma I loosed my eyesight and work as well.

Before trauma I worked as auto mechanic in local garage. During rehabilitation process I have got possibility to orient my self in the space, as well as same social skills, which are connected with my disability. Rehabilitation centre is situated in Riga, so connection of the rehabilitation with my real environment was not very close. I have got skills to wattle baskets. Unfortunately there is no possibility to get job through State Employment Office, because this opportunity can used only persons with third group of disability. Wattling of baskets is not my favourite activity, so I am not able to earn money out of it. There is no any other opportunity to get new job qualification in my region. All employees need young, strong and healthy workers, who are able to work physical job.

### Respondent No.2

Age: 53

Sex: Female

Disability: Wheelchair user

I am living 20 km from Riga. I am disabled already 15 years. I am professional bookkeeper. I used to work in big factory, which was closed, and I loosed my job. My profession is marketable, but there are many changes in Latvian legislation and can not follow them, thus I am not able to be in good professional condition. At the moment I am looking after my grandchildren. We decided, that it is more convenient not to work, but just to receive my pension. That is because of following aspects: my pension is only 48,63 LVL, but the transport costs and adaptation of my working place and other costs are higher then possible incomes. And I have to say,- to get a job I need requalification.

### Respondent No.3

Age: 22

Sex: Male

Disability: Amputation of right leg

I auto accident I loosed mu leg,- it was three years ago. After trauma I started to study in National Rehabilitation centre. I have got qualification in the field of business administration. I had my study praxis in company "Salvo" and get offer to continue my work there.

### Positive examples / projects in this field:

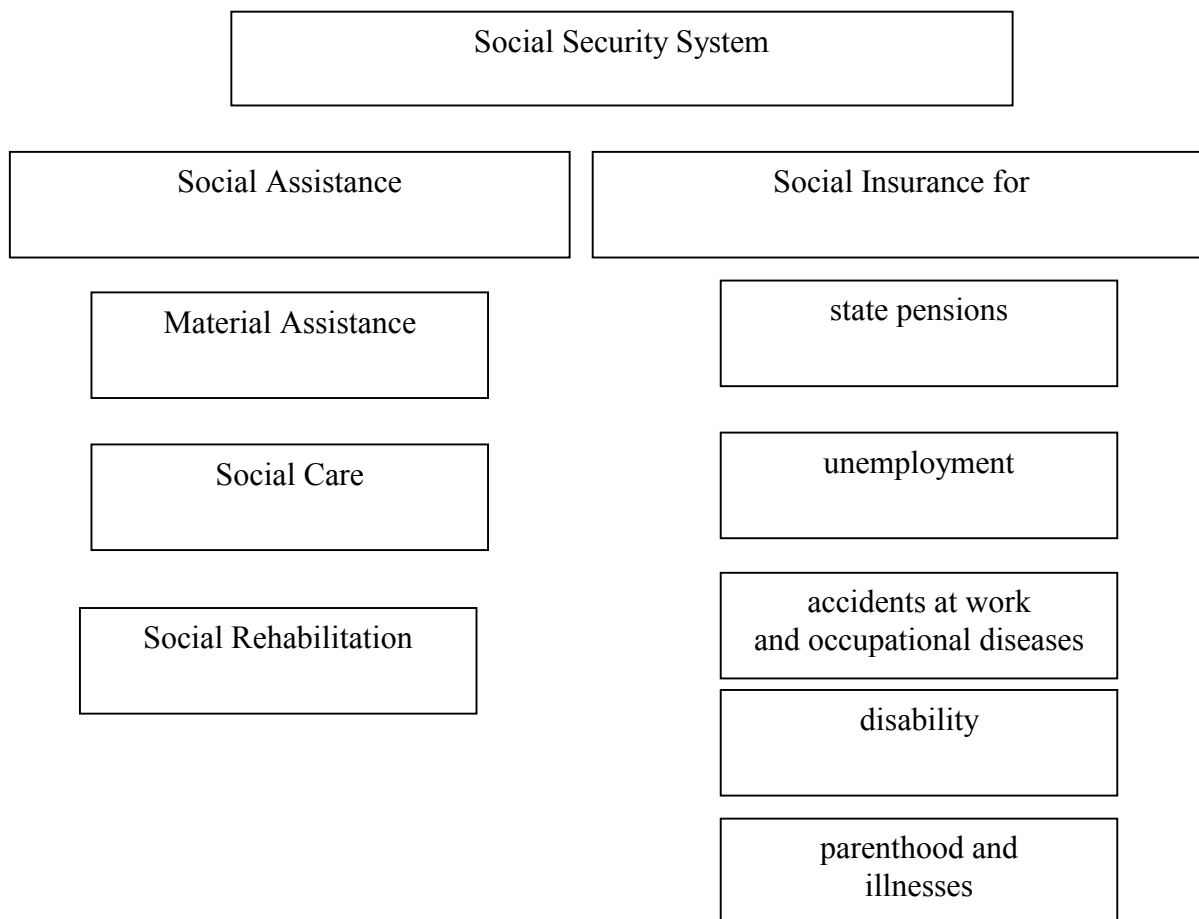
1. NGO "Entrepreneurship Fund of People with Disabilities" accomplished the analysis of legislation of European countries in respect to employment of disabled persons. Data on the role of public administration in the provision of employment to disabled persons were compared.
2. Within the framework of PHARE programme the day care centre "SAULE" implemented the project on the supported positions for people with mental development disorders.
3. Non-profit organisation "Cerība" created specialised work places for people with disabilities.

# The Right of Everyone to Social Security

## Analysis of Legislation

1. 07.09.95. – law “On Social Security”;
2. 26.10.95. – law “On Social Assistance”;
3. 02.11.95. – law “On Social Tax” ;
4. 05.11.95. – law “On Compulsory Social Insurance in Case of Unemployment”;
5. 02.11.95. – law “On Compulsory Social Insurance Against Accidents at Work and Occupational Diseases”;
6. 06.11.95. - law “On Parenthood and Sick-Benefits”;
7. 02.11.95. – law “State Pensions”.

The above mentioned laws are the so called umbrella laws which define complete spectrum of social services the population of Latvia is entitled to receive as well as obligations which must be fulfilled and conditions which must be present to receive the respective service Apart from the mentioned 7 laws there are many specific laws governing the legal status of particular group of population, for example the law “On Medical and Social Protection of People with Disabilities”.



## Social Insurance

Social insurance is a part of social security system and is governed by law “On State Social Insurance”. The law stipulates that social insurance is a complex of measures organised by state to insure the person or risk of the dependent persons to lose income due to illness, disability, parenthood, unemployment, age and accident at work or occupational disease of the insured person.

The fundamental principle of the social insurance envisages solidarity between the persons performing social insurance instalments (payers of social tax) and recipients of insurance services. The services of social insurance can be claimed if the social tax has been paid regularly.

At the moment there is only one level of insurance accessible in Latvia when the pensions and other social insurance payments are disbursed from the instalments of employed persons. Besides, the amount of payment depends on economic situation of the state.

Division of compulsory instalments by type of insurance:

- insurance of state pensions;
- social insurance in case of unemployment;
- social insurance against accidents at work and occupational diseases;
- social insurance against disability;
- social insurance in case of parenthood and illnesses.

When any of social insurance cases sets in, the amount of payment depends on the extent of paid social tax.

The insured persons whose insurance standing is not less than 3 years are entitled to disability pension. If the insurance standing is not sufficient, the disabled person above the age of 16 is granted social provision benefit of state. Currently the amount of social provision benefit is LVL 30.

The families bringing up children are granted family benefit of state. If the family benefit of state has been granted for a disabled child under the age of 16, it is supplemented by extra LVL 25. Upon reaching the age of 16 the person with disability diagnosed already in childhood receives social provision benefit of state in the amount of LVL 35.

## Social Assistance

The goal of social assistance is to evaluate the material and other opportunities of each applicant for the assistance and, if it is necessary, improve the social and economic situation of the applicant, and guarantee him/her income at the minimum level established by Cabinet of Ministers. The three main directions of social assistance have been established as: material assistance, social care and social rehabilitation.

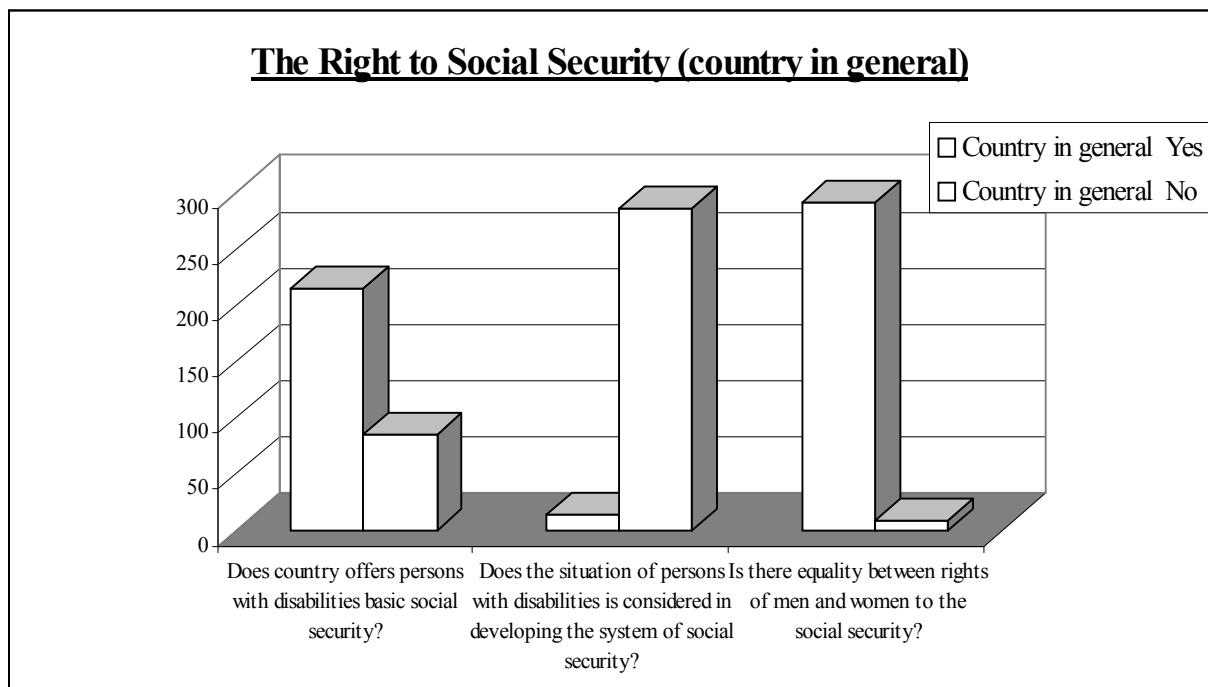
The law “On Social Assistance” and other laws determine and govern the services of social assistance. The guarantees stipulated by the law apply also to the people with disabilities. In the law “On Social Assistance” the competence of state and self-governments has been divided and financing principles of system have been defined. The amount of social assistance benefits does not depend on the previous instalments.

The state grants transportation benefit to movement impaired people to indemnify their transportation costs which is disbursed twice a year the single payment amounting to LVL 28 as well as provides for the right to receive the auxiliary technical device needed to restore the capability for work and health of the disabled person (wheelchair, hearing device, crutches, etc.) free of charge. Unfortunately, the range of technical auxiliary devices is limited and not always meets the special needs of the person with disabilities.

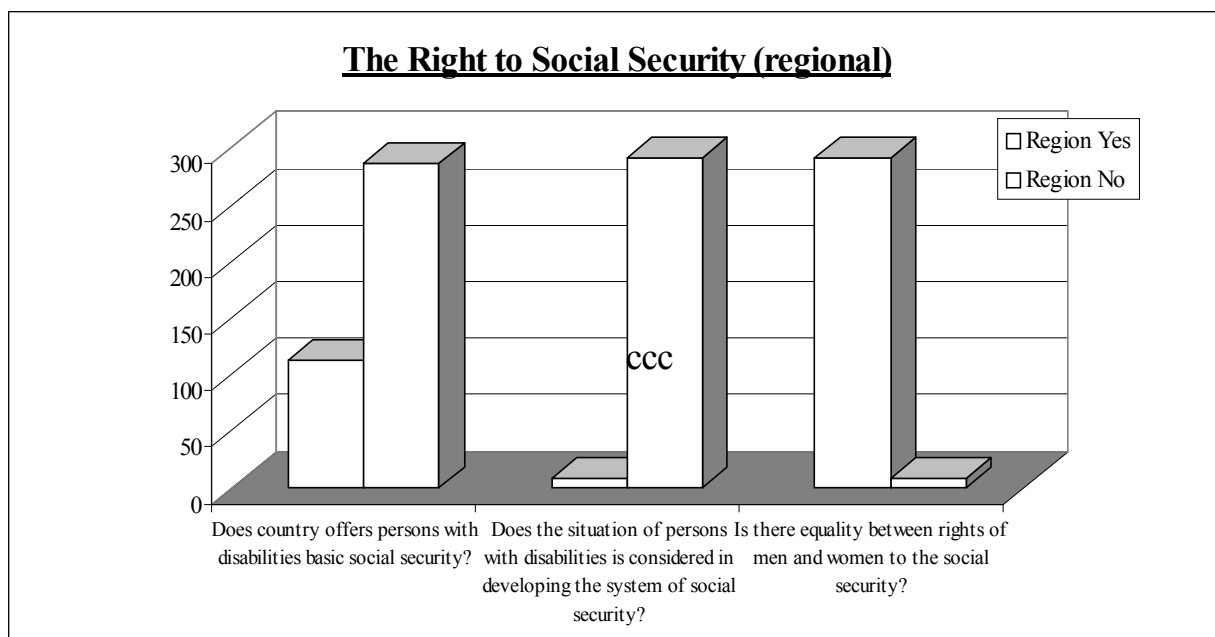
In the territory of Latvia the state provides for the use of public transportation free of charge to the people with disabilities of groups I and II.

## Summary of Results of Survey

Pursuant to the effective legislation the functions of state and self-governments (regional level) are strictly separated concerning the implementation of social security system. Following the principle, the state provides for the payment of disability pensions received by people with disabilities once a month. Although the amount of pension is relatively small, it covers the minimum. In general it makes the people think that there is a guaranteed minimum of social security in the state.



The self-governments must ensure the social assistance at the regional level, however, due to the limited resources they are not able to provide the necessary social assistance to the people with disabilities what leads to the conclusion that at the regional level social assistance to the people with disabilities is not satisfactory.



Despite the democratisation processes in the country the people are still insufficiently engaged in the decision taking processes at the national and regional levels. The fact is confirmed by answers to the question on the observation of interests of disabled persons in the development of social security system which nearly all were negative.

Almost all respondents also recognise that women and men possess equal rights to social security both at the national and regional levels.

## **Positive and Negative Examples**

### **Respondent No.4**

Age: 62

Sex: Male

Disability: Heart decease

After the illness I have got second disability group and pension 65,89 LVL. I live together with my wife in three rooms flat in Riga. We do not have any children. Our flat is very good, with central heating, though our incomes are too low to pay for it. Especially in the wintertime. WE are asking regularly for help from Social Assistance service. Some times we get some money benefit, some times not. We do not understand, who can get the help and in what cases? Debt for the rent of our flat is 750 LVL. Municipalities warn to take away our flat, if we will not change it to smaller and cheaper flat. I do not know, what to do! I do not want to change my living place. I used to live here whole my life.

### **Respondent No.5**

Age: 25

Sex: Male

Disability: Disability from childhood (metaly retired)

#### **Interview with mother**

He has disability from childhood. I receive benefit 35 LVL. I can not work, because somebody has to stay at home with him. He could go to the day centre. There is one in Riga, but no one will come to pick him up for 40 km. We have got help from local municipality, but not regularly. So we do live, from hand to mouth.

#### **Positive Examples / projects in this field:**

1. In co-operation with the Soros Foundation Latvia the NGO "APEIRONS" released informative brochures about the rights of people with disabilities.
2. Organisation in co-operation with the Ministry of Welfare and Soros Foundation Latvia of series of informative workshops in the regions of Latvia on the social guarantees to the people with disabilities.
3. Project of Aizkraukle Society of People with Disabilities "Establishment of Internet Portal of People with Disabilities".

# The Right of Everyone to Education

## Analysis of Legislation

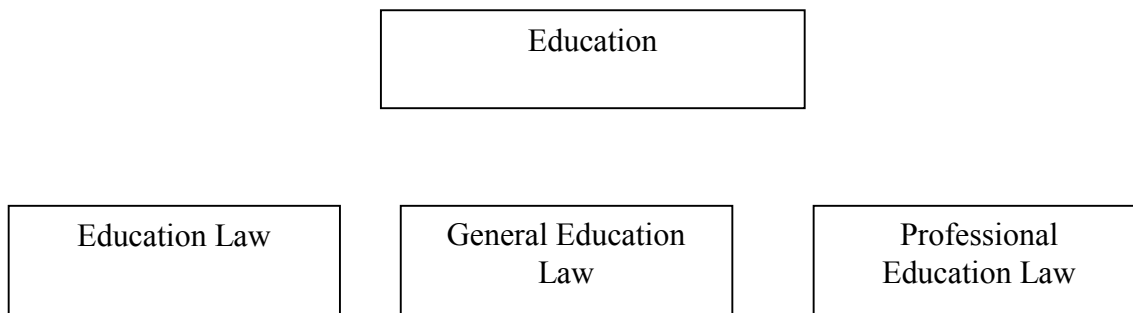
The primary education is compulsory in Latvia. The fee for pre-school, primary and secondary education at the educational establishment founded by state or self-government is covered from the budget of state or self-government. A private educational establishment may set a fee for education.

There are three umbrella laws governing the system of education in the state:

29.10.1998. - Education Law;

10.06.1999. –General Education Law;

10.06.1999. – Professional Education Law.



The aim of these laws is to regulate the activities of the involved persons of the educational establishments by determining their rights and obligations, establish conditions for shaping of creative, comprehensively educated personality by providing an opportunity for each inhabitant of Latvia to develop one's intellectual and physical potential to mature as an independent and developed personality, member of democratic state and society.

The law singles out people with special needs as one of the target groups of education. The special programmes of education are being prepared for this target group which create opportunities and conditions for pupils with special needs to obtain education corresponding to their state of health, abilities and development level at the same time providing for the pedagogical, psychological and medical assistance, readiness for employment and life within the society.

In order to determine what the special needs of a child are and which educational establishment would be the most appropriate for the continuation of education Pedagogical Medical Commissions have been established which:

- document the mental and physical development disorders and special needs of pupil;
- define which type of special education program is appropriate for the pupil;
- appoint or recommend a suitable establishment of special education which has the respective programme of special education.

People with special needs can acquire the programmes of special education at special education establishments or classes which often are not situated close to their place of residence. The law also envisages the integration of children with special needs in the comprehensive education establishments having the appropriate provision.



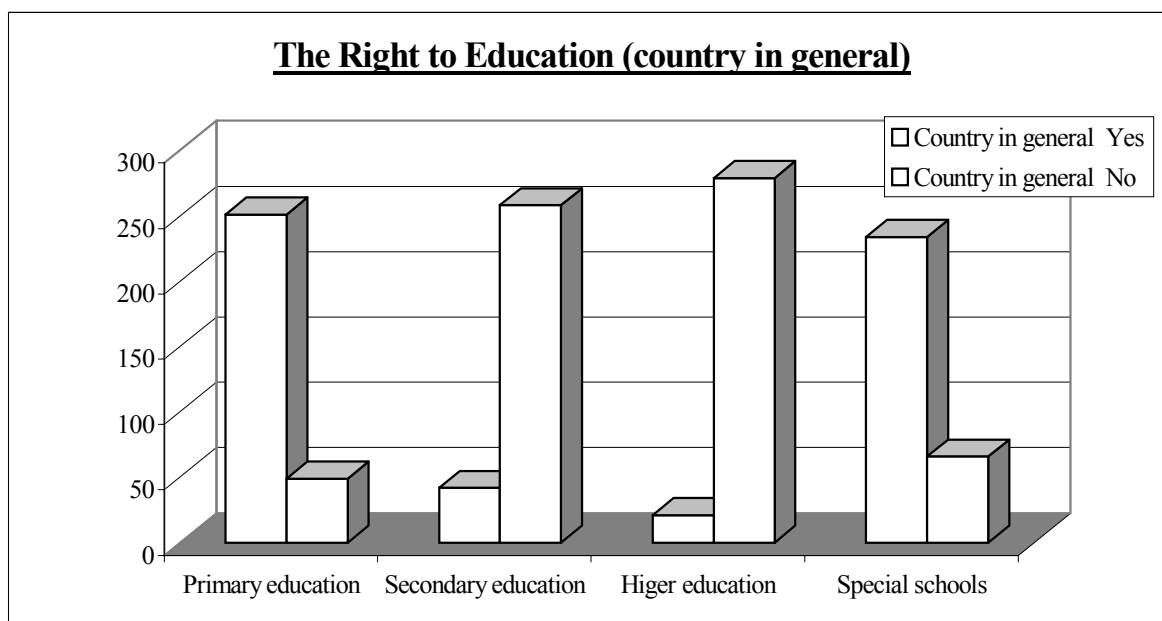
On the one hand the legislation has provided for the right of people with disabilities to education and their integration in the comprehensive schools, but on the other hand due to the shortage of financial resources and specially trained teachers, the person with disabilities can receive education nearly only in the specialised establishments of education.

There are two essential points in the education of children with disabilities – quality of education and place of education. For example, neither the literature in the language of signs necessary for the education of hearing impaired children, nor their education near the place of residence is provided. As a result the children are denied their rights to grow up in the family.

There are two professional rehabilitation establishments in Latvia in which the people with disabilities can acquire such trades as shoemaker, housekeeper a.o. or professions of accountant, social insurance employee and commercial clerk.

### Summary of Results of Survey

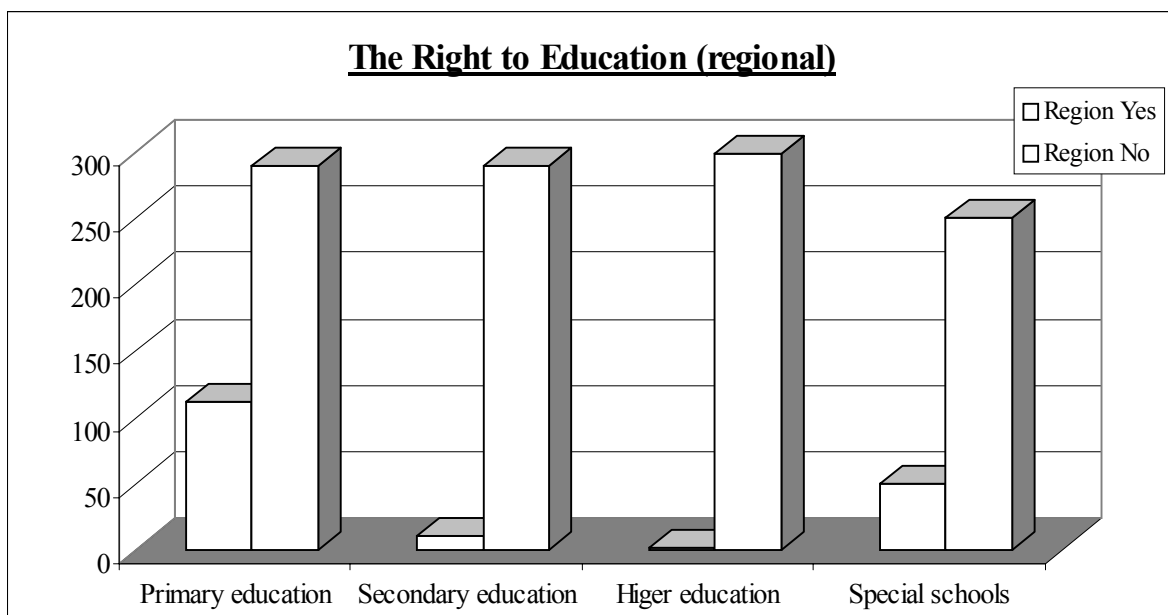
In Latvia children with disabilities have the opportunity to acquire the basic education at the specialised education establishments or through home teaching. The obligation of state is to ensure legislative background, whereas the obligation of the self-government is to finance and control the education so that it is accessible to all children living in the territory of self-government despite their state of health. When filling out the questionnaires most of the respondents had assumed that the notion “state” meant an opportunity to acquire education, therefore the majority of respondents considered that at the national level the right to acquire the basic education was ensured.



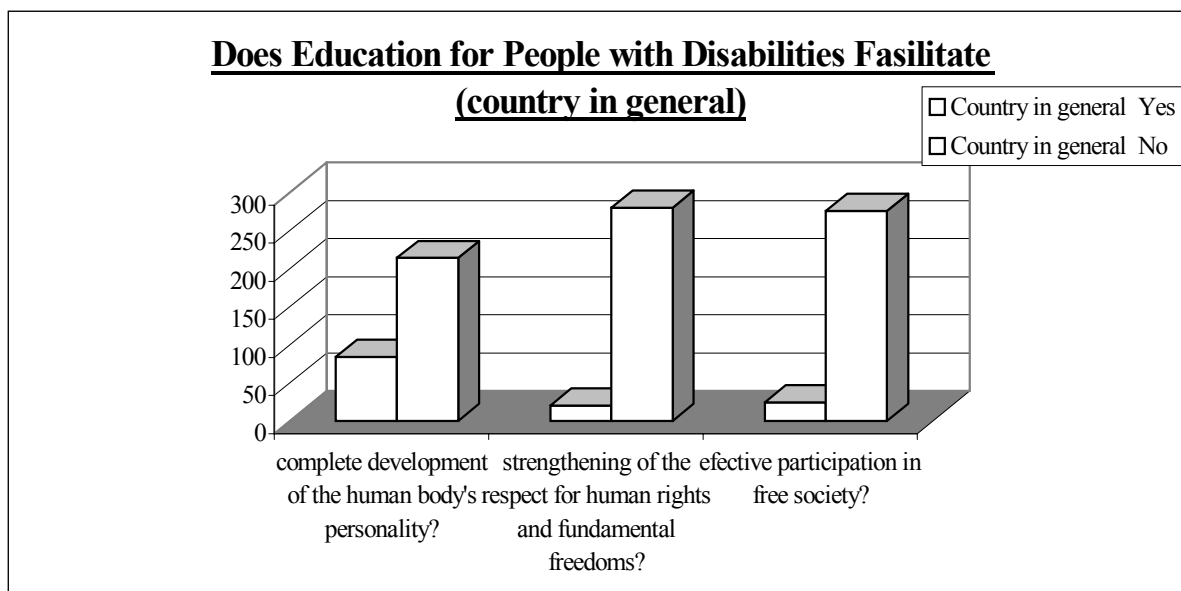
At the regional level the situation is completely opposite, because the pragmatic teachers are not ready to visit at home the children living at a distance from the centres of districts. The parents do not want to send their children to the specialised schools and isolate them from the family for a long time.

The situation regarding the opportunity to acquire secondary education is similar at the national and regional level for which the majority of respondents have given negative assessment. In the cities it is possible to attend the special classes at the comprehensive schools, but in the rural areas the opportunity is practically denied since the secondary education is not compulsory. It means that children with disabilities are provided neither the opportunity to attend the school, nor acquire the secondary education at home.

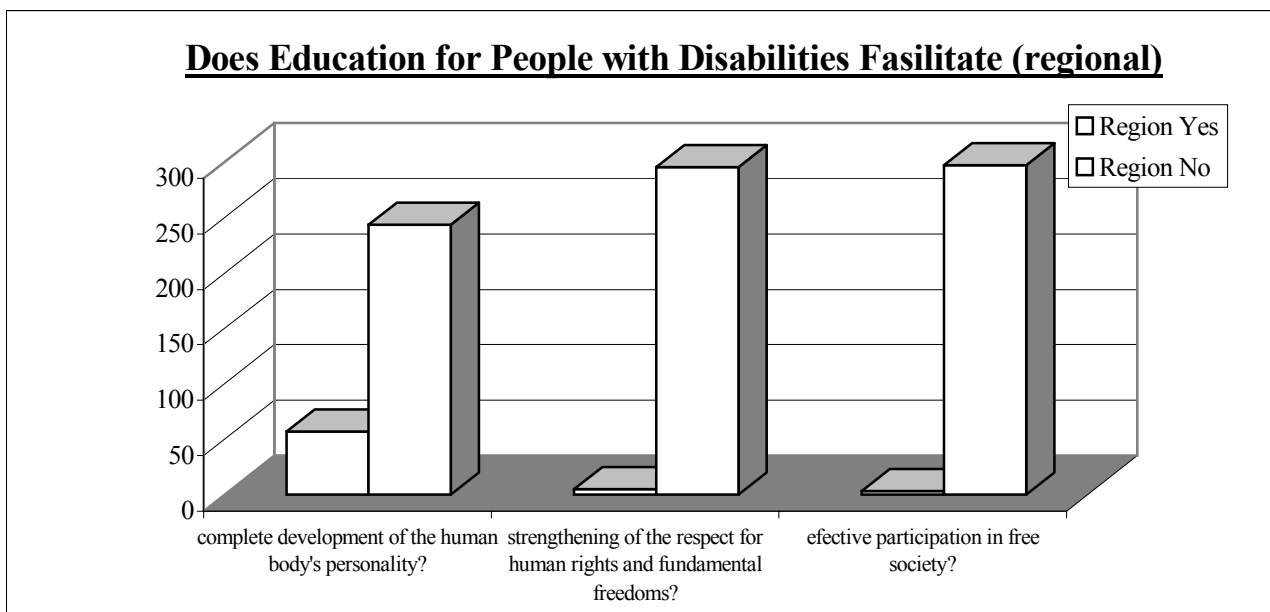
The opportunity to acquire higher education received equally negative assessment both at the national and regional levels. Considerable problems are created by absence of secondary education and fact that establishments of higher education are situated mostly in the cities or centres of districts what makes them inaccessible to the people with disabilities. It should be emphasized that the existing stereotypes and prejudice that disabled people are not capable of acquiring higher education play a considerable role here.



There are relatively many specialised education establishments offering various levels of education what serves as the explanation to the generally positive answers to the question on the specialised establishments of education. However, when the respondent had not had sufficient information about the nearest specialised education establishments the answers were mostly negative.



The opinion of the respondents on the influence of the education on the comprehensive development of personality, promotion of understanding about the human rights and freedoms as well as active engagement in the life of society at the national and regional levels was surprisingly unanimous.



The reaction can be explained by crisis in the system of education in general. Currently the curriculum aims mostly at the acquiring of facts what does not promote the development of creative personality and is not aimed at the active inclusion of the child in the society.

### Positive and Negative Examples

#### Respondent No. 6

Age: 18  
Sex: Female  
Disability: Wheelchair user

I graduated elementary school (8 classes) and went to continue my studies somewhere. With my wheelchair it is not possible to get into any schools. I have heard there is a special school in Riga, which is accessible for people with disabilities, but here in Balvi, we can not even think about it. I can go to a special rehabilitation school, but nobody takes me in without secondary education (12 classes). There are no home teachers who come to me, because secondary education is not obligatory.

#### Respondent No. 7

Age: 19  
Sex: Female  
Disability: Deaf person

I just finished secondary school for deaf people. This school is working in the special regime, there are special evening classes for deaf people. I can not make my choice, where to continue my education. There is a possibility to go to the National Rehabilitation Centre, but I do not want to be a bookkeeper, office manager or something like that. I would like to work with children in my future, but it looks like it is not possible for me in Latvia. My parents say it is very important to get a job and earn big money, where it is not important.

## Respondent No. 8

Age: 31

Sex: Male

Disability: Rheum patient

My disability is visible at the first onset. Last year I started my studies at Higher school, faculty law. It is difficult for me to be in all lessons, because some times they are on fifth floor. I have problems with getting up. I have already finished first year. I do not have many friends, who wants to help the cripple all the time? Lecturers say to me, that it is better for me to go to the library and study there. They say, it would be even better to choose part time studies. Some classmates are laughing at me, they say, that a lawyer has to handsome, not like me. I am not sure, that I want to continue my studies.

### **Positive Examples / projects in this field:**

1. Organisation of informative workshops in the schools of Latvia about the people with disabilities – NGO “APEIRONS”.
2. University of Social Work and Social Pedagogy “ATTĪSTĪBA” – admittance of students with disabilities.

# The Right of Everyone to Physical and Mental Health Care

## Analysis of Legislation

Article 111 of the Constitution determines that the state protects the health of people and guarantees the minimum of medical assistance to everyone.

Passing over to the primary health care payment principle the procedure has been defined according to which the minimum of health care services and health care services included in the national programme which are paid from the resources of compulsory health insurance are provided.

The Medical Treatment law stipulates that the patient, his/her nearest relatives or legitimate representatives have the right to choose freely a suitable treatment establishment in Latvia or doctor for diagnosing of illnesses and traumas, treatment and rehabilitation.

The general practitioner chosen by the patient provides health care services to the patient. To receive health care services, which are not within the competence of doctor of primary care the patient need the delegation of general practitioner to attend the respective specialist. The visit to the specialist without the delegation of the doctor of primary care is not covered within the framework of minimum of health care services.

Thus, the state cares for the health of people by guaranteeing the payment of minimum of health care services.

It must be noted that in our country problems occur due to the shortage of qualified specialists in the countryside what considerably reduces the possibility to choose between the general practitioners. It is often the case that the delegation to attend the specialist is delayed what complicates further process of treatment.

As regards the health care of people with disabilities the legislation envisages:

1. additional relief for purchase of medicine
2. treatment at the sanatorium.

Adopted on 04.11.1998. the Regulations of the Cabinet of Ministers of the Republic of Latvia "On the Indemnity Procedure of Expenses for Medication, Medical Devices and Goods Used in Out-Patient Clinic Treatment" provide for an aggregate of measures which allow the patient to purchase medication, medical devices and goods which expenses according to the diagnosis of illness or special condition are covered by sickness fund at the indemnity base price from the resources of state compulsory health insurance. The expenses for medication are indemnified to each patient depending on the nature and seriousness of illness. The following indemnity categories have been established:

Category I - 100 % indemnity to provide for and maintain life functions of the patient;

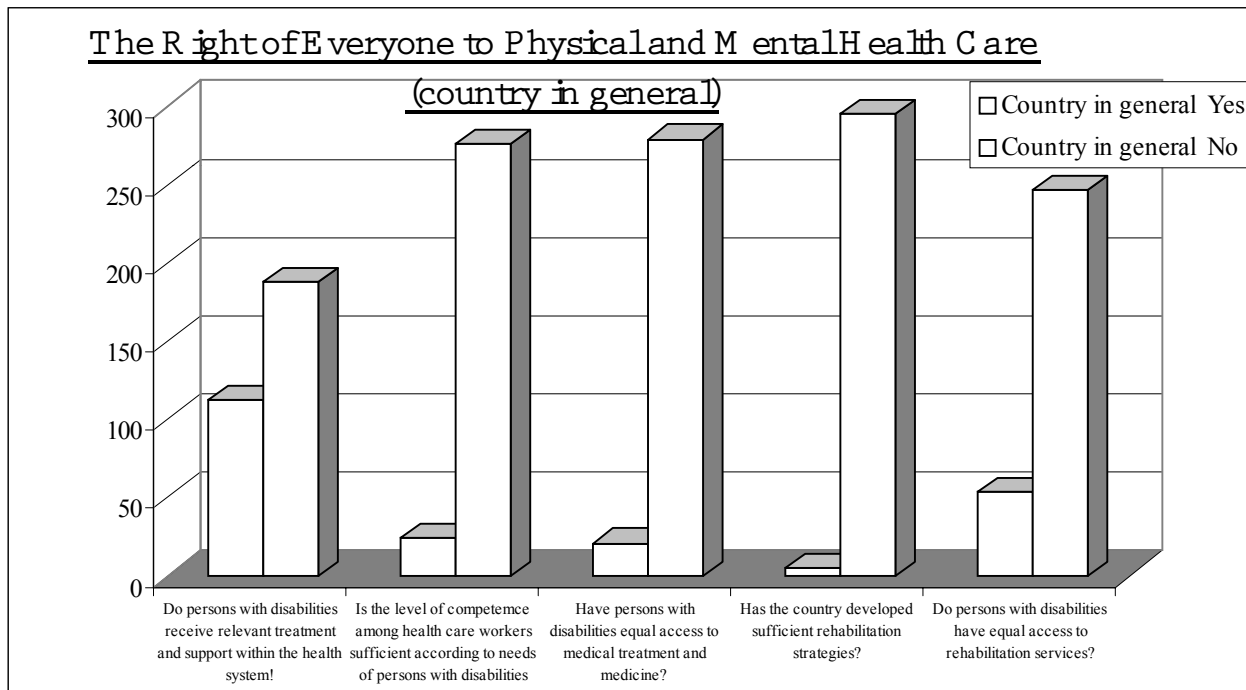
Category II - 75 % indemnity in order to maintain the state of health of the patient;

Category III - 50 % indemnity in order to improve the state of health of the patient.

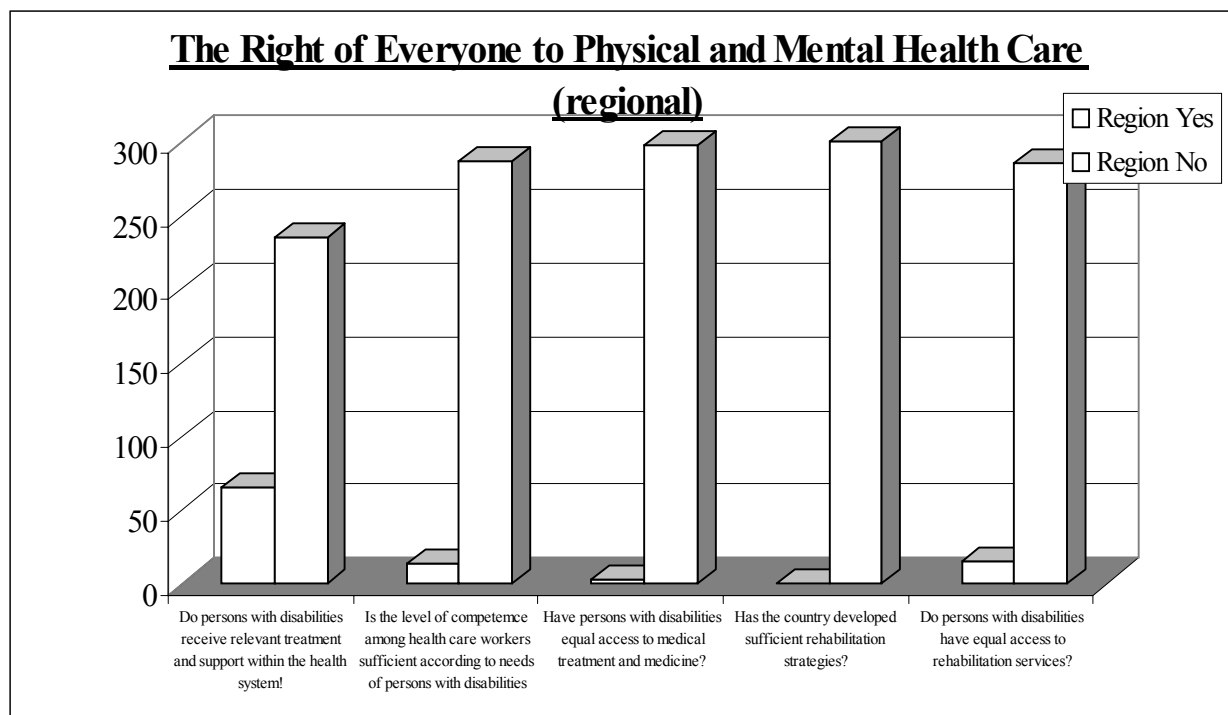
The sanatoria carry out medical rehabilitation which is financed from the resources of the national budget programme of special health care. The general practitioner gives the delegation to the sanatorium. Attention should be drawn to the fact that the allotted financing is very limited, therefore the person with disabilities receives rehabilitation services not by need, but by order of queue.

## Summary of Results of Survey

Regarding the question on the right to receive the services of physical and mental health care at the national and local levels all respondents were distinctly negatively minded. Answering the question whether the health care system provided the necessary treatment and support at the national and regional levels most of the responses were negative. However, the positive answers most often mentioned the opportunity to receive first aid financed from the resources of national budget.



Speaking about the expertise of health care employees the respondents mostly recognised that health care employees did not understand the specific problems related to their disability, therefore were not able to provide the necessary assistance.



Negative answers were received also regarding the question on the accessibility of hospitals, treatment and medication. The most often mentioned obstacles include:

physical inaccessibility of premises and comparatively high service fees and medication costs which cannot be covered by disability pension.

Evaluating the rehabilitation strategy and rehabilitation accessibility the respondents are negatively minded as there are very few rehabilitation establishments which provide rehabilitation services to the disabled persons for the resources of the national budget. As a result queues are formed and people are forced to wait for years to receive the service. Some diagnosis have no rehabilitation envisaged for the resources of national budget at all.

## Positive and Negative Examples

### Respondent No. 9

Age: 24

Sex: Female

Disability: Wheelchair user

When I was born I was “normal” child. When I was two years old I still walk hardly and the doctor put me in the gypsum for 6 months. Later on doctor figured out, that it was wrong decision. No one cares that it was too late. Parents were very careful about me,- they were taking me to different doctors and procedures. The treatment had no results anymore. Is somebody responsible for that?

### Respondent No. 10

Age: 40

Sex: Male

Disability: Wheelchair user

I had spinal injury. I am using wheelchair now. I am active member of disability NGO. I like to be active and participate everywhere. So, almost every day I have some activity. I have the same problem, as many other wheelchair users,- bedsores. To take care and do not let them progress, I need medicine and plasterers. They are too expensive in compare with my pension, so I can not afford them. The medicines, which are free of charge are available only according diagnosis. My diagnose is spinal injury, so medicine for my bedsores I can not get. That way I am not able to take proper care about bedsores. That the reason, why I have to spend couple of weeks in the hospital almost every month.

### Respondent No. 11

Age: 58

Sex: Male

Disability: Psychical illness

#### **Interview with wife**

When my husband loosed his job, he got strange. He abused alcohol, loosed contacts with his friends and relatives, his relationships with family members became aggressive. Once, when I came back from my work, I found him on the floor. He was like dead. I was so scared. I called to first aid service. They said- it was a suicide and put him in psychiatric clinic. Then followed a lot of antidepressants... After that started epileptic attacks. And again alcohol, medicines, aggressive behaviour, clinic... We are living together with our son family. They have two boys. I fed up with all this. We think seriously to put him in the psychiatric institution, because it is getting worse.

#### **Positive Examples / projects in this field:**

1. NGO “INTEGERA” – project with the Swedish organisation Baltikum Hjelpen about the provision of auxiliary devices to the disabled persons and servicing of these devices.

# The Right of Everyone to Marriage and to Found a Family

## Analysis of Legislation

It is envisaged in the Constitution that the state recognises and protects the fundamental rights of every person and all people are equal under the law in Latvia. The human rights are implemented without any discrimination.

Article 100 of the Constitution establishes that the state protects and supports the marriage, family, rights of parents and children.

- There are certain restrictions defined in the civil law when the marriage may not be concluded. The marriage is prohibited:
- before the age of 18 with the exception of cases provided in the law when it is allowed to conclude the marriage at the age of 16;
- with the persons whose legal incapacity due to mental illness or imbecility has been recognised by court;
- with direct relatives, brothers and sisters and half-brothers and half-sisters;
- between the persons of the same sex;
- between the adopter and adoptee;
- if the person has not annulled the previous marriage;
- between the guardian and ward and trustee and person under trusteeship.

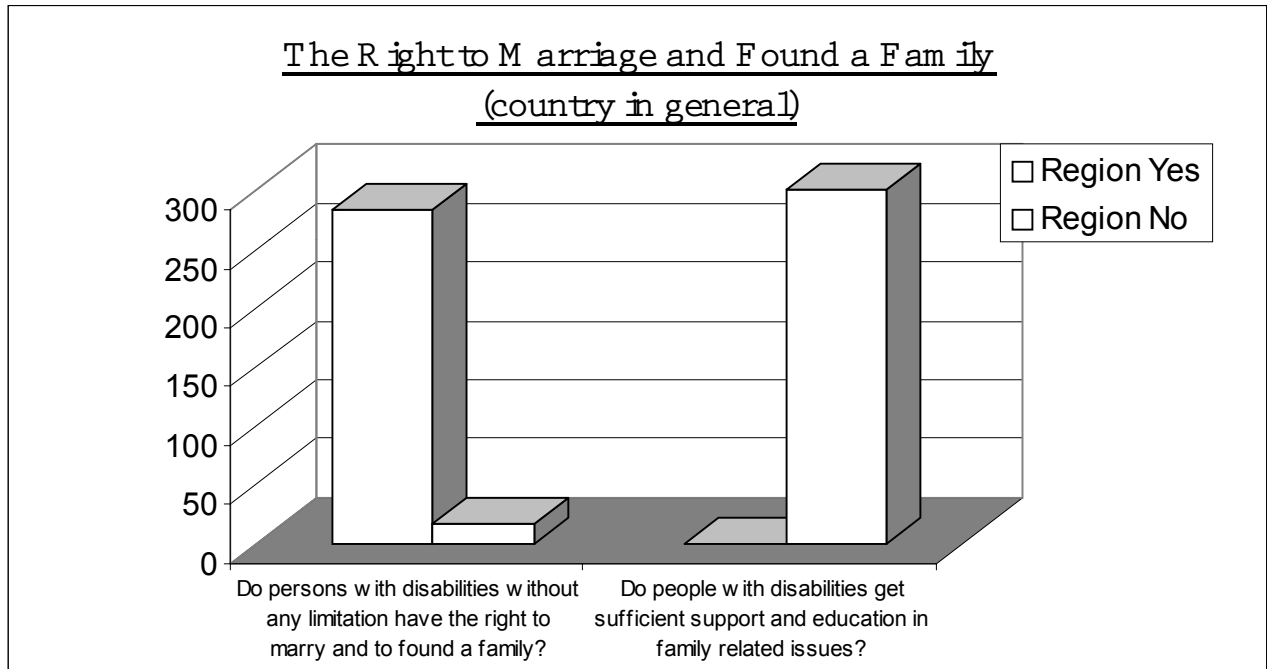
There are no other prohibitions in the legislation, thus the persons with disabilities are not restricted regarding getting married and establishing a family.

Nevertheless, it has to be pointed out that the legislation does not envisage any assistance to the families of people with disabilities what would be necessary the more so if the disabled person is bringing up a minor or both spouses are people with disabilities.

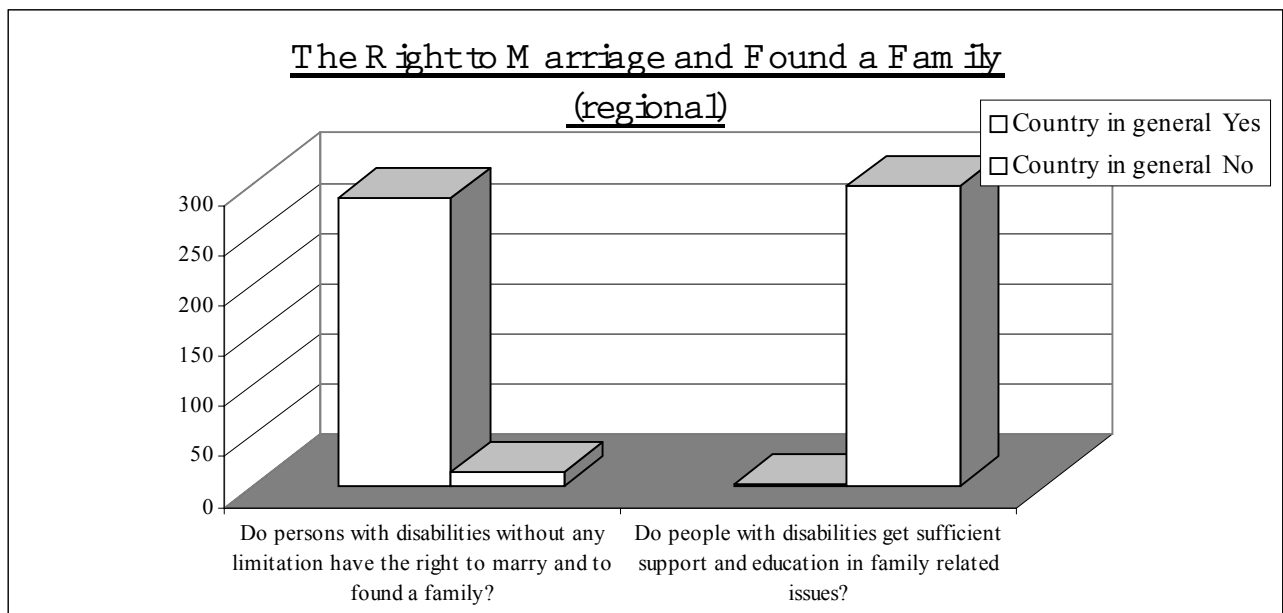


## Summary of the Results of Survey

The situation is similar both in the country in general and regions. The majority of respondents consider that there are no problems for disabled people to establish a family. Regarding the establishment of family the respondents have identified the socially psychological barriers as the greatest problems, but have held the opinion that legal preconditions are sufficient. The marriage of severely mentally retarded people still remains open at the national level. The legislation does not prohibit such marriages, but the society when tackling the issue displays different attitudes.



The question on the accessibility of information and support towards the establishment of family were answered similarly at the national and regional levels. Although there are no restrictions applied to the establishment of family, sufficient information and support are not accessible either at the national or local level.



## Positive and Negative Examples

### Respondent No. 12

Age: 32

Sex: Female

Disability: Cerebral palsy

I am disabled from childhood. I had grate parents and that's way I have the warmest memories about my childhood. My school time in general was funny and interesting. I am grateful to my parents for courage to let me go to ordinary school. Main children like me, have learned in special schools far away from home. After graduation of school I met first difficulties. The friends had their own ways, they have got new friends, we grow away from each other. I was in misery. Than I suddenly get know about sport club for people with disabilities. There I met Janis, he also has mobility problems. We are together for 13 years. We have two wonderful sons they are schoolchildren already. I am happy. We still taking sport all together. Sometimes we are tide with money, but we have friends and we have each other.

### Respondent No. 13

Age: 26

Sex: Female

Disability: Weak-eyed

I have two years old son. I am single mother. My mother is helping me a lot. I still feel not natural attention to my child and me because of my white cane. Some times it is mercy, some times regret. It is hard get used to it. When I was pregnant many doctors were trying to convince me to abortion, because of variable reasons. I still hope I will have proper family one day.

### Respondent No. 14

Age: 39

Sex: Male

Disability: Homophile

I am like a loner. I have not managed to establish my own family. Once I had relationships, it was cool. We understood each other from half sentence, we studied together in university. We thought about marriage, all crashed in the same moment, when her parents got know about my decease. We got like strangers to each other. All stopped, like never had been. Truly say, I still don't believe in relationships. I feel rubbish for that. Perhaps, it is not for me.

### Positive Examples / projects in this field:

1. NGO "APEIRONS" in co-operation with the NGO "Papardes zieds" published a book "Disability and Sexuality".
2. NGO "Rūpju bērns" – project on the foundation of "Family Support Centre".

# The Right to Freedom of Association of Others and the Right to Hold Opinions

## Analysis of Legislation

The legislation of Latvia determines that everybody has the right to unite in societies, political parties and other public organizations. These rights may be restricted only in the cases provided for in the law with the aim to protect the rights of other people, democratic state system, security, welfare and morals of society.

The law “On Public Organizations and Their Unions” adopted on 15.12.1992. governs the above mentioned rights and envisages that on the basis of principle of voluntary participation and commonality of purpose several natural persons or legal entities may establish a public organization to co-ordinate their activities and achieve the aims laid down in the statutes.

The refusal to register a public organization can be delivered only in cases provided for in the law i.e. if:

- the submitted statutes or action documents testify to the fact that the aims of union or its activities are at variance with the Constitution, laws or international treaties binding to Latvia;
- the legitimate foundation procedure has been breached;
- upon postponing of registration the deficiencies or inaccuracies in the statutes, name or symbolics of the union have not been eradicated.

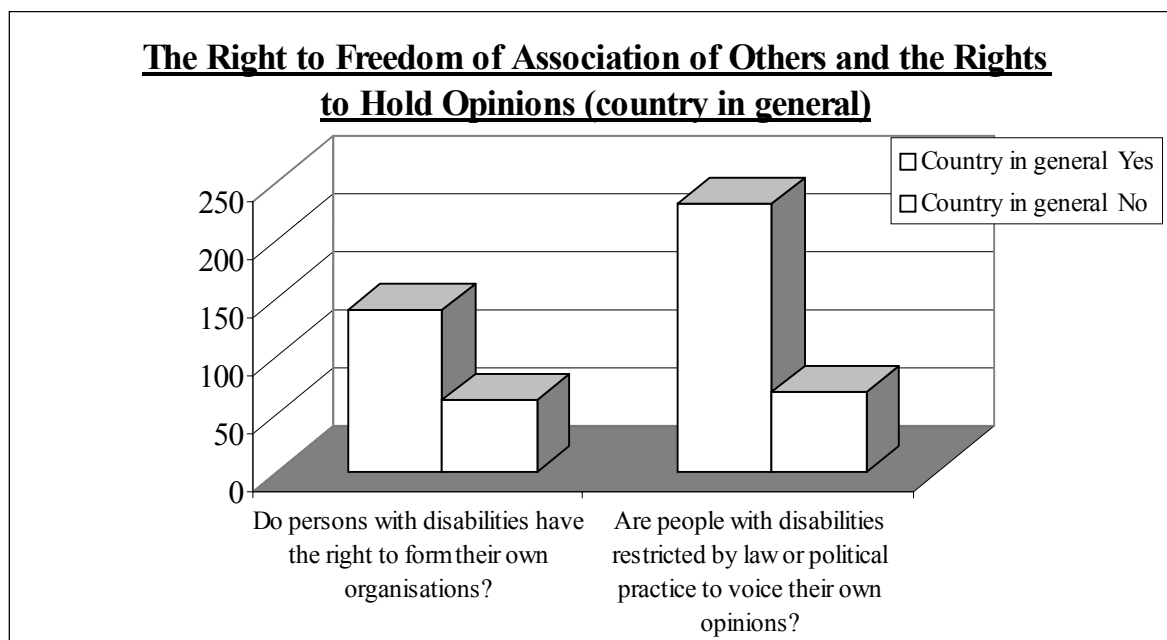
In the Constitution it is said that everybody has the right to freedom of thought, opinion and religious conviction as well as right to freedom of speech which includes the right to obtain, keep and disseminate information freely, and voice one’s beliefs. The state protects the freedom to previously registered peaceful gatherings, processions and pickets. The mentioned rights may be restricted in the cases anticipated in the law in order to protect the rights of other people, democratic state system, security, welfare and morals of society.

The above-mentioned rights are ensured by:

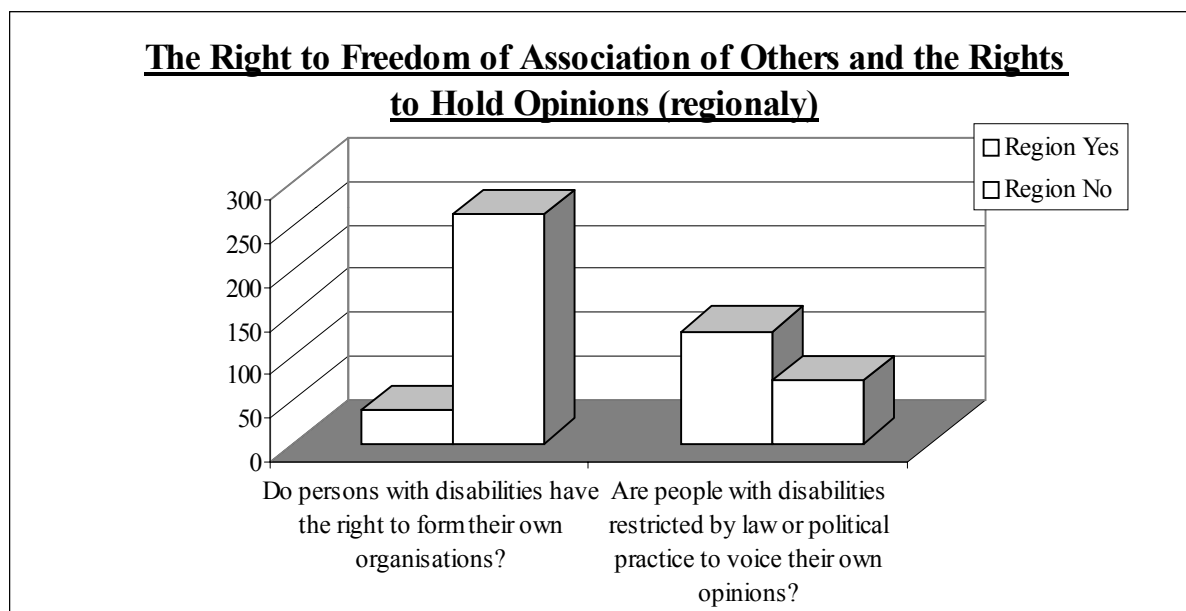
- law “On Religious Organizations” adopted on 07.09.1995. which governs the public relations originating when implementing the freedom of opinion.
- law “On Information Openness” adopted on 29.10.1998. whose aim is to ensure that the public has access to the information at the disposal of institutions of public administration and self-governments. The classified information is considered to be only the information which is meant for a restricted circle of persons for the performance of employment or service obligations and whose disclosure or loss due to its character and contents encumbers or may encumber the activities of institution, causes or may cause damage to the legitimate interests of persons, for example information about business secrets or private life of natural person. Observing the principle of equality of persons in obtaining information the unclassified information is released to anybody who wishes to receive it.
- law “On Meetings, Processions and Pickets” adopted on 16.01.1997. guarantees the freedom of peaceful gatherings. The state guarantees the right to organise gatherings, processions and pickets aimed at meeting with people and expressing some ideas and opinions. The exercise of these rights may not be subject to any restrictions except those defined by law and needed in the democratic society to defend the security interests of state and society, preclude disorders or crimes, safeguard health and morals of society as well as rights and freedoms of other people. The state must provide not only for the opportunities of assembly, but also ensure that assemblage is not disturbed. There are also freedoms of expression and language at the meetings, processions and pickets.

## Summary of Results of Survey

Commenting on the answers of respondents it is possible to draw a conclusion that people with disabilities more and more receive information about the foundation of various unions and NGOs. It could be related to the rapid increase of capacity of the third – non-governmental sector as well as establishment of support points of NGOs and active work in the regions.



However, performing a general comparison of state with the regions it is possible to draw a conclusion that participation of citizens is less distinct in the regions where people are bothered rather by survival concerns than processes evolving in the society. The situation might be explained by the fact that there is no special financing programme for non-governmental sector.



## Positive and Negative Examples

### Respondent No. 15

Age: 63

Sex: Male

Disability: Heart decease

We can say, we have rights. We can organise everything, so we have a lot of organisations. We are able to voice our opinions, but no one listens to it. You can scream in all newspapers, without any response. Our organisation, for example, has not enough money to pay rent of the office. I would be happy, to help my members with food, closes, medicines, but sponsors are so passive. Even government is not interested in helping us. I have such a feeling, that we, people with disabilities, are needless in society.

### Respondent No. 15

Age: 22

Sex: Female

Disability: Muscular decease

We get know each other in National Rehabilitation centre. There was excellent teacher, who talked a lot about non-governmental organisations. We made decision to establish one, though it was so difficult to get information about all documents, which are needed, and where we have to submit them. It was so terrible, but managed it. At least we have our own organisation. We have meetings once a week, we drink tee, chatting with each other. We have common excursions in summertime. We are grate company.

### Positive Examples / projects in this field:

1. The regional co-operation network of NGOs of people with disabilities was established in eight regions of Latvia in co-operation with the Soros Foundation Latvia and NGO "APEIRONS".
2. The Coalition of NGOs of disabled people of Riga was established in co-operation with the Swedish organisation SHIA.
3. NGO "Aspazija" – workshop on "Improvement of Leadership Skills of Employees" within the framework of Phare.

# The Right to Take a Part in the Public Affairs and the Right to Vote and to be Elected in Periodic Elections

## Analysis of Legislation

The Constitution determines that every citizen of Latvia has the right to participate in the activities of state and self-governments and perform public service according to the procedure established by law.

The law "On Elections to the City Council, Region Council and Parish Council" adopted on 13.01.1994. governs the procedure of elections to the self-government.

The citizens of the Republic of Latvia who at the polling day have reached the age of 18 are franchised to elect the council (board). These rights are restricted by Article 6 of the law which determines that the persons recognised as legally incapable are disfranchised and that the following persons do not take part in the elections:

- 1) persons serving the sentence in respective establishments;
- 2) suspects, defendants or possible defendants if imprisonment has been applied as a measure of security.

The citizen of Latvia who at the polling day has reached the age of 21 may be elected to the council (board) if he/she has held a permanent residence for the last 12 months or has worked for the last six months, or holds a registered real estate in the administrative territory of the respective self-government.

The following persons cannot be nominated as candidates and elected to the council (board):

- 1) persons serving the sentence in the respective establishments;
- 2) persons recognised as legally incapable ;
- 3) persons convicted of grave crimes whose criminal record has not been discharged or cancelled with the exception of rehabilitated persons;
- 4) persons who at the time of committing the crime classified so by Criminal Code have not been accountable, have been in the state of partial accountability or upon having committed the crime suffer from mental illness which has deprived them of the ability to realise or guide their actions due to what compulsory medical measure has been applied or the case has been dismissed without the application of such a measure;
- 5) persons who after January 31, 1991 have been engaged in the Communist Party of the Soviet Union or Communist Party of Latvia, International Front of Working People of the Soviet Socialist Republic of Latvia, United Council of Labour Collectives, Organisation of Veterans of War and Labour, Salvation Committee for the Society of Latvia or its regional subcommittees;
- 6) persons who are or have been the staff members of security services, intelligence or counter intelligence services of the former USSR, Soviet Socialist Republic of Latvia or foreign countries;
- 7) persons who do not know the national language at the highest required level.

The law stipulates that on the basis of written applications the election committee of the constituency must ensure the voting at the place of residence for those voters whose state of health precludes them from appearing at the ballot premises. Voting of other voters outside the ballot premises is inadmissible.

If the voter due to a physical disability is not capable of voting himself/herself the family member of voter or another person whom the voter trusts makes the marks in the ballot paper in the presence of voter according to his/her verbal instructions.

Law “On the Elections to the Saeima” adopted on 25.05.1995. sets the procedure according to which the election to the Saeima takes place.

The citizens of the Republic of Latvia who at the polling day have reached the age of 18 can elect the Saeima. The restrictions to the participation in the elections refer to:

- 1) the persons serving the sentence in the respective establishments;
- 2) suspects, defendants or possible defendants if imprisonment has been applied as a measure of security;
- 3) persons recognised as legally incapable.

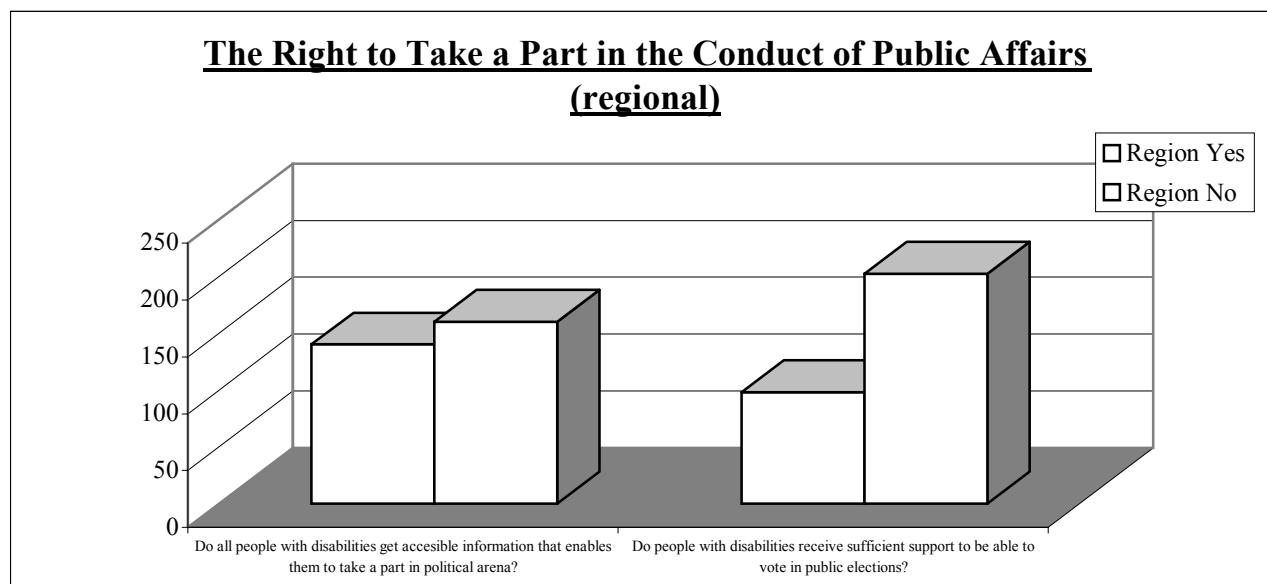
Similarly to the elections to the self-government any citizen of the Republic of Latvia older than 21 years, who is not legally incapable and does not serve the sentence at the respective establishments can be elected to the Saeima.

Also the law “On the Elections to the Saeima” envisages an opportunity to provide voting at the place of residence for the voters who due to their state of health cannot appear at the ballot premises and their care-takers.

### Summary of Results of Survey

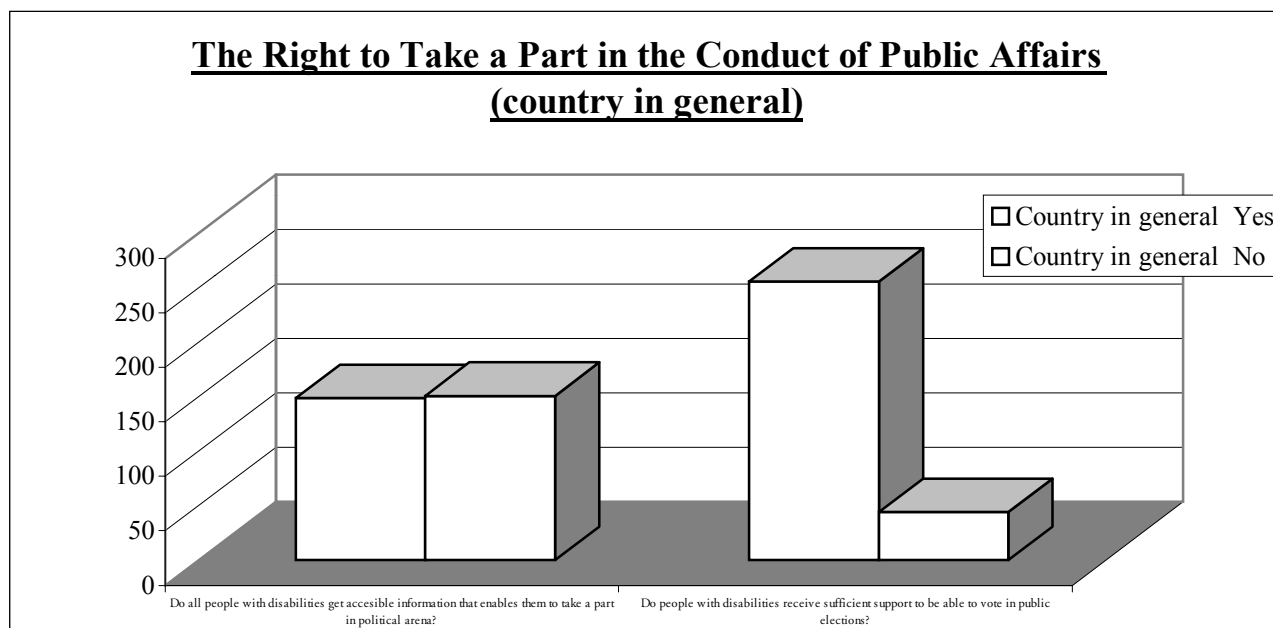
In general it is concluded that the persons with disabilities have the opportunity to voice their opinion, but the issue about their opinion receiving due consideration at the structures of state and self-governments remains open.

To increase the influence of people with disabilities on the decision taking process in the state the National Council of Affairs of People with Disabilities headed by Minister of Welfare was established. The Council consists of the largest organizations of people with disabilities, thus promoting the participation of disabled people in the social life.



The opinion of respondents regarding the question whether the person with disability stands a chance to be elected to the structures of state and self-government splits equally.

The legislation of Latvia does not limit these rights, but the issue of actual possibilities and attitude of society seem to be debatable.



Unfortunately, it is a sad conclusion to be made that at the regional level participation in the elections is more difficult than in the country in aggregate what could be related to the weak development of infrastructure in the regions. It should be noted that in separate cases people with disabilities have not always been guaranteed a full-fledged participation in the election process. The available information is not always provided in the language understood by person, thus the active participation of each individual in the civil society is restricted.

### **Positive and Negative Examples**

#### **Respondent No. 16**

Age: 31  
Sex: Female  
Disability: Wheelchair user

In the time of last elections I had the following situation. Following the election rules, the person who can not go by her self to elections, has to inform local municipality about that to use opportunity to elect at home. Person with who I was speaking was very kind and promised, that on election day, they will send to me mobile team of election commission. I was sitting at home all day and waiting for them. Nobody come. So I did not give my voice in this democratic election.

#### **Respondent No. 17**

Age: 68  
Sex: Male  
Disability: Asthma patient

I am living in institution for elderly people. During last elections I gave my voice for one party, I do not remember which one was it? I do not read any newspaper, I do not understand anything in politic. The nurse of our institution gave me election sheet and said what I need to write.



## Respondent No. 18

Age: 36

Sex: Male

Disability: Wheelchair user

I am active person. As far I remember my self I have been very keen on politics. I have higher education in politics analysis. I am member of disability NGO. I would like to work in macro level, because I think I understand problems of people with disabilities. I have no idea, how could I get into political party and to get opportunity to start in election. I know how it is working for healthy people, but for me, I don't know. What can I do, if I am not able to go even in the first floor of Riga municipality building- there are so many steps. In elections can start only people with internally decease's, who don't have mobility difficulties.

### **Positive Examples / projects in this field:**

1. NGO "APEIRONS" jointly with the Soros Foundation Latvia organised an interactive exhibition "To see ... to feel ... to understand ...".
2. A woman in the wheelchair represented one of the largest political parties of Latvia in the elections.

# Conclusion of the Research

Analysis of Latvian legislation showed us that there are many normative acts concerning each topic of research. Normative acts meet norms of international human rights as well as real needs of people with disabilities of our country. Although there is no possibility to talk about fully implementation of the legislation. The problem is lack of mechanism of implementation and control.

Concept “Equal rights for every one”, which is integrative document of Cabinet of Ministries. Aim of the concept is to create a new, democratic approach to solving problems of people with disabilities in Latvia.

One of the problems is adequate interpretation of legislation on local level. Responsible persons have not always information enough about changes of legislation, thus they are not able to follow them.

According dates of our inquiry, we can make following conclusion:

1. Many people are interested in the processes, which are going on in the society.
2. People with disabilities are not ready to take an active part in the integration, which is mutual process.
3. People with disabilities still depend on governmental and local agencies. They depend on their understanding or misunderstanding of legislative acts and ways how to implement them.
4. People with disabilities often have not enough information about procedures and mechanism of the work of responsible authorities.
5. Non governmental organisations, aim of which is to exercising human right of people with disabilities, have got bigger trust from the side of local and national authorities.
6. People, who take an active part in the work of NGOs, have higher capacity to improve quality of their life and to influence level of social services.

Qualitative researching methods show us, that people with disabilities in Latvia still do not believe to they potencies to influent decision making process of local and national authorities. They are sure that there are not any legislative documents, which fully works. Common dialogue is only way to get know real needs of people with disabilities and to improve situation in the field of exercising human rights of them.

Projects of non-governmental organisations not always can change situation for people with disabilities, because not all of them have long term implementation strategy and goals. Conception “Equal Rights for All” prepare programme for co-operation among different governmental bodies and non-governmental organisations, but there is not special budget for implementation of this programme. Mentioned projects of NGOs are only few examples of very wide range of activities. Information about them is given by small amount of organisations, which are involved in our every day activities. So this information can not be base to evaluate movement of disability NGOs in Latvia in general.

To get comprehensive information about situation of people with disabilities in Latvia there is need to have inquiry with responsible local and national authorities. There is also need for comprehensive research on needs of people with disabilities and ways how to implement them in the civil society.

This is the first research, which is based on Standard Rules of UN, where 7 rules are used as a base of it. Others rules are also important enough to have a research on them. It is important to evaluate also implementation of Standard Rules in Latvia in general.