

**MINISTRY OF WELFARE
OF THE REPUBLIC OF LATVIA**



**Second Report
on the implementation of the
European Social Charter**

**Riga
March 2006**

For the period from 1 January 2004 to 31 December 2004 made by the Government of the Republic of Latvia in accordance with Article 21 of the European Social Charter, on the measures taken to give effect to the accepted provisions of the European Social Charter, the instrument of ratification or approval of which was deposited on 31 March 2001.

In addition, this National Report includes the responses of the Government to the questions as well as the further information related to the implementation of the accepted provisions, asked by the European Committee of Social Rights in its Conclusions XVII-2 (Latvia) of March 2005.

In accordance with Article 23 of the Charter, copies of this report have been communicated to the following organisations:

- Free Trade Union Confederation of Latvia;
- The Employers' Confederation of Latvia.

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ARTICLE 1: THE RIGHT TO WORK

ARTICLE 1 PARA. 1

"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:

to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;"

Question A

Please indicate the policy followed by your government in attempting to reach and maintain full employment. Please supplement with details of the measures and programmes implemented to achieve as high and stable a level of employment as possible.

Please indicate, if possible, the trend in total employment policy expenditure over the past five years, including the relative shares of "active" (job creation, training, etc.) and "passive" (financial compensation, etc.) measures.

Please indicate the active policy measures taken in order to favour access to employment of groups most exposed to or affected by unemployment (eg. women, the young,¹ older workers, the long-term unemployed,² the disabled, immigrants and/or ethnic minorities). Please give indications on the number of beneficiaries from these measures and information, if possible, on their impact on employment.

Amendments to the Law on Support of the Unemployed and Job Seekers were adopted on the 3rd March 2005. Whereas most of these amendments to the Law on Support of Unemployed and Job Seekers were of technical character. By means of these amendments one more type of active employment measures was envisaged: measures for business or self-employment start-ups. It is planned to provide support for job seekers, employed and unemployed persons in starting-up business activities or self-employment. Several national projects are planned to be implemented with financial support of state budget and the European Social Fund.

In addition to regulations mentioned in the First National Report, Regulation of the Cabinet of Ministers No.491 "Procedures for licensing and supervising of merchants - performing workplacement services" was adopted on 5th July 2005.

¹ Aged between fifteen and twenty-four.

² Persons without employment for over one year and seeking employment.

Number of unemployed persons registered by the State Employment Agency at the end of month
(unemployed in age category from 15 years to the state pension age)³

Month	2001		2002		2003		2004	
	Number of people	%	Number of people	%	Number of people	%	Number of people	%
January	93936	7.9	93881	7.9	91580	7.7	92874	8.8
February	95792	8.0	96935	8.2	93617	7.9	94862	9.0
March	96723	8.1	97624	8.2	94093	8.9 ⁴	96669	9.2
April	96106	8.0	96446	8.1	93393	8.8	95964	9.0
May	94763	7.9	94450	8.0	91617	8.7	93366	8.7
June	93659	7.8	93478	7.9	90612	8.6	93042	8.7
July	92510	7.7	94485	8.0	90064	8.5	92628	8.7
August	92150	7.7	94116	7.9	90199	8.5	92880	8.7
September	91263	7.6	92063	7.8	89849	8.5	92478	8.7
October	90560	7.6	90988	7.7	89366	8.5	91252	8.5
November	90985	7.6	90787	7.7	90214	8.5	90637	8.5
December	91642	7.7	89735	7.6	90551	8.6	90800	8.5

In 2004 3 771 unemployed persons were involved in vocational training and re-training courses, 57 184 unemployed persons participated in measures for increasing competitiveness, 14 894 unemployed persons were involved in paid temporary works and 1 177 unemployed persons were engaged in measures for specified groups of persons.

Active employment measures and expanding the scope of these measures in Latvia

Persons who in accordance with the procedure prescribed by the law have been granted the status of unemployed by the State Employment Agency as well as job seekers have the right to participate in active employment measures.

In accordance with the Law on Support of the Unemployed and Job Seekers the active employment measures are as follows:

- 1) Vocational training, re-training and improving of qualification;
- 2) Paid temporary work;
- 3) Measures for increasing competitiveness;
- 4) Measures for disadvantaged groups of persons, especially for persons aged between 15 and 25; persons with disability; persons after parental leave; persons who shall reach the pensionable age after not more than 5 years; persons who are registered within the State Employment Agency for more than one year (long-term unemployed); persons after serving a sentence in imprisonment institutions as well as other target groups in accordance with the national employment plan;
- 5) Measures to facilitate start up of business activities and self-employment.

³ Data of the State Employment Agency.

⁴ Increase in unemployment level was influenced by decrease in number of economically active population, which was caused by amendments made in March 2003 by Central Statistics Bureau to the calculation of economically active population.

Latvia as of 1992 started to implement active employment measures: vocational training and re-training of unemployed, as well as paid temporary public labour. In 1996 the active employment measure – job seekers' clubs - was launched.

In the middle of 2001 the State Employment Agency started to expand the scope of the active employment measures, by implementing two measures for unemployed as pilot projects: labour practice for young people and subsidised work places for disabled people. The pilot projects were implemented in close cooperation with the employers and in 2001 there were 100 labour practices for young people and 30 subsidised work places for disabled people established. In 2002 the number of unemployed people involved in these measures increased and 150 additional labour practice places for young people were established in Latvia.

Under measure "Social enterprises in the labour market for employment of less competitive unemployed persons", which was mentioned in the First National Report, 231 new work places were established – in 2004. This is 2,5 times more than in 2003.

In 2004 70,1% of the young people, 77,4% of pre-retirement age unemployed and 70% of disabled unemployed persons were permanently employed after participation in measures for unemployed of disadvantaged groups.

After participation in the new measures 75 % of the young people and 81% of the disabled people were permanently employed. Also the rate of permanent employment in the subsidised work places for aged unemployed people is rather high – 83 % unemployed of this category were permanently employed. In 2004 there were 16 social enterprises in which 127 unemployed persons were involved.

In 2003 the State Employment Agency undertook wide range of activities in order to enhance competitiveness of unemployed people with disabilities. In 2004:

- 263 employers participated in organization of subsidised employment measures for disabled unemployed. Out of total number of work places established for disabled unemployed people, 13 were work places for young people's labour practice. 125 subsidised work places for employment of disabled people were established as well as 428 work places were created for implementation of a new measure "Support to unemployed disabled persons for acquiring professional skills in the work place" (576 work places in total);
- 10 work places were created for disabled unemployed persons within measure "Social enterprises in the labour market for employment of less competitive unemployed persons";
- 119 disabled unemployed persons were involved in measures for enhancing mobility of disabled unemployed persons, where they were offered an opportunity to acquire necessary professional or social skills, as well as to obtain a document certifying these skills.

Expenditure (Ls) related to active employment measures within last 5 years⁵

	1999	2000	2001	2002	2003	2004
Temporary public labour	2250849	2150138	2366048	2366047	2839953	1823272
Vocational training of unemployed	4789050	3988571	3988598	1739697	1350027	1813109
Scholarships for participants in unemployed training	842823	612868	798003	411667	305364	535996
Measures for increasing competitiveness (Job-seekers' clubs)	275993	294995	295000	294940	303258	850343
Measures for disadvantaged groups of persons					351047	1199628
Improvement of working capacity of unemployed (subsidised employment measures for disabled unemployed)	0	0	0	0	474856	-
Total:	8158715	7046572	7447649	4812351	5624505	6222348

Question B

Please indicate the trends in employment⁶ covering all sectors of the economy. In connection with this, indicate as far as possible, the activity rate,⁷ the employment rate⁸ and the breakdown of employment by region, by sex, by age, by employment status (employed, self-employed), by type of employment (full time and part time, permanent and fixed term, temporary), and by sector of activity.

Please give the trend of the figures and percentages of unemployed in your country, including the proportion of unemployed to the total labour force. Please give a break-down of the unemployed by region, category, sex, age and by length of unemployment.

⁵ Data of the State Employment Agency.

⁶ Reference is made to the definition of employment adopted by the Thirteenth International Conference of Labour Statisticians (Geneva, 1982) or any further versions.

⁷ The activity rate represents the total labour force as a percentage of the population aged 15 years and over and living in private households. The labour force is defined as the sum of persons in employment plus the unemployed.

⁸ The employment rate represents persons in employment as a percentage of the population aged 15-64 years and living in private households.

The level of economic activity of population, level of employment and proportion of job seekers (average annual; in accordance with the data on selective survey of labour force (age 15 – 64); percentage)⁹

	2001	2002	2003	2004
Proportion of economically active population to the total population	56.6	61.8	62.0	62.6
Men	64.6	68.4	68.3	68.7
Women	50.1	56.0	56.5	57.2
Proportion of employed population to the total population (persons aged 15 to 64)	58.6	60.4	61.8	62.3
Men	61.9	64.3	66.1	66.4
Women	55.7	56.8	57.9	58.5
Proportion of job-seekers to total economically active population (persons aged 15 to 74)	12.9	12.6	10.4	9.8
Men	14.2	13.6	10.1	9.2
Women	11.5	11.4	10.6	10.3

Breakdown of economically active population by education level (average annual; in accordance with the data on selective survey of labour force, (age 15 – 74); percentage)¹⁰

	2003	2004
<i>By education level</i>		
Economically active population	100.0	100.0
Higher education	19.0	21.3
Vocational education and professional secondary education	40.4	38.9
General education	25.4	25.9
Basic education	14.2	13.1
Below basic education and without school education	1.0	0.9
<i>By additional education</i>		
Participated in courses, seminars or training	4.7	4.7
<i>By reasons for enhancing knowledge:</i>		
To get skills for a job	16.0	11.0
To enhance professional knowledge	77.8	83.1
General interest	6.2	5.9
Did not participate in additional training	95.3	95.3

Breakdown of population employed in main labour by education level (average annual, in accordance with the data on selective survey of labour force (age 15 – 74); percentage)¹¹

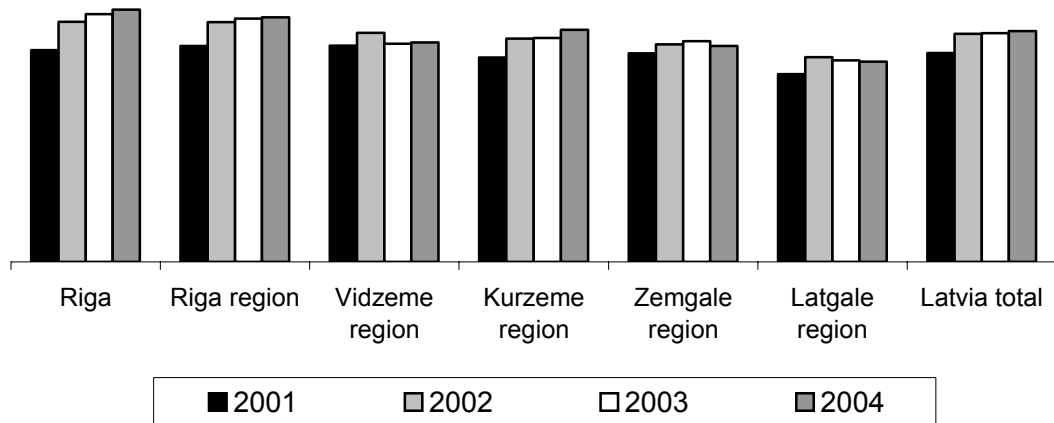
	2001	2002	2003	2004
Total	100	100	100	100
Higher education	21,4	21,8	20.2	22.7
Secondary education	61,6	63,5	65.7	64.3
Out of it – vocational training and vocational secondary education	38.8	39.4	40.9	39.3
- general secondary education	22.9	24.1	24.8	25.0
Basic education	15,6	13,6	13.2	12.2
Below basic education and without school education	1,5	1,1	0.9	0.8

⁹ Data of the Central Statistics Bureau.

¹⁰ Data of the Central Statistics Bureau.

¹¹ Data of the Central Statistics Bureau.

Economically active population in regions average annual
(*Selective type survey of labour force (age 15 – 74, percentage)*)¹²



	2001	2002	2003	2004
Riga	57,4	65,1	67,2	68,4
Riga region	58,5	65,0	66,0	66,3
Vidzeme region	58,6	62,1	59,1	59,5
Kurzeme region	55,4	60,5	60,7	62,9
Zemgale region	56,5	58,9	59,8	58,5
Latgale region	50,9	55,5	54,6	54,3
Latvia total	56,6	61,8	62,0	62,6

Breakdown of job seekers by education level
(*average annual; in accordance with the data on selective survey of labour force, (age 15 – 74); percentage*)¹³

	2001	2002	2003	2004
Total job seekers	100	100	100	100
With higher education	7.1	7.3	7.1	7.7
With secondary education	69.6	68.3	62.9	65.6
Out of it – vocational training and vocational secondary education	41.8	40.0	37.4	38.2
– general secondary education	27.8	28.3	25.5	27.4
Basic education	21.3	22.5	21.6	22.0
Below basic education and without school education	2.0	1.9	1.8	2.0
Education level isn't shown	...	...	6.6	2.7

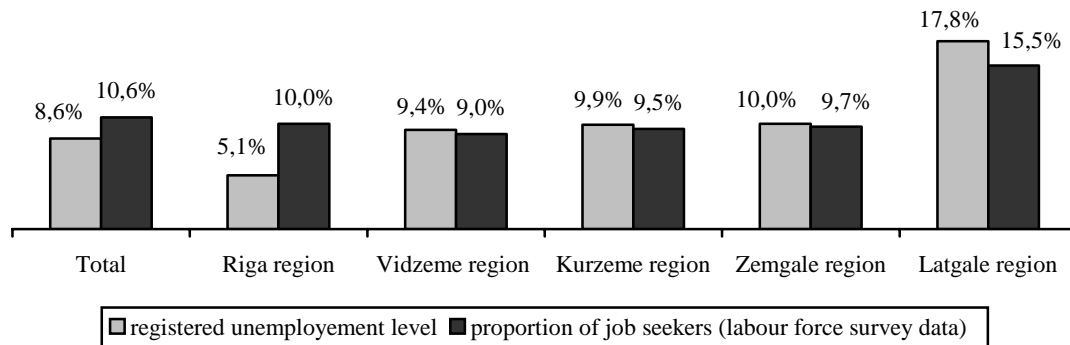
¹² Data of the Central Statistics Bureau.

¹³ Data of the State Employment Agency.

Proportion of job seekers and registered unemployment level in regions

	2001		2002		2003		2004	
	job seekers	registered unemployment	job seekers	registered unemployment	job seekers	registered unemployment	job seekers	registered unemployment
Riga	11,2	3,7	11,1	4,8	10,9	4,5	10,3	
Riga region	11,2	4,5	11,0	5,4	10,0	5,1	9,8	
Vidzeme region	12,6	8,6	10,5	9,3	9,0	9,4	9,4	
Kurzeme region	15,2	9,3	12,6	9,8	9,5	9,9	10,6	
Zemgale region	11,8	9,9	10,4	10,5	9,7	10,0	10,8	
Latgale region	18,9	15,5	17,1	18,1	15,5	17,8	12,8	
Latvia total	13,1	7,8	12,0	8,9	10,6	8,6	10,4	8,5

Registered unemployment level and proportion of job seekers in 2003
(Average annual, percentage from economically active population)¹⁴

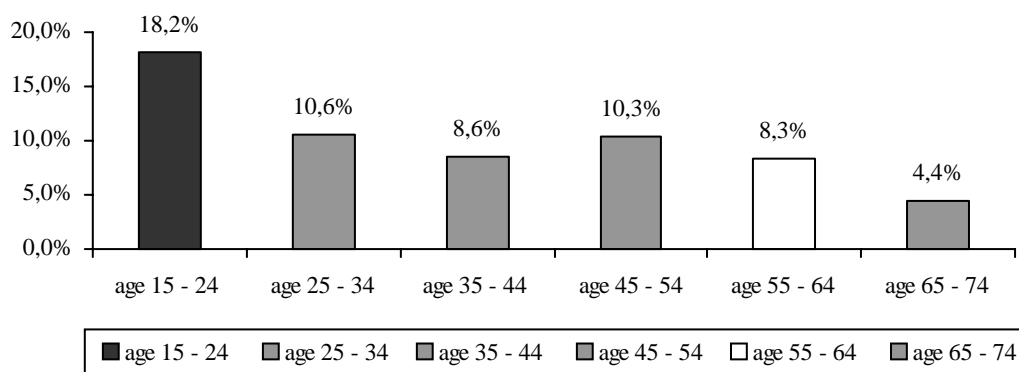


¹⁴ Registered unemployment level – proportion of registered unemployed persons (%) to economically active population, average annually, data of State Employment Agency and Central Statistics Bureau. In 2002 the re-calculated level of unemployment is provided, as the Central Statistics Bureau had changed the data source for number of economically active population. Starting with 2002 the level of unemployment is calculated by using data of labour force survey on economically active population aged 15 to the pension age, although previously the calculation data on number of economically active population aged 15 and older was used.

Structure of population employed in main labour by labour type
(average annual; in accordance with the data on selective survey of labour force, (age15 -74);
thousands)¹⁵

	1996	2001	2002	2003	2004
Total number of the employed	949	962	989	1007	1018
Out of it:					
Agriculture, hunting, forestry	159	143	147	135	132
Fishery	5	2	6	3	2
Industry	206	176	193	198	191
Building	51	68	60	74	87
Wholesale, retail and repair works	117	160	148	153	151
Hotels and restaurants	16	22	24	25	26
Transport and communications	84	78	86	95	96
Financial intermediation	14	14	13	16	18
Real estate, renting and other business activities	32	41	39	42	40
Public administration and defence; compulsory social security	60	68	68	67	73
Education	95	88	88	79	83
Health and social work	58	50	60	59	54

Share of job-seekers in the economically active population by age in 2004¹⁶



¹⁵ Data of the Central Statistics Bureau.

¹⁶ Data of the State Employment Agency.

The Employed
(average annual, thousands, age group 15-74)¹⁷

	2003	2004
The Employed in total	1006.9	1017.7
By gender:		
Men	516.6	521.8
Women	490.2	495.9
By age groups:		
15-24	110.7	108.9
25-34	247.2	243.6
35-44	272.1	269.2
45-54	233.6	240.8
55-64	117.8	125.7
65-74	25.4	29.5
By status:		
Employees	876.0	885.9
Employers	32.2	34.6
Self-employed	61.4	62.9
Non-paid persons that are helping other family member in their enterprise or household	37.3	34.3
By labour contract type:		
Permanent work	903.6	912.2
Temporary work, labour contract for a specified period or for execution of particular work	103.2	105.5
Economically active/total population, % (age 15-64)	62.0	62.6
Employed/ total population., % (age 15-64)	61.8	62.3

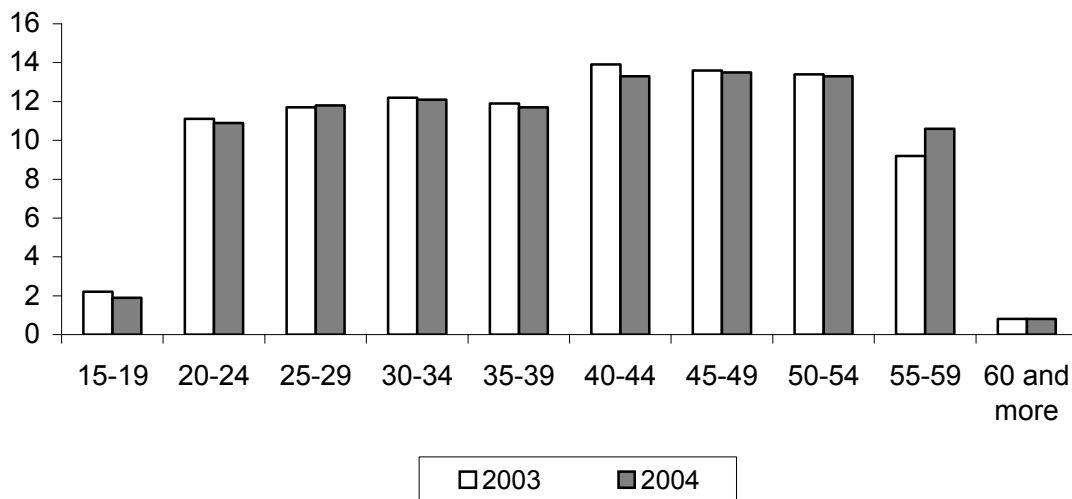
Breakdown of number of the unemployed who have established employment by gender and age in 2004
(unemployed aged from 15 to the state pension age)¹⁸

Age	Women	Men	Total
15-19	481	314	795
20-24	2868	2296	5164
25-29	3397	2027	5424
30-34	3445	2110	5555
35-39	3342	2018	5360
40-44	3528	2318	5846
45-49	3190	2412	5602
50-54	2780	1995	4775
60 and more	0	206	206
Total	24536	17307	41843

¹⁷ Data of the Central Statistics Bureau.

¹⁸ Data of the State Employment Agency

Breakdown of the unemployed by age at the end of 2003 and 2004 (percentage)¹⁹



Question C

Please indicate the trend in the number and the nature of vacant jobs in your country.

Vacancies registered annually in the State Employment Agency²⁰

Year	Number of registered vacancies
1998	43555
1999	44530
2000	51986
2001	50433
2002	48476
2003	55520
2004	61906

ARTICLE 1 PARA. 2

"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:

to protect effectively the right of the worker to earn his living in an occupation freely entered upon;"

[The Appendix to the Charter stipulates that this provision shall not be interpreted as prohibiting or authorising any union security clause or practice.]

Elimination of all forms of discrimination in employment

¹⁹ Data of the State Employment Agency

²⁰ Data of the State Employment Agency

Question A

Please give information concerning legislative or other measures taken to ensure the elimination of all discrimination in employment which might be based on sex, social or national origin, political opinion, religion, race, colour or age and to promote effectively equal opportunities in seeking employment and in taking up an occupation.²¹

Please give information in this respect on existing sanctions and remedies in cases of discrimination in employment.

According to amendments to Article 3 of the Act on alternative service which entered into force on 1 October 2004, the duration of alternative service is 12 months. The duration of the military service is 12 months.

In addition to the information provided in the First National Report, in compliance with amendments to the Administrative Offence Code, adopted on 25 March 2004, the employer or the official can be punished with an administrative fine up to five hundred Latvian LVL (instead of two hundred fifty Latvian LVL) for violation of legislative acts regulating employment relationship.

Written complaints reviewed and verbal consultations provided by the Latvian National Human Rights Office in year 2004²²

Topics	Complaints in written form				Verbal consultations provided
	Received	Solved	Unjustified	Solved by providing recommendation	
		/including the ones received in previous period/			
Discrimination					
A. On basis of race or nationality	1	-	-	1	9
B. Gender discrimination	8	4	-	2	17
C. On age basis	-	-	-	-	13
D. On basis of language	2	-	-	2	4
E. On basis of religious conviction	-	-	-	-	3
F. On basis of social origin or property	1	-	1	-	9
G. On basis of sexual orientation	-	-	-	-	-
H. On basis of health condition	1	-	-	-	11
I. On basis of political or other conviction	-	-	-	-	-
J. Others	2		1	1	4
Total	15	4	2	6	70
Total number of written complaints received and reviewed and verbal consultations provided (in all areas)	1376	250	108	995	3716

²¹ The term "discrimination" in this Form is to be understood in terms of ILO Convention No. 111 (Discrimination, Employment, Occupations), Article 1.

²² Data of Latvian National Human Rights Office.

Written complaints reviewed and verbal consultations provided by the Latvian National Human Rights Office in year 2005 (January – September)²³

Topics	Complaints in written form				Verbal consultations provided
	Received	Solved	Unjustified	Solved by providing recommendation	
		/including the ones received in previous period/			
Discrimination					
A. On basis of race or nationality	2	-	-	-	4
B. Gender discrimination	6	-	-	2	25
C. On age basis	1	-	-	1	5
D. On basis of language	-	-	-	1	4
E. On basis of religious conviction	-	-	-	-	1
F. On basis of social origin or property	-	-	-	-	2
G. On basis of sexual orientation	3	-	-	-	2
H. On basis of health condition	1	-	-	1	5
I. On basis of political or other conviction	-	-	-	-	-
J. Others	3			-	8
Total	16	0	0	5	56
Total number of written complaints received and reviewed and verbal consultations provided (in all areas)	1420	225	62	904	2770

Question B

Please indicate any methods adopted:

- a. to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of the above policy of non-discrimination;**
- b. to ensure the acceptance and observance of the above policy through educational efforts.**

The Free Trade Union Confederation of Latvia and the Latvian Employer's Confederation participate in development of legislative acts and policy documentation by help of National Tripartite Cooperation Council, which is formed by equal number of representatives of all parties.

In order to encourage the social dialogue at the highest level, according to amendments to the National Tripartite Cooperation Council statute, adopted on 20 September 2005, starting from the January 1, 2006, the state administration institution providing the work of National Tripartite Cooperation Council will be State Chancellery (instead of Ministry of Welfare), which is a central public administration institution directly subordinated to the Head of Government. Respectively the

²³ Data of Latvian National Human Rights Office.

National Tripartite Cooperation Council will operate under the supervision of the Prime Minister.

Also according to mentioned amendments there will be nine representatives from each party (from the government, Free Trade Union Confederation of Latvia and the Latvian Employer's Confederation) in National Tripartite Cooperation Council (previously – seven).

Starting from 2006 three new subcouncils of the National Tripartite Cooperation Council will start their work – Subcouncil of Environmental Protection, Tripartite Cooperation Subcouncil of Regional Development and Tripartite Cooperation Subcouncil of Transport, Communications and Information Technologies.

Question C

Please indicate the guarantees, including applicable sanctions and remedies, which prevent any discrimination in regard to members of workers' organisations at the time of engagement, promotion or dismissal.

In accordance with amendments of 22 April 2004 to Article 8 of the Labour Law, employees shall have right to unite freely, without any direct or indirect discrimination, in organisations and to join them. Belonging to such organisations or the desire of the employee cannot serve as a basis for refusing to conclude an employment contract, giving notice of termination of the employment contract or any other restriction of the employee's rights.

As it was mentioned in the First National Report, Article 9 of the Labour Law prohibits to punish or to otherwise directly or indirectly cause adverse consequences for the employee in case he/she, within the scope of employment relationship, exercises his or her rights in a permissible manner. In accordance with amendments of 22 April 2004, if in the case of dispute, an employee indicates conditions, which could be a basis for the adverse consequences caused by the employer, the employer has a duty to prove that the employee has not been punished or adverse consequences have been directly or indirectly caused for him or her because the employee, within the scope of employment relationship, exercises his or her rights in a permissible manner.

It was also mentioned in the First National Report that trade union is obliged to inform the employer in due time but not later than one week after receipt of the employer's request on its decision. The employer can give notice of termination of the employment contract not later than one month from the day when agreement of trade union was received. If the trade union does not agree with notice of termination of the employment contract, the employer shall have the right to bring an action to court on termination of the employment contract within one month starting from day of receipt of reply from the trade union. To avoid legal uncertainty the amendments are being made to the Labour Law which will specify trade union's obligation to inform the employer in due time but not later than seven working days after receipt of the employer's request on its decision. If the trade union does not inform the employer in seven working days on the decision, it shall be deemed that trade union agrees with termination of employment contract.

Prohibition of forced labour

Question D

Please indicate whether any form of forced or compulsory labour is authorised or tolerated.²⁴

There has been no substantial change.

The law on ratification of the International Labour Organisation Convention No. 29 "On Forced or Compulsory Labour" was adopted in the Parliament on 23 March 2006.

Question E

If so, please describe the nature and scope of any such labour and indicate the extent to which recourse has been had thereto during the reference period.

The answer is not affirmative.

Question F

Please indicate what measures are being taken to secure the complete abolition of forced or compulsory labour and the date by which these measures will be fully implemented.

Forced labour is prohibited in Latvia.

Question G

Please give information concerning the conditions under which work is carried out in prison establishments.

In 2004 32% of labour capable convicted persons were employed in imprisonment institutions. In first half of year 2005 1236 convicted persons (28.6% of labour capable convicted persons) were employed and it amounts to 16.6% of all convicted persons.

65.86% of the employed convicted persons were employed in economic service works, 26.13% - in prison production units, 8.01% - were hired by other employers. 340 convicted persons worked in manufacturing. The main work industries are wood-working, metal working, sewing, farming as well as provision of different services – products prepacking, gluing, composition etc. The products within above mentioned work industries are made not only for imprisonment institutions, but also for other organizations and companies, according to their orders.

ARTICLE 1 PARA. 3

"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:

to establish or maintain free employment services for all workers;"

²⁴ The term "forced or compulsory labour" in this Form is to be understood in terms of ILO Convention No. 29 (Forced Labour), Article 2.

Question A

Please describe the operation of free employment services available in your country, indicating the age, sex and nature of occupation of persons placed by them in employment and persons seeking employment.

Please indicate as far as possible the number of vacancies, the placement rate and the duration of unemployment of persons placed.

Reference is made to the First National Report and statistics on job seekers in Article 1, paragraph 1 – Question B and C.

As it was mentioned previously amendments to the Law on Support of the Unemployed and Job Seekers were adopted on 3rd March 2005. Currently in accordance this Law the State Employment Agency is implementing the following active employment measures:

1. Vocational training, re-training and improving of qualification;
2. Paid temporary work;
3. Measures for increasing competitiveness;
4. Measures for disadvantaged groups of persons, especially for persons aged between 15 and 25; persons with disability; persons after parental leave; persons who have not more than 5 years left until reaching the state pension age; persons that are registered within the State Employment Agency for more than one year (long-term unemployed); persons after serving a sentence in imprisonment institutions, as well as other target groups in accordance with the national employment plan;
5. Measures to facilitate start up of business activities and self-employment.

In 2002 – permanent employment was established by 39,3 thousands of unemployed persons registered by the State Employment Agency. In 2004 permanent employment was established by 41.8 thousands of unemployed persons registered by the State Employment Agency. The number of long-term unemployed and its proportion to total unemployed population over the last three years have a tendency to decrease. On 1 January 2005 there were 23.2 thousands of long-term unemployed registered, which amounts to 25.6% of the total number of unemployed, (1 January of 2004 - 23.6 thousands of long-term unemployed registered and the 1 January 2003 - 23.7 thousands).

Question B

Please describe the organisation of public employment services in your country indicating the accompanying measures for the unemployed, and where appropriate, the steps taken to revise the geographical distribution of local and regional employment centres and to redeploy resources when the changing patterns of economic activity and of population so warrant.

There has been no substantial change.

Question C

If both public and private free employment services exist in your country, please describe the steps taken to co-ordinate such services, and to determine the conditions governing the operation of private employment agencies.

The main prerequisite for employment of a person is information on vacancies, which is provided by the State Employment Agency free of charge for individuals but it is chargeable if provided by private employment provision companies.

The procedure for licensing of legal entities that desire to provide paid employment services in Latvia and abroad is prescribed by the regulation of the Cabinet of Ministers No.491 "Procedure for licensing and supervision of merchants - paid employment provision services", that was adopted on 5 July 2005. Merchant has the right to provide the employment services (to consult about employment issues, to inform about free working places (vacancies), to work with job arrangement and so on) only after receipt of the licence issued by the State Employment Agency. The licence is issued for a term of three years.

In the beginning of 2004 there were 18 legal entities operating in Latvia that had received licences for paid employment services and seven of them had licences to provide employment services abroad.

In accordance with the procedure prescribed by the Cabinet of Ministers, the State Employment Agency performs inspections of licence recipients, as well as requests reports of activities and other information relating to employment provision services and observance of the rights of their clients.

Question D

Please indicate whether and how the participation of representatives of employers and workers in the organisation and operation of the employment services and in the development of employment services policy is provided for.

There has been no substantial change.

Question E

Please indicate what legislation or administrative guarantees are provided to ensure that these services are available to all.

There has been no substantial change.

ARTICLE 1 PARA. 4

"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:

to provide or promote appropriate vocational guidance, training and rehabilitation."

Please indicate, illustrating with relevant data as far as possible, what measures have been taken to provide or promote:

a. vocational guidance;²⁵

²⁵ If your country has accepted Article 9, it is not necessary to describe the vocational guidance services

b. vocational training;²⁶**c. vocational rehabilitation;²⁷**

with the aim of giving everyone the possibility of earning his living in an occupation freely entered upon.

Please indicate whether equal access is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled people.

a. vocational guidance

The Republic of Latvia has accepted Article 9 of the European Social Charter (the right to vocational guidance). Please, see the information provided on Article 9.

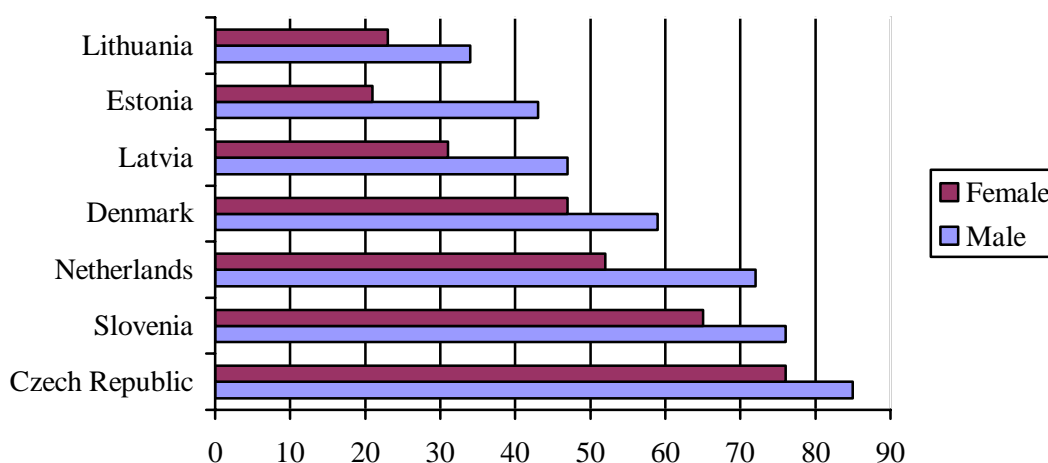
b. vocational training

Vocational education in Latvia can be obtained in 119 educational establishments: 7 vocational colleges and 112 vocational educational establishments.

Number of students

Type	2001	2002	2003	2004
Public	44576	43481	43556	43804
Municipal	1422	1468	1546	1312
Private	1629	1584	1687	1745
Total	47627	46533	46789	46861

Proportion of students in vocational education programs in secondary education level in year 2004

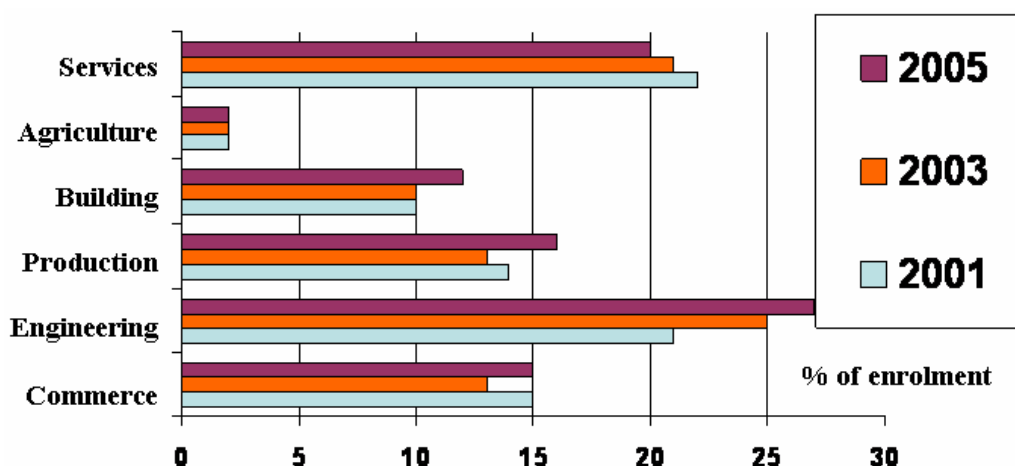


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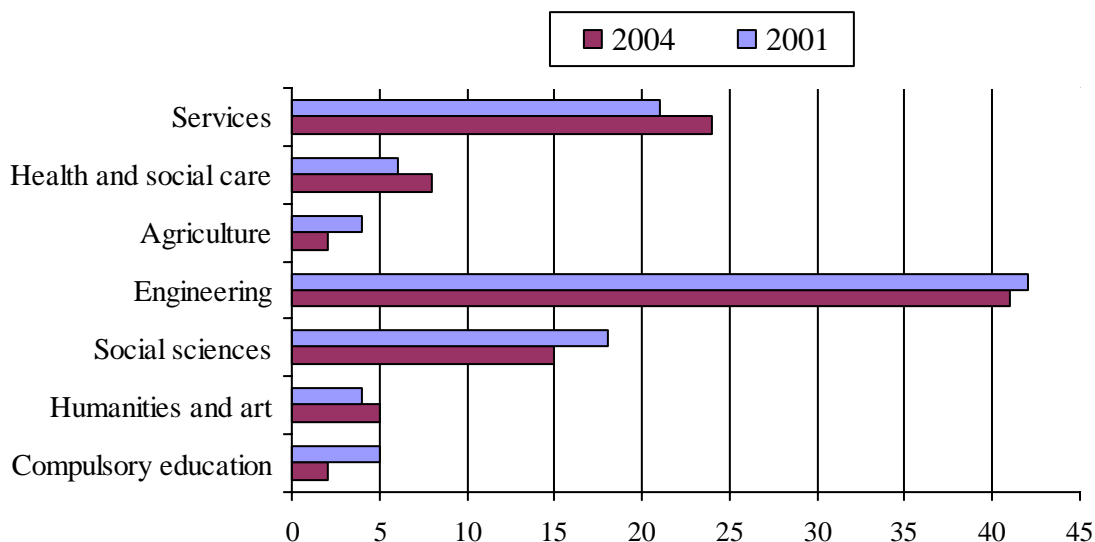
²⁶ If your country has accepted the four paragraphs of Article 10, it is not necessary to describe the vocational training services here.

²⁷ If your country has accepted the two paragraphs of Article 15, it is not necessary to describe the rehabilitation services for physically or mentally handicapped persons.

Enrolment of students in vocational education programs in 2001, 2003 and 2005



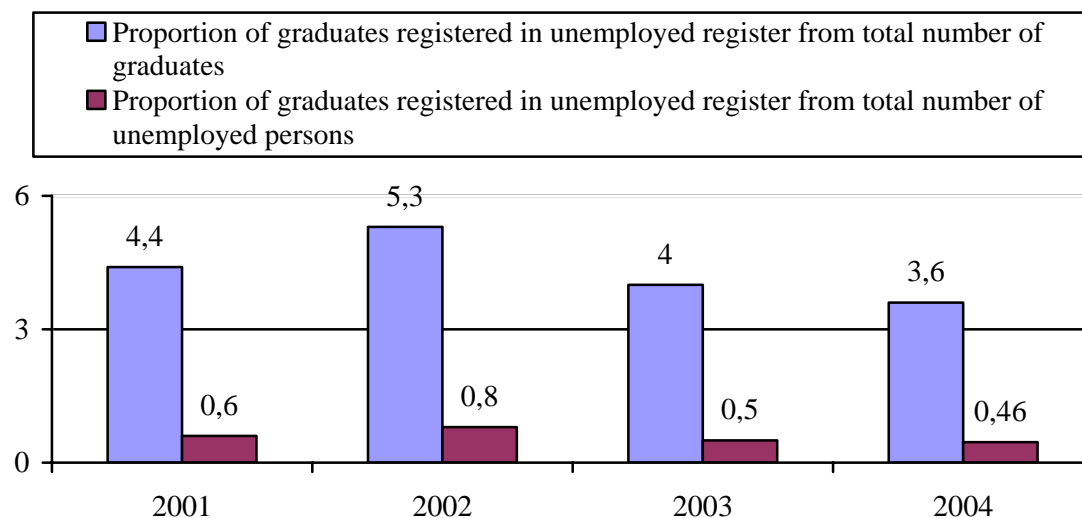
In 2004 11374 students graduated vocational educational establishments. The proportion in different educational programs was:



The proportion of students in vocational educational programs in last four years has decreased for 4 %: in 2003 65727 students studied in compulsory educational establishments, in vocational educational establishments – 39402 students (it comprises 37 % of total number of students of the secondary education level).

3,6 % of graduates were registered in the unemployed register in 2004, it comprises 0,46 % of total number of registered persons.

Number of students registered in unemployed register



In accordance with the Law on Professional Education teachers can obtain vocational education (qualification) and pedagogical education (educational program period is 1 year). In Latvia 82 % of teachers in vocational educational establishments have university degree. The percentage of teachers with pedagogical education is 87 % per all teachers. 71% of all teachers are women.

c. Vocational rehabilitation;

At the beginning of 2004 vocational rehabilitation services for state budget resources were provided by 2 institutions: vocational training and rehabilitation centre "Alsviķi" and "Koledža RCC".

From 1st July 2004 "Alsviķi" was given under supervision of the Ministry of Education and Science.

In July 2004 by merging of "Koledža RRC" and the State Health Centre "Jaundubulti" the State agency "Social integration centre" ("SIC") was formed, which provides vocational and social rehabilitation services for disabled persons.

Now "SIC" is the only institution in Latvia where people with disability are provided both with possibilities to study, and social, psychological and medical rehabilitation services. It offers 1st level professional higher education programmes; provides qualification that is up-to-date and demanded at the labour market by basing the process of education on qualified lecturers, positive motivation, individual approach and modern technologies.

"SIC" provides services in 12 programs (7 professional secondary school programs and 5 college educational programs):

Professional secondary school:

1. Business studies (manufacturing commercial worker);
2. Business studies (retail business commercial worker);
3. Management approach accountancy, control and analysis (accountancy worker);
4. Catering industry service (cook);

5. Automation, computer engineering and nets (mechanic);
6. Electronics (assembler);
7. Secretariat and office work (secretary).

College RRC (First level professional higher education):

1. Formal (business) system software (programmer);
2. Information technologies (computer system and net operator);
3. Accounting and taxes (accountant);
4. Marketing and commerce (marketing and commerce specialist);
5. Human resources management (personnel specialist).

In 2004 "SIC" provided education in professional secondary school programs for 208 disabled persons. It also provided education in college educational programs for 43 disabled persons.

From 1st September 2004 to 1st September 2005 47 students studied in "SIC", admitted 68 students, but graduated 18 students; 75% are settled in work.

"SIC" provides also medical and psychological assistance and organization of sports and recreation activities. "SIC" provides opportunities to participate in hobby groups several times a week, for example, ceramics, visual art, drawing, computers, radio review, sewing and sports groups.

In 2004 state budget expenditure for vocational rehabilitation was 725,5 thousand LVL. In 2004 vocational rehabilitation studies were provided for 342 disabled persons.

Responses to Queries raised by the European Committee of Social Rights in its Conclusions XVII-2 (Latvia)

Article 1 – Right to work

Paragraph 1 – Policy of full employment

Employment situation

Query: *up-dated information in respect of unemployment among non-Latvian nationals.*

Response: At the end of 2004 the unemployment rate among Latvians and non-Latvian nationals hadn't changed significantly comparing to 2003. The ratio of Latvian nationals had decreased by 0.5%. The ratio of Russian nationals in relation to the total number of the unemployed had decreased by 0.2%. Number of those persons, who haven't indicated their nationality, had increased by 0.9%.

Breakdown of unemployed by nationality (percentage)²⁸

	2001	2002	2003	2004
The Latvians	51.1	50.8	51.9	51.4
The Russians	35.2	35.4	33.9	33.7
The Byelorussians	4.7	4.7	4.5	4.4
The Ukrainians	2.9	2.9	2.7	2.7
The Poles	2.9	2.8	2.6	2.6
The Lithuanians	1.4	1.6	1.6	1.5
Israel	0.2	0.1	0.1	0.1
Gipsy	...	...	...	0.7
Other nationals	1.6	1.7	1.8	1.1
Not indicated	...	...	0.9	1.8

Query: information on unemployment among persons with disabilities.

Response: At the end of 2004 3292 persons with disabilities (3.6% of total number of unemployed persons) were registered at the State Employment Agency. Comparing to 2003 the rate of unemployed persons with disabilities out of the total number of registered unemployed persons had increased by 0.1 %. The participation in active employment measures among people with disabilities was as follows: 107 persons with disabilities were involved in vocational training, re-training and improving of qualification; 1 745 disabled persons participated in measures for increasing competitiveness; 410 persons with disabilities were involved in paid temporary work and 462 disabled persons participated in measures for disadvantaged groups of persons.

Number of registered unemployed persons and unemployed persons with disabilities²⁹

	Total number of registered unemployed persons	Number of registered unemployed persons with disabilities
31 of December 2001	91642	1804
31 of December 2002	89735	1977
31 of December 2003	90551	3165
31 of December 2004	90800	3292

Employment policy

Query: what is the average duration of the period from time a person is registered as unemployed until he/she receives an offer of participation in an active measure?

Response: The information about average duration of the period from time a person is registered as unemployed until he/she receives an offer of participation in active measure isn't aggregated by the State Employment Agency. At present a new information system is being developed for the State Employment Agency, and thus problems related to current data and new indicators calculation are planned to be solved.

²⁸ Data of the State Employment Agency

²⁹ Data of the State Employment Agency

Query: *what is the total number of participants in active measures as well as the average number of participants compared to the average number of unemployed persons (the activation rate)?*

Response: In 2004 77026 unemployed persons participated in active employment measures. The average monthly number of participants in active measures was 6419 unemployed persons. In 2004 in total 93121 unemployed were registered. The activation rate isn't calculated by the State Employment Agency (SEA). The information system of the SEA does not enable users to "follow" a certain participant and to ensure that there is no data overlapping when calculating this indicator. To get that sort of data from the database, it must be ensured that there is no data overlapping among the measures and the classification categories of the database. There is also a discussion in Latvia, which measure a person takes part during a year should be therefore considered as the main. To calculate this indicator from the database, participants should be counted only once and in the measure that is considered to be the main for them, but it is impossible at the moment. A new information system is being developed currently for the SEA, and thus the data double counting problem will also be considered (including for the calculation of this indicator).

Query: *the share of total expenditure on employment policy measures (active and passive) in GDP.*

Response: The share of total expenditure on employment policy measures (together active and passive) depicted in GDP equals approximately 0.5%. Indicator is calculated taking into account data of the following measures: expenditure on active and passive employment measures in 2004 to total GDP in 2004.

Paragraph 2 – Freely undertaken work

1. Prohibition of discrimination in employment

Guarantees of effective protection

Query: *is it correct interpretation of the Latvian law that when an employee alleges a violation of the prohibition of differential treatment, he/she has the right to bring an action before courts, an action may be brought alleging any form of discrimination?*

Response: Not only differential treatment based on the gender of an employee is prohibited but also the differential treatment based on race, skin colour, age, disability, religious, political or other conviction, national or social origin, property or marital status or other circumstances of an employee. Hence the action brought by an employee may be based on the any form of discrimination.

Query: *information of any relevant Supreme Court judgments in relation to prohibition of differential treatment.*

Response: At the moment there is no any relevant judgments on this level of judicial system.

2. Prohibition of forced labour

Prison work

Query: *information on prisoners' remuneration.*

Response: Prisoners' remuneration is regulated by the regulation of the Cabinet of Ministers No. 74 as of 19 February 2002 "Procedure for Work Remuneration of Convicted Persons at Imprisonment Institutions".

Convicted persons' wages are calculated in proportion to working hours or work that he/she has done:

1. according to convicted person's monthly wage (hours wage rate) and de facto worked hours;
2. according to products (working operations, service) prices and scope of work that is done.

Convicted person's wage (hourly salary rate or monthly salary and material stimulation) are named by corresponding imprisonment institutions' administration or employer. Amount of wage depends on works' complication, convicted persons qualification, professional skills, working experience and capability. If convicted person works as a worker in the institution that is financed from state budget, then he/she draws 40% of a salary (hourly wage rate) of correspondent worker. Convicted person's minimal salary (floor wage) and minimal hourly salary rate can not be less than 40% of minimal salary (minimal hourly salary rate) in the Republic of Latvia that is defined by the Cabinet of Ministers. Convicted person draws 50% of determined salary for work that has done during professional training, in conformity with the actual time worked irrespective of the amount of work done and it's quality. Employed convicted person who performs work on a holiday receives doubled hourly or daily wage rate specified for him or her. Employed convicted person who performs night work receives a supplement of not less than 50 per cent of the specified hourly or daily wage rate specified for him or her. An employer has the right to deduct from the remuneration payable to employed convicted person the compensation for losses caused to him or her due to an improper or low quality. Imprisonment institutions' administration is responsible for the accounting of convicted persons' remuneration.

The remuneration to convicted persons who have been punished with the imprisonment in the closed prisons or in partly closed prisons as well as in educational institutions (for minors), is not paid in cash. Their remuneration after corresponding taxes payment is transferred to the imprisonment institutions' deposit account in the Treasury of the Republic of Latvia and is recorded in the convicted persons' personal accounting card.

Remuneration to convicted persons who are punished with the imprisonment in the open prison after corresponding taxes payment can be paid in cash.

Query: *is it possible to require prisoners to work on behalf of private undertakings?*

Response: In accordance with the regulation of the Cabinet of Ministers No. 481, as of 29 October 2002 "Procedure for Employment of Convicted Persons at Imprisonment Institutions" (point 4 and 5) those convicted persons who are punished with the imprisonment in the closed prisons or in partly closed prisons can be employed only by establishment that is founded in imprisonment institutions territory. Convicted persons who are punished with the imprisonment in the open prison, with permission of the head of the prison, can conclude employment contract with employer, whose enterprise is situated beyond the prison.

Part-time work

Query: *information on the legal safeguards attached to part-time work, in particular whether there is a minimum working week and whether there are rules to prevent non-declared overtime working and rules requiring equal pay, in all its aspects, between part-time and full-time workers.*

Response: The basic rule as regards the equality of part-time and full-time workers states that the same provisions which apply to an employee who is employed for regular working time shall apply to an employee who is employed part-time (Article 134, Paragraph four of Labour Law). That means the general rules, for example

concerning maximum of overtime hours fully apply to part-time workers. Also the employers` duty to keep accurate accounts for each employee of hours worked and overtime hours is applicable.

The employer`s duty to guarantee equal work remuneration could be also applicable for part-time workers irrespective of the fact that the scope of Article 60 of Labour Law attaches only for men and women.

There is no minimum working week for part-time workers but in any case part-time work should be shorter than the regular daily or weekly working time.

Paragraph 3 – Free placement services

Query: *information on number of the State Employment Agency (SEA) staff and their qualification, including an estimate of the average number of unemployed/jobseekers per staff.*

Response: According to the information given by the State Employment Agency, the total number of persons employed at the beginning of 2004 was 544 persons, at the end of the year – 555. 92% of the total number of employees were women. The average age of the SEA employees was 43.6 years (the 1st January of 2005), the seniority rate (average amount of years worked in SEA) – 6.4 years. At the end of 2004 the average number of unemployed per one SEA employee was 269.

Query: *confirmation that the notification of vacancies by employers is free of charge;*

Response: The State Employment Agency, which operates in compliance with the legal and administrative acts of the Republic of Latvia, provides all the services free of charge, including the registration of vacancies by employers.

Query: *how many placements are made annually through the active mediation of the SEA?*

Response: According to the information provided by SEA, 41843 placements were made in 2004. Within the active employment measures, 14894 unemployed persons were involved in paid temporary public labour, 1177 unemployed persons participated in measures for particular age groups, such as subsidized work places.

Query: *what is the market share of the SEA (for instance, number of placements made as a share of total hirings in the labour market)?*

Response: The information about the market share of the SEA isn't aggregated in Latvia. There is no statistical data available about the total number of placements within the country, therefore it is not possible to calculate the number of placements made by the SEA as a share of total hirings in the labour market.

Query: *whether trade unions and employers' organizations are involved in the management of the SEA (e.g. on a board of directors or similar) at any level?*

Responses: According to the Latvian legislation the State Employment Agency is a public institution under supervision of the Ministry of Welfare. The State Employment Agency (the SEA) was established to implement the state policy in the fields of unemployment reduction and support of the unemployed and job seekers. The SEA shall participate in the drafting and implementation of the annual National Employment Plan, provide assistance to the unemployed and job seekers on time and in good quality as well as involve the unemployed in the active employment measures according to their needs, capabilities and preferences, provide to the state, municipal and non-governmental institutions as well as natural persons and legal entities the services aimed at the reduction of the unemployment and supporting the unemployed and job seekers, organize active employment measures and promote

diversification of these measures in line with the demand on the labour market as well as supervise the implementation of the active employment measures and analyse the expenses thereof. Trade unions and employers' organizations aren't involved in the management of the SEA.

Paragraph 4 – Vocational guidance, training and rehabilitation

Query: *updated figures on the demand and supply of vocational training courses.*

Response: reference is made to the answer given in Article 1, paragraph 4, subpoint b.

Query: *what measures have been adopted or planned in order to meet vocational training needs in small and medium size enterprises?*

Response: The long-term goal of vocational education is to create the system of vocational education, which could flexibly adapt to the demands of labour market, promote employment, conform to European Union conceptual approach of development of human resources and promote training of labour force on European Union level. Implementation of vocational education is coordinated by the Ministry of Education and Science in collaboration with the Tripartite Co-operation Council of Vocational Education and Employment (TCCVETE), established in the institutional system of the National Tripartite Co-operation Council. There are representatives of the ministries and municipalities of Latvia and the Confederation of employers of Latvia and Free Trade Union of Latvia in the structure of TCCVETE. The main task of the Council is to ensure and promote co-operation of the Government, employers' organizations and employees' organizations at the national level with the objective to ensure solutions of social and economic development and improve the cooperation between all social partners.

Taking into consideration the fact that the major part (86 %) of enterprises of Latvia can be included in the category of the small and middle enterprises, which are in particular need of state support in providing of educated employees, one of the main priorities in the period from year 2004 – 2007 in the field of vocational education is the implementation of practical activities in order to provide corresponding vocational education for the demands of labour market.

In accordance with research of vocational training of employees, made by the Central Statistical Bureau in year 1999, only 53 % of Latvian enterprises offered vocational training to employees, and only 12,4 % from all working people participated in vocational training courses of employees. For last five years situation has not changed much. There is not enough interest from small and medium enterprises to promote the personal growth of employees and ensure knowledge, which correspond to contemporary demands. Main measures in order to develop the small and medium entrepreneurship are to strengthen the co-operation between social partners, establish a co-operation structure between regions and promote enterprises to ensure places for practice.

The important aspect in the context of educational policy of the European Union is recognition of an informal education. Because of the limited financial resources the continuous education is not provided in full to different groups of population. This also relates to small and medium enterprises (in year 2000 continuous education was provided in 49 % of them), unemployed, job seekers and risk groups of

unemployment. Job seekers without any occupational qualification comprised only 28 % of all people, who entered the educational programs for adults in 1999.

With the support from EU Structural funds the National program "Output of united methodology for improvement of vocational education quality and involvement and education of social partners" has been elaborated, in order to provide vocational educational quality corresponding to the demands of labour market and to involve social co-partners in the process of education. Practical implementation of National Program has been launched in year 2005 and the activities has been planned in three main directions:

- 1) formation of methodology for field research, formation of methodology for profession standard output, formation of methodology for professional educational program output and output of standards of qualification examinations
- 2) formation of methodology for provision of quality and evaluation of vocational educational establishments
- 3) formation of methodology and output of activity complex for evaluation of informal skills

As the result of implementation of National Program it is planned to achieve essential improvement in practical implementation of vocational education policy through preparation of methodological materials for provision of full vocational educational program output as well as through methodology for recognition of informal education and evaluation of skills. It is planned to improve co-operation between social partners by establishing 4 regional professional educational and employment councils, developing social partners' educational program and by educating 800 social partners on vocational education issues.

This methodology will also be useful in implementation of other vocational education activities supported by EU Structural funds.

According to the united methodology developed in conclusion of National program project, structure of co-operation will be integrated into vocational educational system of Latvia thus forming the long-term vocational education development plans.

Query: *whether there are similar institutions to the training and rehabilitation centre "Alsviķi" and "Koledža RRC", which provide guidance, education and vocational training and retraining for persons with disabilities, financed by private funds and if and to what extent people with disabilities have access to mainstream guidance, education and vocational training?*

Response: At the beginning of 2004 vocational rehabilitation services for state budget resources were provided by 2 institutions: vocational training and rehabilitation centre "Alsviķi" and "Koledža RCC".

For more information reference is made to Article 1, paragraph 4, subpoint c.

There are no similar institutions financed by private funds in Latvia.

ARTICLE 5: THE RIGHT TO ORGANISE

"With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Contracting Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this Article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations."

Question A

a. Please indicate whether any, and if so what, categories of workers and employers are prohibited by law from forming organisations, or restricted in doing so.

Please indicate, *inter alia*:

- the existence of legislation or special regulations applicable to the forming of organisations by civil servants and other persons employed by the public authorities at central or local level;
- to what extent the rights provided for in this Article apply to members of the armed forces and of the police, explaining in particular the nature and functions of any staff associations which may be available to them;
- whether nationals of other Contracting Parties lawfully resident or working regularly in the territory of your country may join or be a founding member of a trade union. Please indicate in particular whether they may hold positions in the administration or management of a trade union;
- the eligibility of workers, nationals of other Contracting Parties to the Charter, for election to consultation bodies at the enterprise level such as works councils.

There has been no substantial change.

The European Committee of Social Rights concluded that the situation in Latvia is not in conformity with Article 5 of the Charter on the grounds that the high number of members required to form a trade union constitutes an unreasonable obstacle to the right to organize and because police personnel associations are denied fundamental trade union prerogatives.

We would like to draw your attention to the wording of Article 3 of the Trade Union Act which states that 50 members OR at least one fourth of the employees of undertaking, organization, profession or industry is necessary for establishment of a trade union.

As according to statistical data 96% of all undertakings in Latvia can be considered as of small size with number of employees below 50, the requirement of one fourth of the employees applies in respect of these undertakings.

Accordingly, the requirement of 50 members is used in cases of establishment of trade unions within the industry.

b. Please indicate any conditions of registration or otherwise with which employers' and workers' organisations must comply when they are founded and the provisions with which they must comply in the course of their existence.

In addition to the information provided in the First National Report, since 30 October 2003 procedure for incorporation, registration and operation of the employers' organisations and associations thereof is regulated by the Law on Associations and Foundations Law and statutes of the said organisations and associations thereof.

Pursuant to Article 13 of the Law on Associations and Foundations associations as well as foundations shall be registered with the Register of Non-governmental organizations (within Register of Enterprises). For registration of non-governmental organizations or their associations a registration application should be submitted.

Associations and foundations shall not be registered, if statutes or program documents submitted bear proof of goals or activities of non-governmental organization or their association being in conflict with Constitution of the Republic of Latvia, laws or international treaties binding on Latvia. Decision on refusal of registration may be appealed to in the court.

From the day when an association or foundation is registered, it shall acquire a right of legal entity and may commence activities prescribed by the laws and its statutes.

c. Please indicate the measures intended to guarantee the exercise of the freedom to organise and in particular those to protect workers' organisations from any interference by employers and by the state. Please indicate how such protection from outside interference applies to employers' organisations.

No change.

d. Please indicate, where appropriate, any statutory provisions regarding the affiliation of employers' and workers' organisations with national federations of organisations and with international organisations of the same type.

Article 4 of the Law on Trade Unions provides for entitlement of trade unions to join international organizations of trade unions, to enter into contracts and agreements therewith, as well as with foreign trade unions.

Experience of Latvia in development of the social dialogue has been different from other countries of Central and Eastern Europe, where trade union and employer organizations are split on the national level. Free Trade Union Confederation of Latvia was established by 25 and 26 May 1990 in the joint co-operation program, in a joint congress 24 Latvian industrial trade unions, with an aim to coordinate co-operation among independent trade unions, to represent and to defend their interests by governmental and international bodies, to elaborate and to implement. In December 1997 it became a full-fledged Member organization of the International Confederation of Free Trade Unions, in March 1998 it was admitted as observer organization of the European Trade Union Confederation. In 2004 Free Trade Union Confederation of Latvia associated 170 955 members from 24 Member organizations.

Paragraph one of Article 6 of the Law on Employers' Organisations and their Associations prescribes that those employers' organisations and their associations

are entitled to co-operate with employers' organisations of other states and international employers' organisations, as well as to join international employers' organisations. The Employers' Confederation of Latvia was established by merging Central Union of Latvian Employers and Association of Latvian Private Entrepreneurs by 20 July 1993 in a general meeting with an aim to represent interests of employers. On 6 June 1994 it became a Member organization of the International Organization of Employers. In June 1999 the Employers' Confederation of Latvia was admitted as associated Member organization of the Union of Industrial and Employers' Confederations of Europe (UNICE). The Employers' Confederation of Latvia comprises 19 associations and 51 enterprises, which employ approximately 20 per cent of all employees in Latvia.

The Republic of Latvia has ratified the 1948 Convention No 87 of the International Labour Organization "Freedom of Association and Protection of the Right to Organize Convention".

Statutes of the Free Trade Union Confederation of Latvia were adopted on its 5th congress on 22 November 2002. There statutes prescribe: goals and objectives; union membership; rights and obligations of member organizations; membership fee; bodies and management; negotiations, agreements and actions; property, economical and financial activities; legal status; termination of activities.

The statutes of the Employers' Confederation of Latvia were approved on its general meeting on 23 March 2005. The Statutes prescribes: title of association; status; goals; entering, discontinuing membership and elimination of members; rights and obligations of members; convocation of meeting and decision making; council; chairman of council (president); board of directors (the members of the board of directors, chairman of the board); management body; auditing commission; resources; procedure for discontinuation of activities.

Question B

Please describe how the right to join a trade union is protected in law and in practice and indicate whether any, and if so which, categories of workers are

a. prohibited from joining a trade union or restricted in doing so.

Previously trade union rights were denied to members of the Police. Police personnel was only authorized to form or join associations relating to sport and culture. But according to the amendments being made by the Parliament on 14 July 2005 to the Law on Police, starting from 1 January 2006 police staff will be entitled to establish and associate in trade unions.

b. Please indicate whether and how the right of workers not to join a union is protected in law and in practice. Please indicate in particular whether examples exist in practice of an obligation to belong to a trade union (closed shop clauses, etc.) and what are the measures taken in this regard.

No change.

Question C

a. Please furnish a complete description of any representativity criteria, ie. any conditions which trade unions must fulfil in order to be considered representative.

No change.

b. If such criteria exist, please also give information on the existence and type of appeal against decisions by the authority or authorities responsible for determining whether a trade union is representative or not. Please indicate the functions which are reserved for representative unions in respect of the negotiation and conclusion of collective agreements, participation in the nomination of various types of workers' representatives and participation in consultation bodies.

No change.

c. Please reply to the questions under a. and b. in respect of representativity of employers' organisations, except when negotiations at enterprise level are concerned.

No change.

Question D

Please indicate under what circumstances and on which conditions trade union representatives have access to the workplace. Please indicate also whether trade unions are entitled to hold meetings on the premises of the enterprise.

No change.

Question E

Please give information on the measures taken to ensure protection against reprisals on grounds of trade union activities.

No change.

Responses to Queries raised by the European Committee of Social Rights, in its Conclusions XVII-2 (Latvia)

Article 5 – Right to organize

Query: *whether there is a shift of the burden of proof in favour of workers being discriminated against because of trade union membership.*

Response: Article 8.2 of the Labour Law provides that affiliation of an employee with trade union or the desire of an employee to join such organisation may not serve as a basis for refusal to enter into an employment contract, for termination of an employment contract or for otherwise restricting the rights of an employee. There is no information that workers are being discriminated against because of trade union membership.

Query: *evidence that the actual interpretation of Article 102 of the Constitution includes worker's right not to join a trade union, as well as confirmation that there are no "union security agreements" in Latvia.*

Response: The interpretation of Article 102 of the Constitution includes voluntary principle which means that joining such an organisation shall be made on voluntary basis. Though there is a lack of direct provisions in the laws and regulations that an employee is entitled also to stay out from trade union, the above-said results from the

principle of voluntary participation – an employee may join and may also stay out from trade unions. There are no “union security agreements” in Latvia.

Query: *information that confirms that trade unions are free to determine their internal organization, to choose their rules of procedure and to appoint their representatives without external interference and that they cannot be dissolved nor their legal activities be prohibited or restricted;*

Response: Independence and equality of trade unions is guaranteed by Article 4 of the Law on Trade Unions, providing that trade unions in their activities are independent from state power and government agencies, other organizations and have mutually equal rights. Any actions aimed at direct or indirect subjugation of trade unions to government or other bodies and organizations or also to impede trade union activities prescribed by law and statutes is prohibited by the law. The said Article provides for entitlement of trade unions to joining international organizations of trade unions, to enter into contracts and agreements therewith as well as with foreign trade unions, to determine their organization, to choose their rules of procedure and to appoint their representatives without external interference and that they cannot be dissolved nor their legal activities be prohibited or restricted.

Query: *whether trade unions are entitled to represent members and protect their rights and interests in the context of individual labour relation?;*

Response: According to Article 14 of Law on Trade Unions trade unions are entitled right to represent and protect the rights and interests of their members to government or other bodies and also to courts in context with individual and collective disputes.

Query: *whether there is some kind of de facto recognition, in particular with regard to collective bargaining, and under what circumstances?*

Response: Under the laws and regulations of the Republic of Latvia there is no particular recognition with regard to collective bargaining except the application on registration of a trade union to the state notary of the Register of Enterprises of the Republic of Latvia under procedure prescribed by the laws and regulations after application and statutes are received (Article 3 of the Law on Trade Union). The same policy is applicable to employers as employers organization must be registered under provisions of Article 2 of the Law on Employers' Organisations and their Associations, which prescribes that an employers' organisation is a public organisation established by at least five employers, which represents and protects the economic, social and professional interests of its members as well as other interests that conform to the objectives and functions of the employers' organisation. Pursuant to Article 13 of the Law on Associations and Foundations associations, as well as foundations are registered with the Register of Non-governmental organizations (within the Register of Enterprises). For registration of non-governmental organizations or their associations a registration application should be submitted.

Query: *whether the right to form trade unions extends to unemployed and retired workers.*

Response: As Article 2 of the Law on Trade Unions states that those inhabitants of the Republic of Latvia, who study or work, are entitled to form trade unions and Article 8 of the Labour Law stipulates that employees shall have the right to freely unite in organizations and to join them, the right to form a trade union doesn't extend to unemployed and retired workers.

ARTICLE 6: THE RIGHT TO BARGAIN COLLECTIVELY

ARTICLE 6 PARA. 1

"With a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties undertake:

to promote joint consultation between workers and employers;"

Please indicate the legislative or other steps taken to encourage joint consultation between workers and employers in your country. In what way do the public authorities encourage or participate in such consultation? Please give particulars on the bodies responsible for such consultation, at the national, regional, or local levels as the case may be, and on the procedures entailed, together with information on the issues covered (financial issues, social issues, working conditions, etc.) and on the sectors of the economy to which the procedures apply.

No change.

ARTICLE 6 PARA. 2

"With a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties undertake:

to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;"

Question A

Please give a description of the existing collective bargaining machinery and its results in both the private and public sector (indications of the number of negotiations and agreements concluded and other indicators or evaluation criteria).

There is no change in collective bargaining machinery.

Pursuant to information provided by the Free Trade Union Confederation of Latvia collective agreements signed in 2004 refer to 170 955 employees (for comparison in 2002 – to 187 674). On the enterprise level 2 040 collective agreements were signed. Number of collective agreements signed on the level of industries has decreased – if there were 32 collective agreements signed in 2002, then in 2004 – 21 collective agreements.

Nr.	Name of the Member organization	On primary organizations			On district, city regional organizations			On republican organizations
		Number of collective agreements signed in enterprises	Number of other agreements signed in enterprises	How many employees are covered by collective agreements	Agreements with local governments	Agreements of different levels	Other agreements	General agreements (agreements) with employer associations
		9.1.	9.2.	10.	19.1.	19.2.	19.3.	23.
1.	Federation of Trade Unions of Civil Aviation	6	-	1285	-	-	-	-
2.	Nursing and Health Care Personnel Trade Union	27	-	-	-	-	-	3
3.	Trade Union of Construction Workers	33	-	5260	-	-	1	2
4.	Road Workers Trade Union	22	2	4510	-	-	-	1
5.	Railway Workers Trade Union	10	-	-	-	-	-	-
6.	Trade Union Energija	7	-	-	-	-	-	-
7.	Book Industry Trade Union	-	1	-	-	-	-	-
8.	Industrial Workers Trade Union	37	-	12619	-	-	-	-
9.	Education and Science Workers Trade Union	1208	365	48731	14	15	4	2
10.	Trade Union Federation for People Engaged in Cultural Activities	23	-	1330	2	1	-	1
11.	Trade Union of Agriculture and Food Industry Workers	28	-	5534	-	-	-	1
12.	United Trade Union Latvijas metals'	6	-	1748	-	-	-	-
13.	Metallurgic Workers Trade Union of Liepaja	1	-	2799	-	-	-	-
14.	Metal Workers Trade Union	7	-	2591	-	-	-	1
15.	Forest Sphere Workers Trade Union	27	3	4516	-	-	-	1
16.	Trade Union of Local Government personnel	115	-	4134	-	-	-	-
17.	Trade Union of Public Service Employees LAKRS	179	3	21318	1	-	-	1
18.	Communication Workers Trade Union	4	-	5800	-	-	-	-
19.	Trade Union of Commerce	19	-	5904	-	-	-	1

	Council							
20.	Seafarers Union of Merchant Fleet	14	-	6714	-	-	-	1
21.	Water Transport Trade Union Federation	10	-	2491	-	-	-	-
22.	Trade Union of Employees of State Institutions, Self-governments and Finance Sector	132	-	4140	18	3	-	3
23.	Health and Social Care Workers Trade Union	113	1	28886	-	-	-	1
24.	Trade Union of Fishermen	1	-	645	-	-	-	1
	TOTAL:	2029	375	170955	35	19	5	21
		2404				59		

Question B

Please indicate whether and how the law encourages or obliges employers or their organisations to bargain with workers' organisations collectively, and whether and how it encourages or obliges workers' organisations to bargain with employers or their organisations. Please also indicate how the question of union recognition is dealt with.

No change.

Question C

Please indicate to what extent, under what conditions, according to which procedures and for which types of subject matter the State can intervene in the process of free collective bargaining. Please indicate where state intervention occurred during the reference period.

No change.

ARTICLE 6 PARA. 3

"With a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties undertake:

to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;"

Question A

Please describe such machinery as exists by virtue either of law, collective agreements or practice for the settlement of disputes by:

- a. conciliation;
- b. arbitration or court procedure;
- c. other methods of dispute resolution.

No change.

Question B

In so far as certain machinery may be compulsory, please describe:

- the sanctions imposed by law or by collective agreements used for its enforcement;
- their significance in practice.

No change.

Question C

Please describe the procedures provided, whether by law, staff regulations or practice, for settling disputes between public sector employees and the administration, and show whether existing procedures are open to them.

No change.

ARTICLE 6 PARA. 4

"With a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties recognise:

the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into."

[The Appendix to the Charter stipulates that it is understood that each Contracting Party may, in so far as it is concerned, regulate the exercise of the right to strike by law, provided that any further restriction that this might place on the right can be justified under the terms of Article 31.]

Question A

Please explain the meaning of collective action in your country specifying what forms of action are recognised (strike, lockout, other forms), what are the permitted objectives of collective action and how the right to collective action is guaranteed.

No change.

Question B

Please indicate who is entitled to take collective action (individuals, groups/coalitions of workers, trade unions, employers or employers' organisations, etc.).

Pursuant to Article 13 of the Strike Law a trade union (authorised representatives of members of the trade union) or employees (authorised representatives of employees) take a decision regarding the declaration of a strike.

A trade union (authorised representatives of members of the trade union) or employees (authorised representatives of employees) shall establish a strike committee. In accordance with the amendments to the Strike Law, which were adopted on 10 November 2005, the strike committee not later than 7 days (earlier – 10 days) prior to the commencement of a strike shall submit to the relevant employer, the State Labour Inspection and the Secretary of the National Tripartite Co-operation Council (hereinafter – Tripartite Council) written declaration of a strike and a decision of the relevant meeting regarding the declaration of a strike.

Article 21 of the Labour Dispute Law prescribes that employer, employers (a group of employers) or an organisation of employers, or an association of such organisations shall take a decision regarding the application of a lockout.

Question C

If the right to collective action is restricted, please state what the content of these restrictions, and whether they are related to the purposes pursued or the methods employed by those taking action, or both, and by which authority they may be imposed.

Please also state any procedural requirements pertaining to collective action (eg. notice rules, cooling-off periods, conciliation/arbitration, ballot requirements, quorums, etc.).

Since the First National Report was submitted the proposal for amendments to Article 11 and Article 12 of the Strike Law has been elaborated in co-operation with social partners and on 10th of November 2005 the draft law was adopted by Parliament.

The amendments provide for the following conditions of quorum and vote required both by trade unions and by employees in order to exercise the right to strike:

decision regarding the declaration of strike shall be taken at a general meeting in which at least half of members of respective trade union or the employees of respective undertaking participate. The decision shall be taken if majority of the members of the relevant trade union or the employees of the relevant undertaking who are present have voted in favour of it.

The same conditions apply to a meeting of authorised representatives which is convened in case if it is not possible to hold a general meeting due to the large number of the members of trade union or the employees of the undertaking or the specific nature of the work organization.

Question D

Please indicate whether any existing restrictions to the right to collective action “are prescribed by law and are necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals” (Article 31 of the Charter).

No change.

Question E

Please state the effect of strikes or lockouts on the continuation of the employment contract and any other consequences, eg. deduction from wages, liability, etc.

No change.

Question F

Please supply available statistics on strikes and lockouts.

According to information provided by the Free Trade Union Confederation there were no strikes during 2004.

Responses to Queries raised by the European Committee of Social Rights in its Conclusions XVII-2 (Latvia)

**Article 6 – Right to collective bargaining
Paragraph 1 – Joint consultation**

Query: whether the National Tripartite Co-operation Council is also responsible for public sector consultation, and if not how this is organized?

Response: National Tripartite Co-operation council is responsible for public sector consultation as it is national range council. The main task of the Council is to ensure and to enhance cooperation of government, employers and employees' organizations (trade unions) on a national level aimed at securing co-ordinated solutions to issues of socio-economical development that corresponds to entire society and state interests, by development and implementation of strategy, programs and laws and regulations in social and economical matters, which would safeguard social stability and enhancement of the level of welfare state-wide, and increase joint responsibility of social partners for decisions adopted and execution thereof. The Council within implementation of its objectives shall examine drafts of concepts, programs, as well as laws, Cabinet of Ministers regulations and other normative acts, and shall submit proposals to improve them with the respective ministry in regard to the following issues – social safety, key statements of the state budget, strategy of the state economy development and regional development, promotion of health, development of general education and vocational training, employment, classification of professions.

Query: information on any progress on social dialogue at sectoral or regional level.

Response: The development of social dialogue at sectoral or regional level is slow, but persistent.

Query: how consultations are carried out in individual establishments in the public service? (Article 11 of the Labour Law)?

Response: Consultations in individual establishments in the public service are carried out according to the Article 11 of Labour Law, which applies both to the public service as well as to private sector.

Paragraph 2 – Negotiation procedures

Query: who are the employee representatives authorised to reach an enterprise agreement in absence of a trade union and how are they elected or appointed (Article 18.1 of the Labour Law)?

Response: In case of absence of a trade union the employee representatives are authorised to reach enterprise agreement. Employee representatives are elected according to Article 10.2 of Labour Law: authorised employee representatives may be elected if an undertaking employs five or more employees. Authorised employee representatives shall be elected for a specified term of office by a simple majority vote at a meeting in which at least half the employees employed by an undertaking of the relevant employer participate. The course of the meeting shall be recorded in minutes and decisions taken shall be entered in the minutes. Authorised employee representatives shall express a united view with respect to the employer.

Query: what is the scope and coverage of general agreements (Article 18.2 of the Labour Law)?

Response: According to Article 18.4 of Labour Law if members of an organisation of employers or an association of organisations of employers employ more than 60 per

cent of the employees in a sector, a general agreement entered into between the organisation of employers or association of organisations of employers and an employee trade union or an association (union) of employee trade unions shall be binding on all employers of the relevant sector and shall apply to all employees employed by the employers. The scope of general agreement is the same as of collective agreement (Article 17.1 of Labour Law) – parties to a collective agreement shall reach agreement on the provisions regulating the content of employment legal relationships, in particular, the organisation of work remuneration and labour protection, establishment and termination of employment legal relationships, improvement of qualifications, work procedures, social security of employees and other issues related to employment legal relationships, and shall determine mutual rights and duties.

Query: *what kind of authorisation is necessary for parties to a general agreement to conclude a collective agreement at sectoral as well as territorial level (Article 18.2 of the Labour Law)?*

Response: “Relevant authorization” under Article 18.2 of the Labour Law is understood as an authorisation of parties emerging from the statutes of employee trade union or an association (union) of employee trade unions which provide that trade union is authorised to conclude collective agreement (general agreement).

Query: *description of the steps being taken to meet the obligation to encourage collective bargaining.*

Response: The Government as a member of National Tripartite Co-operation Council and its sub councils encourages to agree more collective agreements.

Query: *whether employment conditions including remuneration in the civil service are the subject of collective bargaining and if so what are the procedures.*

Response: Employment conditions including remuneration are the subject of collective bargaining in the civil service, however, the development is on a low level.

Paragraph 3 – Conciliation and arbitration

Query: *to which extent provisions on conciliation and mediation to settle collective disputes (Article 25 to 27 of the Labour Law) are compatible with the procedures provided by the Labour Dispute Law?*

Response: The provisions of Article 25 to 27 of Labour Law are compatible with the procedures provided by the Labour Dispute Law. The Labour Law provides the general framework for the settlement of collective disputes, but Labour Dispute Law provides full regulation on this subject.

Paragraph 4 – Collective action

Query: *practical examples of the criteria used to decide whether to introduce a minimum service. (Article 17 of the Strike Law requires employers and strike committees to guarantee a minimum service when strikes are called in services, undertakings, organisations and institutions necessary to the community, where the interruption of activity could threaten national security or the security, health or life of the entire population, certain groups of inhabitants or particular individuals. The services considered to be necessary to the community are medical and emergency care, public transport, drinking water supplies, electricity and gas production and supply, air traffic control, safety of transport, refuse and sewage collection and*

treatment, storage, use and monitoring of radioactive substances and waste and civil defense);

Response: For example, if personal of health care services call a strike, only emergency care was provided, but not planned operations and other activities which are usually performed. Strike's compliance with the Law was controlled by the State Labour Inspection.

Query: *whether restriction in Article 14 of the Strike Law is general, i.e., is provided for in all cases of strike?*

Response: The regulation in Article 14 of Strike Law is provided for all cases of strike.

ARTICLE 8: THE RIGHT OF EMPLOYED WOMEN TO PROTECTION

ARTICLE 8 PARA. 1

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

to provide either by paid leave, by adequate social security benefits or by benefits from public funds for women to take leave before and after childbirth up to a total of at least 12 weeks;"

Question A

Please indicate the length of maternity leave, showing, where appropriate, its division before and after confinement.

No change.

Question B

Please indicate whether in some cases the total duration of leave before and after confinement is less than twelve weeks.

No change.

Question C

Please indicate whether the benefits during maternity leave are provided in the form of paid leave (if normal pay is reduced, please indicate the amount), under a social security system or from public funds, stating whether the payment of benefits is subject to conditions and if so, which.

Defining for precisely the information provided in the First National Report, according to Article 4 of the Law on the Maternity and Sickness Insurance and Articles 5 and 6 of the Law on State Social Insurance a person who is socially insured in accordance with the Law on State Social Insurance (employees and self-employed persons), when the case of insurance occurred, shall be entitled to maternity benefit.

Under Article 31 of the Law on the Maternity and Sickness Insurance average insurance contributions wage for calculation of state social insurance benefit (including, maternity benefit) shall be identified from insurance contributions wage for

period of six calendar months, terminating this period two calendar months before the month, when the case of insurance occurred.

If during the aforementioned period the insured person is not registered as payer of the state social insurance contributions or he/she has not received the average insurance contributions wage due to leave without retention of work remuneration, the state social insurance benefit shall be calculated for the amount of 40 percent of the state monthly average insurance contributions wage. If during the aforementioned period the insured person has not received the average insurance contributions wage due to temporary disability, pregnancy and childbirth, or child-care leave, than for the calculation of the state social insurance benefit average insurance contributions wage shall be identified from insurance contributions wage for period of previous six calendar months intending opportunity to step back and calculate average insurance contributions wage for another period of six calendar months in the period of 32 months from the day when the case of insurance occurred.

Pursuant to Ordinance No 52 of the Ministry of Welfare of 06 April 2005 on Average Insurance Contributions Wage and Insurance Contributions Wage Index for 2004, in 2004 the average insurance contributions wage were 191,84 LVL.

Pursuant to the Cabinet of Ministers Regulation No 270 of 28.07.1998 "Procedure for Calculation of Average Insurance Contributions Wage and Granting, Calculation and Payment of the State Social Insurance Benefits", the average insurance contributions wage for calculation of maternity benefit to a person, obtained the insurance wage during the six-month period prescribed by the Law on the Maternity and Sickness Insurance shall be calculated according to formula:

$$Vd = (A1 + A2 + A3 + A4 + A5 + A6) : D, \text{ where}$$

Vd – average insurance wage per calendar day. Average insurance contributions wage per calendar day for calculation of maternity benefit shall not exceed 1/365 from the maximum annual amount of the state social insurance compulsory contributions, being effective on the day when the case of insurance occurred, (Paragraph four of Article 31 of the Law on the Maternity and Sickness Insurance);

A1, A2... – insurance wage payment sum, obtained during the period of six calendar months prescribed by Article 31 of the Law on the Maternity and Sickness Insurance within respective calendar month;

D – number of calendar days during the six-month period prescribed by the Law on the Maternity and Sickness Insurance.

If during the period of determination of average insurance contributions wage prescribed by Article 31 of the Law on the Maternity and Sickness Insurance (six-month period) the person was not registered as payer of the state social insurance contributions or he/she has not received the average insurance contributions wage due to leave without retention of work remuneration, average insurance contributions wage per calendar day shall be calculated according to formula:

$$Vd = Vvid \times 0,4 \times 6 : D, \text{ where}$$

Vd – average insurance wage per calendar day;

Vvid – average insurance wage payment sum per month determined in the state, calculated from insurance wage payment in the state for 12 month period of calendar year, by end of this period one calendar year before the year, when the entitlement for benefit occurred;

D – number of calendar days during the six-month period prescribed by the Law on the Maternity and Sickness Insurance.

Maternity benefit shall be calculated according to formula:

$$P_m = V_d \times D_g, \text{ where}$$

P_m – amount of maternity benefit;

V_d – average insurance payment wage per calendar day;

D_g – number of days for pregnancy and childbirth leave.

In 2004 the average amount of granted maternity benefit per one case was LVL 773,75.

In 2003:

- Average duration of sick-leave due to maternity (in days) per one recipient of benefit – 107, 43 (including, pregnancy leave – 69,49; childbirth leave – 60,81);
number of paid disability days (on average per month) – 123,85 (thous.)
- Number of recipients of maternity benefits – 13 835
including: women – 13 833, men – 2;
including: employees – 13 699; self-employed persons – 70; other – 66.
- Average age of recipients of maternity benefits (in years) – 28,53 (including: women – 28,53; men – 33,00).
- Average amount of maternity benefit granted (LVL):
per case – 627,52 (including, for pregnancy – 407,99; for childbirth – 354,19);
per one day of disability – 5,85 (including: employees – 5,85; self-employed persons – 3,27; other – 8,27).
- Total expenditures for maternity benefits) (LVL) – 8 137 352

In 2004:

- Average duration of sick-leave due to maternity (in days) per one recipient of benefit – 106, 4 (including, pregnancy leave – 69,52; childbirth leave – 61,03);
number of paid disability days (on average per month) – 128,37 (thous.)
- Number of recipients of maternity benefits – 14 478
including: women – 14 477, men – 1;
including: employees – 14 359; self-employed persons – 71; other – 48.
- Average age of recipients of maternity benefits (in years) – 28,53 (including: women – 28,53; men – 44,00).
- Average amount of maternity benefit granted (LVL):
per case – 773,75 (including, for pregnancy – 512,27; for childbirth – 437,48);
per one day of disability – 7,28 (including: employees – 7,28; self-employed persons – 4,13; other – 11,22).
- Total expenditures for maternity benefits) (LVL) – 11 667 547

Question D

Please indicate, in circumstances where part or all of benefits payable during maternity leave are not covered by paid leave, the amount of social security benefits or benefits from public funds in monetary terms and, as appropriate, as a percentage of the wages previously paid to the worker.

No change.

Question E

Please indicate any sanctions that may be imposed on an employer failing to observe this provision, and state whether the employed woman has the option of voluntarily giving up all or part of her maternity leave.

According to amendments to Article 37 of the Labour Law, which were adopted on 22 April 2004, there is the prohibition of employment of a woman two weeks prior and after childbirth.

Currently Article 136 of the Labour Law prescribes prohibition to employ in overtime work persons who are under 18 years of age, pregnant women and women for a period up to one year after giving birth. Due to discrimination issues, at present the amendments are being made to the Labour Law with the aim to lay down the positive presumption instead of the total abolition. In future the law will allow to employ in overtime pregnant women and women for a period up to one year after giving birth in case she has given written consent.

Question F

Please indicate the protection to which women employed on fixed-term contracts in your country are entitled, including nationals of the other Contracting Parties to the Charter.

No change.

ARTICLE 8 PARA. 2

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

to consider it as unlawful for an employer to give a woman notice of dismissal during her absence on maternity leave or to give her notice of dismissal at such a time that the notice would expire during such absence;"

Question A

Please indicate what arrangements exist to give effect to this provision.

No change.

Question B

Please also indicate the sanctions provided for dismissals in breach of this provision.

No change.

Question C

Please indicate if reinstatement is ensured in cases of dismissal in breach of this provision and, in the exceptional cases where this is not possible, the amounts of compensation awarded.

No change.

Question D

Please indicate the protection to which women employed on fixed-term contracts in your country are entitled, including nationals of the other Contracting Parties to the Charter.

No change.

ARTICLE 8 PARA. 3

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;"

Please indicate the rules which apply in this respect, stating whether time off for breastfeeding is considered as working hours and paid as such.

No change.

ARTICLE 8 PARA. 4

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

a. to regulate the employment of women workers on night work in industrial employment;

b. to prohibit the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature."

Question A

Please give details of regulations on the employment of women on night work in industry, in particular as regards the content of regulations on night work of women who are pregnant, have just given birth or are breastfeeding their children, and stating in particular the hours to which the term "night work"

applies.

Article 138 of the Labour Law prohibits to employ at night pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding – during the whole period of breastfeeding, in case there is a doctor's opinion that the performance of the relevant work causes a threat to the safety and health of the woman or her child.

An employee who has a child less than three years of age may be employed at night only with his or her consent.

According to Article 138 of the Labour Law night work means any work performed at night for more than two hours. Nighttime shall mean the period of time from 22 to 6 o'clock. A night-employee shall mean an employee who normally performs night work in accordance with a shift schedule, or for at least 50 days in a calendar year.

Regular daily working time for a night employee shall be reduced by one hour. This provision shall not apply to employees who have been prescribed regular shortened working time. Regular daily working time for a night employee shall not be reduced if such is required by the particular characteristics of the undertaking. An employer shall transfer a night employee to an appropriate job to be performed during the day if there is a doctor's opinion that the night work negatively affects the health of the employee.

Article 37 of the Labour Law prescribes that an employer, after receipt of a doctor's opinion, is prohibited from employing pregnant women and women for a period following childbirth not exceeding one year, but if the woman is breastfeeding – during the whole period of breastfeeding in case it is considered that performance of the relevant work poses a threat to the safety and health of the woman or her child. There is a general prohibition to employ a pregnant woman two weeks prior to the expected birth and a woman two weeks after childbirth. The time of the expected birth and the fact of birth shall be certified by a doctor's opinion.

Question B

Please give details of measures to prohibit the employment of women workers in underground mining.

No change.

Question C

Please indicate what other occupations of the kind referred to in sub-paragraph *b* of this paragraph are prohibited and the measures taken to give effect to such extension.

No change.

Question D

Please give particulars of any authorised exceptions.

No change.

Responses to Queries raised by the European Committee of Social Rights in its Conclusions XVII-2 (Latvia)

Article 8 – Right of employed women to protection

Paragraph 1 – Maternity leave

Query: what is proportion of the actual employee's salary maternity benefit represents?

Response: According to Article 10 of the Law on the Maternity and Sickness Insurance maternity benefit shall be granted in amount of 100 percent of the average insurance contributions wage of recipient of the benefit. Insurance contributions wage in fact is salary before calculation of taxes (brutto salary).

Paragraph 2 – Illegality of dismissal during maternity leave

Query: information on the grounds of permitted dismissal under Article 101 of the Labour Law and examples of relevant case law.

Response: There is no relevant case law available.

Query: whether courts in Latvia have the power to award compensation or damages in addition to wages, sufficient to deter the employer and compensate the victim of dismissal?

Response: According to Article 126 of the Labour Law only the compensation for forced absence from work is possible. Namely, an employee who has been dismissed illegally and reinstated in his or her previous work shall in accordance with a court judgment be paid average earnings for the whole period of forced absence from work. Compensation for the whole period of forced absence from work shall also be paid in cases where a court, although there exists a basis for the reinstatement of an employee in his or her previous work, at the request of the employee terminates employment legal relationships by a court judgment.

Paragraph 4 – Regulation of night work and prohibition of dangerous, unhealthy or arduous types of work for women workers

Query: information on employees who have been prescribed regular shortened working time.

Response: According to Article's 131 third paragraph regular working time of employees exposed to special risk may not exceed seven hours a day and 35 hours a week if they are engaged in such work for not less than 50 per cent of the regular daily or weekly working time. The Cabinet of Ministers may determine regular shortened working time also for other categories of employees. At present there is no information on certain categories of women workers to whom regular shortened working time would be prescribed.

ARTICLE 9: THE RIGHT TO VOCATIONAL GUIDANCE

"With a view to ensuring the effective exercise of the right to vocational guidance, the Contracting Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including school children, and to adults."

Question A

Please give a description of the service - its functions, organisation and operation - specifying in particular:

- a. whether access to services is free of charge;
- b. whether vocational guidance work is carried out in the public or private sectors;
- c. the measures taken to supply all persons with adequate information on the choice of employment;
- d. the measures taken to ensure a close link between vocational guidance and training on the one hand and employment on the other;³⁰
- e. the measures in hand for improving the services;
- f. the details of special measures to assist disabled persons.

In order to develop the system of vocational guidance in Latvia and enhance the institutional capacity, the Career Counselling Centre was reorganised into the Vocational Career Counselling State Agency (in compliance with the Law on Support of the Unemployed and Job Seekers) in 2004. The change of the organization's status fostered the co-ordination of operations and promotion of concerted actions in the provision of availability of the service to all the residents.

The information mentioned in the First National Report about Career Counselling Centre can be fully referred to Vocational Career Counselling State Agency.

- a. whether access to services is free of charge;**

No change.

- b. whether vocational guidance work is carried out in the public or private sectors;**

No change.

- c. the measures taken to supply all persons with adequate information on the choice of employment;**

No change.

³⁰ If your country has accepted Article 10 para. 1, it is not necessary to describe these measures here.

d. the measures taken to ensure a close link between vocational guidance and training on the one hand and employment on the other;³¹

No change.

e. the measures in hand for improving the services;

In order to develop the system of vocational guidance in Latvia and enhance the institutional capacity, the Career Counselling Centre was reorganised into the Vocational Career Counselling State Agency (in compliance with the Law on Support of the Unemployed and Job Seekers) in 2004. The change of the organization's status fostered the co-ordination of operations and promotion of concerted actions in the provision of availability of the service to all the residents.

Students of university and private higher education establishments undergo practical training at the Vocational Career Counselling State Agency every year. The numbers of visitors at the Centre grows yearly by 5 – 6 thousand on the average.

Within the framework of the Phare 2002 National Programme Project "Employment Strategy (institution building)" various activities are carried out aimed at the strengthening of the institutional capacity of the Vocational Career Counselling State Agency, for instance, training programmes for lecturers, seminars for the specialists of the Centre etc. In 2003 and 2004 several actions were taken in order to strengthen the institutional capacity of the Vocational Career Counselling State Agency. The Vocational Career Counselling State Agency's consultants had a possibility to share experience with experts from Germany and Switzerland. In 2004 the implementation of European Social Fund co-financed national program "The development of the Vocational Career Counselling State Agency vocational guidance system" was started. The actions taken within the program are the following: establishment of the quality control system; improvement of the Vocational Career Counselling State Agency employees' skills; development of the research model in order to identify needs of those persons, who are using the Vocational Career Counselling State Agency services; promotion of knowledge about vocational guidance in Latvia within society e.c.

f. the details of special measures to assist disabled persons.

In recent years the number of disabled persons, who have received the Vocational Career Counselling State Agency services, has increased significantly. In 2003 297 disabled persons received vocational guidance, in 2004 – 446 persons and in 2005 – 659 persons. The significant improvement in services provided to disabled people is the result of the cooperation between the Vocational Career Counselling State Agency and the State Employment Agency as well as with associations and special educational institutions for disabled people.

In order to ensure the accessibility of services provided by the Vocational Career Counselling State Agency to higher number of interested persons, the Vocational Career Counselling State Agency new affiliates were opened in different country's regions and visiting services were provided to those persons who, for any reasons, couldn't attend any centre of the Vocational Career Counselling State Agency.

³¹ If your country has accepted Article 10 para. 1, it is not necessary to describe these measures here.

Question B

Please indicate the measures taken in the field of vocational guidance to promote occupational and social advancement.

No change.

Question C

Please indicate the types of information available in the vocational guidance services and the means employed to disseminate this information.

No change.

Question D

a. the total amount of public expenditure devoted to vocational guidance services during the reference period;

In order to implement vocational guidance and consulting, the Vocational Career Counselling State Agency receives state funding equal to LVL 216,000 per year (funding from the Ministry of Welfare).

The yearly budget of the Vocational Guidance Information Centre comprised 64,934 EUR during the reported year (50% covered by the Ministry of Education and Science, 50% - by the European Union).

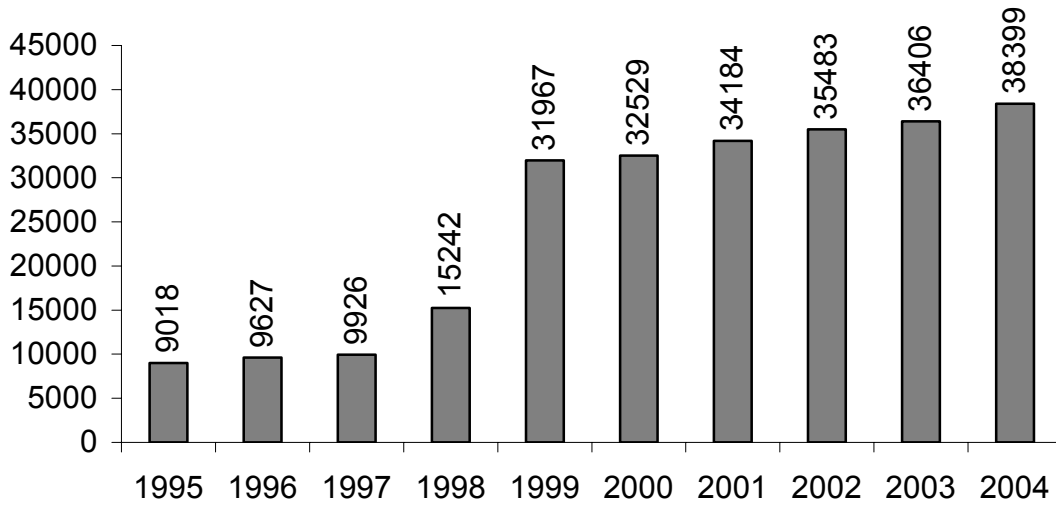
b. the number of specialised staff of the vocational guidance services and their qualifications (teachers, psychologists, administrators, etc.);

In 2003 7 persons were employed by the Vocational Career Counselling State Agency; 41 of them were vocational guidance consultants, with higher education in psychology, pedagogy or social pedagogy. In 2004 there were no rapid changes in number of employed persons and employees' qualification (59 persons were employed by the State Career Counselling State Agency).

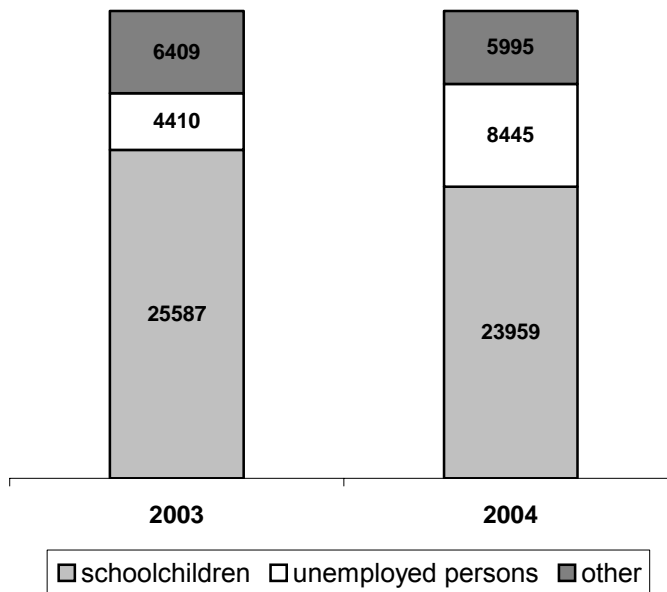
c. the number of persons benefiting from vocational guidance broken down by age, sex and educational background;

In 2004 38399 persons obtained assistance from the Vocational Career Counselling State Agency, out of whom 24853 were persons who are studying in different educational institutions, 8445 unemployed persons registered at the State Employment Agency, 837 other unemployed, 2754 employed persons and 1510 parents of schoolchildren. 446 invalids were consulted as well. In 2003 - 36406.

Number of the Vocational Career Counselling State Agency visitors in 1995 - 2004³²



Breakdown of the Vocational Career Counselling State Agency visitors by groups of interest³³



The number of visitors, who were using the Vocational Career Counselling State Agency services, has increased significantly in 2004 comparing to 2002 due to the establishment of new regional centres. Number of unemployed persons, who have attended the Vocational Career Counselling State Agency, has duplicated in 2004 in comparison with 2003 due to co-operation agreement between the Vocational Career Counselling State Agency and the State Employment Agency.

³² Data provided by the Vocational Career Counselling State Agency

³³ Data provided by the Vocational Career Counselling State Agency

Breakdown of the Vocational Career Counselling State Agency visitors by regions and groups of interest in 2004³⁴

	Total number of visitors		out of them:			
			out of them unemployed persons		out of them other visitors	
	Number of visitors	%	Number of visitors	%	Number of visitors	%
Riga region	14752	38,4	2873	19,5	11879	80,5
Vidzeme region	6910	18,0	1147	16,6	5763	83,4
Kurzeme region	5788	15,1	1389	24,0	4399	76,0
Zemgale region	5438	14,2	1048	19,3	4390	80,7
Latgale region	5511	14,3	1988	36,1	3523	63,9
Total number of visitors	38399	100,0	8445	22,0	29954	78,0

As is seen from the table, one third of all services is provided by the Vocational Career Counselling State Agency (VCCSA) affiliate located in Riga. The proportion of unemployed persons to total number of the VCCSA visitors is 22%, but the proportion changes by regions: for example proportion of unemployed people, who have used the VCCSA services in Latgale region is 36.1% comparing to 16.6% in Vidzeme region.

Breakdown of the Vocational Career Counselling State Agency visitors by sex and groups of interest in 2004³⁵

Group of interest	Total number of visitors	Out of them:			
		Women	Men	Women (%)	Men (%)
Total number of visitors:	38399	25821	12578	67,2	32,8
<i>Out of them:</i>					
Unemployed persons registered at SEA	8445	6712	1733	79,5	20,5
Other unemployed persons	837	581	256	69,4	30,6
Employed persons	2110	1726	384	81,8	18,2
Persons attaining education	24853	15036	9817	60,5	39,5
Parents of those persons attaining education	1510	1311	199	86,8	13,2
Experts	644	455	189	70,7	29,3
<i>Out of them groups of social exclusion:</i>					
Persons after maternity leave	692	689	3	99,6	0,4
Pre-pension age persons	396	266	129	67,2	32,6
Persons with disabilities	446	269	177	60,3	39,7
Persons released from imprisonment	16	3	13	18,8	81,2

As is seen from the table, the major part of the VCCSA visitors are women. Out of all visitors, 67.2% were women and 32.8% - men. Out of the registered unemployed persons, who were rendered consultations, 79.5% were women and only 20.5% - men.

³⁴ Data provided by the Vocational Career Counselling State Agency

³⁵ Data provided by the Vocational Career Counselling State Agency

Breakdown of unemployed persons registered at the State Employment Agency, who were rendered consultations, by sex and age in 2004³⁶

Age group:	Total number of persons	Out of them:			
		Women	Men	Women (%)	Men (%)
Total number of registered unemployed persons at SEA	8445	6712	1733	79,5	20,5
less than 15	1	1	0	100,0	0,0
15-24	1968	1606	362	81,6	18,4
25-34	2477	2057	420	83,0	17,0
35-44	2106	1653	453	78,5	21,5
45-54	1570	1183	387	75,4	24,6
55-64	321	211	110	65,7	34,3
65 and more	2	1	1	50,0	50,0

In 2004 out of the registered unemployed persons, who were rendered consultations, 23.3% were 15-24 years old, 29.3% - 25-34 years old, 24.9% - 35-44 years old, 18.6% - 45-54 years old, 3.9% - 55-64 years old.

Statistical analysis of the server of the home page of the Vocational Guidance Information Centre shows that there were over 1,000 local and international visits per day.

Employees of the Vocational Guidance Information Centre monthly arrive at district schools during the study year, as far as possible, in order to provide information, prepared by the Vocational Guidance Information Centre, to senior year schoolchildren (there are meetings with at least 900 schoolchildren and teachers per year) about the education possibilities, about the ways and means of looking for information and about the procedures of working with the databases available on the home page of the Centre.

200 – 300 persons participate in each regional career information day event. Over 43,000 persons visited the international exhibition "Skola 2003" ("School 2003"), including the vocational guidance information stand there.

d. the geographical and institutional distribution of vocational guidance services.

Services of the Vocational Career Counselling State Agency in vocational guidance and consulting services are available in Latvia today: in Riga, 3 regional information-consulting centres (in Liepaja, Jekabpils, Valmiera) and 15 offices (in Daugavpils, Rezekne, Livani, Gulbene, Madona, Bauska, Kuldiga, Talsi, Cesis, Smiltene, Tukums, Aluksne, Aizkraukle, Balvi, Ogre).

Since 1997 the Vocational Career Counselling State Agency has a mobile consulting group, which renders consultations to schoolchildren of rural areas and unemployed persons.

Since 2002 the availability of vocational guidance and consulting services to the residents has improved - 6 new vocational guidance-consulting offices were established in the Latvian districts (such offices were established in 21 districts). In

³⁶ Data provided by the Vocational Career Counselling State Agency

2004 the Vocational Career Counselling State Agency continued working at the development of the system of vocational guidance. In 2005 there were 5 regional information and consultation affiliates and 16 regional consultation centres. Within the framework of a project of the National Programme of the European Regional Development Fund for 2004-2006, improvement of the infrastructure is envisaged, together with the establishment of 7 new consulting centres, thus finalising the establishment of the vocational guidance system in the Republic of Latvia.

Question E

Please indicate whether equality of access to vocational guidance is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

No change.

Responses to Queries raised by the European Committee of Social Rights in its Conclusions XVII-2 (Latvia)

Article 9 – Right to vocational guidance

***Query:** what proportion of the vocational guidance market is occupied by private employment agencies? If the latter are intensively involved in providing such guidance, provide information on their operational resources, the cost of their services, etc..*

Response: The information about the proportion of the vocational guidance market occupied by private employment agencies isn't aggregated in Latvia. The number of private employment agencies in Latvia is very low and, particularly, there is no information available about private employment agencies, that might provide vocational guidance.

***Query:** comments on this issue: in 2002, out of the 30,442 persons who obtained assistance from the Career Counselling Centre, 4,007 were unemployed persons registered with the State Employment Agency, 1,019 were other unemployed and 1,572 were employed persons. Comparing the figures on the number of persons assisted with the number of unemployed people (178,400 in 2002), the Committee finds these figures very low.*

Response: According to the information received from the Vocational Career Counselling State Agency, the number of persons, who obtained assistance from the Career Counselling State Agency, has increased from 30442 in 2002 to 38399 in 2004, out of them 8445 are unemployed persons registered with the State Employment Agency, 837 other unemployed. There still might be several reasons why the number of unemployed persons registered at the State Employment Agency and other unemployed persons is not very high: people doesn't fully understand the importance of vocational guidance in their life – the information level about the possibilities given by vocational guidance within a society is not appropriate; there still exists several problems concerning co-operation between institutions on the local level.

Query: information on any steps taken to ensure the adequacy of vocational guidance for disabled persons.

Response: In recent years the number of disabled persons, who have used the Vocational Career Counselling State Agency's (VCCSA) services has increased significantly. In 2003 297 disabled persons received vocational guidance, in 2004 – 446 persons and in 2005 – 659 persons. The significant improvement in services provided to disabled people is the result of the cooperation between the Vocational Career Counselling State Agency and the State Employment Agency as well as with associations and special educational institutions for disabled people.

In order to ensure the accessibility of services provided by the Vocational Career Counselling State Agency to higher number of persons with disabilities several actions were taken: new regional centers were opened in country's regions; in cooperation with associations and educational institutions for disabled persons visiting services were organized for those persons who, for any reasons, couldn't attend any regional VCCSA center; VCCSA experts have been participating in several projects aiming to integrate disabled persons into social life and labour market; since 2005 VCCSA is employing a medical attendant in order to improve the quality of services provided to persons with disabilities; VCCSA employees within last years received additional training in order to be able to provide such information, as whether a disabled person is able to accomplish definite occupation duties or definite occupation is not appropriate for the disabled person e.c.

ARTICLE 11: THE RIGHT TO PROTECTION OF HEALTH

General aspects³⁷

The Constitution of the Republic of Latvia determines that the state protects the human health and that every Latvian resident is guaranteed to have minimal medical care, irrespective of his sex, age, nationality, social status or religion. The subordinate legal acts – laws, regulations of the Cabinet of Ministers and orders of the Minister of Health define more precisely the procedures of obtaining health care services.

Pursuant to the Law on Medical Treatment (came into force on 01.10.1997) citizens of the Republic of Latvia and all who have Identity Number in their passports and who are registered in the Register of Residents, as well as detained persons, persons taken into custody and those sentenced to imprisonment are entitled to those health care services covered by the state health care budget. Children have the right to obtain medical assistance, guaranteed by the state, free of charge.

In order to be able to obtain a medical service, which is guaranteed by the state, patient freely choose a doctor, who is responsible for the primary medical care (a family physician, paediatrician, therapist/internist) and complete a registration application. The registration with a family physician simultaneously is registration with the regional office of Health Compulsory Insurance State Agency. No assignment from a family physician is necessary to obtain emergency medical treatment and no registration is needed in order to receive emergency medical treatment.

Family physicians decide which diagnostic examinations shall be carried out and to which doctor–specialist the patient must be directed to if necessary. In order to obtain

³⁷ States having accepted one or more paragraphs of Article 11 are invited to respond to the questions under this heading.

the minimum health care, which is guaranteed by the state, the patient must, first of all, visit his family physician. Attending the family physician the patient must pay only the patient's fee of LVL 0.50. When attending doctor-specialist patient must pay LVL 2.00. Such a system ensures the proper use of the state health care resources and makes it possible for the patient to obtain the necessary health service efficiently and without delay. If a patient decides to visit a doctor–specialist without an assignment from his family physician, the patient will have to cover all the costs in connection with medical treatment, or use the funds of his employer, voluntary insurance company or other funds in compliance with the legal and administrative acts.

The public health care sector is funded from general taxation. Health care budget is based on the state budget subsidy. The administration of the health care budget is fulfilled by the Health Compulsory Insurance State Agency. The Agency makes annual contracts with the providers of medical services, and covers expenses of the medical care of the insured persons to the service providers under these contracts.

Question A

Please indicate the forms of ill health which at present raise the greatest public health problems in your country by reason of their frequency, gravity and any sequels.

Please indicate what illnesses were the main causes of death.

In 2004 resident population has decreased for 0.51%. Natural decrease was 11,686 people or 5 per 1000 population.

In 2003 the average life expectancy at birth was 65.73 for men and 75.97 for women.

In 2004 like in 2003 mortality has slightly decreased: 1385.4 per 1000 residents in 2004, 1394.9 in 2003. In 2004 - 47.2% death occurred at home.

Similar to other European countries, diseases of blood circulation are the most widespread cause of death in Latvia (cause of death in 52.7 % of all the dead).

Compared to previous years, the number of persons dead due to external causes, including violent death, has slightly decreased. Despite the fact that, during the last years, there is a tendency of decrease in the number of deaths due to traffic accidents, mortality is still high. Traffic accidents were the reason of 16.9 % of residents' death.

Oncological diseases, which are not timely diagnosed, are one of the most important problems of the society's health. An increase in the mortality from the lung, stomach, breast, kidneys, prostate, ovaries and uterus cancer is a proof to that.

In 2004 the number of tuberculosis cases per 100,000 residents in Latvia was 59.4. During 1991 – 2001, an increase in the tuberculosis occurrence in Latvia was observed. In 2002 compared to 2001, the number of tuberculosis cases of all types diminished from 73.4 to 65.9 per 100,000 residents. This tendency is still prevalent. In 2004 comparing to previous year the incidence rate of tuberculosis has decreased from 63.7 to 59.4 per 100,000 residents. Mortality from tuberculosis within the first year after diagnosis has decreased too. In 2004 66 patients died within one year after diagnostics; of them 47 patients – during the first month (in 2003 80 – 51, respectively). These statistics confirm the fact that the patients do not visit doctors in time, due to which tuberculosis is diagnosed too late; the proportion of patients, who suffer from the form of tuberculosis, stable against medication, is rather significant.

The cumulative number (prevalence) of HIV/AIDS cases continues to grow: 2710 cases (114 cases per 100,000 inhabitants) in 2003, 3033 cases (131 per 100,000 inhabitants) in 2004. The number of a newly registered HIV/AIDS cases (incidence) keeps decreasing as compared with peak of incidence in 2001: by 50% (17 cases per 100,000 inhabitants) in 2003 and by 60% (14 cases per 100,000 inhabitants) in 2004. On the contrary, the number of AIDS cases increased by 92,5% (77cases) in 2004 as compared with 40 cases in 2001. The number of death cases related to HIV/AIDS remains relatively stable: 14 cases in 2001 and 2004. Intravenous drug use is the major reason for spread of HIV infection (44% of cases in 2004) so far.

5 principal causes of death:

- Diseases of circulatory system

Diseases of circulatory system are the most widespread diseases causing death. In 2004 as the cause of death, they comprised 773.8 cases per 100,000 residents, which is slightly less than in 2003 – 782.9 cases per 100,000 residents. Diseases of circulatory system were the main cause of death in 2004 (58.8% men and 74.3% women). The most often occurring diseases of circulatory system in 2004 were myocardial infarction, atherosclerotic cardiopathy, other ischemic heart diseases, cerebrovascular diseases, hypertensive diseases, cardiomyopathy.

- Tumours

During 2004 the mortality from tumours has increased from 249.6 to 251.3 per 100,000 residents. In 2004 5812 death cases were registered. Mortality has increased for men, especially 50 and more years of age. Mortality from tumours has decreased only for population under 14 years of age. The most common tumour is lung cancer. In 2004 in Latvia mortality from lung cancer was 1049 cases, 884 of them were men (in 2003 – 1051 total cases, 863 men). In 2004 tumours were the second principal cause of death after diseases of circulatory system (23.8% men and 19.4% women).

- External causes (accidents, poisoning, injuries)

Compared to 2003 the number of deaths due to external causes has slightly decreased. In 2003 the number of deaths due to external causes comprised 145.1 per 100,000 residents compared to 137.5 in 2004, out of whom 2265 persons were at working age. Suicides were the most common cause of death from external causes (27.0 per 100,000 residents), following transport accidents (23.3 per 100,000 residents), homicides (9.4 per 100,000 residents) and drowning (9.1 per 100,000 residents). Males suffered the most from death cases due to external cause.

- Diseases of the digestive system

There is a tendency towards diminishment of the resident mortality rate due to diseases of the digestive system from 45.7 per 100,000 residents in 2003 to 44.9 per 100,000 residents in 2004. Cirrhosis of the liver, gastric ulcers, duodenal ulcers, peptic ulcers, pancreas diseases, cholelithiasis and cholecystitis are the most widespread diseases of the digestive system with high mortality rate. Both hepatic cirrosis and pancreas diseases were more prevalent for men.

- Diseases of the respiratory system

Compared to 2003 the number of deaths due to diseases of the respiratory tracts has decreased (from 35.3 per 100,000 residents in 2003 to 34.6 per 100,000 residents in

2004.). Within the structure of the lung diseases, pneumonia is predominant, and mortality from it was twice higher for men (286 men, 117 women). In 2004 chronic bronchitis and obstructive pulmonary diseases were the next most common death causes from respiratory diseases: 270 total cases, 191 of them – men.

Question B

Please describe the measures aimed at ensuring universal access to health care. Please also indicate on what conditions the various health services are made available to the whole of your country, describing the geographical distribution of these services.

In accordance with the Article 111 of the Constitution of the Republic of Latvia, the state guarantees a minimum of medical assistance to all Latvian citizens. The main principle of state financing for the health care system, as determined by Regulations on Health Care Organization and Financing, derives from the assumption that the state pays for all services, except those that are explicitly excluded from the scope. This means that there is no positive list of benefits provided by the statutory health care system. The statutory health care system does not pay for cosmetic and plastic surgery, and for treatments considered to be either “exclusive” (higher service in hospitals, higher medical technologies etc.) or “alternative” (homeopathy, spa treatment). In addition, other services such as routine dental care (except children), abortions, and sexology-oriented services are excluded from the scope of statutory financing. The scope of negative list of statutory health financing also covers services or expenses not covered in the scope of purchasers’ contracts with providers, which provide a possibility in an indirect way to broaden the scope of exclusion.

The number of outpatient visits per 1 resident is one of the principal indicators of medical care, indicating its accessibility.

In 2004 comparing to 2003 the total number of outpatient visits (excluding visits to physicians’ aid posts and physicians’ assistant – midwife posts) to physicians has increased for 538.4 thousand or 4.9%. The proportion of home visits has decreased from 6.0% in 2003 to 5.3% in 2004. A number of outpatient visits per 1 inhabitant has slightly increased from 4.7 to 5. In 2004 the number of visits to medical personnel with secondary special education has decreased.

In July 2, 2002 the Sexual and Reproductive Health Law came into force. The purpose of this law is to define legal relations within the field of sexual and reproductive health. It aims to protect unborn life and the sexual and reproductive health of every person.

In order to ensure the accessibility of medical care to all residents, in compliance with the Regulations of the Cabinet of Ministers No. 1036 of December 21, 2004 “Regulation on Health Care Organization and Financing”, the following vulnerable categories have been exempted from co-payment system:

- Children under 18 years,
- Pregnant women of age receiving medical treatment services related to pregnancy, postnatal observance and delivery,
- Victims of Chernobyl,
- Persons persecuted for their political beliefs,
- Persons in desperate financial need,

- Suffers of TB, AIDS, syphilis and other infectious diseases (only for the treatment required for these diseases),
- Persons who require emergency treatment,
- Persons who receive vaccination in accordance with the State Immunization Program,
- Persons who receive procedures of hemo-dialysis, hemofiltration and peritoneal dialysis,
- Residents of state and municipality social care centres.

The annual ceiling of 80 LVL has been applied for co-payments for a person for one period of hospitalization. The annual ceiling of 150 LVL has been applied for the total annual co-payments for ambulatory and stationary health care services for a person. When that sum is reached, the patient receives a certificate, by which he is freed from further payment of the patients' fees during the current year.

Question C³⁸

Please indicate how public health services are organised in your country and state, if possible:

- a. the number of private or public preventative and screening clinics (if possible distinguishing between general or specialised, particularly in the fields of tuberculosis, sexually transmitted diseases, AIDS, mental health, mother and child welfare, etc.) and the annual attendance of them making special mention of services for schoolchildren;**
 - b. the regular health examinations arranged for the population in general or for a part thereof, and their intervals;**
 - c. the number of general hospitals and public or private establishments for specialised treatment (especially for tuberculosis, psychiatry – including day hospital –, cancer, after-care, functional and occupational rehabilitation). Give the respective proportions of public and private establishments. Please indicate the number of beds available (or for places in case of day hospitals or rehabilitation clinics accepting out-patients);**
- a. – c.**

There has been no substantial change in medical care system in Latvia.

In addition to the information provided in the First National Report, we define more precisely that the secondary and tertiary health care in Latvia is carried out by:

- Regional multi-profile hospitals, which ensure many-sided and highly-qualified secondary and tertiary health care, as well secondary outpatient health care;
- Local multi-profile hospitals, which ensure limited amount of acute aid and chronic patient treatment profiles as well as secondary outpatient health care;
- Specialized centres, which ensure specialized secondary and tertiary health care for citizens in all country in one profile as well as secondary outpatient health care

³⁸ If the statistical information requested under this provision is available from publications of *Eurostat*, WHO or OECD, you are invited to refer to the relevant publication.

and provide guidance of health care methodology in the spheres of dentistry, traumatology, medical rehabilitation, tuberculosis, psychiatry and narcology;

- Specialised single-profile hospitals, providing the secondary care and secondary outpatient health care in the following spheres:
 - oncology;
 - child-birth;
 - traumatology;
 - infectious diseases
 - dentistry;
 - geriatric;
 - dermatovenerology;
 - medical rehabilitology.

According to the development program of Outpatient and Inpatient Health Care Service Providers (accepted in the Cabinet of Ministers, 20.12.2004.) location of general practitioners practices and hospitals is planned by using the following criteria:

1. Minimal number of population in the natural care territories:

1.1. Not more than 1800 citizens are registered with one general practitioner (family doctor) practice;

1.2. depending on the hospital type:

1.2.1. regional multi-profile hospitals: 100 000 population;

1.2.2. Local multi-profile hospitals: 25 000 population.

2. For planning of the localization of the regional multi-profile hospitals the accessibility factor must be taken into account: for 95% population in the care territory the distance to the hospital should not exceed 70 km or the travel time should not be longer than 60 minutes.

Purposeful development of the primary care network takes place in Latvia. Every year the number of doctor practices increases; at the same time, the number of hospitals decreases. If, in 2003 there were 131 hospitals with 18.2 thousand beds in Latvia, in 2004 the number of hospitals decreased to 119, while the number of beds – to 17.9 thousand. The level of resident admissions to hospitals in the country increased from 20.9 per 100 population in 2003 to 21.1 per 100 population in 2004.

In accordance with the policy of primary medical care, the network of outpatient care institutions continues to develop in Latvia. The number of doctors' assistants – midwives' consulting offices diminished, replaced by clinics and doctors' practices.

- The number of outpatient medical care institutions in 2004 – 2585.
- The number of doctors' assistants – midwives' consulting offices in 2004 – 250.

The number of outpatient visits in Latvia in 2004:

Outpatient visits	10,908,730
Home visits	607,010
Total:	11,515,740

- Visits at the doctors' consulting offices and doctors' assistants – midwives' consulting offices – 47441.

- The number of visits with the medical personnel with secondary medical education – 505,032.

The total number of hospitals in Latvia in 2004 – 119:

- Out of those, institutions of the Ministry of Health and local authorities – 97
- Out of those, private institutions – 17

In connection with the reform of health care and changes in funding associated with it, a positive tendency is observed in the statistics of the use of the bed fund. Notwithstanding the gradual decrease in the number of hospital beds since 1991, the level of admissions to hospitals per 100 residents remained virtually unchanged. It indicates there is still possibility for a decrease in the number of beds in some specialities.

- The average number of hospital beds in Latvia in 2004 – **17.9** thousands.

This number includes:

- **8** psychoneurological hospitals (total number of hospital beds – **3125**);
- **3** oncological hospitals (total number of hospital beds – **871**);
- **3** tuberculosis hospitals (total number of hospital beds – **862**).

The subdivision of hospitals in Latvia is made according to the natural population demand for health care services.

- 25 acute care hospitals in Riga in 2004 (the average number of beds – 6083);
- 59 acute care hospitals outside Riga in 2004 (the average number of beds – 6643);
- 6 long-stay hospitals in Riga in 2004 (the average number of beds – 1593);
- 21 long-stay hospitals outside Riga in 2004 (the average number of beds – 2856);
- 8 rehabilitation hospitals outside Riga in 2004 (the average number of beds – 716);

Compared to 2001 the number of private medical treatment institutions increased, as well as the number of doctors and medical staff having secondary medical education who work there. If in 2003 the number of private outpatient medical care institutions was 2310 (including permanent dental institutions and private dental institutions, doctors' consulting offices), it reached 2469 in 2004.

In 2004 The number of private hospitals increased as well. In 2003 there were 16 private hospitals in Latvia, in 2004 – 17.

According to the Regulations of the Cabinet of Ministers No.1036 of December 21, 2004 "Regulation on Health Care Organization and Financing", there are three main queues in order to obtain planned health care: orthopaedics (hip, knee, shoulder endoprosthesis), otorinolaringologics (cochlear implants for children) and haematology (allogenic bone marrow transplantation). There are additional queues in orthopedics: one queue is for acute patients who should receive urgent treatment and another queue is for patients who want to cover 50% of treatment costs.

On average persons who are registered in common queue on planned joint's endoprosthetics surgery should wait:

For knee joint's endoprosthetics – 12 years;

For cement hip joint endoprosthetics – 5 years;

For without cement (cementless) hip joint endoprosthetics – 4 years;

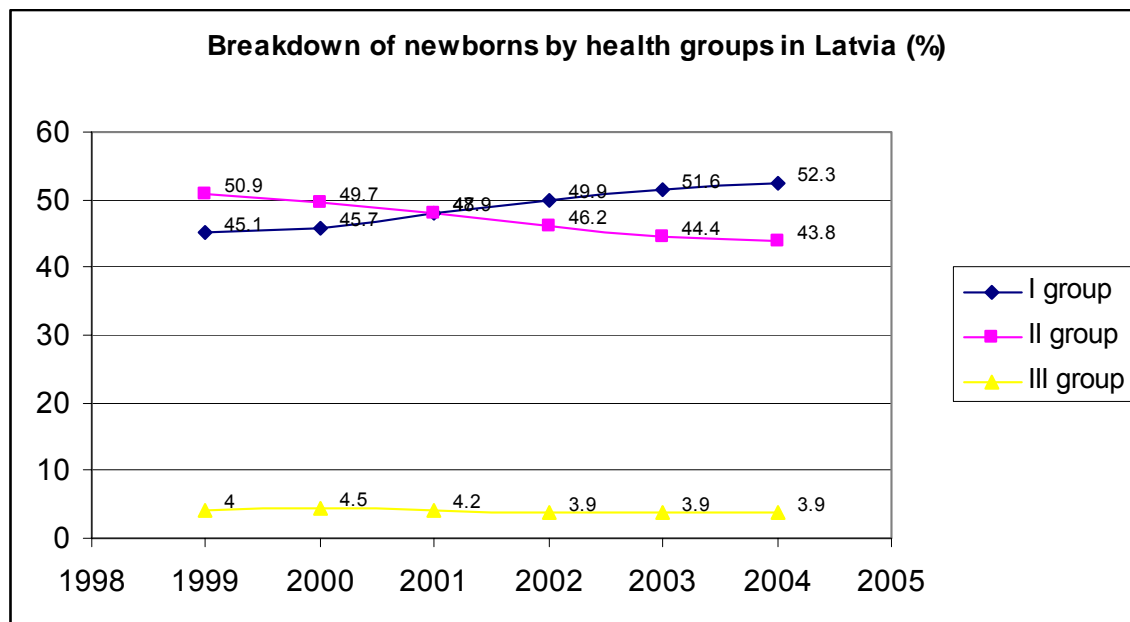
For shoulder joint endoprosthetics – 1 year.

If persons in accordance with the Doctors Council (at least three doctors council, where decisions about diagnosis and future treatment's tactic are made) decision are entitled to obtain endoprosthetics surgery urgently, this surgery is provided within one year.

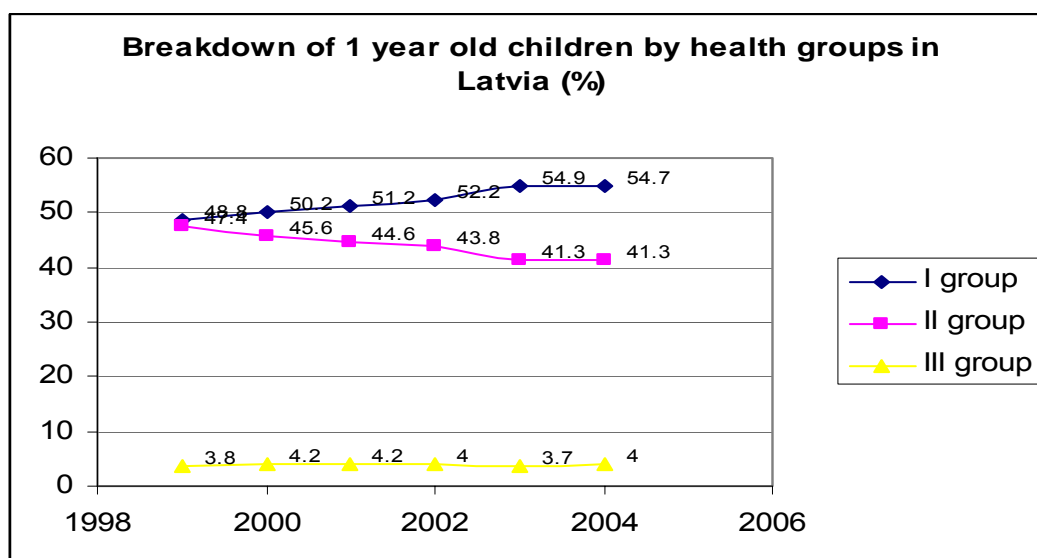
For those persons, who cover 50% of planned endoprosthetics expenses that are defined in the health care services rate, all endoprosthetics surgeries (knee, shoulder, hip) are provided in 3-6 month period.

Cochlear implants surgeries for infants are provided within one year.

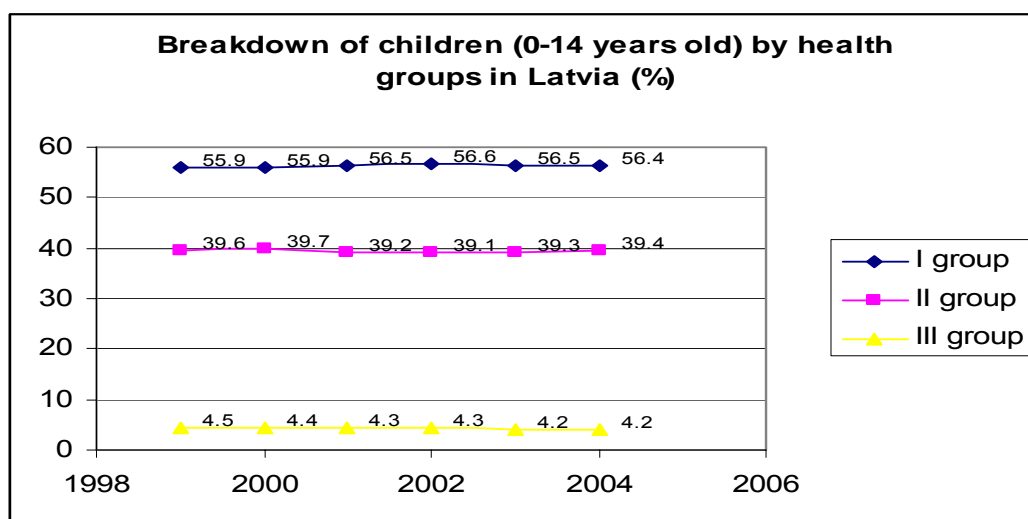
In 2004 the figures characterising the health status and physical development of newborns and 1 year old children have not changed significantly comparing to the previous years. The proportion of practically healthy children increased, while proportion of chronically ill children decreased within those age groups. The proportion of practically healthy (I health group) newborns increased and in 2004 it amounted to 52.3% while in 2003 it was 51.6%. The proportion of newborns who are practically healthy with increased risk of sickness (II health group) decreased and constituted 43.8% in 2004 comparing to 44.4% in 2003. The number of newborns with chronic diseases (III health group) has not changed for last three years.



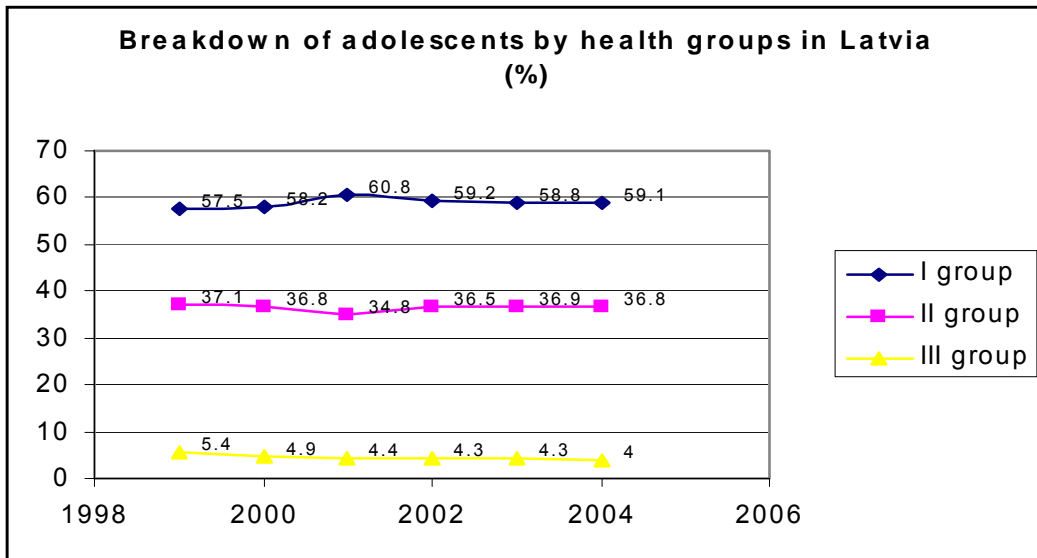
AS concerns the health status of 1 year old children, there is a positive tendency that the number of practically healthy 1 year old children increases.



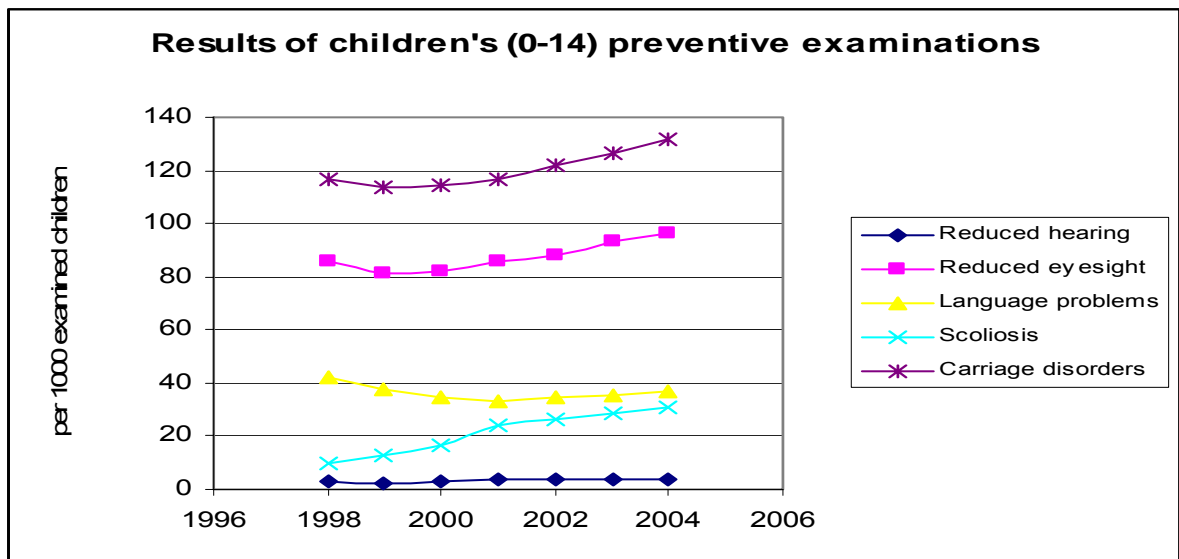
Characterising the evaluation of the health status during preventive examinations of children (aged 0–14), it should be mentioned that in 2004 56.4% of them were practically healthy (I health group) compared to 56.5% in 2003. During Last two years the number of chronically ill (III health group) children is identical and slightly decreasing compared to 2002.



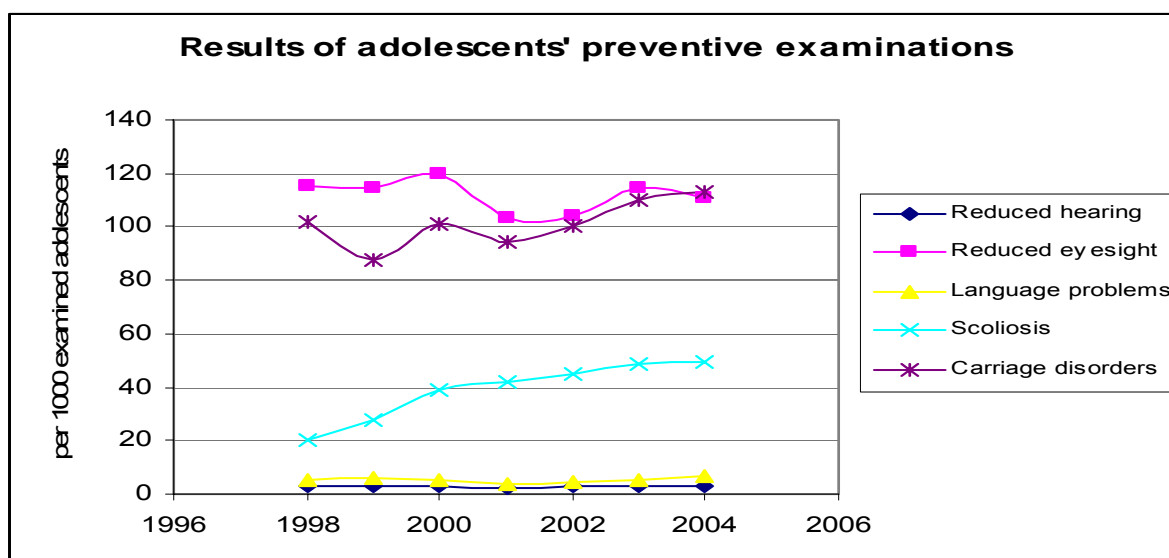
The proportion of practically healthy adolescents has slightly increased from 58.8% in 2003 to 59.1% in 2004. The proportion of adolescents who are included in the second and third health group has not changed comparing to previous years.



Results of children and adolescents preventive examinations have worsened. A number of diagnosed health disturbances (language problems, scoliosis, eyesight problems and carriage disorders) has increased among both pupils and pre-schoolers. The rate of children (0-14) who have carriage disorders, reduced eyesight and scoliosis has increased.



Results of adolescents' prophylactic examination shows negative tendency of scoliosis and carriage disorders. In 2002 the number of scoliosis cases among adolescents was 45 per 1000 examined adolescents, it increased to 48.8 in 2003, and to 49.5 per 1000 observed adolescents in 2004. The positive tendency is that the number of eyesight disorders decreased in 2004. The number of speech disorders and reduced hearing proceeds to be equal with previous years.



To sum up, it could be concluded that the number of deviations, observed during preventive examinations of children and adolescents, increases. It indicates that there is necessity of different health improvement measures and upgrade of health education at schools.

Regular health examinations are conducted:

- for children – hearing, eyesight, language check-ups and identification of scoliosis and posture disorders;
- for women – oncocytologic examinations (once a year), mammographic screening;
- for men (aged 50 – 65) – prostate specific antigen screening;
- for all residents – family doctor's performed examination.

Ten private insurance companies in Latvia provide voluntary health insurance schemes. Some insurance companies cover dentistry, spa treatment, rehabilitation and drug expenditures; others also cover patient co-payments for outpatient and inpatient care. Most buyers of private insurance policies are companies which purchase group policies for their employees as incentives. Some private insurance companies contract private health care institutions with advanced technical equipment and standards, which do not have contracts with the Health Compulsory Insurance State Agency and which are believed to provide a better quality of care.

d. the number per 1 000 persons of doctors, dentists, midwives and nurses, indicating, if possible, the situation in urban and rural areas;

Compared to 2002, the number of doctors in Latvia has increased. The share of family physicians in the total number of primary health care doctors increase every year: from 55% in 2003 to 64% in 2004. Great attention is paid to the training of internists and paediatricians as general practice doctors or family physicians. Practically all the working family physicians possess certificates. In general, that is a proof of the strengthening of the primary health care in the country.

Number of doctors in Latvia in 2004:

- Doctors of all specialisations altogether: 8087 (out of those, 3401 work at private enterprises); per 10,000 population: 35.1.

Including:

- General practitioners (family doctors) 1231 (out of those, 1125 work at private enterprises); per 10,000 population 5.3;
- Dentists 1390 (out of those, 1047 work at private enterprises); per 10,000 population: 6.0.

Within the whole medical care system, there is an insufficient number of persons with secondary medical education, and the tendency of a decrease in their number still prevails. The ratio of doctors and medical staff with secondary medical education is very low. In 2004 it was 1.8.

The number of medical staff with secondary medical education in Latvia in 2004:

- Total: 14725 (out of those, 2871 work at private enterprises);
- Per 10,000 population: 63.8
- Out of those:
 - Physician's assistants: 805 (out of those, 361 work at private enterprises);
 - Per 10,000 population: 3.5;
 - Midwives: 473(out of those, 87 work at private enterprises);
 - Per 10,000 population: 2.1;
 - Nurses: 9863 (out of those, 1538 work at private enterprises);
 - Per 10,000 population: 42.8.

e. the number of pharmacies per 1 000 persons and if possible their geographical distribution;

In 2004 the number of pharmacists in Latvia comprised 1439, that of pharmacists' assistants – 1616.

In 2004 882 pharmacies were registered in Latvia; 44 of them were closed type pharmacies (pharmacies of medical treatment institutions).The most pharmacies are located in Riga and other larger cities and therefore the availability of pharmaceutical services in cities/towns, on the one hand, and rural areas, on the other differs.

In 2004 the average inhabitants' number per one pharmacy comprised 2,6 thousand in Latvia.

f. Please indicate the percentage of GDP allocated to health expenditure;

Taking into account the latest data about GDP and consolidated state budget of Latvia the state funding for health care in recent years comprised:

- In 2001 3.03 % of GDP or 10.19 % of consolidated state budget;
- In 2002 3.09 % of GDP or 10.39 % of consolidated state budget;
- In 2003 3.20 % of GDP or 10.75 % of consolidated state budget;
- In 2004 3.23 % of GDP or 10.64 % of consolidated state budget.

ARTICLE 11 PARA. 1

"With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:

to remove as far as possible the causes of ill-health."

Question A

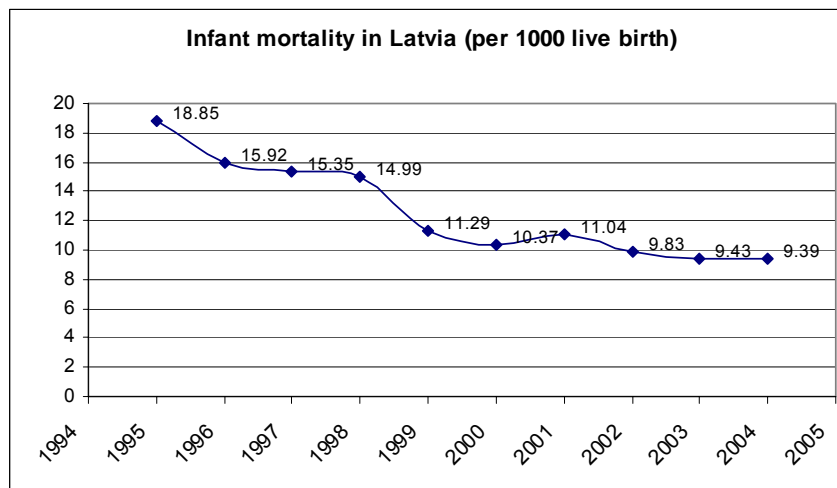
Please indicate infant and perinatal mortality rates for the reference period concerned.

Please indicate the life expectancy at birth in your country.

In 2004 the number of childbirth has decreased by 3% comparing to 2003. If there were 20877 deliveries in 2003, then in 2004 the number of deliveries was 20249. Low birth rate has affected the natural increase as well. It was 8.8 per 1000 population in 2004, 9.0 – in 2003.

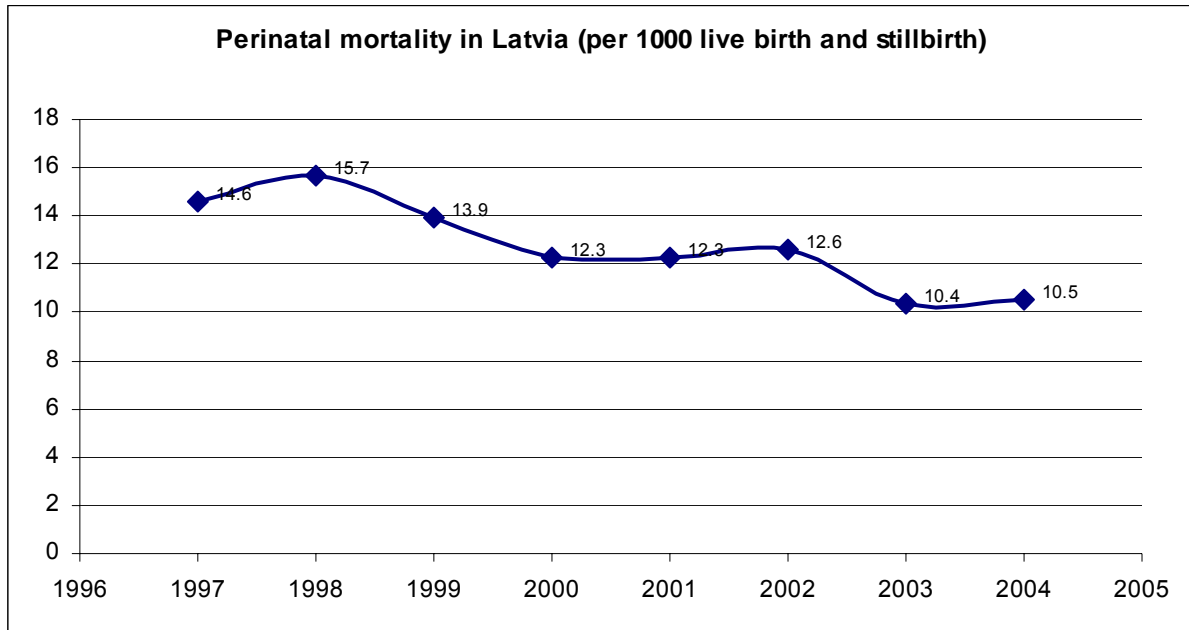
In 2004 resident population in Latvia has decreased by 0.51% (about 1-1.5 thousand per month). Natural increase in 2004 was – 11 686 people (in 2003 – 11 453) or 5.05 per 1000 population, in 2003 – 4.9 per 1000 population. Natural decrease was negative in all territorial units.

The infant mortality has slightly decreased in 2004: it has gained the lowest level during the last 15 years. The infant mortality has decreased from 198 cases in 2003 to 191 cases in 2004, comprising 9.39 per 1000 live birth in 2004 compared to 9.43 per 1000 live birth in 2003. The most common death causes of infants were conditions originating in perinatal period. The second most common cause of infant deaths was congenital malformations.

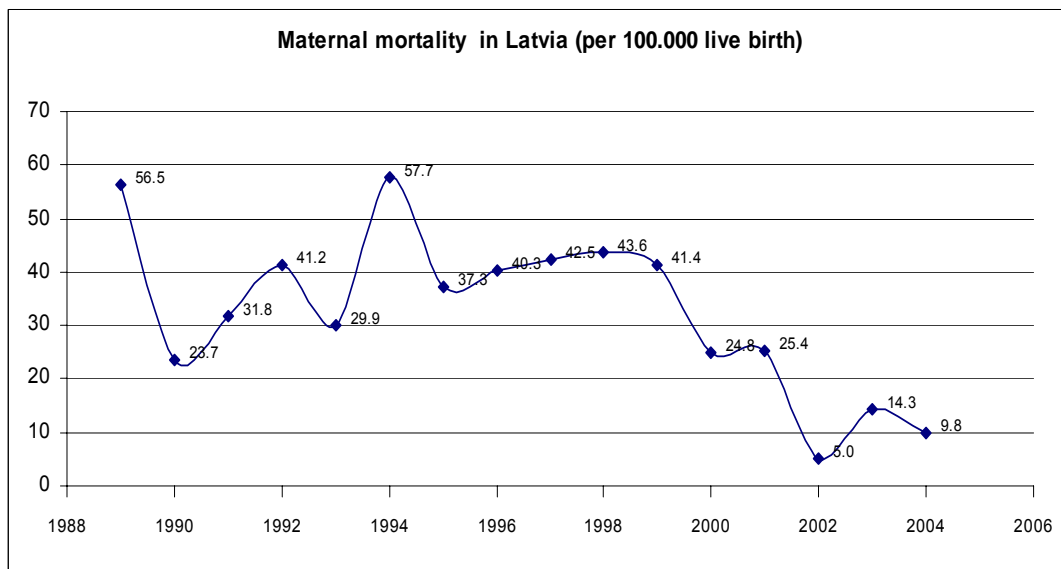


Although the total number of perinatal death has decreased from 219 cases in 2003 to 215 in 2004, perinatal mortality rate has increased from 10.4 to 10.5 per 1000 live birth and stillbirth because the number of live birth was lower in 2004 than in 2003 (20984 in 2003, 20355 in 2004). The perinatal mortality consists of antenatal death (58%), intranatal deaths (5.6%) and early neonatal deaths (35.8%). An early neonatal mortality has decreased from 89 cases or 4.2 per 1000 live births in 2003 to 77 cases or 3.8 per 1000 live births. At the same time stillbirth rate has increased from 130 cases or 6.2 per 1000 live birth and stillbirth to 138 cases or 6.7 per 1000 live birth

and stillbirth. Now it has reached stillbirth rate of 2001. In 2004 the main causes of perinatal and neonatal mortality are certain conditions originating in the perinatal period and congenital malformations.



Compared with the period from 1990, maternal mortality rate was the lowest in 2002 - 5.0 per 100,000 live births, or one case associated with pregnancy. Still, this figure is very changeable, depending on the number live births. Maternal mortality rate has decreased from 3 cases or 14.3 per 100 000 live birth in 2003 to 2 cases or 9.8 per 100 000 live birth in 2004. Both death cases in 2004 were indirectly related to pregnancy because causes of death were military tuberculosis and cerebral arteriovenous malformation.



The average life expectancy at birth was 65.73 years for men and 75.97 years for women in 2003 comparing to 67.1 year for men and 77.2 years for women in 2004. There is a tendency of decreasing of life expectancy rate at birth.

According to the *Law on Sexual and reproductive health*, an abortion can be performed by the 12th week of gestation upon woman's request and by 22nd week due to the medical reasons. Currently available abortion methods in Latvia are curettage and vacuum aspiration, but there is no data on prevalence of the method used. The medical abortion is not yet available. The abortion upon woman's request is not covered by the State budget and there are cases when it is not affordable for all women, especially to vulnerable groups.

Question B

Please describe any special measures taken to protect the health of:

- a. **pregnant women, mothers and babies;**
- b. **children and adolescents;³⁹**
- c. **the elderly;**
- d. **disadvantaged persons or groups (for example the homeless, families with many children, drug addicts and the unemployed, etc.).**

Please supply information on all measures taken to protect the reproductive health of all persons, in particular adolescents.

a. pregnant women, mothers and babies

The *Law on sexual and reproductive health of Republic of Latvia* declares that the State implements principles of sexual and reproductive health care, ensuring without payment help in childbirth and possibility to acquire base knowledge about sexual and reproductive health promotion and care in medical institutions and schools. According to the rules of the Cabinet of Ministers No.13 „*Regulation on health care financing*” (January 12, 1999), expectant mothers and women at the period after birth until 42 days are released from patient's co-payments if the treatment services which are related to observing of pregnancy and after birth and pregnancy process are received.

The procedures for assistance with deliveries are determined by the Order of Ministry of Health “*Regulation on ensuring of puerperal help*” who came into force in February 27, 2004.

According to the Preventive Examination Programme of Latvia, women from 20 -35 years of age have the screening and prevention of cancer of cervix uteri by oncocytological smear once a year. If the result is normal, the smear is repeated once in three years. For women (35 – 70 years old) - screening of cancer of cervix uteri by oncocytological smear is performed every year. For women (50 – 69 years old) there is a screening of breast cancer by method of mammography once in two years.

In order to promote children health from the beginning of life Latvia participates in Baby Friendly Hospital initiative. In 2004 there were 8 baby friendly hospitals in Latvia.

³⁹ If your country has accepted paragraphs 9 and 10 of Article 7, it is not necessary to repeat here the information given thereon.

There is an informative material “Mammy’s diary”, and women can get it when visiting a health care specialist.

Analysing Latvian statistics on antenatal care, timely and complete antenatal care was not performed for all pregnant women. In 2004 90.7% pregnant women began antenatal care before the 12th gestation week (in 2003 – 92.9%). 91.6% pregnant women underwent first time ultrasonic scanning before the 22nd gestation week (in 2003 – 91.4%).

b. children and adolescents;⁴⁰

In 2003 the Memorandum of Understanding between Ministry of Health and United Nations Resident Coordinator Office on Youth Friendly Health Services was signed. The target: to establish a safe and supportive environment, rendering accessible and acceptable health care services to the young people. In 2004 the Action Plan of Memorandum was signed. The interagency project “Coordinated Support to Young People Health and development”, implemented from 2002 – 2003, was aimed to enable youth non-governmental organisations, physicians and teachers to communicate HIV/AIDS and sexually transmitted infections preventive messages and to promote health among young people through improved information and education, as well as youth friendly health services. As a result, a handbook for health care service providers “Youth Friendly Health Services: Reproductive Health and HIV prevention” was developed and 59 health professionals, mainly gynaecologists, midwives, some paediatricians and family practitioners, were trained to provide youth friendly health services.

Furthermore, local municipalities (in Ogre, Saldus, Liepaja, Dobele and Livani) have established youth health centres in some regions where young people can receive information about themes related to family planning, sexually transmitted infections and relationships.

c. the elderly

As the result of reduction in mortality, people are living longer and the share of old and very old people in the population is increasing. In 2003 15.8% of population were older than 65, whereas in 2004 this number increased till 16.2% in Latvia.

According to the Regulations of the Cabinet of Ministers No. 1036 of December 21, 2004 “Regulation on Health Care Organization and Financing”, those who are 80 years of age and older must pay co-payment for family doctor’s home visit 2.00 LVL (others pay full price).

d. disadvantaged persons or groups (for example the homeless, families with many children, drug addicts and the unemployed, etc.)

In order to ensure the accessibility of health care to all the residents, in compliance with the Regulations of the Cabinet of Ministers No. 1036 of December 21, 2004 “Regulation on Health Care Organization and Financing”, persons with insufficient

⁴⁰ If your country has accepted paragraphs 9 and 10 of Article 7, it is not necessary to repeat here the information given thereon.

living means, patients suffering from tuberculosis and other categories of residents are freed from the co-payment.

The patients who are treated for alcoholism, narcotic and toxic addiction, pay a reduced patient's fee for hospital treatment.

A list of medicines for which compensations should be paid was drafted in Latvia, envisaging a full or partial compensation from the state funds for the acquisition of medicines for outpatient treatment.

At the same time, the local authorities may allocate funds to the persons with insufficient living means who reside in their territories for the acquisition of medicines, and cover the payment for separate medical services (e.g., orthopaedics, rehabilitation).

ARTICLE 11 PARA. 2

"With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:

to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;"

Question A

Please indicate what advisory and screening services exist:

a. for schools

The State Health Promotion Agency (former Health Promotion Center) took part in the EU project "Non-smoking class". Realisation of the project in Latvia will be from 1 November 2005 till 30 April 2006.

Agency fulfilled adaptation of methodological material "Primary prophylaxis against using intoxicating stuff" (in CD format) Latvian version named "Pa Zeme" (Under Ground). CD is supplemented with explanation material for teachers.

b. for other groups

The State Health Promotion Agency has coordinated radio broadcasting programs „To Your health” weekly. As well as regularly updates in home page against smoking www.bez-cigaretetes with latest and actual information.

In collaboration with WHO several NGOs were founded, mostly including medical staff "Doctors for Healthy life stile and against smoking". The goal is to sustain the role of medical staff in promotion of healthy life stile and decreasing of harmful habits to society Health.

In anti-smoking campaign "Atmet un vinne" ("Quit and win") there were 594 participants in 2004 (in 2000 – 824, in 2002 – 386). Participants were from 18 till 65 years old, and all regions of Latvia were represented.

The State Health Promotion Agency has organized the Latvian Health week in May 2005, named "Katram sirds ir tikai viena" (Everyone has only one heart) about the risk factors and coronary diseases prevention.

Question B

Please describe any measures taken to further health education, including information campaigns.

No change.

ARTICLE 11 PARA. 3

"With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia: to prevent as far as possible epidemic, endemic and other diseases."

Question A

Please indicate what measures other than those mentioned above are taken to prevent epidemic, endemic and other diseases (compulsory or optional vaccination, disinfection, epidemics policy).

Information about arrangements for reporting and notifying disease

There are 99 diseases subject to notification in Latvia. They are divided into two groups:

1. Infectious diseases and conditions subject to individual notification and registration;
2. Cases subject to summary notification and registration (influenza and other acute respiratory infections, enterobiasis).

Clinicians in the public and private healthcare sectors are legally responsible for notifying the listed infectious diseases by phone or by fax, as well as for case management. The notification time for most diseases is 12 hours. The exception is 72 hours for tuberculosis, sexually transmitted infections, skin diseases, HIV and AIDS; monthly for enterobiasis, influenza and other acute respiratory infections; and weekly for influenza, acute respiratory infections and pneumonia during the influenza season from 100 sentinel sites.

Notification is required for cases of suspected infectious disease, a change or discharge of diagnosis of an infectious disease, the final diagnosis and outcome of infectious disease and laboratory confirmation of the diagnosis.

Epidemiologists in branches of the Public health agency (PHA) organise preventive and control measures and investigate cases (outbreaks). Foodborne disease outbreaks are investigated in cooperation with the Food and Veterinary Service (Partikas un veterinārais dienests; <http://www.pvd.gov.lv/>) and other related institutions.

Weekly statistics of communicable diseases cases are sent to PHA branches electronically; monthly and yearly statistics of the confirmed cases are reported to the Health Statistics and Medical Technology Agency (Veselības statistikas un medicīnas tehnoloģiju aģentūra; <http://www.vsmta.lv/>), to the World Health Organization Regional Office for Europe and other European Union communicable disease networks, as well as to neighbouring countries. Current information issued by PHA in the epidemiological bulletin ("Epidemioloģijas biļetens") is disseminated regularly by

email and post to other ministries, institutions and mass media, and is available through PHA web site.

Registration of communicable diseases is performed according to the Regulations of the Cabinet of Ministers No.7 on January 5, 1999 „Registration of Infectious Diseases”.

Children immunization coverage 2000 – 2004 (see on the next page)

Infection disease	Age (years)	Dose	Immunization coverage (%)				
			2000	2001	2002	2003	2004
B hepatitis	1	3	95,0	96,1	97,8	98,1	98,1
Tuberculosis	1	3	99,9	99,9	99,9	99,9	99,9
Diphtheria and tetanus	1	3	95,9	97,2	97,2	97,7	98,1
	2	4	91,5	92,6	94,1	95,0	95,4
	8	5	92,3	93,9	94,8	96,2	96,4
	15	6	91,6	93,8	93,9	93,6	95,1
Pertussis	1	3	95,6	96,9	97,2	97,7	98,0
	2	4	89,7	92,3	93,9	94,7	94,7
Poliomyelitis	1	3	95,8	97,3	97,5	97,8	97,2
	2	4	91,6	92,7	94,1	94,9	94,7
	8	5	93,0	94,0	95,0	96,2	96,5
	15	6	93,2	95,5	95,1	94,9	95,8
<i>Haemophilus influenzae b</i> type	1	3	78,9	83,7	86,9	92,3	94,9
Measles	2	1	96,9	97,9	98,3	98,6	98,7
	8	2	93,1	94,8	95,9	97,1	97,5
	15	2	95,0	97,9	98,3	98,4	98,8
Mumps	2	1	96,9	97,9	98,2	98,6	98,7
	8	2	92,1	95,0	95,5	97,0	97,4
	15	2	30,5	91,9	95,5	96,7	97,4
Rubella	2	1	96,6	97,9	98,2	96,6	98,7
	8	2	0,1	7,9	41,7	95,7	97,3
	12	2	25,3	39,9	71,7	84,9	90,1
	13	2	26,8	30,1	59,0	87,1	93,1
Infection disease	Age (years)	Dose	Immunization coverage (%)				
			2000	2001	2002	2003	2004
B hepatitis	1	3	95,0	96,1	97,8	98,1	98,1
Tuberculosis	1	3	99,9	99,9	99,9	99,9	99,9
Diphtheria and tetanus	1	3	95,9	97,2	97,2	97,7	98,1
	2	4	91,5	92,6	94,1	95,0	95,4
	8	5	92,3	93,9	94,8	96,2	96,4
	15	6	91,6	93,8	93,9	93,6	95,1
Pertussis	1	3	95,6	96,9	97,2	97,7	98,0
	2	4	89,7	92,3	93,9	94,7	94,7
Poliomyelitis	1	3	95,8	97,3	97,5	97,8	97,2
	2	4	91,6	92,7	94,1	94,9	94,7
	8	5	93,0	94,0	95,0	96,2	96,5
	15	6	93,2	95,5	95,1	94,9	95,8
<i>Haemophilus influenzae b</i> type	1	3	78,9	83,7	86,9	92,3	94,9
Measles	2	1	96,9	97,9	98,3	98,6	98,7
	8	2	93,1	94,8	95,9	97,1	97,5
	15	2	95,0	97,9	98,3	98,4	98,8
Mumps	2	1	96,9	97,9	98,2	98,6	98,7
	8	2	92,1	95,0	95,5	97,0	97,4
	15	2	30,5	91,9	95,5	96,7	97,4
Rubella	2	1	96,6	97,9	98,2	96,6	98,7
	8	2	0,1	7,9	41,7	95,7	97,3
	12	2	25,3	39,9	71,7	84,9	90,1
	13	2	26,8	30,1	59,0	87,1	93,1

Adult vaccination against diphtheria	2000	2001	2002	2003	2004
Proportion of vaccinated persons since 1995. (3. vaccine or revaccination)	37,3%	47,1%	52,9%	58,1%	64,7%

Adults: older than 25

Since 1995 1 038 776 adults have finished course or received revaccination against diphtheria i.e., 64,7% of all adults in the country. In 2004 none of the Latvian regions has achieved the aim of 90% vaccination against diphtheria among adults. Monitoring system of adult vaccination is different from that of children monitoring system of vaccination.

In order to promote vaccination, the Public Health Agency developed guidelines "Good vaccination practice guidelines" (2001). These guidelines were distributed to family doctors and published in a pediatric journal.

In 2003 the Ministry of Health issued order No 282 "Measures against diphtheria epidemics" that defines systematization of registration, patient informing and active vaccination promotion among patients, developing organization of vaccination in health care facilities, ensuring accessibility and quality; motivation of family doctors, strengthening multilevel cooperation. Results showed that the number of vaccinated persons against diphtheria increased sharply after this order.

Question B

Please indicate what general measures are taken in the public health field, such as:

- a. - prevention of air pollution,
 - prevention of water pollution,
 - prevention of soil pollution;
 - b. protection against radioactive contamination;
 - c. protection against noise pollution;
 - d. food hygiene inspection;
 - e. minimum housing standards;
 - f. measures taken to combat smoking, alcohol and drug abuse, including multiple addiction, as well as against sexually transmitted diseases.
- a. - Prevention of air pollution

Air protection in Latvia is regulated by several legal and administrative acts. Regulations of the Cabinet of Ministers No. 588 of October 21, 2003 "Regulations on the Air Quality" determine the quality norms for air (open air in the troposphere, excluding the working environment), in order to prevent harm to the human health or

environment and ensure the preservation of biodiversity during a longer period of time, taking into account the necessary safety margin and indicating: air quality (the totality of the air properties, which determines the degree of impact of physical, chemical and biological factors upon the humans, plants and animals, as well as upon the environment in general) norms in the Latvian territory and deadlines for their achievement; the upper and lower permissible levels for air contaminants; parameters, methods of monitoring and methods, based on which a non-compliance with the relevant air quality norms is stated; measures to be taken if the air quality norms are not complied with.

Regulations of the Cabinet of Ministers No. 379 of August 20, 2002 "On Emission of Air-polluting Substances and their Limitation and Control with Respect to Stationary Air Pollution Sources" determine the procedures for the emissions of air pollutants from stationary pollution sources to be prevented, limited and controlled; procedures as to how the operator shall control pollutants' emissions in the air, carry out monitoring and submit the relevant information; provision of information regarding pollution caused by stationary air pollution sources.

For the prevention and minimization of nuisances from odour disturbances regulation No. 626 "Regulation on Determination of Odour from Polluting Activities as well as Order on Elimination of the distribution of Odour" was adopted in July 27, 2004 by the Cabinet of Ministers. This regulation sets provisions to minimize nuisance from odour as well as sets the limit value for odour, odour measure methods and provisions for activities to minimize the distribution of odour.

Regulations of the Cabinet of Ministers No. 688 of September 6, 2005 "On the Substances that deplete Ozone Layer and Fluorated Greenhouse gases, which are Cooling Agents" determine special limitations and prohibitions regarding the activities involving substances and products, which destroy the ozone layer, and other materials, which are substances and products destroying the ozone layer, or are treated as substances and products destroying the ozone layer; procedures for the interruption of activities involving substances destroying the ozone layer; procedures of operations by enterprises (companies) with substances destroying the ozone layer before the interruptions of such activities; procedures for the issue of permits for the removal and delivery of substances destroying the ozone layer. This regulation also enforces the EU Regulation (EC) No. 2037/2000 on substances that deplete ozone layer.

Regulations of the Cabinet of Ministers No. 269 of August 3, 1999 "Regulations for the Environmental Quality Norms for Filling Stations, Oil Terminals and Mobile Tanks" determine the environmental quality norms and requirements for the environmental protection during the exploitation of filling stations, oil terminals and mobile tanks, as well as the obligations of the state institutions and enterprises (companies) in connection with the implementation of the above Regulations.

The limitation of cross-border air pollution is one of the priorities of the Latvian environmental policy. Latvia has joined the UN/ECE convention "On Long-Range Transboundary Air Pollution" and its protocols; in order to comply with their requirements, Latvia carries out monitoring of air pollution and implements measures aimed at the prevention of air pollution, minimising the emissions of principal air pollutants (SO₂, NO_x, CO, volatile organic compounds and heavy metals).

The Ministry of Environment has approved the new "Programme of Environment Monitoring" in January 24, 2006. Currently it includes following parts for the monitoring:

- Air;
- Water;
- Soil and land cover;
- Biodiversity.

Programme is planned according to national, European Union and international requirements and ensured by the Latvian Environment, Geology and Meteorology Agency. Programme and monitoring results will be publicly available, also largely on the internet. Results will be used for environmental reports and to evaluate quality of environment and environment policy.

The "Programme for the Improvement of Air Quality in Riga City" approved on July 6, 2004 by Riga Council is under implementation. Most of efforts according to this programme devoted for minimizing air pollution from traffic. Actions of the programme are the following.

1. To define air quality as a binding criteria in order to develop and evaluate the development plan of the city as well as in order to plan and optimise traffic in city;
2. To reduce number of vehicle by 35 % (from the number in 2002) together with an optimization of the traffic in Riga Historical Centre;
3. To ensure a wet cleaning of streets in Riga centre during spring and autumn.
4. To develop regulations of "Territorial Zoning of the Air Pollution for a Development of Riga Heat Supply";
5. To elaborate a new conception of the development of Riga heat supply for next 10-15 years;
6. To ensure Riga air monitoring;
7. To establish a special monitoring system for territory of Riga Harbour and its area of impact;
8. To develop a system for supervision by strengthening Department of Environment of Riga Council;
9. To involve people and non-governmental organizations by developing interactive system for exchange of information.

The planned specific actions regarding the monitoring within the Riga air programme are:

- To enlarge existing monitoring network (four additional PM₁₀ stations);
- To secure persistent function of the existing monitoring network of Riga municipality and state;
- To secure modernization of the existing monitoring network of state in respect to measurement of the benzole;
- To secure persistent function of the existing monitoring network of Riga port;
- To enlarge existing monitoring network of Riga port if oil operations are started on left bank of river Daugava;
- To enlarge existing monitoring network of Riga port (additional highly precise meteorological device).

Liepaja City Council has approved "Action Programme for Improvement of Air Quality in Liepaja City for Year 2005-2008". Current programme includes detailed plan for assessment of the air quality in the Liepaja city. Based on the results of this assessment the current programme will be elaborated further. However this programme includes a variety of proposals to improve air quality already at this stage. Those are:

- To work for a traffic circle;
- To reduce time for cars waiting on railway crossing point;
- To improve organization of the traffic at the centre;
- To limit parking at centre; to promote establishment of parking places outside the centre;
- To plan routes for lorries outside the housing estate;
- To develop a public transport of the city; to optimize the service of the public transport and to reduce travelling time within the city;
- To plan routes of trams in accordance with the development plan of the city and formation of the housing estates;
- To optimize routes and schedules of the public transport on the basis of the research of the passenger flows;
- To enlarge network of the pupil traffic;
- To introduce more cleaner technologies for the cars and the alternative fuel as well as to secure the infrastructure necessary;
- To facilitate movement on foot in the centre of city (streets for walkers; safety of walkers);
- To develop infrastructure for the bikers;
- To cooperate with the city port to obtain information necessary for the effective air quality management;
- To promote register and reduce of pollution by enterprises;
- To assess impact on air pollution from the new infrastructure projects;
- To establish air monitoring stations at port;
- To define minimum technical requirements for handling cargo;
- To elaborate an action plan to ensure realization of the Regulations of the Cabinet of Ministers No. 269 of August 3, 1999 "Regulations for the Environmental Quality Norms for Filling Stations, Oil Terminals and Mobile Tanks" within territory of port;
- To improve assessment of PM₁₀ pollution;
- To consider usefulness of regulation to reduce dust pollution at public and housing estate during technical and building works;
- To modernize system of the heat supply;
- To build a new gas-pipe to stimulate replacement of the coal and liquid fuel;
- To clean streets and roads using wet or dry approach;
- To consider replacement of salt used in winter;
- To increase an area of green zones;
- To make publicly available website for air quality;
- To establish an information centre for air quality related issues.

Several other municipalities consider the feasibility of such programme, still, that is not obligatory today. It is not envisaged that such programmes would be necessary for small towns and rural areas in the future.

- **Prevention of water pollution**

In addition to legal and administrative acts mentioned in the First National Report, water pollution and drinking water abstraction and control in the Republic of Latvia is defined and regulated by the following legal and administrative acts:

1. "The Law on Pollution", which came into force on July 1, 2001, and incorporates legal norms in compliance with the EU Directive 96/61/EEC, 91/676/EEC, 2002/49/EC, 2003/35/EC, 2003/87/EC, 2004/101/EC, 2004/42/EC.
2. Regulations of the Cabinet of Ministers No. 736 of December 23, 2003 "Regulations on Water Resources Use Permits", which define permitting procedure and permit conditions for various water uses, including abstraction of surface water and groundwater.
3. Regulations of the Cabinet of Ministers No. 34 of January 22, 2002 "Regulations on the Emissions of Contaminants in Water", which incorporate legal norms in compliance with the EU Directives 76/464/EEC, 80/68/EEC, 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC, 91/271/EEC.
4. Regulations of the Cabinet of Ministers No. 531 of December 18, 2001 "On Water and Soil Protection Against Pollution Caused by Nitrates from Agricultural Activities", which incorporate legal norms in compliance with the EU Directive 91/676/EEC
5. Regulations of the Cabinet of Ministers No. 294 of July 9, 2002 "On Application of Category A, B and C Polluting Activities and Permitting of Category A and B Polluting Activities", which incorporate legal norms in compliance with the EU Directives 75/442/EEC, 80/68/EEC, 91/271/EEC, 91/689/EEC, 96/61/EC, 1999/31/EC, 2000/60/EC, 2000/76/EC, 2003/35/EC.

- **prevention of soil pollution**

Soil protection activities in Latvia are regulated by:

1. Regulations of the Cabinet of Ministers No. 365 of August 20, 2002 "Regulations on the Use, Monitoring and Control of Sewage Sludge and Its Composts" regulate the procedures of use, as well as monitoring and control of sewage sludge and its composts. Use of sewage sludge and its compost, which are classified as hazardous waste (in accordance with mentioned rules above on sewage sludge) is regulated by legislation on Waste management.

Currently the existing regulations on sewage sludge are under revision and it is planned to adopt the amendments by 2006.

2. Regulations of the Cabinet of Ministers No. 531 of December 18, 2001 "Regulations for Water and Soil Protection Against Contamination by Nitrates Caused by Agricultural Activities" determine the requirements for the water and soil protection against contamination by nitrates caused by agricultural activities; particularly vulnerable areas, to which more stringent requirements regarding the water and soil protection against contamination by nitrates caused by agricultural activities are applicable, and their boundaries, as well as the criteria for the determination of such areas and management procedures. The procedures on management of the especially vulnerable territories are stipulated in the programme developed by Order of Ministry of Agriculture Nr.163 of March 18, 2004 "Action Programme for Especially Vulnerable Territories that Require Increased

Requirements for Protection of Water and Soil against Pollution with Nitrates Caused by Agricultural Activity”.

3. On 25 October 2005 the Cabinet of Ministers has approved new Regulations No. 804 “Quality Standards of Soil and Ground” where threshold values for assessment of soil and ground quality are mentioned. One of purposes is to take an account for rehabilitation of contaminated sites.

A database of polluted and potentially polluted sites has been built during 2004; it takes account of all kinds of pollution. The database – the register is publicly available on the homepage of Latvian Environment, Geology and Meteorology Agency. The register includes such information as geographical coordinates, administrative location, sources of information, the relevant description of surrounding (geological, social), owners, previous use of site.

4. Regulations of the Cabinet of Ministers No. 628 of July 27, 2004 “Regulations on Special Requirements Regarding Pollution Activities in Animal Farms” which regulates pollution prevention activities from animal farms (with 10 and more animal units in whole territory, and from 5 to more animal units in vulnerable zones), to prevent pollution of ground and surface water from manure and silage use and storage. These regulations refer to the whole territory of Latvia.

b. Protection against radioactive contamination

The Law on the Radiation Safety and Nuclear Safety which was adopted by the Parliament on 26 October, 2000, regulates protection against ionising radiation; the Cabinet of Ministers approved 20 different regulations, which cover all major aspects of radiation safety and nuclear safety. The Radiation Safety Centre (further – the Centre) has responsibility for radiation safety and nuclear safety in State.

Regulations No. 149 on Protection against Ionising Radiation of 9 April, 2002 determine the requirements for protection against ionising radiation in accordance with the basic principles of radiation safety and nuclear safety, as well as specify dose limits of ionising radiation in respect of the population.

The following types of activities related to reduction of environmental risks from ionising radiation are taken:

- Decommissioning of ionising radiation facilities (Salaspils nuclear reactor) or increase of their safety and prohibition or modification of practices with ionising radiation sources or increases their safety.

- Supervision of practices with ionising radiation sources to monitor situation at facilities and within country as well as to verify compliance with requirements.

There are more than 750 operators (licensed users) currently in Latvia. The Centre inspectors are supervising them; the inspection frequency depends on risks associated with relevant practices at the facilities (from one inspection per two years for low risk facilities up to 4-8 times per year for State significant facilities). The operator shall ensure the control of the amount of radionuclides in the controlled area. There is a specific program for the ionising radiation facilities of state significance, where the requirements for the ionising radiation monitoring are stated (the values to be measured, the territory where measurements shall be carried out and the regularity of measuring, methods of measurement).

- The monitoring of radioactive contamination of water, air, soil and food is performed regularly; continuous monitoring of gamma radiation dose rate is carried out using

automatic gamma radiation monitoring stations.

The Centre shall perform monitoring of the ionising radiation doses received by the population by means of utilise and control the monitoring data on radioactive contamination in the environment and food products. At least once a year in accordance with the State environmental monitoring programme an accredited laboratory shall determine the specific radioactivity of ^{40}K , and total beta in bigger rivers as well as in the lakes and the specific activity of ^{90}Sr , ^{137}Cs in soil. In addition an accredited laboratory shall determine specific radioactivity of ^{137}Cs and ^7Be in air samples at least once a month, utilising at least one stationary filtering installation of air aerosol samples operating in a non-stop regime.

The Food and Veterinary Service shall control radioactive contamination of food. At least once a year the Food and Veterinary Service laboratory shall control the radioactive contamination of milk and at least once a year shall determine radioactivity of ^{90}Sr and ^{137}Cs for the total consumption of food products per person per day.

c. Protection against noise pollution

The requirements for acoustic noise control and permissible norms of acoustic noise in the dwelling and public houses are determined by the Regulation of the Cabinet of Ministers No. 598 "On Acoustical Noise Norms in the Dwelling and Public Houses" (13 July, 2004). According to this regulation, permissible norms of acoustic noise in the dwelling and public houses are controlled by the State Sanitary Inspection in compliance with its Statutes and municipal institutions, to which the local authorities have delegated such competence. State Sanitary Inspection is responsible for control of the norms of acoustic noise from commercial activities (e. g., traffic, industrial activities, ventilation, lift), but municipal institutions – acoustic noise from non-commercial activities (neighbourhood, public policy disturbance).

In 2004 State Sanitary Inspectorate organized 56 measurements of noise values and in 21 cases allowed noise values were exceeded. In all cases discrepancies were prevented and noise level was reduced to the allowed level.

The requirements of EU Directive 2002/49/EC relating to the assessment and management of environmental noise are implemented in the Law on Pollution and Regulations of the Cabinet of Ministers No. 597 "On Procedure for Assessment of Environmental Noise" (13 July, 2004). The law "On Pollution" determines institutions which are responsible for making and approving strategic noise maps and action plans, sets requirements for agglomerations, roads, railways and airports and time periods for making strategic noise maps and action plans, and sets requirements which must be included in Regulations of Cabinet of Ministers. According to the Law on Pollution municipalities are responsible for making noise maps and action plans for agglomerations, but the Ministry of Transport – for roads, railways and airport. The first time period for making strategic noise maps – 30 March 2007, but for making action plan – 30 April 2008. There is one agglomeration – Riga's agglomeration and 5 road sections (> 6,000,000 vehicle passages per year), which are relevant to first period in Latvia.

The Regulations of the Cabinet of Ministers No. 597 "On Procedure for Assessment of Environmental Noise" (13 July, 2004) determine noise indicators, the assessment methods for the determination of noise indicators, noise limit values, the contents of strategic noise maps and action plans, tasks and responsibilities for municipalities and the Ministry of Transport, the information to be issued to the public and the EC regarding environmental noise. The Latvian Environment, Geology and Meteorology

Agency is responsible for collecting noise maps and action plans and information about noise maps and summaries of action plans.

According to the timelines set by the EU Directive 2002/49/EC and Latvian legislation concerning environmental noise, currently it is important to collect information about sources of noise and information which is necessary to draw up noise maps.

The Regulations of the Cabinet of Ministers No. 42 "Regulations on the Marking of Goods, Including Information on the Noise Emissions in the Environment" (29 January 29, 2002) were prepared according to the EU Directive of 1 December 1986 on airborne noise emitted by household appliances (86/594/EEC), Household Appliances Directive (86/594/EEC) and the Regulations No. 163 "On Noise Emissions from Equipment Used Outside Premises" (23 April 2002) were prepared according to the EU Directive 2000/14/EC on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors.

Regulations of the Cabinet of Ministers No. 66 of February 4, 2003 "Requirements for the Occupational Protection of Employees Against the Risk to Working Environment Caused by Noise" determine the requirements for the occupational protection of employees against the risk to working environment caused by noise, in particular, if there is a possibility of the negative impact on the employees' hearing. The above-mentioned Regulations pertain to the employees in all spheres of employment, where employees are subject or may be subject to the risk caused by noise. The employers are responsible for the implementation of the above regulations. In compliance with the Work Protection Law, the employers consult with the employees or their proxies in the sphere of work protection, including the items in connection with noise in the working environment, also ensuring the participation of the employees in the solution of the relevant problems.

d. Food hygiene inspection

The food chain and its supervision in Latvia is regulated by two main legal acts - Law on the Supervision of Food Chain (came into force on 06.03.1998, last amended on 07.12.2005) and Law on the Veterinary Medicine (came into force on 01.07.2001., last amended on 28.10.2004.).

Law on the Supervision of Food Chain designates Food and Veterinary Service as the main institutional body for the supervision and control of the food chain. From January 1, 2006, Food and Veterinary Service is merged with Latvian Food Centre which was previously under the Ministry of Health and dealt with such areas in the food chain as food additives and contaminants, materials that come into contact with food, natural mineral waters, GMO and novel foods, methods of analyses and spirit drinks. After the extension of responsibilities of Food and Veterinary Service the supervision of food chain in Latvia is more transparent and rational.

Since the January 1, 2006, general requirements of food hygiene in Latvia are applied according to the new EU hygiene regulations that are developed in the light of scientific data. In addition, several national legislative acts (11) and guidelines will be developed specifying food hygiene requirements for the areas not covered by EU regulations. Food business operators in Latvia must also take into account specific provisions that are laid down in:

- 1) Regulations of the Cabinet of Ministers No.494 (27.11.2001) laying down specific requirements for medical examination for persons that are employed in food chain, specifically in segments where a risk to human health may arise;

2) Regulations of the Cabinet of Ministers (18.10.2000) No.359 laying down the list of several infection diseases that create high risk for food and therefore restrict professional activities;

3) good hygiene practice for personnel working in public catering (in accordance with *Codex Alimentarius* Recommended Practice (CAC/RCP 39-1993);

4) Regulations of the Cabinet of Ministers (14.06.2005.) No.409 where the requirements for professional qualification for personnel involved in food industry are laid down.

In 2004 the number of food establishments operating in Latvia now increased by 4%. Currently the main increase is observed in the sector of organic production – 52.7%.

The situation with food establishments fully complying with food hygiene requirements steadily improve: in year 2002 14% of establishments were fully compliant, in 2003 - 18%, in 2004 - 29% and overall tendency is positive. The reason is more serious attitude to hygiene criteria by food business operators. It results in positive estimation of hygienic situation at food establishments and currently the time necessary to overcome several shortcomings is not exceeding 3 months.

The occurrence of food-borne diseases was increasing until 2002 reaching 373,9 cases per 100 thousand inhabitants, in year 2003 it did not change and in 2004 it slightly decreased till 267,5 cases per 100 thousand inhabitants. The major part of food born diseases encountered (58,8%) did not originate from food chain in a traditional meaning, but mainly from inappropriate food storage, preparation or usage in households. Food and Veterinary Service has carried out several activities to improve the situation in the field of food-borne diseases:

- 1) the state food surveillance optimization procedures have been developed and implemented; the approval and registration of establishments are in place;
- 2) the professional training of personnel involved in food chain is ensured and becomes more effective;
- 3) food business operators are being not only controlled but also educated, consulted and trained. Special division for training purposes is established at the Food and Veterinary Service.
- 4) personnel involved in food surveillance are trained in annual training courses for food inspectors, in rapid alert system and in risk management systems.

Every year Food and Veterinary Service carries out surveillance and control activities to monitor the situation on application of food hygiene requirements and to evaluate the effectiveness of implementation of legislation. According to the Code on Administrative Infringements, the Food and Veterinary Service has the right to impose administrative fines upon food business operators if their activities are not in line with general requirements of food hygiene.

In 2005 the Food and Veterinary Service elaborated and accomplished 16 control programs for food surveillance purposes. It carries out both EU control programs and national control programs on actual food contaminants. Each year the control programs are evaluated and approved by the European Commission. In 2005 Latvia accomplished 4 EU coordinated programs including the program to monitor pesticide residues in the foodstuffs of plant origin according to the EC recommendation. There are also several programs for surveillance of zoonosis (*Listeria*, *Salmonella spp.*, *Campilobacter*, *E.coli*), in framework of which products of animal origin are subjected to controls. Food surveillance programs include also checks on substances notified

by RASFF system - prohibited colorants, PAH, sulphur dioxide, micotoxins, heavy metals and nitrates.

e. Minimum housing standards

No change.

f. Measures taken to combat smoking, alcohol and drug abuse, including multiple addictions, as well as against sexually transmitted diseases.

In February 2004, States Addiction Agency became a member of European Monitoring Center for Drugs and Addiction, and coordinator (focal point) in Latvia. The Center provides the information about drugs and drugs addiction prevalence in EU countries.

On 17 August 2005 the Cabinet of Ministers adopted National program for limitation and control of narcotic and psychoactive substances abuse and distribution for 2005-2008 (instruction Nr.559). The aim of this program is to promote decrease in drugs supply and demand as well as in drug addiction relevant diseases, death cases and crimes minimisation. The Ministry of Interior aggregates all information about implementation of the program.

In 2005 amendments to the Law on the Limitation of Sales Advertising and Use of Tobacco Products were adopted. These amendments included stronger bans on smoking in public places and it allows smoking only in specially designed smoking rooms starting from 1 July 2006.

In January 2005 the Cabinet of Ministers accepted Program of reduction of alcohol consumption for 2005-2008. The goal of this program is to reduce the volume of alcohol consumption per capita as well to diminish health problems caused by alcohol on persons and society. The main activities of the program are to decrease supply (for instance, by changing tax system, by combating illegal alcohol use), demand (for instance, by educating population, by improving treatment and rehabilitation services) and deviant alcohol usage (for instance, to decrease the number of traffic accidents caused by drunk drivers). Information about intermediate practical results of the program will be processed in 2006.

Based on WHO Tobacco convention Ministry of Health has elaborated States Program for Tobacco Surveillance 2005-2010. The goal of this program is to improve health of Latvian population, substantially reducing consumption of tobacco products.

In November 27, 2003 the multisectoral strategy and action plan „Programme for Limitation of HIV/AIDS in Latvia for 2003-2007” was approved by the government, which includes epidemiological surveillance, prevention with emphasis to major groups at risk (intravenous drug users, youth), care and treatment for people living with HIV/AIDS as integrated and mutually reinforcing core components. The state's HIV/AIDS epidemiological surveillance and reporting (HIV/AIDS case register) are completely integrated in European HIV surveillance program (Euro HIV) and funded by the budget (Ministry of Health). Most advanced antiretroviral treatment is available for people living with HIV/AIDS and is funded from state's health budget so far.

Responses to Queries raised by the European Committee of Social Rights in its Conclusions XVII-2 (Latvia)

**Article 11 – Right to protection of health
Paragraph 1 – Removal of the causes of ill-health**

Query: *information about general indicators on the state of health of the Latvian population including the mortality rate. information of all measures taken to arrive at an improvement in the situation.*

Response: reference is made to the answer provided to question A.

Query: *what conditions apply for registration in Register of Residents mentioned in the Regulation No.13 adopted by the Cabinet of Ministers on 13 January 1999 (access to health care is recurred to Latvian nationals but also to foreigners and stateless persons registered in the Register of Residents).*

Response: reference is made to the answer given to query made by European Committee of Social Rights concerning Article 13, paragraph 1 about information on the procedures and conditions for granting a personal identification number and for issuance of permanent and temporary residence permits.

Query: *how the sickness insurance scheme functions and who its beneficiaries are.*

Response: reference is made to the information provided within General aspects and to the answer provided to question B.

Query: *information about the private insurance scheme.*

Response: Insurance companies are enterprises, which provide payment for health care services, and are not included in the list of the state paid health care services. In 2004 insurance companies signed health insurance awards for 17 867 257 LVL and paid health insurance compensations for 12 064 526 LVL.

Query: *information about the system of fees charged for treatment and the list of free medical care.*

Response: reference is made to the information provided within General aspects concerning patient's fees attending the family physician and doctor-specialist, and to answer given to question B concerning co-payment system and categories that are exempted from co-payment system.

Query: *up-dated information relating to the situation of underprivileged categories in health care system.*

Response: reference is made to the answer to question B concerning categories that are exempted from co-payment system, in Article 11, paragraph 1, question B subpoint c (the elderly) and subpoint d (disadvantaged persons or groups).

Query: *information about realising the objective – to give a higher priority to primary care.*

Response: Primary care system development occurs by educating family physician, internists and paediatricians train as family physician; by developing new physicians practices and by changing or improving the old ones.

In addition to information provided within answer to question C, in accordance with the program of Outpatient and Inpatient Health Care Service Providers it is planned to establish 20 new general practitioner practices and renew 50 general practitioner practices till the year 2010.

Query: *information about the modalities of management of waiting list and the waiting periods for delivery of health care.*

Response: reference is made to the answer to question A-C concerning queues in order to obtain planned health care.

Query: *information about exact geographical distribution of practitioners and hospitals over the whole territory.*

Response: reference is made to the answer to question C, subpoints a-c concerning the development program of Outpatient and Inpatient Health Care Service Providers (adopted by the Cabinet of Ministers, 20.12.2004.). See planned distribution of regional multi-profile hospitals and local multi-profile hospitals for 2010 in Annex 1.

Query: *whether the number of doctors is sufficient to achieve the objective of promoting primary care, and which measures are taken in this respect*

Response: reference is made to the answer to question C, subpoint d.

Paragraph 2 – Advisory and educational facilities

Query: *whether health education (as a part of the primary and secondary syllabus) provided throughout schooling?*

Response: According to the Regulation of the Cabinet of Ministers Nr.462 “Regulation on state primary education standards” (5 September 2000) there is group of subjects called “Social studies”. One of the subjects in this group is “Health lessons”. The main goal of this subject is to provide students with understanding of healthy way of living (correct eating manner, physical activities importance, integrated daily regimen, body care).

According to Regulation of the Cabinet of Ministers Nr.463 “Regulation on state secondary education standards” (5 December 2000) there is the same subject in secondary syllabus. The main goal of this subject in secondary school is to improve knowledge that students got in primary school and to promote further scholars development as mentally and physically intelligent personalities and make them understand that health is very important factor in the life quality.

Query: *whether all regions have benefited from drugs prevention program, anti-smoking information campaign and other programs that had been introduced for pupils. Details of the steps taken to deliver information to schools which encourage the development of individual responsibility on matters such as nutrition, sexual education and environment.*

Response:

The following activities were carried out:

1. Information campaign on media and at the Latvian National Coalition for tobacco control website (www.bezcigaretes.lv) about the smoking prevention among adolescents with involvement of the high school students from the grades 7 and 8 in The Smokefree Class Competition.

Number of participating classes in the competition – 540 from all regions of the country. The start of the competition created much publicity in the media and participation rate could be estimated as the high.

2. Creation of an advocacy group consisting of well-known and leading doctors under leadership of the President of Latvian Medical Association.

Advocacy group “Doctors for Healthy lifestyle and Against Tobacco” in the meeting on October 28, 2005 made assessment of the implementation of the national action plan on tobacco control with special accent on the smoking cessation.

Members of the group discussed and prepared recommendations for policymakers at the national level.

3. The Health Promotion State Agency (HPSA) and Latvian National coalition for tobacco control with other partners participated in the new anti-smoking campaign “HELP – For a Life without Tobacco” launched by the European Commission with the aim to urge people to give up smoking or do not start to use tobacco.

Benefits from drug prevention and anti- smoking programs in the regions:

During 2002-2004 drug prevention programs were introduced at schools in all regions of Latvia.

Before and during the introduction teachers had opportunity to study at further education’s course (36 hours) provided by specialists in primary prevention. 58% of teachers, involved in primary prevention, got the necessary knowledge and skills in primary prevention

The inquiry carried out in 2004 by the HPSA showed that 80% of teachers of primary and middle schools are involved in primary prevention for different age groups of pupils. Mostly drug prevention work is carried out in teachers’ lessons (60%). 43% of teachers use the methodological material prepared in the framework of UNDCP project “Development of Comprehensive Drug Abuse Prevention Materials and Related Training for Public Schools in the Baltic States”

The most popular teaching programme is “Drug prevention” prepared by the HPSA in 2002.

The data of the inquiry confirm that the most significant results of drug prevention programmes at schools are:

- improved knowledge about smoking, alcohol and drugs;
- better understanding about social and health risks of smoking, alcohol and drugs (70% of respondents);
- well developed life skills (22%).

Persuasive benefit of anti-smoking education at schools reflects the Health Behaviour in School-aged Children Study (HBSC). Smoking among 15-year old boys diminished from 36,8 % in 1998 to 28,9% in 2002.

In 2004 alcohol prevention campaign was carried out in vocational schools, with 170 participants from 55 vocational schools. In order to prepare a prevention campaign the teaching/learning program, informative materials (facts about alcohol), posters, full descriptions of 10 example lessons and workshops for teachers were prepared.

Teachers of vocational schools participated in one or two-day workshops to prepare an alcohol prevention program at schools.

Group interviews before and after the campaign confirmed the changes in students' understandings and attitudes toward drinking habits.

In 2005 the project "HIV/AIDS prevention for young women" was carried out in vocational schools, boarding schools and orphanages. In order to help teachers in STI and HIV/AIDS education, the methodological material was worked out. It was invented to help teachers

- to provide students with simple but scientific information about STS and HIV/AIDS;
- to develop students' life skills necessary for healthy decisions;
- to strengthen students' awareness towards oneself and own health.

247 participants (244 women, 3 men) from 145 educational settings attended 16 hours long training course to get ready for work with prepared material and provide preventive HIV/AIDS education.

Six further education programs in health education for teachers of comprehensive schools have been prepared by HPSA and admitted by the Ministry of Education and Science. Three of them are currently provided in teachers' further education centres. 75 teachers are involved in trainings in different health education topics - mental health, nutrition, smoking and alcohol addiction, drug abuse, sexuality, family health and environmental health.

Query: *information on structural measures on information and public awareness to health-related topics. Having regard to the life expectancy indicators – information of the measures taken to encourage individual responsibility.*

Response:

Regional structure of Health Promotion State agency

Since the year 2002, Health Promotion State agency has regional structure. There is agreement with municipalities about Health Promotion implementation in regions. In the year 2002 there were 9 regional coordinators, 2004 - 10 and since 2005 there are 11 regional coordinators situated in regional centres and responsible for health promotion work in 2 or 3 regions.

- Information on the measures taken to encourage individual responsibility:

Finbalt Health Monitor

Finbalt Health Monitor is a collaborative system for monitoring health related behavior, practices and lifestyles in

- Estonia, since 1990
- Finland, since 1978
- Latvia, since 1998, and
- Lithuania, since 1994.

Finbalt Health Monitor-system monitors such behavior as smoking, alcohol consumption, food habits and physical activity.

The Finbalt Health Monitor -system was put into action in order to serve national health policy and health promotion and to carry out comparative studies related to major public health problems in the participating countries.

Latvia joined the project in 1997. The survey was carried out simultaneously in all Baltic countries and Finland for the first time in spring 1998.

The results of the national surveys have provoked great interest both among experts and ordinary citizens. The systems have been widely used by health administrators, health promoters and policy planners.

The latest Finbalt report is to be found on the webpage: www.ktl.fi/eteo/finbalt

▪ The Health Behavior in School-aged Children

The Health Behavior in School-aged Children (HBSC) is a cross-national research study conducted in collaboration with the WHO Regional Office for Europe.

The study aims to gain new insight into, and increase our understanding of young people's health and well-being, health behaviors and their social context. Latvia joined this project on 1990. The first cross-national survey was conducted in 1993/94, the second in 1995/96 and since then data collection has been carried out every four years using a common research protocol. The most recent survey, the sixth in the series, was conducted in 2001/02.

The HBSC 2001/02 International Report, "Young People's Health in Context" is available from the [World Health Organization website](http://www.who.int) or the project website www.hbsc.org

Paragraph 3 – Prevention of diseases

Query: *what monitoring mechanisms related to a series of laws and administrative acts regulating air quality have been established and how they operate?*

Response: Reference is made to the answer given to question B subpoint a concerning Programme of Environment Monitoring.

Query: *information of the outcome to specific program for the improvement of air quality in Riga and other municipalities, as well as of all other developments aimed at improving the progress achieved in this respect.*

Response: reference is made to the answer provided to question B, subpoint a concerning Programme for the improvement of air quality in Riga and Action programme for improvement of air quality in Liepaja city for year 2005-2008.

Query: *information about the progress achieved in the programs on nitrate pollution and emissions of dangerous substances.*

Response:

Nitrate pollution

The results to be achieved by the action programme on nitrate pollution and emissions of dangerous substances are:

- 80% of farms (five and more animals) will have environmentally safe manure storage vessels;
- 364 000ha of agricultural land will have less agricultural runoff;
- 210kg of nitrogen per ha will be the maximum amount of the organic fertilizers used at all farms during a year;
- fertilization plans will be developed at all farms (with 10 and more ha of crop land and with 3 and more ha of vegetable land);
- 50% of agricultural land will be used as green area at farms during autumn and winter;
- 50mg per litre will be the maximum amount of nitrate in the surface and the groundwater.

Vulnerable zones are defined (8160,5 km²), registered and monitored by the Latvian Environment, Geology and Meteorology Agency. Almost only the Lielupe river basin is defined as vulnerable area in Latvia. The surface water was monitored at 23 stations (14 rivers) and the groundwater was monitored at 5 positions (about 30 drillholes) during 2004 – 2005. The agriculture runoff is monitored at three stations by the Latvian University of Agriculture.

From 2006 the monitoring of the vulnerable zones is integrated in the Water monitoring programme (developed according to Water framework directive).

Nitrate pollution is not exceeding limit concentrations of the Nitrate directive in surface and groundwater in vulnerable zones in Latvia. Nitrate concentration was decreasing in surface waters since 1991 and has stabilized since 1997. The average nitrate concentration was 0.8–6.4mg/l at rivers in vulnerable zones during 2004. That allows to mitigate monitoring requirements. According to this groundwater monitoring is made once in year.

The report on the implementation of the programme is going to be prepared every year starting from 2005. The report on the implementation of Nitrate directive will be submitted to the European Commission in year 2008.

Dangerous substances.

The implementation plan of the EU Urban Wastewater Treatment Directive was submitted to DG Environment in 2001, report on its implementation – in early 2005.

The completed questionnaire of the Dangerous Substances Directive and it's daughter directives was submitted to DG Environment in 2005.

The implementation of the EU Dangerous Substances Directive 76/464/EEC takes place simultaneously with the implementation of the Urban Wastewater treatment Directive 91/271/EC.

Therefore the common action programme for the reduction of pollution caused by dangerous substances and municipal wastewater was approved by the Order No. 181. of the Cabinet of Ministers on March 31, 2004.

The results to be achieved by the action programme are:

- the cross boarder pollution is reduced in accordance with the limits of laws and regulations;
- the quality of surface water is in accordance with laws and regulations; 95 % of municipal wastewater is collected and refined in conformity with laws and regulations within the settlements of 2000 and more inhabitants;
- the List I substances are not emitted with the wastewater; the concentration of the dangerous substances is under the limits of environmental standards;
- the enterprises are taking action to prevent pollution of the water against the dangerous substances;
- the system of the surface water quality ensures precise data about state of the surface water; the monitoring of the especially dangerous and dangerous substances is in place;
- state institutions are ensuring establishment of laws and regulations and it's effective control of implementation.

The report on the implementation of the programme is going to be prepared every two years.

As data about the discharges of List I, II substances are not complete yet, the major tasks of the programme is to identify precisely all sources of pollution and to propose monitoring needs, appropriate prevention measures and emission reduction objectives.

According to the EU Water Framework Directive 2000/60/EC, river basin management plans will be developed by 2009. As the core purpose of these plans is to achieve good ecological and chemical water status, they will also include the measures for reduction and prevention of discharges of dangerous substances.

Query: *concrete information on the progress achieved in soil pollution area.*

Response: According to National Waste Management Plan, 2006 – 2013, which was adopted on 29 December 2005, subprojects for construction of infrastructure objects or for implementation of several hazardous waste management systems are included in the planned investment projects, for instance:

- setup of hazardous waste incineration facility (planned capacity – 2000 t of waste per year);
- construction of dump for hazardous waste (planned capacity – 40 000 t of waste per year);
- establishment of hazardous waste gathering system (4-5 hazardous waste gathering points);
- establishment of hazardous health care waste gathering system (planned capacity – 600 t per year in Riga and 3 regional points with capacity of 200 t per year).

The problems of hazardous waste management will be solved in two phases – with short-term and long-term measures.

Short-term measures (1 - 4 year period):

1. Completion of elaboration of legislation;
2. Training of staff from regional environmental boards, which is involved in questions of hazardous waste management;
3. Development of staples of hazardous waste management system (incinerators, dumps), the incineration of useless pesticides collected;
4. Strengthening of legislation implementation authorities (State environmental service, including regional environmental boards);
5. Construction of gathering points;
6. Construction of hazardous health care waste treatment facilities (acquisition of detoxification and autoclave facilities).

Long-term measures (5 - 8 year period):

1. The optimization of legislative acts regulating hazardous waste management;
2. Optimization and development of hazardous waste management system considering regional needs (requirements) and tendencies of economic development.

Query: *details of the monitoring procedures of ionising radiation.*

Response: reference is made to the answer to question B, subpoint b.

Query: *information about noise (how responsibility for control is apportioned between the national health inspectorate and the municipal institutions).*

Response: reference is made to the answer to question B, subpoint c.

Query: *how responsibility for control is apportioned between the national health inspectorate and the municipal institutions.*

Response: The main tasks of the local authorities in the sphere of health care are the provision of accessibility of health care services to the population of the area (also disease prevention), their planning, organization, ensuring continuous successful co-operation between the primary and secondary health care, to the ensured under social care and other local authorities.

The Ministry of Health and its institutions provide state supervision and control of vaccination.

For more information about arrangements for reporting and notifying disease see answer provided to question A.

Query: *concrete information on all this points: legislation must set food hygiene standards in light of scientific data, and provide for mechanisms for monitoring compliance with these standards throughout the food chain, develop, implement, and up-date systematic prevention measures, notably by way of labelling, and monitor the occurrence of food-borne diseases.*

Response: reference is made to the answer to question B, subpoint d concerning food hygiene inspection.

Query: *how the aforementioned legislation and inspection arrangements have made it possible to remedy the deficiencies reported by WHO (WHO has highlighted the very low standard of food safety due mainly to the increased number of non-professionals in the food industry, poor training in hygiene, violations of food legislation and a reduction in the number of food hygiene inspectors – Highlights on the Health in Latvia, April 2001 in the WHO Regional Office: www.who.int).*

Response: reference is made to the answer to question B, subpoint d concerning food hygiene inspection.

Query: *detailed information on the 2003 national plan of action for limiting alcohol consumption plan's content and implementation.*

Response: reference is made to the answer to question B, subpoint f concerning Program of reduction of alcohol consumption for 2005-2008.

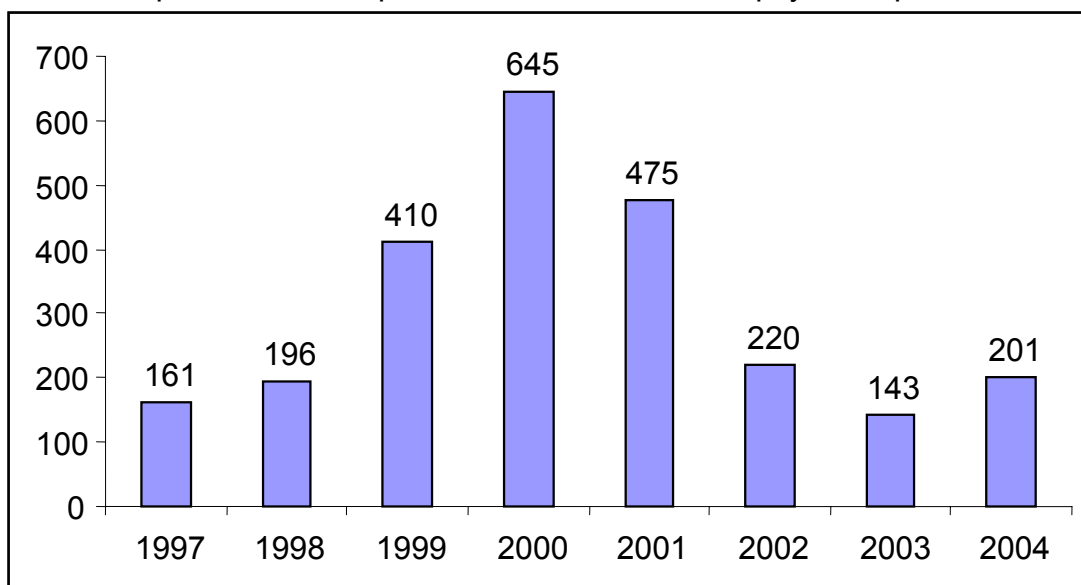
Query: *full particulars regarding the content of a national strategy' and plan's to reduce consumption of drugs over the period 2004-2008 measures and their implementation .*

Response: reference is made to the answer to question B, subpoint f (measures to combat smoking, alcohol and drug abuse, including multiple addiction, as well as against sexually transmitted diseases) concerning National program for limitation and control of narcotic and psychoactive substances abuse and distribution for 2005-2008.

Query: statistics recording the trend in consumption of tobacco, alcohol and drugs. Corroborative figures, what results have been achieved.

Response: In 2004 comparing with previous year a number of new narcology patients increased significantly i.e. by 58 cases or 40.6%. The total number of narcology patients has increased by 104 cases or 3.9%. Despite the increase in 2004 the number of narcology patients is considerably lower than in 1999, 2000 and 2001.

Table. New patients with dependence on narcotic and psychotropic substances

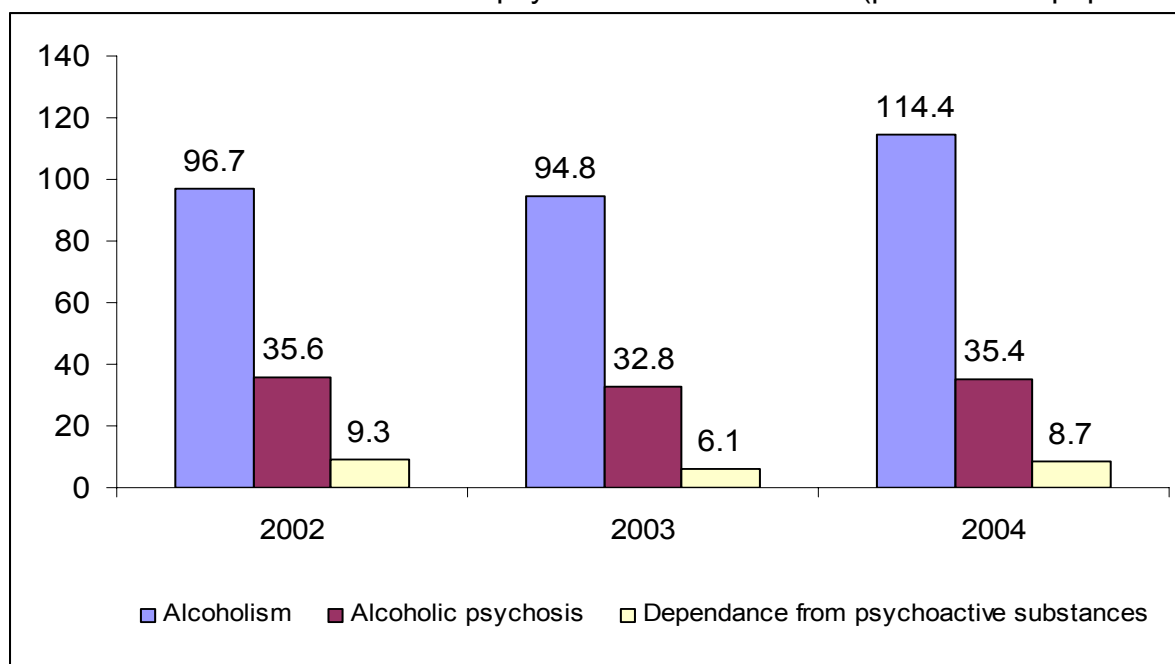


The alcohol consumption has not changed significantly during the last years. In 2004 an average consumption of absolute alcohol (100% spirit) per person older than 15, was 8.9 liters.

Also mortality from disorders caused by chronic alcoholism has not changed significantly. Nevertheless, the incidence of alcoholism has increased significantly – from 94.8 per 100 000 population in 2003 to 114.4 in 2004.

Incidence of alcohol psychoses has not changed significantly during the last years. In 2004 it was 35.4 per 100 000 residents.

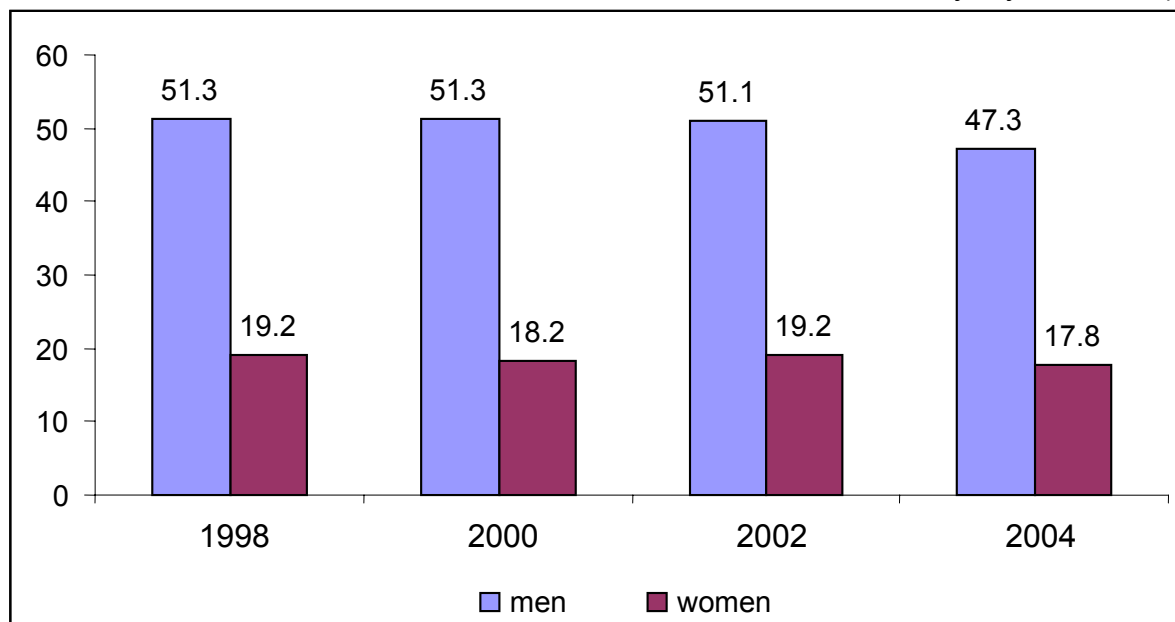
Table. Incidence of alcoholic psychosis, alcoholism and dependence from psychoactive substances (per 100 000 population)



Smoking is seen as a serious problem in Latvia. 30.1% of the population smokes every day, 52.1% consumes more than 15 cigarettes per day. Smoking rates among men are higher than among women.

There is an increase in the number of persons who want to quit smoking.

Table. Everyday smokers (%)



Source: FINBALT survey

Query: information about arrangements for reporting and notifying diseases, special treatment for AIDS patients, emergency measures in case of epidemics.

Response: reference is made to the answer to question A concerning information about arrangements for reporting and notifying disease.

Query: up-dated information about State Immunisation Program.

Response: reference is made to the answer provided in question A.

ARTICLE 13: THE RIGHT TO SOCIAL AND MEDICAL ASSISTANCE

ARTICLE 13 PARA. 1

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake:

to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition."

Question A

Please describe the general organisation of the current public social and medical assistance schemes.

The Law on Social Services and Social Assistance came into force on 1st January 2003. In this Law concept "social assistance" is defined as a benefit in cash or in kind the granting of which is based on evaluation of the material resources of person (families) who lack the means to satisfy basic needs. Social assistance to a client shall be provided on basis of an evaluation of his or her material resources – income and property, individually providing for the participation of each client in conformity with the Law on Social Security.

The purpose of social assistance is to provide material support of families (persons) in a crisis situation in order to satisfy their basic needs and promote the participation of able – bodied persons in the improvement of their situation.

Since 2003 the term social assistance includes only the social benefits granted by municipalities. Decisions on granting of social assistance are made by social services of municipalities and social assistance is financed from municipalities budgets.

The right to receive social assistance shall be enjoyed by Latvian citizens and non-citizens, aliens and stateless persons who have been assigned a personal identity number, except for persons who have received a temporary residence permit.

Question B

Please provide detailed information on the different types of social and medical assistance, specifying for each one:

- **its form (benefits in cash and/or in kind);**
- **the categories of persons covered and the number of persons who were in receipt of assistance during the reference period;**
- **the conditions for the granting of assistance, the criteria used to assess need, the procedure for determining whether a person is without adequate resources, and the body which decides when assistance is to be granted;**
- **as far as possible, information demonstrating the adequacy of the assistance with respect to the cost of living.**

Types of Social Assistance Benefits:

1. GMI benefit (benefit for ensuring guaranteed minimum income level).
2. Benefit in an emergency situation.
3. Housing benefit.
4. Other benefits, which are determined from municipalities initiative.

In 2004 municipal social assistance were granted to **390 038** persons. Majority of persons who are received municipal social assistance - **240 658** persons or **61,7%** - are from families with children with one or more able-bodied adult (adult persons, except pensioners and disabled persons).

18 591 378 LVL were paid for municipal social assistance.

GMI benefit

GMI benefit is means - tested benefit in cash or in kind which is granted to households or separately living persons whose income level is lower than set by Cabinet of Ministers. GMI benefit is regulated by the Law on Social services and Social Assistance.

GMI benefit is calculated as a difference between GMI level per person and households or separately living persons income per capita. Calculation of the benefit does not involve application of the equivalence scale – the calculated GMI benefit is equal for all adults and children in the family.

The GMI benefit shall be granted and paid to a household or separately living person if he or she fulfils the duties of participation in execution of his social rights prescribed in the Law on Social Security (Section V) and, if necessary, takes part in social rehabilitation measures. A person who is able to work and who wishes to receive the GMI benefit and does not work shall, prior to requesting the benefit, register with the State Employment Agency, exception groups are:

- 1) a woman during maternity leave, one of the parents of a child or another person during the child's nursing period;
- 2) one of the parents of a disabled child; or
- 3) a person who is older than 15 years and acquires education by being present at a general secondary or vocational secondary education institution or is a full-time student in an institution of higher education.

In cases of refusing to fulfil duties of participation total amount of benefit reduces by part of adult who refused.

The GMI (guaranteed minimum income) level and the amount of the GMI benefit shall be determined and revised each year in connection with the draft annual State budget law by the Cabinet. GMI level is set out taking account possibilities of municipalities budget and to motivate persons to work.

In 2004 the GMI level was established 18 LVL per person per month. The maximum amount for GMI benefit was 18 LVL, too. Local government authorities are authorized to fix other guaranteed income levels, according to their budget capacities, however, it may not been less than 18 LVL.

GMI benefit is granted for the period of 3 month and is renewable for a period no longer than 9 months per year. If the income of a person from work gainful activity

has increased above the GMI level during the period when he or she receives the GMI benefit, the GMI benefit shall be paid in a reduced amount:

- 1) in the first month – 75 per cent of the granted amount of the benefit;
- 2) in the second month – 50 per cent of the granted amount of the benefit;
- 3) in the third month – 25 per cent of the granted amount of the benefit.

In this case duration of the GMI benefit can exceed 9 months.

GMI benefit is not subject to taxation and social security contributions related to it are not paid. GMI benefit reception doesn't affect the right of person to claim for additional social assistance benefits.

In 2004 the benefit for ensuring the guaranteed minimum income level were received **74 725** persons (**19,2%** from all persons who received social assistance benefits) comprising altogether **3 497,1** thousand LVL (**18,8%** from municipal budgets spending to social assistance).

Benefit in an emergency situation

The local government may, without means testing, grant to the person (family) a benefit in an emergency situation if, due to a natural disaster or unforeseen circumstances he or she is not able to satisfy his or her basic needs.

The benefit in an emergency situation can be paid in cash or in kind. The benefit in an emergency situation is regulated by Law On Social services and Social Assistance.

The benefit in an emergency situation is paid as a lump-sum. Amount of benefit is established by municipality. It is not subjected to taxation and social security contributions are not paid. Benefit reception doesn't affect the right of person to claim for additional social assistance benefits.

Benefits in emergency situation are, for example, fire, robbery, cataclysms etc. In 2004 single benefits in emergency situation were received by **23 540** persons (**6%** from all persons who receive social assistance benefits in 2004) comprising altogether **1113,8** thousand LVL (**5,9%** from municipal budgets spending to social assistance).

Housing benefit

To ensure material support for families or separately living persons with low income for payment of rent and public utilities local municipalities are entitled to provide housing benefit. Benefit is regulated by the Law on Assistance In Solving Apartment Matters.

Amount of housing benefit is established by local municipality regulation where the income level is determined for a person to become entitled to claim for housing benefit. As municipality financing is dependant on municipality budget, politic and situation in town, the housing benefit amount can change.

The housing benefit is not subjected to taxation and social security contributions are not paid. The right to receive housing benefit is determined by the municipality.

In 2004 housing benefit were received by **128 617** persons (**32,9%** from all persons who received social assistance benefits in 2004) comprising altogether **5122,9** thousand LVL (**27,6%** from municipal budgets spending to social assistance).

Other benefits, which are determined by municipalities initiative.

According to the Law On Social services and Social Assistance the local government is entitled to grant also other benefits if the justified demand for benefits of needy inhabitants of the local government for ensuring the guaranteed minimum income level has been satisfied.

Amount of other benefits, duration and granting conditions are established by local municipality regulation. These benefits are not subjected to taxation and social security contributions are not paid.

Other benefits could be: free school-lunches and kindergartens, apartment benefit (rent, public utilities payment, purchase of fuel), transport services benefit, benefits for orphans and foster families etc. In 2004 such benefits were received by **174 054** persons (**44,6%** from all persons who receive social assistance benefits in 2004) comprising altogether **8857,5** thousand LVL (**47,6%** from municipal budgets spending to social assistance).

Question C

Please indicate the means by which the right to assistance is secured, indicating whether individuals may uphold their right before an independent body.

The Cabinet of Ministers shall determine the level of income, material situation and the procedures by which a person living separately, or a household shall be recognised to be needy. In 2004 and 2005 this level was 40 LVL.

Subsequent to the assessment of income and other material resources of a person and his or her family members, a local government social office shall decide on the granting of a social assistance benefit to the person who has claimed such benefit. The granted social assistance benefit may be paid to the person in cash or in kind.

Social assistance benefits are granted on basis of a request in written by one member of the family or a single person. Persons requesting benefit have to prove their compliance with the criteria for receiving of benefit. According to Law on Social Services and Social Assistance person has right to receive a substantiated written refusal in case a decision has been taken not to provide a social assistance to the person.

The decision about granting of social assistance or an establishing status of needy person according to Administrative Procedure Law is administrative statement. In case of granting of social assistance appealing procedures prescribe appeal proceedings to be carried out in shorter time than prescribed by Administrative Procedure Law.

Assessment of material situation of family and decision on compliance of family (person) with the status of needy family is made by the social office of the municipality.

Social worker of the municipality together with the person requesting the GMI benefit agrees on co-participation duties and follows up their performance. In case one of the adult family members does not perform the co-participation duties the benefit to the family is reduced by part of this member.

Person can appeal against any unsatisfactory decision on granting of social assistance to highest authority – decision of the social service can be appealed against to municipality (city/town council). Decision of the municipality (town/city council) can be appealed against in court in accordance with the procedure prescribed in legislation.

In accordance with the Law on Social Services and Social Assistance, administrative statements issued or actual actions by direct administrative institutions such as social service provider shall be disputed with Social Service Board⁴¹, but the decision thereof shall be appealed in a court if the law or the Cabinet of Ministers regulations do not specify otherwise.

Administrative statements issued or actual actions by persons other than a social service provider shall be disputed and appealed according to the procedures specified in the Administrative Procedure Law.

Administrative statements issued or actual actions by employees of the Social Service Board shall be disputed with the director of the Social Service Board, but the decisions thereof shall be appealed in a court.

Question D

Please give the amount of public funds (central government or local authorities) allocated to social and medical assistance as well as the percentage of GDP this represents, and, if possible, give an estimation of the amount of private funds devoted to assistance.

In 2004 18 591 378 LVL were spent for municipal social assistance.

ARTICLE 13 PARA. 2

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake:

to ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights."

Please indicate briefly how this Article is implemented and what measures are used to ensure in particular, the absence of any direct or indirect diminution of

⁴¹ The State Social Service Board is a direct administrative institution subordinated to the Ministry of Welfare, which takes part in the implementation of State policies in the field of social services and social assistance.

political or social rights.

In accordance with the Law on Social Services and Social Assistance, citizens of the Republic of Latvia, non-citizens, aliens and stateless persons, who have been granted a personal identity number, except for persons who have received a temporary residence permit, are entitled to receive social assistance. Rights to receive social assistance benefits depend on material resources of family (income level, accruals, properties etc.) and do not depend on belonging of members of family to any social group.

The Cabinet of Ministers determines the procedures for receipt of social services and social assistance.

Calculation of social assistance does not involve application of the equivalence scale – the calculated social assistance amount is equal for all adults and children in the family.

ARTICLE 13 PARA. 3

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake:

to provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want."

Please describe the main services covered by this provision, especially the manner in which they are organised and operate, including their geographic distribution.

Please give as far as possible information about:

- **the staff responsible for providing advice and personal help, as well as an indication of their qualifications and duties;**
- **measures aimed to ensure an adequate response to the needs of individuals and families.**

According to the Law on Social Services and Social Assistance social services shall be provided on the basis of an evaluation of the individual needs and resources of a person carried out by a social work specialist. Social services shall be provided at the place of residence of a client or as close to it as possible. Only if the scope of such services is not sufficient, social care and social rehabilitation at a long-term care and social rehabilitation institution shall be provided. In providing social services, the institutions shall ensure inter-professional and inter-institutional co-operation. The other main principle for providing social services is provision of family environment and integration of orphans or children without parental care.

There are 2 main forms of social services – social care and social rehabilitation. Social care service is a set of measures aimed at the satisfaction of the basic needs of those persons who have objective difficulties taking care of themselves due to old age or functional disorders and includes services at the place of residence of the person as well as in long-term social care institutions. The aim of the provision of social care services is to ensure that the quality of life does not deteriorate for a person who, due to old age or functional disorders, cannot ensure such through his or her own effort.

Social rehabilitation service – a set of measures aimed at the renewal or improvement of the social functioning abilities in order to ensure the recovery of social status and integration into society and includes services at the place of residence of the person and at a social care and social rehabilitation institution. The purpose of the provision of social rehabilitation services is to prevent or reduce the negative social consequences in the life of a person caused by a disability, incapacity for employment, the serving of a sentence of deprivation of liberty, addiction or violence and other factors.

Social services are provided from state budget and municipality budget. From state budget following services are provided:

- 1) the vocational rehabilitation of disabled persons;
- 2) the social rehabilitation of persons with sight and hearing disturbances;
- 3) the social rehabilitation of children who have suffered from violence;
- 4) the social rehabilitation in appropriate institutions of children who have become addicted to psychoactive substances;
- 5) technical aids for the persons with continuous or lasting organism dysfunctions or anatomic defects;
- 6) for persons with functional disorders – social rehabilitation service in social rehabilitation centres.

These services are free of charge for client.

In 2004 14101,9 thousand LVL from state budget was spent on different kinds of social services.

The main duties of local governments in the provision of social services and social assistance are the following:

- 1) The local government in the territory of which a person has registered his or her main place or residence has a duty to provide the person with a possibility to receive social services and social assistance corresponding to his or her needs.
- 2) If a local government has received information from natural persons or institutions regarding a person who might require a social care or social rehabilitation service or social assistance, the local government has a duty to verify the received information, to evaluate the needs of the person for social services and social assistance and to inform this person or his or her lawful representative of the rights and possibilities of receiving social services and social assistance, as well as the procedures by which social services and social assistance may be received.
- 3) If necessary a person whose place of residence can not be determined shall be provided with night shelter, information and consultations by the local government in which the person is located.
- 4) If local government has not established the necessary social service providers it shall enter into agreements with other social service providers regarding provision of referred social service.

In 2004 530 municipalities provided different types of social services for **42 649** persons and spent **12021,1** thousand LVL from municipal budget.

Social assistance to the client is provided on assessment basis of his/her material resources – income and property – by envisaging each client's co-participation individually.

In order to provide qualitative social services and social assistance and in order to evaluate client's social situation accordingly each municipality employs at least one social work specialist per thousand of population. Each municipality with a number of population in its administrative territory exceeding 3000 people, shall establish a municipal social office.

According to the Law on Social Services and Social Assistance there are following social work specialists: a social worker, social carer, social rehabilitator or social assistance organiser.

In 2004 there were 1254 social work specialists employed by municipal social offices (in 2003 – 1212).

Social worker

Social worker shall identify client's social problems, analyze their causes and develop proposals for solving of social problems on micro and macro level. Professional conduct of the social worker shall be complying with the code of ethics of social workers approved in 2001 by Latvian Association of Professional Social and Care Workers.

Persons who have acquired higher academic or professional education at the second level in the field of social work have the right to perform social work.

Social worker shall:

- provide assistance and support to person in solving of social problems;
- help the person to develop ability to solve personal, inter-personal and social problems;
- support development opportunities of person, as well as right to make and implement independent decisions;
- attract social and economic resources and corresponding social services for solving of social problems of person or group of persons;
- provide information on providers of social services, as well as establish contacts between providers and recipients of social services.

Social career is planning social care services in order to satisfy the basic needs of a person who cannot do it himself/herself due to age or health condition.

Persons who have acquired higher professional education at the first level in the field of social care have the right to provide social care.

The social career shall:

- determine necessity of social care service complex or separate services, as well as organise provision of this service in accordance with the client's wishes and needs;

- evaluate how client's ability to take care of himself/herself is changing and amend accordingly the amount and content of social care services complex.

Social rehabilitator is planning, managing and organising social activation work so as to promote individual's integration into society.

Persons who have acquired higher professional education at the first level in the field of social rehabilitation have the right to provide social rehabilitation services.

The social rehabilitator shall:

- assist the social worker in cooperation with other specialists to develop and implement individual social rehabilitation plans for clients, as well as to amend and supplement them in accordance with changes in the client's life;

- assist the client to improve present and to acquire new social skills.

Organizer of social assistance shall provide social assistance to needy persons, so as to satisfy the basic needs of these persons at minimal amount.

Persons who have acquired higher professional education at the first level in the field of the provision of social assistance have the right to provide social assistance.

Organizer of social assistance shall:

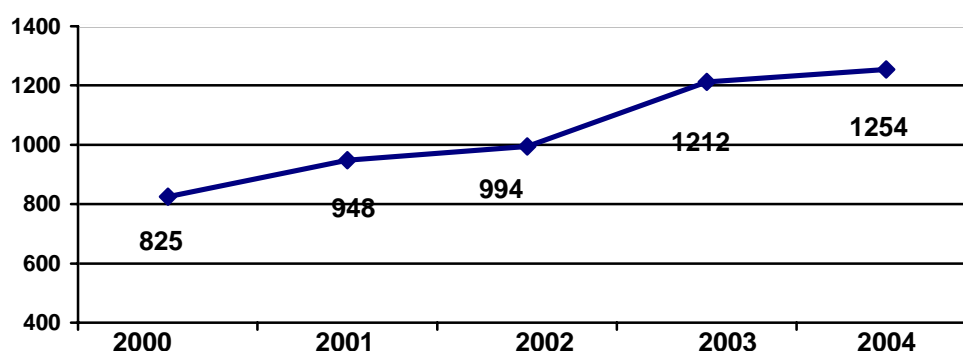
- evaluate social and material situation of person (family) and determine the type, amount, duration of social assistance, as well as co-participation duties;

- inform the clients on their rights on social assistance and opportunities for implementation of these rights, as well as their co-participation duties.

In accordance with the Law on Social Services and Social Assistance, as of 1 January 2008 only persons who have relevant education will be able to work as social work specialist.

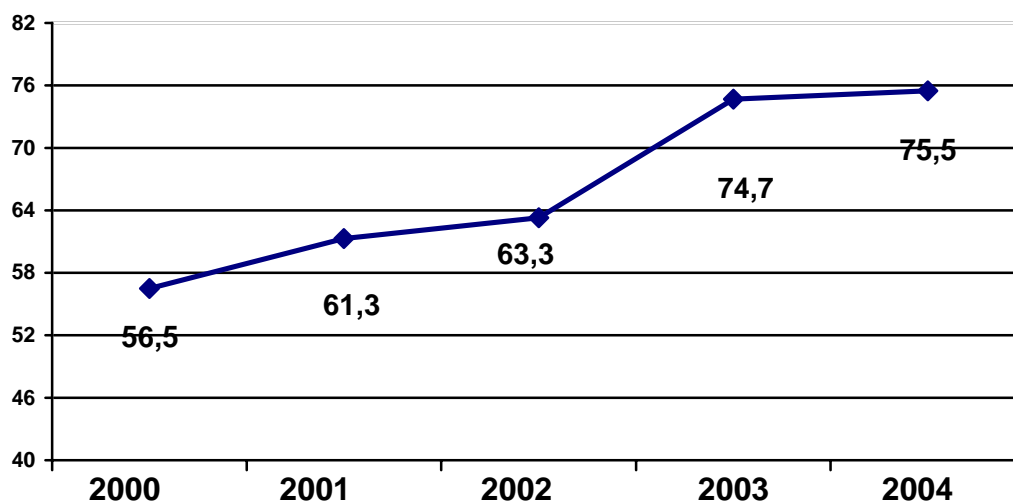
Since 2000 the number of social work specialists in municipalities has increased.

Number of social work specialists in municipalities' 2000- 2004



Data of Social Service Board

A positive trend is observed that each year the proportion of municipalities, which have social office established or at least one social worker employed, is increasing.



Data of Social Service Board

Within five years through merging of municipalities the number of municipalities has decreased by 28 units. In this period the number of municipalities, which have social offices established or social worker permanently employed, has increased by 85.

Increase in proportion of municipalities having social office or social work specialist

(number and percentage) 2000-2004.

Year	Number of municipalities	Number of municipalities having social office or permanently employed social worker	% out of number of municipalities
2000	558	315	56,5
2001	556	341	61,3
2002	551	349	63,3
2003	545	407	74,7
2004	530	400	75,5

Data of Social Service Board

In 2004 municipal social offices had 327 employees with the higher social work education. Although the number of employees with higher social work education is not large it is increasing each year. Also the number of employees studying in social work educational establishments is increasing, although there is an insufficient number of professional social workers in Latvia.

Ensuring social work specialists with relevant education level in municipalities and enlarging of net of social offices are two of tasks included in Latvian National Action Plan for reducing of poverty and social inclusion 2004-2006.

ARTICLE 13 PARA. 4

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake:

to apply the provisions referred to in paragraphs 1, 2 and 3 of this Article on an equal footing with their nationals to nationals of other Contracting Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11th December 1953."

[The Appendix to the Charter stipulates that Governments not parties to the European Convention on Social and Medical Assistance may ratify the Social Charter in respect of this paragraph provided that they grant to national of other Contracting parties a treatment which is in conformity with the provisions of the said Convention.]

Please indicate the guarantees which ensure conformity with this provision. Please describe more specifically the provisions which ensure that any repatriation of nationals of other Contracting Parties who are legally within the territory on the sole ground that they are in need of assistance is carried out according to the conditions laid down in Article 6 to 10 of the European Convention on Social and Medical Assistance 1953.

There is no change as concerns social assistance.

At present moment non-citizens, as well as aliens and stateless persons residing in Latvia are entitled to receive necessary medical assistance. In accordance with the Regulations of the Cabinet of Ministers No. 1036 of December 21, 2004 "Regulation on Health Care Organization and Financing", health care services which are included in the health care minimum are provided for citizens of the Republic of Latvia and all who have Identity Number in their passports and who are registered in the Register of Residents, as well as detained persons, persons taken into custody and those sentenced to imprisonment.

Responses to Queries raised by the European Committee of Social Rights in its Conclusions XVII-2 (Latvia)

Article 13 – Right to social and medical assistance

Paragraph 1 – Adequate assistance for every person in need

Social assistance benefits

Query: information about other forms of assistance (accept the guaranteed minimum income allowance and the one-off emergency allowance), that are provided where the state of need of the recipient persists beyond the 9 month.

Response: The purpose of social assistance is to provide material support to needy families (persons) in a crisis situation in order to satisfy their basic needs and promote the participation of able-bodied persons in the improvement of their situation. The granted social assistance benefit may be paid to the person in cash or the sum of the benefit may be used to pay for goods or services.

There are 3 types of social assistance benefit:

- 1) GMI;

- 2) Single benefit in an emergency situation (e.g., cataclysm, death grant etc.)
- 3) Municipality is entitled to grant other benefits if the justified demand for benefits of needy inhabitants of the local government for ensuring the guaranteed minimum income level has been satisfied. Other benefits are, for example, feeding benefit (soup kitchen, coupons), flat benefit (benefit for rent, benefit for fuel etc.), benefit for education, benefit for foster families, benefit for orphans to living starting). Amount and payment procedures and persons who are entitled to receive other benefits shall be regulated by local government regulations.

Query: *information about one-off emergency allowance.*

Response: reference is made to the answer to Article 13, paragraph 1, question B concerning Benefit in an emergency situation.

Query: *information about additional benefits that the municipality can grant after municipality has met all justified requests for minimum income allowance (it's nature and the amounts paid).*

Response: reference is made to the answer to Article 13, paragraph 1, question B concerning Other benefits, which are determined from municipalities initiative.

Query: *whether persons in need are entitled to have doctors' fees and other medical expenses covered?*

Response: In order to ensure the accessibility of medical care to all residents, in compliance with the Regulation of the Cabinet of Ministers No.1036 of December 21, 2004 "Regulation on Health Care Organization and Financing", persons in desperate financial need have been exempted from co-payment system. See more information in the answer given to question B concerning those categories who have been exempted from co-payment system.

Query: *information on the procedures and conditions for granting a personal identification number and for issuance of permanent and temporary residence permits.*

Response: The procedure for granting a personal identification number consists of two parts:

1) firstly, the Office of Citizenship and Migration Affairs of the Republic of Latvia decides to issue or to reject residence permit to foreigner intended to reside in Latvia;

2) secondly, in the case of positive decision regarding residence permit, Office of Citizenship and Migration Affairs allocates a personal identity number (the unique numeral combination, which state use to identify the person) and includes additional data in the Population Register.

The document on the basis of which information regarding a person is included in the Register is a standard-type initial registration form approved by the Head of the Office of Citizenship and Migration Affairs.

The procedures and conditions for issuance of permanent and temporary residence permit:

Residence permit is necessary to foreigners intending to reside in the Republic of Latvia for a period of time exceeding 90 days within half a year counting from the first day of entrance.

According to Article 23 of the Immigration Law, foreigner has the right to request a **temporary residence permit**:

- 1) if he or she is a relative of a Latvian citizen or of a non-citizen of Latvia or of an alien who has received a permanent residence permit, up to the third degree in direct ascent or second degree in a collateral line, or also affinity to the second degree;
- 2) if he or she is an individual merchant registered in the commercial register or the sole founder of a commercial company;
- 3) if he or she is an official of a partnership whose right to sign is registered in the commercial register;
- 4) if he or she is a self-employed person;
- 5) if he or she is a member of the council or the board of directors of a capital company registered in the commercial register;
- 6) for a period of employment;
- 7) if he or she has invested in the equity capital of a capital company not less than 600 000 LVL;
- 8) if the alien is a representative of a representation office of a foreign merchant;
- 9) for a period of time provided for by the plan of scientific co-operation;
- 10) for the time period of paid studies of pupils of educational establishments or full-time students;
- 11) for a period of time indicated in the contract of medical treatment;
- 12) if he or she is:
 - the spouse of a Latvian citizen or a non-citizen of Latvia;
 - the spouse of an alien holding a permanent residence;
 - a parents of a Latvian citizen or a non-citizen of Latvia and their spouses who have reached the pensionable age specified in the Republic of Latvia;
 - an alien who was a Latvian citizen on 17 June 1940 or if one of his or her parents is a Latvian citizen;
- 13) for a period of time for which, in accordance with procedures prescribed by the Asylum Law he or she is granted alternative status;
- 14) for a period of time which is necessary for the implementation of such international agreements or projects in which the Republic of Latvia is participating;
- 15) for a period of time which is necessary for the provision of assistance to State or local government authorities of the Republic of Latvia, but not longer than one year;
- 16) for a period of time which is necessary for the performance of religious activities, but not longer than a year;
- 17) for a period of time for which guardianship or trusteeship is established over him or her;
- 18) for a period of time which does not exceed three years if the alien has joined a cloister registered in accordance with procedures prescribed by regulatory enactments;
- 19) for a period of time which does not exceed one year if residence in the Republic of Latvia is related to pupil or student exchange, practice or apprenticeship in one of the educational establishments of the Republic of Latvia or in a commercial company registered in the commercial register or performance of another task.

Temporary residence permit also may be issued by the Minister for Interior, if it complies with the norms of international law, the interests of the State, or is related to reasons of a humanitarian nature.

According the Regulations of the Cabinet of Ministers No 914, Citizens of the [European Union](#), Switzerland or a member state of the [European Economic Area](#) and

their family members have the right to request a temporary residence permit in the Republic of Latvia using facilitated procedure for issuance of resident permits:

- for the time period of employment and self-employment;
- for the time period to offer and receive services;
- for the time period of paid studies of pupils of educational establishments or full-time students;
- for the period of time which does not exceed five years if they have sufficient financial means to support themselves.
- for a period of time for which guardianship or trusteeship is established over them;
- if he or she is a spouse or a relative of a Latvian citizen or of a non-citizen of Latvia or of an alien who has received a permanent residence permit, or is a dependency relative of a spouse in direct ascent.

The family members of the foreigners are allowed to reside in the Republic of Latvia on the same condition as foreigners, but they have to present evidences confirming their relationship.

The right to request a **permanent residence permit**, in accordance with the procedures prescribed by Article 24 of the Immigration Law is granted:

1) to the minor child of a Latvian citizen or non-citizen of Latvia, or of an alien who has received a permanent residence permit;

2) to the spouse of a Latvian citizen or non-citizen of Latvia, or of an alien who has received a permanent residence permit if he or she is the spouse of a Latvian citizen or a non-citizen of Latvia or an alien holding a permanent residence, as well as the minor child of the spouse;

3) to the parents of a Latvian citizen or a non-citizen of Latvia and their spouses;

4) to an alien who has been residing in the Republic of Latvia for five years with a temporary residence permit, if the capital investment referred to in this clause still exists;

5) to an alien who in the Republic of Latvia has received a general secondary education certificate and completed a full program of the general secondary education thereto by studying in the official language;

6) to an alien who was a citizen of Latvia on 17 June 1940 or one of his or her parents is a Latvian citizen;

7) to an alien who has continuously resided in the Republic of Latvia with a temporary residence permit for at least 10 years, and to his or her spouse if he or she has continuously resided in the Republic of Latvia with a temporary residence permit for at least the last five years;

8) to an alien living in the Republic of Latvia who prior to the acquisition of the citizenship of another country has been a Latvian citizen or a non-citizen of Latvia;

9) to an alien who, in accordance with the procedures prescribed by the Asylum Law, has been granted refugee or alternative status and to his or her family members;

10) to an alien who, in accordance with the procedures prescribed by the Repatriation Law, has been granted the status of repatriate and to his or her family members who have entered in accordance with the procedures prescribed by the Repatriation Law.

Permanent residence permit may be issued by the Minister for the Interior, if it complies with the interests of the Republic of Latvia.

According the Regulations of the Cabinet of Ministers No 914, Citizens of the [European Union](#) (EU), Switzerland or a member state of the [European Economic](#)

Area (EEA) and their family members have the right to request a permanent residence permits in the Republic of Latvia using facilitated procedure for issuance of resident permits:

1. to a person who has been residing in the Republic of Latvia for five years with a temporary residence permit;
2. to the minor child of a Latvian citizen or non-citizen of Latvia, or of an alien who has received a permanent residence permit;
3. to a persona living in the Republic of Latvia who prior to the acquisition of the citizenship of another country has been a Latvian citizen or a non-citizen of Latvia.

Foreigner requesting a residence permit must present a valid travel document recognized in the Republic of Latvia and submit the following basic documents:

- an application on a specific form for the request of a residence permit;
- two photographs;
- a statement regarding state of health, which certifies that the alien does not have the health impairments or diseases referred to in the list approved by the Ministry of Health, or a statement issued by the Ministry of Health that it does not have objections that the alien arrives for treatment of the relevant health impairment or disease (if necessary);
- a document certifying the provision of necessary subsistence during the residence of the alien in the Republic of Latvia (if necessary);
- a document certifying the expected place of residence in the Republic of Latvia;
- a payment document attesting to the payment of the State fee.

Besides, foreigner has to present the necessary documents, on the grounds of which he or she requests residence permit (for instance, evidences confirming family relationship).

In order to receive a residence permit the documents must be submitted:

- 1) to the representation office (diplomatic or consular mission) – an alien who wishes to enter the Republic of Latvia;
- 2) to the Office of Citizenship and Migration Affairs – an alien who resides in the Republic of Latvia with a residence permit.

The Office of Citizenship and Migration Affairs must examine those additional documents which are necessary for the request for a residence permit and provide a reply:

- 1) in relation to a temporary residence permit – within a period of 30 days; and
- 2) in relation to a permanent residence permit – within a period of 90 days.

The decision on registration of a residence permit will be made after examination of the documents submitted, interview and verification of other data. But, submission of documents necessary for the request for a residence permit does not grant an alien the right to reside in the Republic of Latvia.

Meanwhile, citizens of the EU, Switzerland or a member state of the EEA requesting a residence permit, must present only an application on a specific form for the request of a residence permit, one photo, in some cases health insurance or evidences of existing sufficient financial means and necessary documents, on the grounds of which they request residence permit. In order to receive a residence permit they must submit documents to the Office of Citizenship and Migration Affairs residing in Latvia in a period of time exceeding 90 days counting from the first day of entrance.

Query: *is it necessary to be registered in the Register of Residents to receive emergency medical care?*

Response: In accordance with the Law on Medical Treatment a person can receive emergency treatment without being registered in the Register of Residents.

Procedures for granting assistance and right of appeal

Query: *information about the duties (“the prescribed co-participation duties”) that applicants must be performed in order to be entitled to social assistance; information about procedure in accordance with what the decision of the municipal authorities may be taken to court.*

Response: reference is made to the answer to Article 13, paragraph 1, question C.

Paragraph 2 – Non-discrimination in the exercise of social and political right

Query: *confirmation that being or having been in receipt of social assistance does not lead to restrictions on voting rights or access to employment in the public service.*

Response: There is no restrictions on voting rights or access to employment in the public service if person receives social assistance.

In accordance with the Constitution of the Republic of Latvia, all citizens of Latvia who enjoy full rights of citizenship and, who on election day have attained eighteen years of age shall be entitled to vote. Any citizen of Latvia, who enjoys full rights of citizenship and, who is more than twenty-one years of age on the first day of elections may be elected to the Saeima.

Pursuant to Article 2 of the Law on Saeima Elections, only person, who is in penitentiary or who is admitted as incapable person has no right to vote.

In accordance with Article 101 of the Constitution every citizen of Latvia has the right, as provided for by law, to participate in the work of the State and of local government, and to hold a position in the civil service. Local governments shall be elected by Latvian citizens and citizens of the European Union who permanently reside in Latvia. Every citizen of the European Union who permanently resides in Latvia has the right, as provided by law, to participate in the work of local governments.

Pursuant to Article 106 of the Constitution everyone has the right to freely choose their employment and workplace according to their abilities and qualifications.

If due a physical disability a voter cannot himself or herself vote or sign the electoral roll, in the presence of the voter and on the basis of his or her instructions notations on the ballot paper shall be made or the electoral roll shall be signed by either a family member of the voter or another person whom the voter trusts or who has been authorised by the voter. A relevant notation shall be made in the electoral roll regarding this. Such person may not be a member of the relevant polling station commission.

Paragraph 3 – Prevention, abolition or alleviation of need

Query: *whether the appeals procedure in respect of social services is the same as for social assistance.*

Response: According to Article 17.¹ of the Law on Social Service and Social Assistance the appeals procedure is the same.

Query: *how the provision of social services is guaranteed in practice for persons domiciled in municipalities where such services have not yet been established?*

Response: The main duties of local governments in the provision of social services and social assistance are following:

- 1) The local government in the territory of which a person has

registered his or her main place or residence has a duty to provide the person with a possibility to receive social services and social assistance corresponding to his or her needs.

- 2) If a local government has received information from natural persons or institutions regarding a person who might require a social care or social rehabilitation service or social assistance, the local government has a duty to verify the received information, to evaluate the needs of the person for social services and social assistance and to inform this person or his or her lawful representative of the rights and possibilities of receiving social services and social assistance, as well as the procedures by which social services and social assistance may be received.
- 3) If necessary a person whose place of residence can not be determined shall be provided with night shelter, information and consultations by the local government in which the person is located.
- 4) If local government has not established the necessary social service providers it shall enter into agreements with other social service providers regarding provision of referred to social service.

Query: *information about the educational process of social workers and about the progress in this respect.*

Response: In 2004 municipal social offices had 327 employees with the higher social work education. Although the number of employees with higher social work education is not large it is increasing each year. Also the number of employees studying in social work education establishments is increasing, although there is an insufficient number of professional social workers in Latvia.

Ensuring social work specialists with relevant education level in municipalities and enlarging of net of social offices are two of tasks included in Latvian National Action Plan for reducing of poverty and social inclusion.

ARTICLE 14: THE RIGHT TO BENEFIT FROM SOCIAL WELFARE SERVICES

ARTICLE 14 PARA. 1

"With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Contracting Parties undertake:

to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment."

Question A

Please describe the measures taken to apply this provision and list the principal social services of the type mentioned, describing their functions and the target groups they serve.

According to the Law on Social Services and Social Assistance the State shall ensure:

- 1) the vocational rehabilitation of disabled persons;
- 2) the social rehabilitation of persons with sight and hearing disturbances;
- 3) the social rehabilitation of children who have suffered from violence;
- 4) the social rehabilitation in appropriate institutions of children who have become addicted to narcotic, toxic or other intoxicating substances;
- 5) technical aids for the persons with continuous or lasting organism dysfunctions or anatomic defects if they have received an opinion of a medical practitioner regarding the need for the technical aids;
- 6) for persons with functional disorders – social rehabilitation services and social rehabilitation centres (from 01.01.2005.);
- 7) the social rehabilitation of victims of the traffic in human beings (from 01.01.2006.);
- 8) a support programme for children who have not been declared invalids suffering from celiac disease (from 01.01.2005.).

State is participating in financing of day-care centres for mentally handicapped people and supports and finances other programmes for development of new types of social services in municipalities in accordance with allocations provided in compliance with the Law on State Budget.

The Law on Social Services and Social Assistance prescribes tasks of the Ministry of Welfare in the field of social services and social assistance:

- to elaborate state policy in the field of social services and social assistance, supervise its implementation and to develop requirements for providers of social services;
- to determine state investment policy directions for development of social services;
- to manage state budget resources allocated for provision of social services;
- to provide methodical assistance to providers of social services.

State Social Service Board is a direct administrative institution subordinate to the Ministry of Welfare, which takes part in the implementation of State policies in the field of social services and social assistance. The State Social Service Board shall analyze and evaluate the development of social services and social assistance and

submit recommendation for the improvement of State social services and social assistance policies and control the quality of social services and the conformity of social service providers to the requirements specified in regulations, and shall administratively fine social service providers for violation committed.

One of the basic tasks of social assistance and social services is to provide social assistance or social services in accordance with the individual needs of the client on the basis of professional assessment of client's needs.

The Law on Social Services and Social Assistance provides obligations of municipalities' regarding provision of social services:

1. Municipality in whose territory a person has registered his/her place of residence is obliged to provide this person with an opportunity to receive social services in accordance with his/her needs.
2. If municipality has received information either from physical entities or institutions about person who might need social services, it shall be an obligation of the municipality to verify this information and to inform the person or its legal representative on rights and opportunities, as well as procedure for receipt of these services.
3. If necessary, a person whose place of residence cannot be identified shall be provided with night asylum or asylum and consultations by municipality in whose territory the person is located.
4. Municipalities, who have not established the required providers of social services, shall conclude agreements with other providers of social services in their territory or with other municipalities on provision of the above-mentioned services, as well as their payment. These social services shall be fully or partially funded from the municipality's budget.
5. If a person wishes to receive social services financed from the state budget it shall be an obligation of the municipality to provide inspection of person's living conditions and assessment of necessities performed by social work specialist. In case the person wishes to receive state financed technical aids, an inspection of living conditions is not performed.

In order to ensure the professional assessment of inhabitants' needs and the qualitative provision of social services and social assistance, each local government shall have at least one social work specialist per every thousand inhabitants. Each local government in the administrative territory of which the number of inhabitants exceeds 3000 shall establish a local government social office.

Tasks of municipal social offices:

- 1) to perform social work with persons, families and groups of persons;
- 2) to provide social services or to organise the provision thereof to families with children in which there are circumstances unfavourable to the development of the child, foster families, guardians, persons who are taking care of a family member, disabled persons, persons of pensionable age, persons with mental impairments and other groups of persons for whom it is necessary;
- 3) to assess the needs, material and personal resources of clients;
- 4) to determine the duties of participation of clients;

- 5) to provide social assistance;
- 6) to administer local government budget resources, which have been earmarked for the provision of social services and social assistance;
- 7) to assess the quality of the social services and social assistance administered by the social service office and financed by the local government;
- 8) to draw up social service development concepts, target programmes and proposals for the introduction of new services;
- 9) to inform inhabitants regarding social services and social assistance.

Question B

Please describe the organisation and administration, the financial resources and working methods of these services, their financial and other relations to the organs of social security and the qualifications of the staff employed by these services.

The updated information about institutions that are providing social services in Latvia:

Social care centres of children

In 2004 there were 5 social care centres of orphans in Latvia, where 564 children resided. 2 334 927 LVL were spent on social care centres of children.

Specialized children's social care centres for disabled children

In 2004 3 institutions provided services for 359 disabled children. In 2004 for Specialized children's social care centres for disabled children 1 452 256 LVL were spent.

Specialized state social care centres

In 2004 the following long-term social care services were ensured by state and covered by state budget:

- 1) services in long-term social care institutions;
- 2) services bought by the state.

Totally long-term institutional care services from state budget were provided for 4167 persons in 31 centres. In the year 2004 for the State social care centres 8 692 516 LVL were spent. Totally in state – 17 860 702 LVL.

Long-term social care centre for persons with impaired eyesight

In 2004 in state budget long-term social care centre "Jugla" were 214 persons - eyesight invalids. 497 684 LVL were spent on long-term social care centre for persons with impaired eyesight.

On 1st April 2004 non-profit limited Centre of Technical Aids was reorganized as the State agency Centre of Technical Aids (CTA).

The objective of the CTA is to streamline the system of providing technical aids so that each resident of the country could obtain the necessary technical aids as closely to his or her place of residence as possible, as well as to receive highly qualified advise regarding their use.

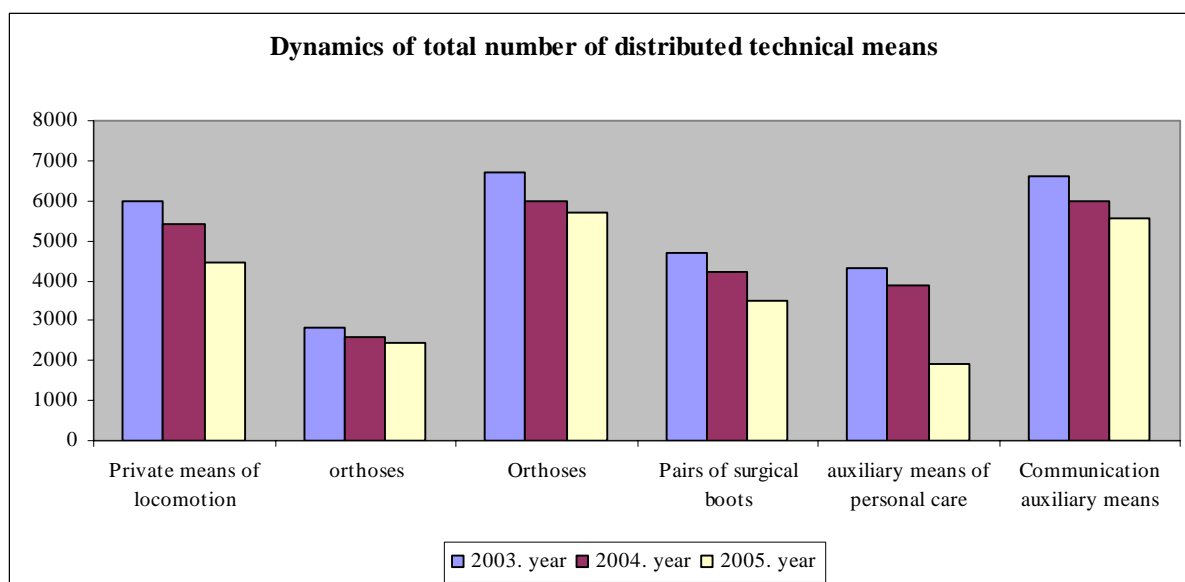
The CTA offers the opportunity of obtaining technical aids necessary for normal life for free use or on lease. Pursuant to the legal procedure set for placing state orders, the CTA regularly organizes tenders for the right to supply the residents of Latvia with state budget-funded technical aids.

In order to provide equal opportunities for the all the population of Latvia to receive technical aids, 4 branches of the CTA have been established outside Riga in regional cities – Dobele, Kuldiga, Rezekne and Valmiera.

Technical aids from funds of the State budget, by making a single contribution in accordance with the procedures specified by the Cabinet of Ministers can be received by:

- 1) disabled persons belonging to groups 1, 2 and 3;
- 2) disabled children under the age of 16 years;
- 3) children for whom the technical aids is necessary to reduce or eliminate functional inability;
- 4) persons of pensionable age for whom the technical aids is necessary to reduce or eliminate functional inability; and
- 5) persons with anatomic defects — a prosthesis or orthopaedic footwear (pairs of surgical boots).

In 2003 the center distributed more than 31 158 different technical aids, in 2004 – 28 110, but in 2005 the planned distributed technical aids were 23 553.



In 2003 1 734 081 LVL were spent on provision of technical aids, in 2004 – 1 740 081 LVL, but in 2005 - 1 722 433 LVL.

Social rehabilitation services for persons with sight and hearing disturbances are provided by NGOs. These NGO receive state budget financing for provision of the services. In 2004 Latvian Society of Blind provided rehabilitation services for 1170

persons with sight loss and Latvian Association of the Deaf provided rehabilitation of 5202 persons with loss of hearing.

Social rehabilitation services for children who have suffered from violence

In 2003 social rehabilitation of 473 children was provided at social rehabilitation institutions, for 839 children – at their place of residence, in 2004 – for 560 children at the social rehabilitation institutions, for 941 children – at the place of residence.

In 2003 training of 29 specialists – psychologists, social workers, and psychotherapists was provided.

In 2003 social rehabilitation of children who have suffered from violence was carried out by 5 institutions, but in 2004 – by 4 institutions, which were identified by the Social Service Board on a basis of a competition.

In 2003 and 2004 social rehabilitation of children who have suffered from violence at their place of residence was carried out by 38 institutions.

In 2004 180 359,5 LVL were spent on social rehabilitation services for children who suffered from violence.

Social rehabilitation of children addicted to psychotropic substances:

According to the Cabinet of Ministers regulations of 29 April 2003 No 246 “Procedure of how Children Addicted to Psychotropic Substances Receive Social Rehabilitation Services and Requirements towards Providers of Social Rehabilitation Services” financing of social rehabilitation services is assigned from the state budget.

In 2003 LVL 108 958.78 were assigned in the state budget for social rehabilitation of children addicted to psychotropic substances. In 2004 and 2005 respectively LVL 122 210 and LVL 301 161 were spent on that purpose.

In 2003 31 children received rehabilitation at specialized social rehabilitation institutions for children addicted to psychotropic substances. In 2004 – 96, but in 2005 44 appointments were issued.

Social services financed by municipalities:

- Institutional care for elderly people and disabled persons with physical disabilities;
- Institutional care for child orphans and children without parental care over age of two years;
- Home Care;
- Social apartments;
- Day-care centres;
- Asylums / night asylums;
- Crisis centres;
- Group houses;
- Service apartments;

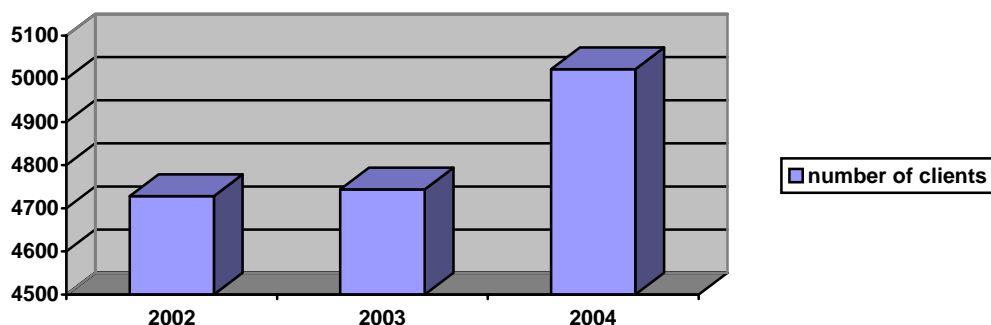
Institutional care for elderly people and disabled persons with physical disabilities

In 2004 36 municipalities provided, but 319 bought long-term institutional care for elderly people services. In total 5022 persons lived in elderly people’s homes and 4 356,9 thousand LVL were spent.

41,2 thousand LVL were spent on persons with physical disabilities and 128 persons received care.

During last three years the number of persons residing in elderly people's homes is increasing.

1.1.1.1 Dynamics of the number of clients in municipalities' subordinated institutions



Data of Social Service Board

Orphanages

In 2004 services were provided for 2004 children in 48 orphanages.

Overall in 2004 there were 69 children care and breeding institutions (5 social care centres of children, 3 Specialized children's social care centres for disabled children, 48 municipal orphanages, 13 NGO's orphanages) and in total 3105 children lived there.

(see more Article 17, question F).

Home Care

In 2004 home care was organised in 22 municipalities and home care was provided for 7057 persons and 1 444,1 thousand LVL were expended on it.

Night shelter

The available data is data from municipalities on those homeless persons that had been seeking services of shelters. In 2004 these services were used by 3073 homeless persons, most of them (1716) in Riga. Municipalities are financing night shelters from their budget practically in all towns of Latvia. In 2004 municipalities spent 657,9 thousand LVL on financing of night shelters.

Day care centres

In 2004 the services were provided in the following day care centers:

- day care centres for persons with mental illness;
- day care centres for persons with physical disturbance;
- day care centres for disabled children;
- day care centres for children from needy families and families with disadvantageous circumstances for child's development;
- day care centres for pensioner;
- and other day care centres.

In 2004 there were 75 such centres attended by 16 577 persons.

Crisis centres

In 2004 9 municipalities provided, but 21 bought crisis centres services. Crisis centres are financed by municipalities' budgets and for most of centres also international foundations and donations serve as funding sources.

In 2004 municipalities' funding provided for crisis centres was 262,1 thousand LVL and 3642 persons received help in crisis centres.

Group house

In 2004 totally 4 municipalities provided group house services for 76 persons and 62,6 thousand LVL were spent on them.

Service apartments

Service apartments are apartments owned by a local government which are let out and adjusted for a person with serious functional disorders in order to increase the possibilities for the person to live independently and to care of himself or herself.

In 2004 such service apartments were established in 5 municipalities and one municipality is procuring the above-mentioned services. This service is provided to 39 persons and was spent 5,6 thousand LVL.

Question C

Please state what measures have been taken to promote these services during the reference period, whether the individuals are entitled by law to their use or whether those administering have a discretion in granting or withholding them. Please indicate also whether there is a right of appeal against decisions to grant or withhold services.

There is no substantial change in examination procedure of complaints on quality of social services provided or non-observation of client's rights.

In 2004 the Social Assistance Board received applications and complains not only directly from private and legal entities, but also through the Ministry of Welfare. In 2004 the Social Assistance Board received 83 applications and complaints directly from private and legal entities. There is no precise information on applications and complaints received through the Ministry of Welfare. In 2005 the number of applications and complaints the Social Assistance Board received and reviewed was – 206.

ARTICLE 14 PARA. 2

"With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Contracting Parties undertake:

to encourage the participation of individuals and voluntary or other organisations in the establishment and maintenance of such services."

Please indicate the measures taken to provide for or to encourage the participation of individuals and charitable organisations and other appropriate organisations in the establishment and maintenance of such services.⁴²

During preparation of new documents and developing amendments to existing legislation, for example, *Policy Guidelines for Reduction of Disability and its Consequences (2005-2015)* and *Program for Professional Social Work Development (2005-2011)*, the Ministry of Welfare cooperates with the following non-governmental organizations:

- "Apeirons", Organization for people with disabilities and their friends.
- Latvian Association of the Deaf;
- Latvian Society of the Blind;
- "Rūpju bērns", Latvian organization of disabled children
- Latvian Association of Disabled People;
- Latvian Association of Rehabilitologists;
- Latvian Association of Ergotherapists;
- "Sustento", Latvian Umbrella Body for Disability Organizations

In order to facilitate cooperation among institutions and involve non-governmental organizations in decision making processes related to integration facilitation of disabled people, in 1997 the Ministry of Welfare established the National Council of Disability Affairs (NCDA).

NCDA is an advisory institution that takes part in development and implementation of integration policy of disabled people.

The first NCDA meeting with a new membership was held on 22 July, 2004. There are seven field ministers involved, Chairperson of the Latvian Association of Local and Regional Governments, Director of Latvian National Human Rights Office, Chairman of the Public Utilities Commission, Director of the Society Integration Foundation, President of the Free Trade Union Confederation of Latvia and also representatives from non-governmental organizations ("Apeirons", Organization for people with disabilities and their friends; "Rūpju bērns", Latvian organization of disabled children; Latvian Association of Disabled People and others).

In order to monitor how the goals, objectives and measures defined within *Latvian National Action Plan for reduction of poverty and social inclusion (2004-2006)* (NAP/incl) have been implemented and elaborate proposals to eliminate problems for

⁴² If paragraph 1 of this Article has been accepted it is sufficient here to supplement the reply concerning that paragraph.

identified risks, on 30 December, 2004 by order no. 207 of the Ministry of Welfare the Monitoring Committee of National Action Plan for reduction of poverty and social inclusion implementation was established.

Within NAP/incl monitoring committee all representatives from involved ministries are included as well as representatives from regional local government agencies and non-governmental organizations that represent interests of people who are subjected to poverty or social exclusion risk.

It is planned that Monitoring Committee of NAP/incl implementation shall take place at least once a quarter and in case of necessity extra meetings shall be organized.

National Tripartite Cooperation Council (NTCC) – coordinates and organizes social dialogue among employers` organizations, state institutions and trade unions in order to conform the interests of these organizations on social and economic issues thus ensuring a social stability in the state.

Tripartite social dialogue is very significant in policy decision making, adoption and implementation especially in relation to issues concerning labour market, labour legislation and social security. Within framework of NTCC and it`s sub-councils there different social issues are reviewed in order to reach an agreement on most appropriate decisions for all involved parties.

Basing upon functional equality principles NTCC is composed of proposed representatives of government, Latvian Employers` Confederation and Free Trade Union Confederation. Seven representatives are delegated from each party, including a head of every party.

NTCC representatives from government:

- Minister of Welfare (head of government representatives);
- Minister of Economics (deputy head of government representatives);
- Minister for Finance;
- Minister for Health;
- Minister of Regional Development and Local Governments;
- State Secretary of Ministry of Education and Science;
- State Secretary of Ministry of Justice.

Within NTCC there are the following sub-councils:

- Tripartite Cooperation sub-council of Labour Affairs (TCSLA);
- Social Security sub-council (SSS);
- Tripartite Cooperation sub-council of Vocational Education and Employment (TCSVEE);
- Health Care sub-council (HCS).

NTCC meetings take place once per two months. In case of necessity, ad-hoc meetings are organized.

Responses to Queries raised by the European Committee of Social Rights in its Conclusions XVII-2 (Latvia)

Article 14 – Right to benefits from social welfare services
Paragraph 1 - Provision or promotion of social welfare services
Organization of the social services
Effective and equal access

Query: the municipality must provide access to social services to persons residing on its territory; where a person is homeless, the municipality must provide them with at least night shelter – are there other eligibility criteria beyond individual needs?

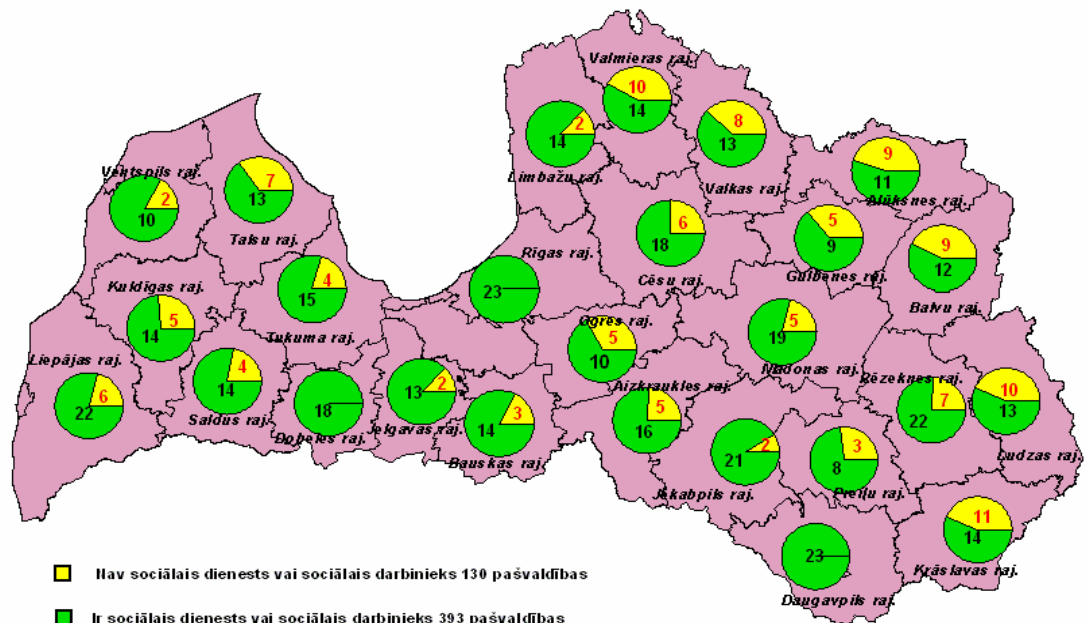
Response: there are no other eligibility criteria beyond individual needs. Night shelter is a social institution which provides night shelter, supper and personal hygiene opportunities for homeless persons or persons in crisis situation.

Query: the geographical coverage of social services with respect to the reference period.

Response: In order to ensure the professional assessment of inhabitants' needs and the qualitative provision of social services and social assistance, each local government shall have at least one social work specialist per every thousand inhabitants. Each local government in the administrative territory of which the number of inhabitants' exceeds 3000 shall establish a local government social office.

In Latvia in 78 local governments (overall 530) there were more than 3000 inhabitants (besides republican cities). Consequently, there are no less than 78 + 7 republican cities' social offices.

Number of the local governments, that have/do not have social offices or social work specialists in all in 2004.



Yellow – there is no social office or social work specialist (in 130 local governments)

Green – there is social office or social work specialist (in 393 local governments)

In 2004 social office or social work specialist was in 393 local governments. There was no social office in 15 local governments, where number of the inhabitants exceed 3000. In average there were 3 local governments in each region, where there was no social office (except Riga planning region, according to the regulation of the Cabinet of Ministers Nr.133 “Regulations about planning region territories” this region is composed of Riga, Jurmala, Limbazu district’s local governments, Ogres district’s local governments, Riga district’s local governments, Tukums district’s local governments).

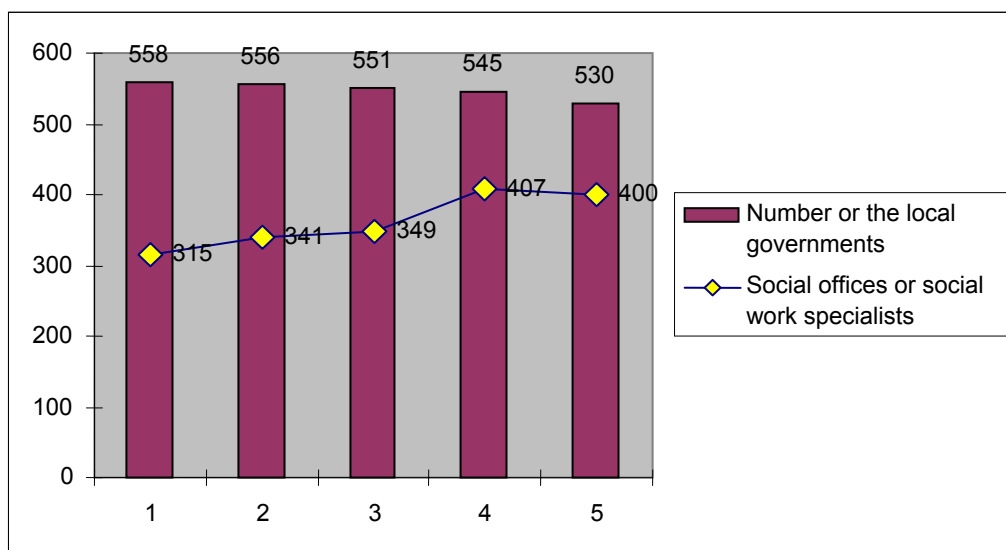
Local governments, where there were more than 3000 inhabitants and there was no social office:

Local governments	Number of inhabitants
Pļaviņas	3885
Vecumnieki parish	4796
Salas parish	3406
Jaunsvirlaukas parish	3316
Skrunda with countryside territory	3989
Aizpute	5551
Cesvaine with countryside territory	3388*
Līvānu province	12 198
Maltas parish	3570*
Silmalas parish	3496
Mārupes parish	9208*
Sabiles province	3399
Smiltene	6092
Kocēnu parish	3092*
Valmieras parish	3357

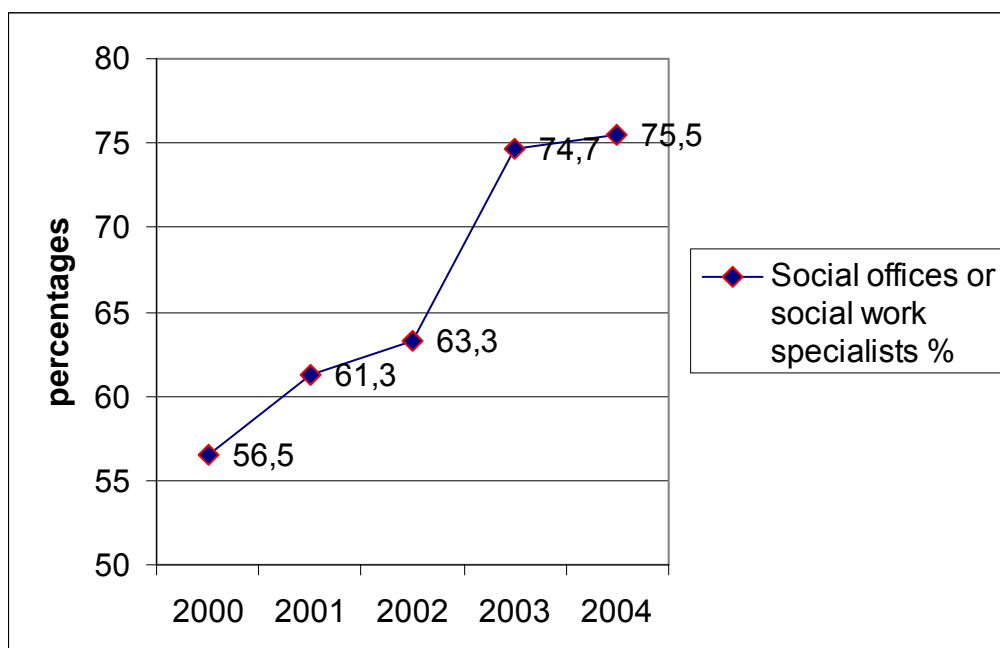
* there was no social work specialist with correspondent education.

In 2003 74.7% (in 2004 – 75.5%) of all local governments had social offices or social work specialists.

Social offices or social work specialists (on regular work) in total and the number of the local governments



Social offices or social work specialists (on regular work) in percentage from the number of the local governments



Query: whether social service are free of charge and which criteria regulate fees where they apply.

Response: A client has a duty to pay for the received social rehabilitation services, except the vocational rehabilitation of disabled persons, the social rehabilitation of persons with impaired vision and hearing, the social rehabilitation of children who have suffered from violence, social rehabilitation in appropriate institutions of children who have become addicted to narcotic, toxic or other intoxicant substances, for person with functional disorders – social rehabilitation services in social rehabilitation centres and the social rehabilitation of victims of the traffic in human beings.

Query: *if equal treatment is guaranteed for non-nationals.*

Response: the right to receive social assistance shall be enjoyed by Latvian citizens and non-citizens, aliens and stateless persons who have been assigned a personal identity number, except those who have received a temporary residence permit.

Quality of services

Query: *is that right interpretation of the Latvian law that much of the responsibility for the provision of social services is assumed by local governments, thereby shifting the decision-making as close as possible to users?*

Response: it is correct interpretation, local governments are responsible for the provision of social services so that each resident of the country could obtain the necessary social service as close to his or her place of residence as possible.

Query: *what are the conditions which must be met by providers, including non-state services providers, and what are the supervisory procedures in place to ensure that the conditions are met in practice?*

Response: Social assistance to a client shall be provided on the basis of an evaluation of person material resources – income and property.

According to Law on Social Services and Social Assistance providers of social services have to be registered in Register of Providers of Social Services. Process of registration started in 2005.

Quality of services` provision and conformity of social services' providers (including social service providers established by NGOs and other public persons) to the requirements specified in legislation are controlled by the State Social Services Board. The quality requirements are named to all social service providers according to the Cabinet of Ministers regulations No.291 of 3 June 2003 "Requirements for Providers of Social Services".

Paragraph 2 – Public participation in the establishment and maintenance of social welfare services

Query: *information on the procedure that NGOs or other non-state providers must undergo and the conditions they have to fulfill to become service providers, on how their action is monitored, and on their funding and their number.*

Response: NGOs and other public organisations may become providers of social care and social rehabilitation services in three ways.

1. By participating in project tenders for developing new types of services. In this case a co-financing from the state budget often takes place. Conditions of financing from the state budget are different in different project tenders. Only activities in implementation of project are monitored. Procedure of accounting is defined in conditions of tender.

2. Through state procurements for social care and social rehabilitation services provided by the state (see article 14, paragraph 1). In this case number of persons (clients), longitude of service and cost is set out by the state. Amount of monthly payments depends on number of clients.

3. Through local municipalities' procurements for social care and social rehabilitation services provided by local municipalities (see article 14 paragraph 1). Number of persons (clients), longitude of service and cost is set out by local municipality. Amount of monthly payments depends on amount of clients.

To become a service provider in cases 2. or 3. NGOs have to fulfill the same requirements for staff, equipment and environment as municipal and state established service providers. These conditions for each type of service are set out in Regulations of Cabinet of Ministers.

ARTICLE 16: THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

"With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means."

Question A

Please mention if the legislation in your country provides specifically for the legal protection of the family, bearing in particular on equality in law between spouses, on family relationships and on marital conflict, and also any special measures to facilitate solutions other than divorce to such conflicts.

Please describe the marital property regimes existing in your country.

Marriages registered in Latvia in the time period from the year 2003 to the year 2004⁴³

Year	Number of registered marriages
2004	10370
2003	9989

Dissolved marriages in Latvia in the time period from the year 2003 to the year 2004⁴⁴

Year	Number of dissolved marriages	Including with minor children	Number of children in dissolved families	Average number of children in dissolved families
2004	5271	3256	4483	1,38
2003	4828	3078	4211	1,37

Claims for dissolution [at the court of first instance]

Year	Number of Finished cases	Claim satisfied	Case dismissed	Case left without further consideration
2004	6344	5533	326	53
2003	5858	5165	408	97

Question B

Please describe the economic measures taken on behalf of the welfare of the family in your country:

by the award of benefits in cash⁴⁵ (eg. family benefits) which ensure, permanently, financial compensation, at least in part for family expenses, indicating the manner and the levels in which such benefits are given (with

⁴³ Data of the Central Statistical Bureau of Latvia.

⁴⁴ Data of the Central Statistical Bureau of Latvia.

⁴⁵ If your country has accepted Article 12 para. 4 it is not necessary to describe here the measures taken to ensure equal treatment in respect of allocation of family benefits forming part of social security.

relevant statistical data) as well as the number of persons concerned (percentage of the population);

In accordance with Article 3 of Law on State Social Allowances there are following benefits paid for facilitation of family welfare in the country: State family benefit; an allowance for child care; guardian's allowance for a dependent child; remuneration for the fulfillment of a guardian's duties; remuneration for the fulfillment of a foster family's duties; an allowance for the compensation of transport expenses for disabled persons who have difficulties in movement; State social security benefit; remuneration for the care of an adopted child; childbirth grant; remuneration for adoption.

Number of personas receiving State family allowance:

In 2003 total: 341 600

For a first child: 226 403

For a second child: 146 841

For a third child: 48 743

For a fourth and further children: 23 535

In 2004 total: 330 801

For a first child: 221 927

For a second child: 141 739

For a third child: 47 371

For a fourth and further children: 23 256

Expenses per one allowance receiver

In 2003: 7.06

In 2004: 7.06

Total expenses for State family allowance:

In 2003: 43 605 966

In 2004: 43 876 968

Number of personas who receive supplement to the State family allowance:

In 2003: 9 245

In 2004: 9 514

Average amount of the supplement granted in addition to the State family allowance:

In 2003: 50.00

In 2004: 50.00

Total expenses for supplement to the State family allowance:

In 2003: 4 883 584

In 2004: 6 061 437

From 1 January 2007 in order to improve the quality of life for families with children, it is planned to increase the amount of State family allowance from 6 LVL to 8 LVL per month for the first child in family, from 7.20 LVL to 9.6.LVL for the second child, from 9.60 LVL to 12.80 LVL for the third child, from 10.80 LVL to 14.40 LVL for the fourth and the every following child.

In accordance with Article 7 of Law on State Social Allowances Allowance for child care shall be granted to a person caring for a child:

1) under one year of age, if this person is not employed (is not considered to be an employee or self-employed person in accordance with the Law on State Social Insurance) or is employed and is on parental leave; and

2) from one year up to two years of age, if this person is not employed (is not considered to be an employee or self-employed person in accordance with the Law on State Social Insurance) or is employed and is on parental leave or, in accordance with the procedures specified by the Cabinet, works part-time work. A person who is employed part time has rights to allowance if he/she is not employed for more than 20 hours per week.

The allowance for child care shall not be granted if a maternity allowance has been granted to the child's other parent during the same period of time.

If the allowance for childcare has been granted for twins or more children born during one delivery, a supplement shall be granted for each next child in the amount specified by the Cabinet.

Amount of the allowance for a person who cares for a child until the age of a year if this person is employed (is considered to be an employee or self-employed person according to the Law On State Social Insurance) and is on the leave for child care, - 70 percent of the monthly income of the average monthly insurance payment reward of the person but not less than 56 LVL per month and not more than 392 LVL per moth.

Amount of the allowance for a person who cares for a child until the age of a year if this person is not employed – 50 LVL per month.

Amount of allowance for a person who cares for a child from the age of year to two years is 30 LVL per month.

Number of children born

In 2003 – 21 006

In 2004 – 20 334

Number of allowance for childcare receivers:

In 2004 – 44 600

In 2003 – 45 915

Average amount of the granted allowance:

In 2004 – LVL 20.13

In 2003 – LVL 19.49

Total expenses for allowance for childcare:

In 2004 – LVL 11 529 048

In 2003 – LVL 11 513 863

In accordance with Article 8 of Law on State Social Allowances Childbirth grant shall be granted in case of childbirth to one of the parents of a child; or to a person who has taken guardianship of a child under one year of age.

The right to the childbirth allowance arises from the eighth day of the child's life or from the day of the establishment of guardianship.

The amount of childbirth allowance is LVL 296 – 100% of the value of the layette in terms of money.

The Cabinet of Ministers revises the amount of the allowance according to the proposal of the Ministry of Welfare in compliance with the resources of the state budget, evaluating the economic situation in the country and regarding the actual average consumer price index set by the Central Statistical Bureau.

Number of child birth grant receivers:

In 2004 – 20 339 (number of allowances – 20 659)

In the year 2003 – 20 670 (number of allowances – 20 958)

Total expenses for childbirth allowance:

In 2004 – LVL 4 677 869

In 2003 – LVL 4 019 446

Expenses per allowance receiver

In 2004 – LVL 204.17

In 2003 – LVL 184.60

— **by the award of occasional benefits in cash or in kind other than social and medical assistance benefits, intended to give material assistance to families in certain specific circumstances (eg. marriage, setting up or tenancy of housing appropriate to the size of the family, etc.), giving wherever possible, statistical information on the above;**

In August 2004 the Administration of the Maintenance Guarantee Fund started to work. The institution is the holder of the resources of the Maintenance Guarantee Fund - the sum of the resources allocated in the national budget for providing maintenance to a child when the implementation of the court decision (court judgment) on the collection of child support payments is declared impossible.

Claims for collection of resources for maintenance of children [at the court of first instance]

Year	Number of Finished cases	Claim satisfied	Case dismissed	Case left without further consideration
2004	6821	4563	878	87
2003	3147	2007	529	97

— **by alleviating certain expenses (eg. tax relief for family and children, special transport rates for families). In so far as tax relief is concerned, please specify whether tax concessions vary according to the number of children, and if so, how and to what extent;**

According to regulations No 481, issued on June 28, 2005, of the Cabinet of Ministers "On the amount of the monthly non taxable minimum and tax relief for the calculation

of the personal income tax” the set tax relief for one person under maintenance from January 2006 is 22 LVL per month and 264 LVL a year, which forms a decrease of tax by 66 LVL a year.

— **by measures of aid to the newly married.**

State aid program for young families is included in the Cabinet of Ministers action plan for implementation of the conception “State Family Policy” for year 2004-2013, accepted on 30 November 2004 (hereinafter – Action Plan).

The aim of the Action Plan is to create favorable conditions for the family in implementing the conception “Family State Policy”, accepted by the Cabinet of Ministers on 28 May 2002.

The most significant activities of the Action Plan are:

- to develop state system for the promotion of employment by creating a network of information based on the yearly researches of the professions demanded for in the current year as well as on the information about what professions will be sought-after in the labor market in the next five years; these measures will provide the unemployed with effective requalification opportunities, will inform the society about the demands of the labor market;
- to develop a conception for a complex solving of the family lodging problem;
- to reconsider the amount of state family allowances;
- to enlarge the proportion of the skills for family life that have to be acquired in the educational program of social studies for pupils studying in grades 5 to 12;
- to inform the families about social and health care services and assistance by publishing and distributing brochures and providing information for mass media;
- to increase the number of regional centers that offer a complex aid in situations of crisis (inter alia provide short-term stay for mothers with children in situations of crisis);
- to create a network of state co-financed family support centers in the municipalities.

Question C

Please indicate whether in your country there exists social and/or cultural services of particular interest to the family, such as advice to families (either to the whole family or to its members, eg. to mothers, pregnant women, children of various ages), home-help services, family holiday homes, etc.

Please indicate the childminding services available to families, in particular crèches, nurseries and after-school and holiday schemes for children.

Please give a general description of the organisation and facilities of these services. In your answer please distinguish between public and private services and between services available free or against payment. Please give relevant statistical data.

Additionally to the legislation mentioned in the First Latvian Report the quality requirements are named to all social service providers according to the Cabinet of Ministers regulations No.291 of 3 June 2003 “Requirements for Providers of Social Services”.

It is possible to receive aid through state financed social services:

- vocational rehabilitation of disabled persons;

- social rehabilitation of persons with impaired vision and hearing;
- for persons with functional disorders – social rehabilitation services in social rehabilitation centres;
- social rehabilitation of victims of the traffic in human beings; and
- a support program for children who have not been declared invalids suffering from coeliac disease.

Foster families:

Foster family – a family, which ensures care and upbringing for an orphan or a child left without parental care (extra-familial care).

A child is put into a foster family until the time when the child can return to his family or if it is not possible until the adoption of the child or establishment of a guardian.

The orphan's court (parish court) may place the child in a foster family in the following cases:

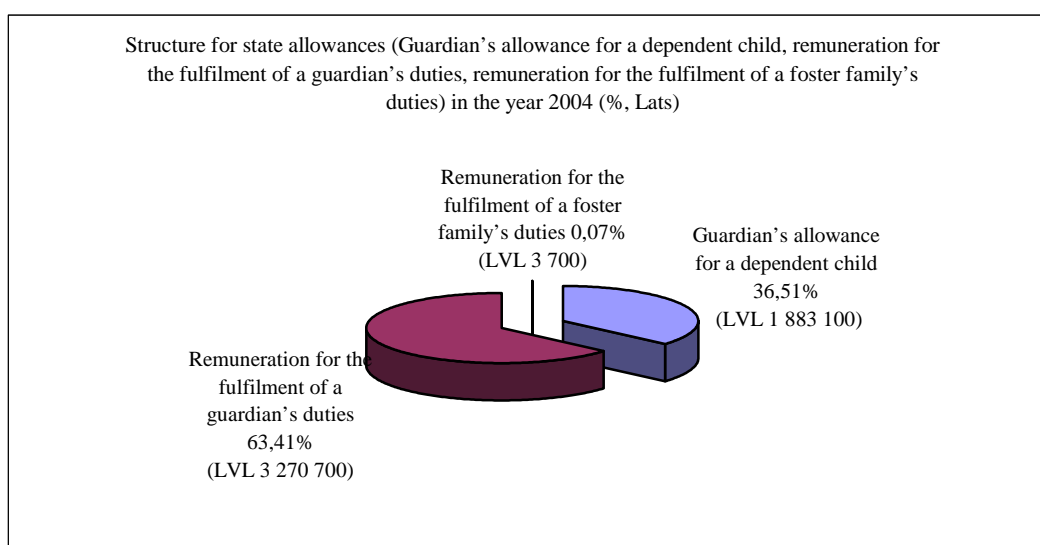
- child's parents are deceased;
- the child has been found;
- according to the court's decree of the forfeiture of the parent's child protection rights (parental rights);
- the child care rights have been forfeited from the child's parents;
- the child is found in conditions that are dangerous for his health or life;
- a conflict has formed between the child and his parents;
- parents' prolonged illness.

In 2002 the number of families that acquired foster family status was 15, in 2003 there were 17 foster families but in 2004 – 25. Until 1 January 2005 already 72 prospective foster families had acquired the foster family education program. Thus it is predictable that the number of foster families will continue to increase.

Custody:

In 2003 there were 9744 custodians in the whole country, in 2004 - 7367 custodians.⁴⁶

In 2003 the number of custodians appointed was 2116, in 2004 – 1327.



⁴⁶ Data of the Central Statistical Bureau of Latvia

Crisis centers:

On 1 January 2005 there were 9 crisis centers in 9 different cities and regions of Latvia, where social services were provided by the municipalities. The crisis centers were visited by 505 persons⁴⁷. Financial means of municipalities used for crisis centers in the previous year were 165195 LVL.

Municipalities purchased social services in 4 institutions. The institutions were visited by 3137 persons. Financial means of municipalities paid for the purchase of the social services comprised 96886 LVL.

Night shelters:

The number of night shelters in Latvia is 18 from which in 14 institutions social services are provided by municipality but in 4 institutions the social services are purchased.

In 2004 social services at night shelters were used by 3073 persons. In total municipalities spent 657874 LVL to provide (529850 LVL) and to purchase (128024 LVL) social services at night shelters.

Financial means used for night shelters from municipal finances in total in the state, cities and regions, 2004 (LVL)⁴⁸

	2004
Total cities	599353
Total regions	58521
Total of state	657874

Technical aids

Provision of technical aids to the residents is carried out by the government agency "Technical Aids" which is supervised by the Ministry of Welfare.

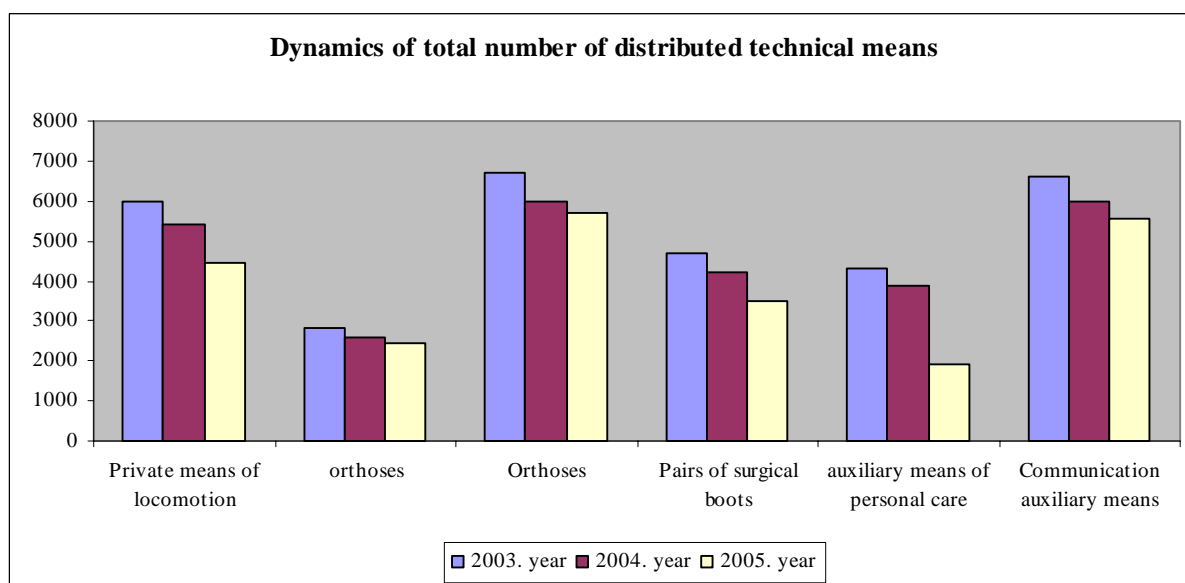
Technical aids from funds of the State budget, by making a single contribution in accordance with the procedures specified by the Cabinet of Ministers can be received by:

- 1) disabled persons belonging to groups 1, 2 and 3;
- 2) disabled children under the age of 16 years;
- 3) children for whom the technical aids is necessary to reduce or eliminate functional inability;
- 4) persons of pensionable age for whom the technical aids is necessary to reduce or eliminate functional inability; and
- 5) persons with anatomic defects — a prosthesis or orthopaedic footwear (pairs of surgical boots).

In 2003 the center distributed more than 31 158 different technical aids, in 2004 – 28 110, but in 2005 the planned distributed technical aids were 23 553.

⁴⁷ The Social Service Board data

⁴⁸ The Social Service Board data



In 2003 1 734 081 LVL were spent on provision of technical aids, in 2004 – 1 740 081 LVL but in 2005 - 1 722 433 LVL.

Social rehabilitation of children who have suffered from violence

In 2003 social rehabilitation of 473 children was provided at social rehabilitation institutions, for 839 children – at their place of residence, in 2004 – for 560 children at the social rehabilitation institutions, for 941 children – at the place of residence.

In 2003 training of 29 specialists – psychologists, social workers, and psychotherapists was provided.

In 2003 social rehabilitation of children who have suffered from violence was carried out by 5 institutions but in 2004 – by 4 institutions, which were identified by the Social Service Board on a basis of a competition.

In 2003 and 2004 social rehabilitation of children who have suffered from violence at their place of residence was carried out by 38 institutions.

Social rehabilitation of children addicted to psychotropic substances:

According to the Cabinet of Ministers regulations of 29 April 2003 No 246 “Procedure of how Children Addicted to Psychotropic Substances Receive Social Rehabilitation Services and Requirements towards providers of social rehabilitation services” financing of social rehabilitation services is assigned from the state budget.

In 2003 LVL 108 958.78 were assigned in the state budget on social rehabilitation of children addicted to psychotropic substances. In 2004 and 2005 respectively LVL 122 210 and LVL 301 161 were spent on that purpose.

In 2003 31 children received rehabilitation at specialized social rehabilitation institutions for children addicted to psychotropic substances. In 2004 – 96 but in the year 2005 44 appointments were issued.

Please indicate the child minding services available to families, in particular crèches, nurseries and after-school and holiday schemes for children.

On 15 September 2004 according to the report of the Ministry of Education and Science the number of institutions that were carrying out preschooler education program was **1003** from which:

- 531** municipal preschooler education institutions;
- 25** private preschooler educational institutions;

1 preschooler educational institution owned by an organization;
446 educational institutions with preschooler educational groups.

There are 68 educational institutions of interests with 2498 educationalists and 74 788 students including 1734 children with special needs.

According to the provided information by the local government coordinators of camps in 2004 there were 786 camps for children and youths with 29 574 participants.

Question D

Please indicate if the legislation in your country provides for family representation on advisory or administrative bodies with a view to defending family interests.

On 27 May 2004 the Secretariat of the Ministry for Special Assignment for Children and Family Affairs (hereafter – Secretariat) was reorganized and the Ministry for Children and Family Affairs (hereafter – Ministry) was established. The Ministry is successor of the functions, rights and obligations of the Secretariat. Ministry is a leading state administrative institution in the field of children rights protection, children and family rights and youth.

Question E

Please indicate what measures have been taken to promote the construction of family housing, and supply full statistics of the work accomplished.

According to data of the Ministry of Economics in 2004 total living-space of apartment houses commissioned was 452,3 thousand square meters from which 257,0 thousand square meters – for private person resources. The respective data in 2003 were 194,2 and 193,9 thousand square meters.

The majority of building after actual execution of work is concentrated in Riga – 49,0%, Riga region – 8,2%, Ventspils – 5,8% and Liepaja – 4,7%.

Article 28 of Law on Assistance in Solving Apartment Matters determines that each year before the drawing up of a draft the State budget a local government shall aggregate the assistance register data, inventory data of the local government-owned residential space and the assistance provision projects, performing the required calculations, and shall draw up a budget request for partial covering of expenses from the State budget resources in the form of earmarked subsidies for local governments. Under the Cabinet of Ministers regulations of 30 November 2004, Action Plan for the implementation of the conception “State Family Policy” for the year 2004-2013 (hereafter – Action Plan) state is preparing conception for a complex family home solving issue.

Question F

Please indicate the measures taken in the field of family planning information.

According to the regulations No 7 of the Cabinet of Ministers of 4 January 2005 “Regulation of the Health Promotion State Agency” the Health Promotion Government Agency educates different groups of society about the factors that influence health

and healthy living and methodically administrates, organizes and coordinates work of reproductive health promotion.

The Health Promotion State Agency has 11 coordinators in the regions of Latvia who ensure access to information.

Under the Cabinet of Ministers regulations of 30 November 2004, Action Plan for the implementation of the conception "State Family Policy" for the year 2004-2013 (hereafter – Action Plan) state organizes informative-consultative activities about different issues related to marriage for persons who are preparing to join in matrimony; increases the proportion of broadcasts included in public procurement of the National Broadcasting Council of Latvia that would be aimed at strengthening family role in society; informs families about social and health care services and aid: by publishing and distributing brochures; by providing information in mass media.

The Ministry for Children and Family Affairs (hereafter – Ministry) in the year 2005 took part in implementation of mother to-be on-line diary. During the project experts of the Ministry gave answers and commentaries to readers' queries and recommendations. Visitors of the portal can follow in real-time with coming into being of a new life.

Question G

If your country publishes official statistics concerning the composition of the family and its economic and social position, please provide a summary of the latest available statistics. In so far as the socio-economic position is concerned, describe the manner in which socio-economic categories are classified in your country.

Average size of a household in Latvia in 2003 was 2.58 persons, in 2004 – 2.57 persons.⁴⁹ From the total number of households one-person households were 24.2% in 2003 and 23.3% in 2004. Childless spouses were in 19,5% of households in 2003 and 20.2% in 2004.

In 2003 risk of becoming poorer (poverty risk index) had 35% of households with one adult and one or more children, however, in 2003 and 2004 32% of households considered of 2 adults and three or more children.

By comparison of average indicators of household income, it is obvious that in 2003 the lowest average income per one household member - LVL 62.91 – was in households with one adult and one or more children of age up to 16, in 2004 – LVL 71.06. For a couple with children in 2003 and 2004 the respective data were LVL 81.93 and LVL 100.17. Average income of one-person household was LVL 106.33 in 2003 and LVL 119.83 in 2004. For childless spouses the average income in 2003 was LVL 108.74, in 2004 – LVL 122.22.

According to information of the Central Statistical Bureau in 2002 there were 9653 unfavourable families. In 2003 the number of unfavourable families increased to 13066.

According to generalized research data in 2001, 2002, 2003 and 2004 the respective number of private households in Latvia was 925.0, 917.4, 915.4 and 910.5 thousand. The average size of a household has increased. The following data characterizes the size of surveyed households in different types of populated area in 2003 to 2004.

⁴⁹ Household budget research data

AVERAGE SIZE OF A HOUSEHOLD IN 2003, 2004
(Average per one household)

	Average number of members of a household	
	2003	2004
All the households	2.58	2.57
Inter alia:		
In cities	2.46	2.45
From the abovementioned - cities of the republic cities	2.47	2.44
In Riga	2.43	2.40
On the countryside	2.90	2.89

By demographic types the largest group of households is formed from one-person households (one fourth of the total number of households). Proportion of singletons is much bigger in cities. Division of households in 2003 and 2004 by demographic (family) types:⁵⁰

DIVISION OF HOUSEHOLDS BY TYPES IN 2003, 2004
(Per cent)

	All households		Cities		7 cities of the republic		Riga		Countryside	
	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
All households	100	100	100	100	100	100	100	100	100	100
Including households that consist of:										
one person	24.2	23.3	25.7	24.8	24.9	24.4	25.2	24.8	20.6	19.7
one adult with children	3.3	3.8	3.4	4.3	3.4	4.2	3.2	3.8	3.0	2.3
childless spouses	19.5	20.2	20.8	22.0	20.6	21.8	21.7	23.5	16.5	15.6
Spouses with children	18.0	19.0	17.6	18.1	17.1	17.8	15.1	16.8	18.8	21.3
other households with children	14.2	12.5	12.0	10.6	12.6	10.6	13.0	10.2	19.6	17.2
other households without children	20.8	21.2	20.5	20.2	21.4	21.3	21.8	20.9	21.5	23.8

⁵⁰ Data from the Central Statistical Bureau

**DIVISION OF HOUSEHOLD MEMBERS BY SOCIAL-ECONOMICAL STATUS IN
2003, 2004 (percent)**

	All households		Cities		Countryside	
	2003	2004	2003	2004	2003	2004
All households	100	100	100	100	100	100
Including:						
workers, paid employees	37.8	40.8	42.4	45.8	28.2	30.4
employers	1.0	0.9	1.4	0.9	0.3	0.7
self employed, craftsmen	1.7	1.2	1.6	1.3	1.7	1.2
Employed in family business	0.1	0.1	0.1	0.0	0.2	0.2
Farmers	1.5	1.7	0.1	0.1	4.4	5.1
Retired	23.4	21.5	23.0	21.3	24.3	22.0
students, pupils (15 years and more)	8.5	8.8	8.2	8.4	9.0	9.7
housewives	3.8	3.6	3.1	2.7	5.2	5.5
not employed, un-employed	7.2	6.0	6.4	5.2	9.0	7.6
continuously unable to work, disabled	0.0	0.1	0.0	0.1	0.1	0.1
children (younger than 15 years)	15.0	15.2	13.8	14.1	17.6	17.4
other	0.0	0.1	0.0	0.1	0.1	0.1

INCOME AT DISPOSAL

(average per one household member per month, LVL)

	Income at disposal	
	2003	2004
In all households	86.88	101.23
In cities	98.46	112.34
In 7 republic cities	106.35	119.46
In Riga	125.23	135.24
On the countryside	62.61	77.84

INCOME AT DISPOSAL BY HOUSEHOLD TYPE IN 2003, 2004

(total in money and in kind)
(average LVL per month)

(Average for one household member per month, LVL)

	Income at disposal	
	2003	2004
Types of a household:		
One person	106.33	119.83
One adult with children	62.91	71.06
Childless couple	108.10	122.22
Couple with children	81.93	100.17
The rest of the households with children	72.20	82.16
The rest of the household without children	89.52	103.39

(Average for one consumer equivalent, LVL)

	Income at disposal	
	2003	2004
Types of a household:		
One person	106.33	119.83
One adult with children	95.57	108.06
Childless couple	144.14	162.96
Couple with children	141.98	173.87
The rest of the households with children	126.54	144.04
The rest of the household without children	132.01	153.50

STRUCTURE OF HOUSEHOLD CONSUMPTION

(total in money and in kind)

(Average for one member of the household per month)

	2003		2004	
	Ls	%	Ls	%
Consumption expenditures	100.38	100	114.08	100
Alcoholic drinks, tobacco	3.58	3.6	4.00	3.5
Clothing and footwear	7.50	7.5	8.26	7.2
Housing, water, electricity, gas and other fuel	12.75	12.7	14.41	12.6
Housing equipment, household accessories and house cleaning	5.38	5.4	5.86	5.1
Health	3.63	3.6	4.48	3.9
Transport	10.78	10.7	13.60	11.9
Communications	6.06	6.0	7.53	6.6
Recreation and culture	6.61	6.6	7.10	6.2
Education	1.64	1.6	2.01	1.8
Restaurants and hotels	4.97	4.9	6.00	5.3
Different goods and services	5.00	5.0	5.93	5.2

Responses to Queries raised by the European Committee of Social Rights in its Conclusions XVII-2 (Latvia)

Article 16 – Right of the family to social, legal and economic protection

Legal protection of the family

Query: *Is it intended to establish institutions in Latvia, which will settle disputes between the spouses and protect the family?*

Response: The Ministry of Justice in cooperation with the Ministry for Family and Children Affairs implements EC Transition Facility project “Alternative disputes resolutions systems and training for legal practitioners”, on the basis of which it is planned to develop mediation (conciliation) institute for solving legal disputes in family law.

Query: *information about development of the “State Family Police” action plan and implementation of the plan in Latvian legislation and practice.*

Response: On 30 November 2004 the Cabinet of Ministers approved action plan developed by the Ministry for Family and Children Affairs for the realization of conception “State Family Policy” for 2004 – 2013. The Action Plan comprises of concrete complex set of activities that should be implemented in ten years with the aim to make Latvia a family friendly country. In the action plan the tasks are enumerated to be accomplished in 14 different fields of life to improve living conditions for family and children:

- 1) forming a family friendly environment;
- 2) improvement of employment opportunities for family members;
- 3) support for families for solving problems related to family lodging;
- 4) financial support for family;
- 5) support in the educational process of the family members;
- 6) adjustment of the educational system corresponding to the needs of the family;
- 7) improvement of the care system of children at the age of preschool and primary school pupils;
- 8) informative support for the family;
- 9) improving family health care;
- 10) support for a family in which there is a person with special needs (disabled person);
- 11) support in the campaign against different kinds of addictions;
- 12) support for a family in a situation of crisis;
- 13) diminishing of violence in the family;
- 14) improving of the institutional system for family support.

The Ministry for Children and Family Affairs has elaborated the project of regulations “Regulations of Computer Games Distribution” which will define the order in which computer games can be distributed.

In 2004 there were 5 family support divisions and 10 play centres for children in Latvia. In 2005 11 family support divisions and 18 play centres for children will be established. The ministry has awarded financial support for foundation of such divisions and centres.

Economic protection of the family

Query: *information on economic measures taken in favour of single-parent families.*

Response: Under Article 179 of the Civil Law of the Republic of Latvia the parents have responsibility to maintain the child commensurate to their property status. This responsibility falls upon the father and mother until the time when the child is able to provide himself. The responsibility to maintain the child does not expire if the child does not live together with one of the parents or both of the parents.

The Cabinet of Ministers establishes the minimum amount of child support that each of the parents has responsibility to provide.

Child support from the resources of the Maintenance Guarantee Fund shall be disbursed if he or she provides care for a child who has been assigned child support in accordance with a court judgement, and if the execution of a court adjudication regarding the recovery of child support in accordance with the procedures prescribed in the Law on Civil Procedure is recognised as impossible, or a debtor fulfils a court adjudication regarding the recovery of child support, but does not ensure such minimum amount of child support, which has been determined by the Cabinet of Ministers.

On the occasion of annulment of marriage or after the ex-spouse may demand resources from the other ex-spouse commensurate to his property's state if the last with his activities has promoted frustration of the marriage and the resources are necessary for preservation of the former welfare level or for maintenance.

Social protection of the family

Query: *if the number of facilities and places are adequate or whether there are waiting lists for childcare?*

Response: In 2004 demand for places at preschool educational institutions and the total number of children at educational institutions that perform preschool educational programs has increased.

The number of children involved in the preschool education to the age of 7 was 68 percent in the school year 2002/2003, 72 percent in the school year 2003/2004 and 75 percent in the school year 2004/2005.

The number of educational institutions that perform preschool educational programs has also increased. In the school year 2002/2003 it was 985, in the school year 2003/2004 – 993, but in the school year 2004/2005 – 1003. Nevertheless, in many local governments demand increases offer and waiting lists have to be formed. The highest demand for places at preschool educational institutions is in Riga.

Increase of children at preschool educational institutions was mainly determined by the legal norm in the Education Law, Article 4, which states that preparation of five-year and six-year old children for acquirement of primary education is compulsory.

Under Article 17 of the Education Law each local government has an obligation to ensure that the children residing in their administrative territory have the opportunity to acquire pre-school education at an educational institution closest to the place of residence of the child and to ensure the opportunity to gain interest related education and to support extracurricular activities, including children's camps.

Query: *information on childcare facilities for those aged between 0 and 5 years and on afterschool child care facilities as well as information on the fees charged by childcare institutions;*

Response: According to the Action Plan state in cooperation with local governments and non-governmental organizations establishes children play and educational centers where children in preschool age who do not go to daycare centers would be supervised when the parents are not able to stay with their child (maximum time – 4 hours). As a result the children's life and health will not be endangered and the number of children's injuries will diminish.

It is planned to create an unified informative system about babysitting services in the territory of the respective local government for 2006.

Regulation No.600 of the Cabinet of Ministers of 8 September 2004, "Program for Implementation of Gender Equality for 2005-2006 states that until 2006 a plan should be developed on establishing alternative childcare forms, especially at parents' working place; with these alternative forms the following is understood: babysitters' office, daycare groups, daycare centers at parents work place.

Query: *information on the staff qualifications and training of persons employed in childcare facilities.*

Response: Almost half of the pedagogues working in preschool educational system in 2004 are acquiring higher education respective to the laws and regulation as well as supplementing their education by acquiring master's degree in pedagogy or psychology. Preschool educational system's pedagogues are improving their knowledge also in different state and local government organized further education courses.⁵¹

⁵¹ Data provided by the Ministry of Education and Science

ARTICLE 17: THE RIGHT OF MOTHERS AND CHILDREN TO SOCIAL AND ECONOMIC PROTECTION

"With a view to ensuring the effective exercise of the right of mothers and children to social and economic protection, the Contracting Parties will take all appropriate and necessary measures to that end, including the establishment or maintenance of appropriate institutions or services."

Question A

Please indicate the measures taken to give effect to this provision by giving a list of the field covered by the measures of social and economic protection adopted in your country in respect of:

- a. mothers,
- b. children,

and the institutions or services which contribute to this protection.

Please supply statistics showing the percentage of mothers and children who benefit from such protection.

Article 12 of the Law on Protection of the Rights of the Child provides for social rights of the child:

- 1) a child has the right to acquire a profession and respectively to the chosen profession to choose work. Acquirement of a profession is provided at educational institutions but for children who have reached the age of 15 and have registered as unemployed – with intervention of employment service;
- 2) a child has the right to health care free of charge according to the State program;
- 3) a child who does not receive enough parental care has the right to social assistance and social services by the State and local government;
- 4) The State provides for every orphan and child left without parental care social safeguards.

Under the provisions of Article 11 of the Law on Protection of the Rights of the Child a child shall have the right to education and creative activity:

- 1) The State shall ensure that all children have equal rights and opportunities to acquire education commensurate to their ability;
- 2) Children have the right to free-of-charge pre-school preparation, primary and secondary education and vocational training.
- 3) Children belonging to the ethnic minorities of Latvia have the right to acquire education in their native language in conformity with the Education Law.
- 4) A child has copyright and patent rights to his or her invention.
- 5) A child has the right to learn about cultural heritage and to participate in its protection, and to develop his or her creative abilities.

Allowance for Child Care

If the allowance for childcare has been granted for twins or more children born during one delivery, a supplement shall be granted for each next child in the amount specified by the Cabinet of Ministers.

Question B

Please describe the provision which exist in your country to guarantee to women not covered by any social security scheme the necessary financial assistance during a reasonable period before and after confinement as well as medical care or other adequate care during confinement.⁵²

No change.

Question C

Please indicate what measures have been taken to protect single mothers.

Article 179 of the Civil Law of the Republic of Latvia prescribes for that parents, commensurate to their property status have a duty to provide the child with maintenance, i.e., give him food, housing, clothing, and care for, raise and educate them.

Administration of the Maintenance Guarantee Fund (hereafter - Administration) in 2004 reviewed 4679 submissions, took 4314 decisions about payment of maintenance, in 76 cases decision was taken to refuse payment of maintenance and in 59 cases of payment of maintenance closed.

Administration of the Maintenance Guarantee Fund correspondent to the Law on Maintenance Guarantee Fund pays maintenance in the amount established by the judgement but not more than the minimum maintenance set by the Cabinet of Ministers. In 18 percent of all judgments amount of maintenance (child support) disbursed from the Maintenance Guarantee Fund is smaller than the minimum maintenance set by the Cabinet of Ministers. In 82 percent - minimum maintenance set by the Cabinet of Ministers.

Please indicate whether your legislation makes provision for:

a. procedure for the establishment of the paternity or maternity of children born out of wedlock. if appropriate, state the reasons why some categories of children cannot benefit from these procedures and describe any special measures taken on behalf of these categories;

Constitutional Court of the Republic of Latvia in its judgment on 11 October 2004 declared Article 155 of the Civil Law of the Republic of Latvia Part Six⁵³ incompatible with first sentence of Article 110 of the Constitution of the Republic of Latvia and Article 4 of the European Convention on the Legal Status of Children Born Out of Wedlock. Therefore the contested legal provision has lost validity.

The legal regulation provided in the Civil Law of the Republic of Latvia Article 157, part three - establishes that it is supposed that a child has originated from a person with whom the mother of the child has had sexual relationship - has been excluded.

⁵² If this information has been supplied in reply to the questions relating to Article 16, a simple reference will suffice here.

⁵³ The legal provision states that the father of the child, who is married to another woman, may submit the application for recognition of paternity upon agreement of the spouse.

b. liability for the maintenance of children born out of wedlock, and whether the rules applicable differ from those for legitimate children;

No change.

c. special arrangements for the guardianship and custody of children born out of wedlock;

No change.

d. the legitimisation of children born out of wedlock;

No change.

e. special rules for the inheritance right of children born out of wedlock.

No change.

Question E

Please describe the measures in force in your country with regard to adoption. How close does the status of the adopted child come to that of a legitimate child?

Under the amendments of 10 March 2005 to the Civil Law of the Republic of Latvia a major person can not be adopted.

Assent from the child that is going to be adopted shall be received if he has reached the age of 12. If the child is under the age of 12, orphans court asks for his opinion.

A minor child may be adopted if before approval of the adoption the child has been in care and custody of the person adopting him and mutual suitability of the child and the person adopting him has been ascertained as well as there is ground to think that after the adoption between the adopter and the child there will arise real relations of children and parents.

The adopter should be at least twenty-five years old and at least eighteen years older than the person to be adopted.

Upon a request of a foreigner who does not have permanent residence permit in Latvia or upon a request of person residing abroad a child may be adopted with the permission of the Minister for Children and Family Affairs and only in case in Latvia it is impossible to provide upbringing of a child in a family and an adequate care.

Adoption is considered to have occurred (*fait accompli*) as soon as the court testifies it.

In 2003 106 children were adopted, in 2004 - 183 children. In 2003 27 children were adopted in Latvia, in 2004 63 children were adopted in Latvia. In 2003 and 2004 respectively 79 and 120 children were adopted abroad.⁵⁴

Under the amendments to the regulations of the Cabinet of Ministers no.336 of May 17, 2005 the mission of adoption shall be: to create for children without parent care conditions for upbringing in a family, by ensuring stable and harmonic habitat environment.

It is established that the majority of the activities connected with the adoption process are within the competence of the Ministry for Children and Family Affairs, thus the functions, previously performed by several institutions are now performed by one institution.

⁵⁴ Annual report of the Ministry for Children and Family Affairs

Question F

Please describe:

- a. the steps taken in your country to ensure adequate protection for orphans and children whose parents cannot act as their guardians;
- b. how homeless children are cared for in your country:
 - in special institutions? If so, please describe the living conditions in these institutions;
 - in foster families?

Child care in a foster family**Guardians and children in guardianship**

Year	Number of children in guardianship	Number of guardians
2003	9437	7447
2004	9140	7367

Child care in a foster family

Follow-up about Concept of Foster Families is outlined in the answer to question 9. The status of a foster family in Latvia is determined by the Protection of the Rights of the Child Law, the Law on Custody Courts and Parish Courts and the Regulations of the Cabinet of Ministers no.174 "Regulations on Foster Families".

A child stays in a foster family until he/she can return to his family or if it is not possible until the time the child is adopted or custody is established.

Number of foster families and children in foster families

Year	Number of families to which the status of a foster family is assigned	Children placed in foster families
2003	16	21
2004	41	56

Childcare in the institutions for care and upbringing outside the family

- **Care centers for orphaned children**

In 2004 in Latvia there were 6 care centers for orphaned children in which 564 children lived, of them in the age till 4 year – 483. If compared with the 647 children of 2003 the number of children living in care centers for orphaned children has decreased.

The number of children admitted in to care centers for orphaned children in 2004 was 343, compared to 327 children in 2003. In 2004 from children living in care centers for orphaned children 127 were adopted 90 of them – abroad. In 2003 from children living in care centers for orphaned children 57 were adopted 43 of them – abroad.

Services of social care in care centers for orphaned children in 2003-2004

Target group	Year	Number of institutions	Number of inhabitants	Costs for stay of 1 person LVL/month
Children up to 2 years of age and disabled children	2003	6	647 (01.01.2004.)	320.22
	2004	5	564 (01.01.2005.)	345.00

- **Specialized centers for social care of children**

In 2004 and 2003 3 institutions ensured the service respectively for 359 and 367 disabled children. In 2004 were 29 children admitted. No child was adopted. In 2003 were 30 children admitted. No child was adopted.

Services of social care in specialized centers for social care of children in 2003-2004

Target group	Year	Number of institutions	Number of inhabitants	Costs for stay of 1 person LVL/month
Disabled children from the age of 4	2003	3	367 (01.01.2004.)	312.2
	2004	3	359 (01.01.2005.)	337.10

Municipal institutions, which render social services to children: Children's homes – orphanages

In 2003 and 2004 there functioned 61 institutions, which rendered services respectively to 22382 and 2182 children in Latvia. 48 of the aforesaid institutions are municipal institutions, in which 2245 and 2004 children lived.

In 2004 the number of children to whom care services are provided by service providers - non-governmental organizations and family-type institutions was 178. In 2003 the number of children to whom the care services were provided by the mentioned institutions was 137.

In 2004 the children's homes were left by 899 children. 36 children living in the said group were adopted. In 2003 the children's homes were left by 738 children. 20 children were adopted.

Municipal children's homes – orphanages in 2003, 2004

Target group	Year	Number of institutions	Number of inhabitants	Costs for stay of 1 person LVL/month
Children in the age from 2 - 18	2003	48	2245 (01.01.2004.)	209.73
	2004	48	2004 (01.01.2005.)	255.46

In 2004 3105 children in Latvia lived in the 69 institutions of social care and social rehabilitation. In 2003 3396 children lived in the 70 institutions of social care and social rehabilitation.

The State Social Services Agency shall control the quality of social services and the conformity of social service providers to the requirements specified in regulatory enactments, and shall administratively fine social service providers for violations committed.

Institutions which ensure the respect for rights of children in the institutions for care and upbringing outside the family

No change.

Question G

Please indicate the measures taken in legislation and in practice to protect children against physical and moral dangers, ill-treatment, unacceptable physical punishment, violence and sexual abuse. Please indicate whether psycho-social services exist for children victims of such treatment.⁵⁵

Social rehabilitation of children who have suffered from violence

In 2003 social rehabilitation of 473 children was provided at social rehabilitation institutions, for 839 children – at their place of residence, in the year 2004 – for 560 children at the social rehabilitation institutions, for 941 children – at the place of residence.

In 2003 training of 29 specialists – psychologists, social workers, and psychotherapists was provided.

In 2003 social rehabilitation of children who have suffered from violence was carried out by 5 institutions but in the year 2004 – by 4 institutions, which were identified by the Social Service Board on a basis of a competition.

In 2003 and 2004 social rehabilitation of children who have suffered from violence at their place of residence was carried out by 38 institutions.

In 2003 29 specialists were trained – psychologists, social workers, psychotherapists.

Question H

Please indicate how the legal representation of children is ensured, notably in case of conflict with or between the parents or the persons in charge of the child; are children entitled to be heard in person in court, and if so, from what age and on what issues.

No change.

Question I

Please indicate if your legislation provides for special institutions or special courts (possibly child tribunals or special procedures) to deal with young offenders.

Please indicate what is the age of criminal responsibility at which sanctions can

⁵⁵ If part of the response is given under Article 7 para. 10, a simple reference will suffice here.

be applied; the penalties available and the conditions under which they are carried out, notably for penalties involving restrictions on liberty. Please also indicate the measures of protection, education and treatment and the care provided as a means of prevention or as an alternative to detention, as well as the measures to minimise the risk for vulnerable young people.

There are no special courts for minors provided in Latvia.

There are no special courts for minors provided in Latvia.

Pursuant to the Law On Application of Compulsory Measures of a Correctional Nature to Children, which came into force on 1 January 2005, compulsory measures of a correctional nature may be applied to a child if he or she has committed such offence or violation for which the law intends criminal liability or administrative liability (hereinafter – offence or violation).

Compulsory measures of a correctional nature are applied to children who have committed:

- 1) a criminal offence and who a court has released from the imposed sentence;
- 2) a criminal offence and who a court has given a suspended sentence;

A court shall apply compulsory measures of a correctional nature in criminal cases.

Compulsory measures of a correctional nature are applied to children who have committed:

- an offence provided for in the Criminal Law with regard to which a prosecutor or, with his or her consent, an investigator has taken a decision regarding the refusal to initiate a criminal case or a decision on termination of the criminal case and sending of the materials to a court; Terminated criminal cases and materials regarding the offence shall be examined and the coercive measures of a correctional nature applied singly by a city (district) judge. Compulsory measures of a correctional nature are applied to children who have committed.
- a violation with regard to which a decision has been taken regarding sending the administrative violation case or materials to a local government administrative commission for the application of compulsory measures of a correctional nature.

Administrative violation cases and materials regarding the violation shall be examined by a local government administrative commission. A local government may establish a separate administrative commission for examination of such cases.

When applying compulsory measures of a correctional nature, the purposes, the nature and causes of an offence and violation, child's age and living conditions, the degree of his or her participation in the offence shall be taken into account, as well as his or her behaviour in an educational institution or a place of employment and in domestic activities.

Under the Ministry of Education and Science two educational institutions for social correction are established: educational institution for social correction "Strautini" for boys of the age from 11 to 18 and educational institution for social correction "Naukseni" for girls of the age 11 to 16.

Under the transitional provisions of the Law On Application of Compulsory Measures of a Correctional Nature to Children from September 1, 2004 the abovementioned educational and correctional institutions are called educational institutions for social correction.

Under the instruction of the Cabinet of Ministers no.628 of October 2, 2003 in order to economize resources educational and correctional institution "Pilcene" was liquidated and the application of compulsory measures of a correctional nature for the institution's students was continued at educational institution for social correction "Strautini".

Responses to Queries raised by the European Committee of Social Rights in its Conclusions XVII-2 (Latvia)

Article 17 – Right of mothers and children to social and economic protection

Query: *information on the procedure: the first report states that in 2004, 10 inspectors on the protection of the right of children should have the right, at their own initiative or on the basis of a complaint to inspect the activities of any State or municipal institution, public organisation or other physical or legal entity in the sphere of protection of the rights of the child, to demand from the said entities information and explanations in this sphere. The inspectors will advise on the elimination of any violation or suggest disciplinary or other statutory measures.*

Response: Under the Article 65.¹ Protection of the Rights of the Child Law state inspectorates of the protection of the rights of the child on the bases of the results of inspection give recommendations for the elimination of violations and if necessary correspondent to their competence make administrative offence protocol, impose administrative penalty or initiate for a competent institution bring the guilty person to disciplinary trial or other responsibility provided in the regulatory enactment. Under Administrative Violation Code of Latvia cases of administrative offence are revised by administrative commissions of local governments or subcommissions for children affairs.

Query: *whether children themselves may be allowed to bring a complaint to the inspectorate.*

Response: Under Protection of the Rights of the Child Law Article 70, child himself and other persons are entitled to apply for help in children's rights protection institutions and other state and local government institutions, which perform activities provided in the law if father, mother or other legitimate representative of the child, officer of a child care center or educational institution violates the rights of the child, treat the child cruelly or disregard the rights of the child in some other way. Procedure of how the child can bring a complaint to the inspectorate is regulated under the Administrative Procedure Law.

Query: *in case child suffered from violence in his own family, can this victimised child can be provided with care without being placed outside of the family.*

Response: In order to promote the use of resources available in the local government and ensure the integration into society of a person, the social worker and social rehabilitator, in co-operation with other specialists, shall, develop and implement an individual social rehabilitation plan for each person to be socially rehabilitated.

Social services shall be provided only on the basis of an evaluation of the individual needs and resources of a person carried out by a social work specialist. Social services shall be provided at the place of residence of a client or as close thereto as possible and only if the scope of such services is not sufficient, shall social care and social rehabilitation at a long-term care and social rehabilitation institution be provided.

Under regulation No.291 on June 7th, 2003 "Requirements for the Providers of the Social Services" paragraph 51 the specialists (psychologist, psychotherapist or social worker) involves in the social rehabilitation course members of the child's family or

his legitimate representative if the child has not suffered from the illegal activities of the member of the family of legitimate representative.

Query: *information on the size of each unit in a child welfare institution.*

Response: Under the regulation No.431 of 12 December 2000 “Hygiene requirements for social care institutions” the minimum size per one person of a unit at children social care institution for children of the age from 0 to 3 is 2,5 square meters in hourly stay unit, 1,8 square meters in dormitory, 0,8 square meters in toilet facilities; the minimum size per one person of a unit at children social care institution for children of the age of 3 to 18, is 3,0 square meters in hourly stay unit, 4,0 square meters in dormitory, 2,0 square meters in a unit for sporting activities, 0,65 square meters in toilet facilities.

Query: *information about the role, legal and otherwise, of a guardian or other care taker in an institution with regard to the care of children.*

Response: In the event the child has been put in an educational or children care institution and the guardian has not been appointed, the administrator of the institution executes guardian’s duties (Law “On Orphans Courts and Parish Courts”, Paragraph 1 of the Transitional provisions).

Administration of Guardianship is regulated under the Civil Law of Latvia, Article 252 to 310. Guardians shall assume the place of parents for their wards. A guardian must support and act on behalf of his or her ward in every respect. A guardian especially shall provide for the upbringing of his or her ward with the same care as conscientious parents would provide for their children. The goal in the upbringing of minors, in addition to their health care, shall include their moral and intellectual development commensurate to their financial state, abilities and inclinations.

Except in the cases when to a ward majority is granted before term, he/she has married before attaining the age of eighteen or in relation to administration of minor’s unrestricted property, minors do not have capacity to act and therefore they shall be represented by a guardian in all legal transactions.

Services at children long term social care service institution are provided by: social workers with higher education in social work; social carers with respective higher education or knowledge in social care work; nurses registered in the Register of Nurses Empowered to Practice; carers with knowledge in caring.

Children care institution organizes matters related to the child’s legal status: establishes child’s personal file where the following documents are included: child’s birth certificate, documents that substantiate that the child has been put in the institution; documents that testifies the child’s legal status; information about the child’s parents, brothers and sisters; information about the child’s state of health. The institution cooperates with other institutions in order to get the necessary documents.

Query: *information about procedure mentioned in the first report - the first report states that in case the custody court establishes abuse of the right of the child by the guardian, the court shall notify law enforcement bodies.*

Response: Under the Law on Orphan’s Courts and Parish Courts, Article 17 in the procedure established in Civil Law of Latvia supervises conduct of the guardian and rules on the termination of guardianship.

If the orphan’s court/parish court (hereafter – orphan’s court) discovers flaw or imperfection in the conduct of the guardian the orphan’s court immediately eliminates them or dismisses the guardian if it admits that the guardian is unsuitable (Law “On Orphan’s Courts and Parish Courts”, Article 31).

Upon irregularities being discovered, the orphan's court, without delay, shall rectify them, and if, pursuant to information received from joint guardians or kin, or in its own opinion, it finds the guardian unsuitable, it shall dismiss the guardian and appoint another in his or her place. If the orphan's court starts an investigation of a matter, during the period of investigation, the guardian under suspicion shall be removed from his or her position and, if necessary, particularly where there are no joint guardians, replaced with an interim guardian until the matter is determined. (Civil Law of Latvia, Article 332).

If the conduct of the guardian has caused damages for the ward for which the guardian is liable orphan's court commissions the newly appointed guardian to bring a correspondent action at court. If the orphan's court establishes abuse of guardian's rights which have prejudiced to the ward's interests the orphan's court notifies law enforcement bodies about that (Law "On Orphan's Courts and Parish Courts", Article 31).

The orphan's court maintains the moral and economic rights of the child in relations with parents and other persons (Law "On Orphan's Courts and Parish Courts", Article 15).

State provides that matters related to protection of children's rights in all state and local government institutions shall be revised by specialists who have special knowledge in this sphere

Applications and complaints related to protection of the rights of the child are revised immediately. Matters related to ensuring of the rights or interests of the child. (Protection of the Rights of the Child Law, Article 20).

Depending on the character of the abuse of guardian's rights to the abovementioned procedure is regulated under Civil Procedure Law, Administrative Procedure Law or Criminal Procedure Law.

Query: *Is it possible for the child to complain about ill treatment or abuse by the guardian?*

Response: Under Article 70 of the Protection of the Rights of the Child Law it is possible for the child to complain about ill treatment or abuse by the guardian.

Child himself is entitled to apply for help in children's rights protection institutions and other state and local government institutions, which perform activities provided in the law if a legitimate representative of the child int. al. the guardian violates the rights of the child, treat the child cruelly or disregard the rights of the child in some other way.

Under Article 29 of the Law on Orphan's Courts and Parish courts it is primarily competence of the orphan's court to protect the child against ill treatment or abuse: the orphan's court constantly supervises the guardian's conduct both about securing compliance of the minor's moral and economic interests.

Query: *why there is a limitation to the duration of foster care (one year)? Where the children are generally placed, after they spent a year in foster care?*

Response: At present no laws and regulations provide a limitation to the duration of the foster care.

Under the Paragraph 19 of the Regulation of the Cabinet of Ministers no.174, "Provisions of the Foster Families", which was adopted on 25 March 2004 provides that the child is put in the foster family until he/she can return to his family or if it is not possible until the adoption of the child or establishment of custody. Making decision about putting the child in the foster family orphans' court (parish court) indicates the time how long the child shall be put in the foster family. After termination

of the stated time orphans' court (parish court) in the interests of the child can adopt a new decision in which it extends the time of the child's care in the foster family. Length of the stay of a child in a foster family respectively decided by the orphans' court (parish court) as well as mutual rights and obligations of the foster family and local government are regulated in the settled contract (Regulation No174 of the Cabinet of Ministers, "Provisions of the Foster Families" of March 25, 2004 Paragraph 19, Paragraph 26).

Query: *information on results achieved by the "Concept of foster families" that was adopted in December 2003 by the Cabinet of Ministers. Any other information about measures the Government is taking with aim of diminishing number of children placed in institutions.*

Response: The "Concept of foster families" (hereafter – concept) is divided in two stages: first stage from 2004 to 2005 and the second stage in 2006. Under the regulation of the Cabinet of Ministers no.365 of July 1, 2003 "Regulations on the Amount, Procedure of Revising and Procedure of Allocation and Payment of Remuneration for the Fulfillment of Foster Family Duties" amount of the remuneration for the fulfillment of foster family duties was 38 LVL. In 2004 reward for performing obligations of a foster family was established 70 LVL per month. Under the amendments of 30 August 2005 to the regulations of the Cabinet of Ministers No 1021 of 14 December 2004 "Procedure in which Allocation and Payment of Remuneration for the Fulfillment of Foster Family Duties is Regulated" remuneration for the fulfillment of foster family duties is 80 LVL.

Division on Extra-familial Care Coordination of Children established under the Ministry for Children and Family Affairs. The division has five regional consultants. The basic objectives of the consultants are: to provide information and methodological instructions for local government specialists (social workers, officials of the orphan's courts etc.); to provide information to the society about foster families; to meet with the potential foster families, support and motivate them to undertake foster family obligations; to administrate methodologically organization and training of foster families.

Psychologist's consultations free of charge are available since June 2005 at the Ministry for Children and Family Affairs for families with children, adopters, foster families, guardians and children in these families. It is expected that soon psychologist's services will be available in several regions of Latvia.

Information, e.g., with the means of different brochures, television telecasts, advertisements, publications of how to become a foster family are being offered to the society. The Ministry for Children and Family Affairs distributes information to inform the society about alternative extra-familial care forms and methodology of the use of alternative extra-familial care forms. Cooperation has been established with employees working in the sphere of the protection of the rights of the children and work has begun at the development of the model of the cooperation between institutions for the continuation of the improvement of performance quality.

In 2004 3 support groups were established for foster families and guardians. Training of guardians has begun.

Activities of methodological support for foster families – seminars for foster families already established, activities for support of organizational and quality improvement are being organized.

In order to inform the society in the framework of the realization of the campaign "Help the child to grow" the state appealed to the society to involve itself in supporting orphans and children left without parental care by becoming an adopter, foster family, guardian or support person, support family.

Amendments were made to the regulations of the Cabinet of Ministers no.174 of 25 March 2004 "Foster Family Provisions" to supplement them with up to date educational program for foster families.

In 2006 not only remuneration for the fulfillment of foster family duties but also allowance for the maintenance of the child in the foster family (the same as for the guardians) shall be paid from the state budgetary resources – 32 LVL per month.

Query: *information on regulations concerning staff qualifications and training and wage level of staff in institutions.*

Response: Under Law on Social Services and Social Assistance Article 41, 42 persons who have acquired higher or academic professional education at the second level in the field of social work have the right to perform social work. Persons who have acquired higher professional education at the first level in the field of social care, social rehabilitation or the provision of social assistance respectively have the right to provide social care or social rehabilitation services and social assistance. Educational requirements mentioned in this paragraph shall come into force on 1 January 2008.

In Latvia there are three educational institutions that offer to acquire accredited social work education study programs. They are the University of Latvia and Liepaja High School of Pedagogy which are under subordination of the Ministry of Education and Science as well as Ltd. Social Work and Social Pedagogy High School "Attistiba" that has branches in Daugavpils and Rezekne. In 2004 High School for Psychology offers education for social workers and the Christian Academy of Latvia offers to acquire qualification social charity worker.⁵⁶

For 2004 and 2005 there is budgetary sub-program "Training of social work specialists" with the aim to support education of social work specialists – practitioners. Since the beginning of the 1990s social career educational programs are realized at two educational institutions – P.Stradina College of Health and Social Care and Daugavpils College of Medicine.

Improvement of professional skill (training) is regulated by the regulations of the Cabinet of Ministers No.291 of 3 June 2003 "Requirements for providers of social services" where a regular training for social work specialists who work with clients is set. Respectively for social workers not less than 24 hour a year but for other social work specialists – not less than 16 hours a year. The training is provided by social service provider. Contents of the training is not regulated.

Under the regulations of the Cabinet of Ministers No.804 of September 28, 2004 "Provisions on the Wages System for Medical Practitioners and Social Work Specialists at the Institutions Financed from the State Budget" the lowest monthly salary for work/salary for fulltime job for the qualification category for social worker (7-8) is LVL 124 – 142. As regards employee at the local government social work specialists the abovementioned regulation has an advisory characteristic. At the moment each local government sets a different wage for social worker and the joint information about the system of wages is not available for the Ministry of Welfare.⁵⁷

⁵⁶ Development of the Program for Professional Social Work for the year 2005 to 2011 under the order of the Cabinet of Ministers no.413 of June 28, 2005

⁵⁷ Development of the Program for Professional Social Work for the year 2005 to 2011 under the order of the Cabinet of Ministers no.413 of June 28, 2005

Query: *information on the specific procedures for children to complain about care and treatment in institutions.*

Response:

1. Administratively procedural legal capacity is a natural person of legal age having the capacity to act. In cases prescribed by law, minors shall be entitled to independently exercise their procedural rights and fulfill duties (Article 21 of the Administrative Procedure Law).
2. Article 6 of the Law on Social Services and Social Assistance provides that a client has the right in accordance with the procedures specified by law, to appeal against a decision regarding the provision of social services or social assistance and in accordance with the procedures specified by law, to appeal against a decision regarding the provision of social services or social assistance.
3. Article 68 of the Protection of the Rights of the Child Law states that child care, children cultural and educational institutions (kindergartens, child care centers, shelters, schools, health care institutions, camps and so on) ensure rights of the child according to the competence set in their statutes or by-laws.
4. Article 20 of the Protection of the Rights of the Child Law provides the State shall ensure that matters related to the protection of the rights of the child at all State and local government institutions shall be examined by specialists who have special knowledge (relevant knowledge) in the sphere of the rights of the child and who are especially trained to work with children.
5. A child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to the child, either directly or through a lawful representative of the child or through a relevant institution.
6. Under Article 8 of the Law on Submissions, Complaints and Propositions Review Procedure at State and Local Government Institutions submissions and complaints related to protection of the rights of the child shall be reviewed immediately but not later than in three days.

Children and the law – young offenders

Query: *which additional punishments are applicable to minors?*

Response: In addition to a basic sentence, the following additional sentences may be adjudged to minors: confiscation of property; deportation from the Republic of Latvia; a fine; limitation of rights; and police supervision (Article 36 of the Criminal Law).

Confiscation of property is the compulsory alienation to State ownership without compensation of the property owned by a convicted person or parts of such.

Deportation from the Republic of Latvia: A citizen of another state, or a person who has a permanent residence permit of another state, may be deported from the Republic of Latvia if a court finds, that considering the circumstances of the matter and the personality of the offender, it is not permissible for him or her to remain in the Republic of Latvia.

A fine is a monetary levy which the court shall impose in the set amount.

Limitation of rights is the deprivation of rights as to specific or all forms of entrepreneurial activity, to specific employment, to the holding of specific positions or the acquisition of permits or rights provided for in a special law.

Police supervision is an additional sentence, which a court may adjudge as a compulsory measure, in order to supervise the behavior of the person released from a place of deprivation of liberty and so that this person may be subjected to the limitations prescribed by the police institution.

A fine is applicable only to those minors who have their own income. A fine applied to a minor shall be not less than one and not exceeding fifty times the amount of the minimum monthly wage prescribed in the Republic of Latvia.

Query: *who takes the decision to determine that “crimes not resulting in serious consequences” and what is exactly meant by this?*

Response: In order to determine that a crime is not resulting in serious consequences it is necessary to qualify the given offence *id est* to do a process during which features of a concrete situation are compared to the features of the offence’s substance (*corpus delicti*) provided in the Criminal Law and consequently to which a conclusion is being made about the absolute conformity and congruence by fixing that in the respective criminal procedural documents.

The legal qualification of the offence is a process which is performed in the concrete criminal case by an official by a state empowered jurisdiction institution (officials of pretrial investigation institutions and court officials). Such a qualification has a legal significance because it is fixed in official documents and establishes certain legal consequences – it serves as grounds for criminal prosecution, pretrial investigation, presentation of accusation, handing over to the court, to pass a sentence of guilty etc.

For a person who commits intentional infliction of such bodily injury as is dangerous to life or has been the cause of loss of vision, hearing or any other organs or functions of organs, or mental or other trauma to health, if it is associated with a general ongoing loss of ability to work to the extent of not less than one third, or has resulted in the termination of pregnancy, or has been manifested in irreparable facial disfigurement (serious bodily injury), the applicable sentence is deprivation of liberty for a term not exceeding ten years, with or without police supervision for a term not exceeding three years.

By “crimes not resulting in serious consequences” is meant that a person does not commit intentional infliction of such bodily injury as is dangerous to life or has been the cause of loss of vision, hearing or any other organs or functions of organs, or mental or other trauma to health, if it is associated with a general ongoing loss of ability to work to the extent of not less than one third, or has resulted in the termination of pregnancy, or has been manifested in irreparable facial disfigurement (serious bodily injury). (the Criminal Law, Article 125, Part 1.)

Query: *What is the average length of the sentences for the minors?*

Response: On 1 October 2005 at educational institutions for minors (Cēsu Educational Institution for Minors, Department for Minor Girls at Iļģuciema Prison) the sentence of deprivation of liberty was served by 118 persons who had committed a crime when they were under-age. The length of the sentence served by the minors is:

- over 6 months to 1 year for 14 persons;
- over 1 year to 3 years for 61 person;
- over 3 years to 5 years for 27 persons;
- over 5 years to 10 years for 14 persons;
- over 10 years to 20 years for 2 persons.⁵⁸

Query: *can minors be detained in isolation and under what conditions?*

Response: For a person who has committed a criminal offence before attaining eighteen years of age, the period of deprivation of liberty may not exceed ten years,

⁵⁸ According to the data provided by the Latvian Prison Administration

for especially serious crimes – fifteen years, but for less serious and serious crimes, which are not associated with violence or the threat of violence, or have not given rise to serious consequences, the period of deprivation of liberty may not exceed five years.

A person, who has committed a criminal offence before attaining eighteen years of age, may be conditionally released from punishment before serving the term of the sentence, if he or she has served not less than half of the imposed punishment.

Minors can be detained in isolation within the framework of procedural coercive methods provided for in the Criminal Process Law Chapter 13. Grounds for application of procedural coercive measures inter alia measures related to detention in isolation is person's counteraction to achievement of the criminal procedure's target in the concrete procedure or execution of a separate procedural action, non-fulfillment or undue fulfillment of the procedural obligations.

Minors can be detained in isolation in two ways - **detained or confined**. Confinement which is a security measure can be applied only to a suspect or accused.

Director of the criminal procedure chooses such a coercive measure that as much as possible do not infringe the person's basic rights and is proportionate.

Under the Criminal Procedure Law pre-trial detention is detention and confinement. Article 263 and 264 of the abovementioned law provides for that detention is deprivation of liberty of a person for a time pending to 48 hours without the decision of investigative judge if conditions for detention exist.

A person may be detained only when there is a ground for assumption about committing of a crime for which a punishment can be adapted that is related to punishment of deprivation of liberty and if any of the following conditions exist:

- 1) a person has been overtaken exactly at the moment of the execution of the offence, just after that or at the moment the person is fleeing from the place where the crime was committed;
- 2) at the person as the executer of the offence indicates the victim or other person who has seen the event or in some other way has directly obtained such information;
- 3) at the very person or in the premises used by the person or in other objects obvious imprints of execution of the offence have been found;
- 4) at the place where the crime was committed the person's imprints have been found;
- 5) manhunts of the person has been advertised in relation to the crime committed.

Under the Article 271 of the abovementioned law confinement is deprivation of liberty for a person which is applied to the suspect or the accused if there is a reason before the final decision in the concrete criminal procedure on the grounds of a investigation judge's or court's decision in the events provided in the law.

Confinement is ground for restriction of the person's rights and that allows the following:

- 1) to keep the person in the investigation prison or in specially equipped police premises;
- 2) to move the person under supervision of a guard at the necessary time an place of the occurring process;
- 3) to restrict the meeting and communication of the secured person excluding meeting of the defender;
- 4) to control the secured person's correspondence and conversation;
- 5) to establish an inner procedure and regime at the place the person is kept;
- 6) to restrict the range of things for individual usage.

If a child endangers his or her own or other persons' life or health, the educational institution for social correction may isolate him or her from other children for a period of time not exceeding 48 hours. A director of an educational institution for social

correction shall be responsible for the procedures of applying isolation to a child, the isolation conditions and the duration of isolation (Law On Application of Compulsory Measures of a Correctional Nature to Children Article 35).

Query: *how many minors are subject to pre-trial detention? For what type of offences? Where minors in these circumstances are held? Are they separated from adults?*

Response: Law on the Procedure on How the Persons are Kept in Detention provides for the procedure how the detained persons are kept in specially equipped police premises - short-time detention places. Short-time detention places are a specially equipped premises created at the State Police or Security Police. At the short-time detention place the detainee is put in a cell. The detained men and women are paced separately. Minors detained are placed separately from the major detainees. The detainees are put separately from the persons taken into custody and convicted. The administrative detainees and the arrested are placed separately from the detainees, persons taken into custody and convicted. Detainees about one and the same and persons taken into custody are placed separately after the instruction of the director of the process.

Regulations of the Cabinet of Ministers No.211 "Provisions on the Inner Procedure of Investigation Prisons" of 29 April 2004 provides for the procedure according to which a suspect, accused or person on trial to whom security measure – confinement – has been applied are put into and accommodated at the investigation prison. Confined men and women as well as minors and majors in the investigation prison are accommodated separately. The confined person is accommodated into cells and moved from one cell to another in respect to the inner security, crime committed, personal characteristics and psychological compatibility.

On 1 October 2005 123 minors were in custody (subject to pre-trial detention). Among them:

- disposable to the investigation institutions - 12 persons;
- investigation of the criminal case has been finished and the case has been handed over to the Court of First Instance for 40 persons;
- waiting for review of the judgment in appellant procedure - 27 persons;
- waiting for review of the judgment in cassation procedure - 1 person;
- waiting for the judgment coming into force - 30 persons.⁵⁹

The detained minors are placed:

- at Cēsu Educational Institution for Minors, Investigation Prison's Department;
- at Matīsa Prison, Investigation Prison's Department for Minors;
- Liepājas Investigation Prison, Department for Minors;
- Daugavpils Investigation Prison, Department for Minors;
- Ilģuciema Prison, Investigation Prison's Department for Minors.⁶⁰

No statistical data are provided about the types of offences on the grounds of which the minors are subject to pre-trial detention.

⁵⁹ According to the data provided by the Latvian Prison Administration

⁶⁰ According to the data provided by the Latvian Prison Administration

Query: *How many minors are placed in educational and correctional institutions? Information on the conditions in these institutions. Is there an adequate supervision system of the institutions?*

Response: In education and correctional institutions in the school year 2004/2005 105 minors were placed.⁶¹

Conditions in the institutions are provided for in Epidemiological Safety Law and Regulation No.610 of the Cabinet of Ministers "Requirements of Hygiene at Educational Institutions for General Elementary Education, General Secondary Education and Professional Education" of 27 December 2002.

Educational institutions for social correction are under the jurisdiction of the Ministry of Education and Science and act in accordance with the Education Law, the General Education Law and a by-law approved by the Minister for Education and Science.

State Education Inspectorate controls compliance of the educational process with Education Law and other laws and regulatory enactments regulating education, at the educational institution for social correction.

For additional information about educational and correctional institutions see also Question I, Article 17 of the report.

⁶¹ According to the data provided by the Ministry for Education and Science