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## **EUROPEAN SOCIAL CHARTER OF 1961**

7th National Report on the implementation of  
the European Social Charter of 1961

submitted by

**THE GOVERNMENT OF LATVIA**

(Articles 1 and 9  
for the period 01/01/2007 – 31/12/2010)

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**CYCLE XX-1 (2012)**



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



**Seventh Report  
on the implementation of the  
European Social Charter  
(Article 1 and Article 9)**

**Riga**

October 2011

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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 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;”***

**1. Please describe national employment policy and the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

Overview of the labour market situation in Latvia (2007-2011)

Rapid growth had been observed in Latvia during 2005–2007, when GDP grew annually by 11% on average. Such high growth rates were mainly ensured by the domestic demand, which was largely based on substantial inflow of foreign capital. Both, private consumption and investment rose considerably. Export increase played a less significant role in the growth.

GDP diminished by 4.2% in 2008. Deterioration of the economic situation in 2008 was caused by both, domestic (weakening of domestic demand stimulus) and external (slowing down of the global growth rates) processes. In the first half of 2009, with financial problems prevailing in the world, Latvia’s economic recession continued. Total GDP fall in 2009 comprised 18,0%. Starting with the 3<sup>d</sup> quarter of 2009, GDP was improving, still remaining negative in 2010.

Latvia’s population decrease average by 0.4 – 0.5% per year. At the end of 2010 officially there were 2.23 million inhabitants living in the country. The decline is determined mainly by the negative natural growth, although the negative net migration also is important. Working age population, which accounted 1,47 million persons (66% from the total number of inhabitants) at the end of 2010, is decreasing at an even higher rate, mainly on account of a major fall in the age group 15-24 years due to the low birth rates in 1990-ties.

At the end of 2007 labour market indicators reached their best results – the share of jobseekers 5.4% and employment rate 70.3% (age group 15-64, Eurostat). Such a positive development was determined by the rapid economic and wage growth, which facilitated the higher labour market participation.

The downturn in economic activity in 2008 had a significant impact on the labour market – the unemployment grew rapidly and the number of available vacancies in the labour market reduced sharply. In previous years, the number of persons being continuously unemployed raised noticeably, making the risk of structural unemployment more evident for the next years.

According to Central Statistical Bureau (hereinafter – CSB), there were 1,55 million people aged 15-64 years at the end of 2010 in Latvia. Average 1,12 million of them were economically active (72,5%) - 0,93 million employed (60,1%) and 0,19 million searching for a job (17,2%). The majority of employed persons were in the age group 35-44 years (25,6%) and average 76,1% from the total number were aged 25-54 years. The majority of economically active population aged 15-64 years has gained vocational (36,2%) or higher education (28,3%), although the proportion differs slightly for men – 40,2% with vocational and 20% with higher education, and women – 32,2% with vocational and 36,7% with higher education. The share of economically active population with basic or secondary education composed 35,4% at the end of 2010.

The State Employment Agency (hereinafter - SEA) and CSB data shows, that the number of available vacancies has reduced significantly in 2009-2010, averagely remaining below the number of 3 000 for the whole country. If in 2007 the majority of new workplaces were created for professionals, senior professionals, qualified workers and craftsmen, then at the end of 2010 demand has enlarged for service and sales workers, simultaneously decreasing for qualified workers and craftsmen.

Global crisis substantially affected every economic sector in the country, but primarily following fields and industries were hit: construction, manufacturing, wholesale and retail trade, transportation and storage, as well as public sector, due to structural adjustments. According to the data provided by the SEA<sup>1</sup>, in 2010 the greatest reduction of workplaces was observed in wholesale and retail trade (19% from the total amount), transportation and storage (14%), public sector (13%), manufacturing (13%) and education (8%).

The largest amount of workplaces created in 2010 was in manufacturing industry (30% of the total amount), construction (26%), wholesale and retail trade (18%), agriculture, forestry and fishing (8%) and arts, entertainment and recreation sector (12%). The main groups of demanded occupations were: specialists, qualified workers and craftsmen.

Registered unemployment rate in Latvia, as measured by the SEA, has risen significantly over the last years – from average 5,0% at the end of 2007 to the highest point in March of 2010 – 17,3%, and 14,3% at the end of 2010.

Economy started to recover slowly in the 3<sup>d</sup> quarter of 2010, however the annual average growth rate for 2010 remained negative – 0,3% GDP decrease comparing to the previous year.

#### Active labour market policy (hereinafter – ALMP) measures available for unemployed and other persons

The main legal document regulating labour market policy implementation in Latvia is the Support for Unemployed Persons and Persons Seeking Employment Law. The Regulations of the Cabinet of Ministers No 166 of 10 March 2008 “Regarding the Procedures for Organising and Financing of Active Employment Measures and Preventative Measures for Unemployment Reduction and Principles for Selection of Implementing Bodies of Measures” indicates organizational procedures for providing employment services to unemployed, job-seekers, adults and other target groups. The main amendments made in these Regulations of the Cabinet of Ministers in 2008-2010 were related with introduction of new employment measures in order to decrease the influence of the crisis-related consequences to the labour market.

In previous years, when unemployment rate in Latvia was low, the main challenges for the labour market were to enhance labour competitiveness and promote inclusion of marginalised groups into the labour market. Taking into account serious consequences of the global crisis and recently implemented structural adjustments’ possible impact onto the labour market in future, there was a need for both types of measures – short-term measures, aimed at alleviating the severe social consequences of the crisis and reducing the risk of increasing poverty (for example, Working places with Stipend Emergency Public Works Programme, Complex Inclusion Measures, Training for Employed with Reduced Working Hours, Training Vouchers for Unemployed with Unfinished Tertiary Education) and long-term measures, aimed at enhancing the labour force competitiveness and giving positive signals to unemployed and people seeking employment.

Labour market policy in Latvia gives its contribution to development of the economy. Set of measures for unemployed and persons seeking employment is aimed at promoting inclusive labour market, by providing appropriate training and educational programmes, as well as other employment services (vocational guidance, information on available vacancies) in order to match people knowledge and experience with the labour market needs. The Latvia’s ALMP measures are currently acted by the Regulations of the Cabinet of Ministers, but organized and implemented by the SEA. Organization of ALMP measures in Latvia, especially development of training and educational programmes are based on the results obtained in the labour market researches, forecasts and assessments carried out by different experts, public institutions, academic sector, non-governmental institutions and international experts and organisations.

When the downturn in economy started, accompanied by steep cuts in public budget, the state financing for special budget sub-programs for ALMP measures underwent a

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<sup>1</sup> SEA is carrying out employers’ polls in order to estimate the short-term demand for labour force in the labour market.

reduction, leaving the European Social Fund (hereinafter – ESF) co-financing as the main source of financing for ALMP measures. Thus, during 2009-2010, ESF financing accounted for 80- 90% from the total available for the implementation of the ALMP measures.

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

Main ALMP measures mentioned below were provided to registered unemployed and as well as available to other persons in Latvia for the period of 2007-2010. The following list of measures also includes the short-term crisis measures:

1) Placement and job-search assistance managed by the SEA. The SEA was established in 1991 and its affiliates are located all over the country. The SEA registers vacancies submitted by employers and carries out the placement of unemployed and people seeking employment, helping them to integrate into the labour market. The SEA takes a record and informs on the vacant workplaces, organizes cooperation and information exchange between employers and unemployed persons, implements and administers ALMP measures, provides consultation on occupational suitability, selection of an appropriate occupation and vocational training, issues licences and supervises legal persons who provide work placement services etc. All services provided by the SEA are free of charge and available for all residents of Latvia.

2) Vocational training, re-qualification, qualification improvement and non-formal training for unemployed and job-seekers (introduced in 1991) – different training programmes (continuing vocational training to acquire vocational qualification, advanced vocational training to reach vocational proficiency, non-formal and on-the-job training) are organized by the SEA in co-operation with educational institutions and employers. The length of training programmes may vary from 60 to 160 hours for non-formal training programmes and up to 960 hours for vocational training programmes. Simple or low-skilled occupations are excluded from the list of provided training programmes. The following activity is carried out within the measure also - if an employer could not find an appropriate employee in the labour market, he may request the SEA to select and train an unemployed person for him. Within the activity, an employer is responsible for providing on-the-job training and is obliged to provide a workplace after the training is finished. On-the-job training is also organized for unemployed with obsolete qualification or without a document certifying the proficiency of a person. Participants receive financial support during training - 70 LVL (100 EUR) monthly training allowance. Following additional expenses are covered from the state budget to participants: wage supplements for supervisors during on-the-job training, training or working place adaptation for persons with special needs, involvement of different experts, such as assistants, silent language experts etc.

3) Measures to enhance competitiveness (introduced in 1991) - different short courses, seminars, lectures and consultations offered to unemployed and job-seekers in areas such as communication skills, networking, negotiation, job-finding and interview skills, motivation, rights of employees etc. These measures are aimed particularly on improvement of social and functional skills and provide psychological support, basic skills and abilities necessary for the labour market, as well as an acquisition of work finding techniques and non-formal education programmes, including knowledge of the state official language, as well as other activities, facilitating the competitiveness of unemployed and persons seeking employment in the labour market.

4) Career counselling and vocational guidance (introduced in 1991) includes help in career planning, provides professional suitability tests and acquisition of work finding and maintaining techniques. Vocational counselling and career guidance services are offered to all residents of Latvia. These services include consultations on choosing education and career, vocational development, returning to the labour market and changing occupations, assessment of client's vocational aptitude, interests and preferences, abilities, skills and suitability for a given profession, consultations on effective ways of job-finding, provision of

information about the content and requirements of different occupations, information about educational and training opportunities in Latvia and abroad.

5) Subsidised employment for the most vulnerable unemployed groups (introduced in 2002), different projects aimed at specific target groups of unemployed – people with special needs, youth, older workers, long-term unemployed, women returning to the labour market after maternity leave etc. The aim of the measure is to facilitate the development of sustainable and long-term working places for unemployed with lower productivity level and preserve their skills and competencies. Usually financial support is provided for maximum period of 12 – 24 months and 36 months for unemployed with special needs. This includes monthly wage subsidy which equals to the amount of minimum monthly wage for unemployed with special needs (180 LVL (256 EUR) in 2010) and 50% of its value for other target groups. Following expenses are covered from the state budget: wage supplements for supervisors during on-the-job training, training or working place adaptation for persons with special needs, involvement of different experts, such as assistants, silent language experts etc.

6) Measures to support unemployed to enter self-employment or entrepreneurship (implemented since 2007) - training programmes, consultations and grants for business start-up or self-employment. Support is provided to unemployed with appropriate level of knowledge - with a sufficient level of education or completed vocational training or non-formal education programmes provided by the SEA (the SEA provides training courses in business administration, project management, business plan development, accounting and finance, marketing and basic management and other courses), as well as for those unemployed who already developed their business plans and want to have practical consultations on its implementation. The financial support is provided for development, evaluation and implementation of a business plan – 2 000 LVL (2 846 EUR) grant and minimum monthly wage subsidy for the first 6 months.

7) Lifelong learning programmes for adults (launched in the middle of 2010) – training programmes for employed persons who are at least 25 years old. A particular training programme is chosen by a person in close cooperation with career consultant. After that, maximum 250 LVL (356 EUR) training voucher is issued and the SEA covers 90% of its value. If the costs of the training programme exceed 250 LVL, a person may cover the difference by itself. For vulnerable groups of employed, such as persons with special needs, persons at the pre-retirement age or poor, as well as those with 2 children or more full amount of this voucher is covered.

#### Short-term crisis-related measures:

8) Workplaces with stipend emergency public works programme (short-term crisis measure, introduced in September 2009 and planned to be implemented till the end of 2011) - the aim of the measure is to strengthen the social safety net in order to reduce an impact and severe social consequences of an economic crisis. At the same time, this is an activation measure as well. The measure comprises lower-qualified community jobs (no specific qualifications necessary in order to participate) in municipalities (with no commercial aims – like cleaning, improvement and maintenance of public infrastructure (parks and other public areas), small infrastructure buildings (like trails, benches in national parks), clean-up of polluted areas (rivers, lakes, forests), work in parks and forests, municipal social services (like assisting elderly people) – including NGO's (and/or in cooperation with NGO's), municipal institutions (excluding municipal and state enterprises) and a number of state institutions (boarder guard, social care centres and nature protection objects (national parks and similar)).

The workplaces have to be newly created (specific criteria to be fulfilled in this regard are set) in order not to replace those currently doing the job (either being employed in the municipality or being employed in an enterprise, providing the given service to a municipality), and are a subject for inspection. A person may participate in the measure for a maximum period of 6 months (minimum period - 2 weeks) per year.



The target group is registered unemployed who are not receiving the unemployment benefit anymore. The allowance (stipend) paid to the beneficiaries is 100 LVL (EUR 142) per month (a full-time participation requirement (the allowance is paid taking into account a period of participation) and the allowance is approximately 70% of the net minimum monthly wage currently) and insurance for the accidents at work risk is provided to unemployed who is participating in this measure. Other additional costs like transport, small equipment (purchase and/or rent), wage supplements for supervisors and those organizing the working places in municipalities are covered (a fixed maximum amount for each established working place) by the programme.

9) Training vouchers for employed with reduced working hours (implemented starting from the end of 2009 and till the first half of 2010) - were aimed to provide support for those employed who were forced to work reduced hours during the crisis and thereby lost a part of their regular income. Within the measure, training vouchers were introduced in Latvia for the first time. It was the measure for improving skills and raising competitiveness for employed who are working reduced hours and by this – lowering their risk of becoming unemployed.

A person participating in the measure had an opportunity to acquire a self-chosen training course – limited by his/her professional activities in the company and the sector of the company. There were available training vouchers with a maximum amount of 500 LVL (EUR 711,44) for programmes with maximum duration of 6 months and for specific programmes 300 LVL (EUR 426,86) – with maximum duration of 3 months. Participants were eligible for a monthly training allowance of 70 LVL (EUR 100) also.

The majority of participants were working in wholesale and retail trade industry, manufacturing, construction, entertainment and recreation sector. The main training was organized in the following programmes/professions: accounting, information operator, English language, computer studies, project management, commercial sciences, labour protection and safety at work, sales manager, florist and cook.

10) Complex inclusion measures were firstly introduced in 2007 and were expanded significantly during the economic downturn in 2010. Decision was taken to transform the measures by targeting the resources to young unemployed which mostly were hit during the crisis. In the whole, complex inclusion measures are aimed at specific target groups - long-term unemployed, unemployed with special needs, unemployed after child-care leave and young unemployed. The measures provide an opportunity for refreshing, acquiring and retaining skills necessary for finding work and include work experience activities for young unemployed also. In 2010 these measures were expanded and included the scheme “Work practices for young unemployed”. Within the scheme, young unemployed may participate in 6-12 months-long work practice, receiving monthly mobility allowance 120 LVL (171 EUR). If the level of knowledge gained does not meet job requirements in order to gain necessary skills a person may participate in a theoretical training programme also.

11) National project “Training and working practice for assistants of the SEA inspectors” (launched in 2010). With the reduction of financing available to public institutions at the end of 2008 and in 2009, as well as with rapidly growing number of registered unemployed, the SEA workload increased significantly – in September 2009 there were 306 unemployed per one SEA employee (in 2006 – 82, in 2007 – 62, in 2008 – 92) and more than 700 persons per one inspector registering unemployed. In 2010 new two-year project “Training and working practice for assistants of SEA inspectors” was launched (co-financed by ESF). The measure is aimed at 144 young unemployed (72 in 2010 and 72 in 2011) who have higher education in social sciences and a little work experience. Within the measure, young unemployed are participating in 5-day theoretical training and then having 11 months long internship at the SEA. The main duty of the trainees is to assist the SEA employees and provide matching services – bringing together unemployed with employers, searching for vacancies, consulting both unemployed and employers on

current situation in the labour market. Participants are receiving a monthly training allowance of 150 LVL (213EUR) during the participation period.

12) Training for unemployed with unfinished tertiary education (provided in 2010 as a part of vocational training, re-qualification, qualification improvement and non-formal training measure). The scheme was an opportunity for unemployed with initially gained or unfinished higher education (firstly for those, who left education sector to start working during an economic upturn) to obtain a higher vocational education. The maximum amount of a training voucher is 1000 LVL (1 400 EUR) and 70 LVL (100 EUR) monthly allowance is paid during the participation period.

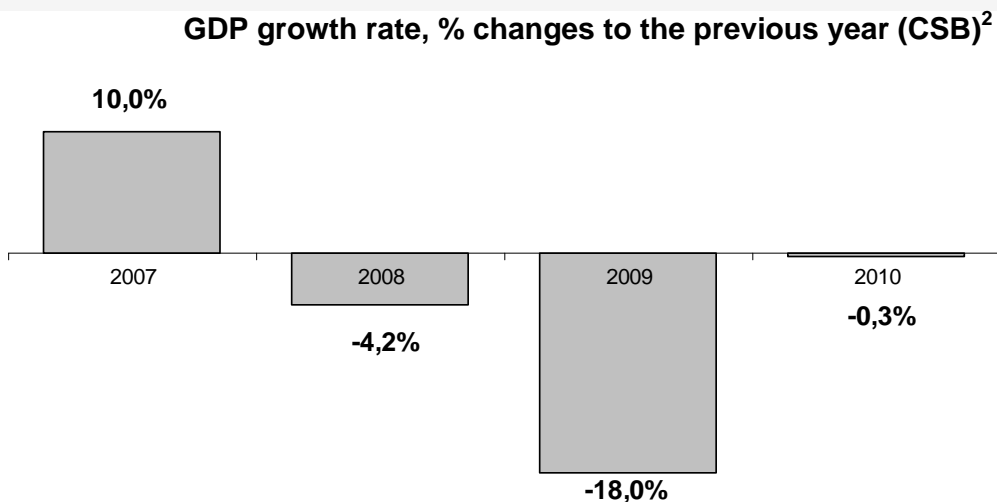
The ALMP measures in Latvia were significantly expanded since 2004, and the monitoring system was developed also, therefore, the information provided on ALMP measures previously was fragmented and the whole picture was not clearly seen. In this Report there is included comparative information on ALMP measures, participants and funding for 2007-2010.

The Ministry of Welfare is using a similar indicator for monitoring of ALMP measures:

- *The share of participants in ALMP measures from an average number of registered unemployed in the corresponding year: 2010-95,6%; 2009-74,5%; 2008-75,6%; 2007-78,4%.*
- *In 2010 the number of registered unemployed and job-seekers involved into ALMP measures within 6 months since gaining status of unemployed or a job-seeker was 45,8%.*

**3. Please provide pertinent figures, statistics (for example Eurostat data) or any other relevant information, in particular: the GDP growth rate; trends in employment covering all sectors of the economy: employment rate (persons in employment as a percentage of the population aged 15-64 years), youth employment rate; activity rate (total labour force as a percentage of the population aged 15 years and over); unemployment rate, long-term unemployment rate, youth unemployment rate; employment status (employed, self-employed); all figures should be broken down by gender; employment policy expenditure as a share of GDP, including the relative shares of 'active' (job creation, training, etc.) and 'passive' (financial compensation, etc.) measures.**

Table no.1



<sup>2</sup> The Central Statistical Bureau of Latvia, [www.csb.gov.lv](http://www.csb.gov.lv)

Table no.2

**Labour market indicators of Latvia in 2007-2010 (Eurostat)**

	2007	2008	2009	2010
<b>Employment rate<sup>3</sup></b>	68,3	68,6	60,9	59,3
<b>Activity rate<sup>4</sup></b>	72,8	74,4	73,9	73,2
<b>Youth employment rate (15-24 years)</b>	38,4	37,2	27,7	26,4
<b>Unemployment rate (15-64 years)</b>	6,1	7,7	17,5	19,0
<b>Youth unemployment rate</b>	10,7	13,1	33,6	34,5
<b>Long-term unemployment rate (15-64)</b>	26,3	25,7	26,7	45,1

Table no.3

**Latvian labour market indicators in 2007-2010, breakdown by gender (Eurostat)**

	2007		2008		2009		2010	
	men	women	men	women	men	women	men	women
<b>Employment rate</b>	72,5	64,4	72,1	65,4	61,0	60,9	59,2	59,4
<b>Activity rate</b>	77,6	68,3	78,6	70,5	77,0	71,0	75,8	70,7
<b>Youth employment rate</b>	43,4	33,1	42,4	31,9	29,3	26,0	27,8	25,1
<b>Unemployment rate</b>	6,6	5,7	8,3	7,2	20,8	14,2	21,9	16,0
<b>Youth unemployment rate</b>	11,2	10,0	13,2	13,1	37,5	28,4	35,4	33,5
<b>Long-term unemployment rate</b>	30,0	21,7	24,3	27,4	27,2	25,9	48,3	40,7

Table no.4

**Information on the unemployment rate among foreign nationals in 2010<sup>5</sup>**

	Latvians			Other nationals		
	Together	Males	Females	Together	Males	Females
Economic activity rate, %	65,7	69,0	62,7	64,5	70,3	59,5
Employment rate, %	55,3	56,4	54,3	49,6	51,4	48,0
Rate of job-seekers, %	15,8	18,3	13,4	23,2	27,0	19,3

<sup>3</sup> Persons in employment as a percentage of the population aged 15-64 years

<sup>4</sup> Total labour force as a percentage of the population aged 15-64 year

<sup>5</sup> Data source: Central Statistical Bureau

**Employment by the kind of economic activity<sup>6</sup>**

	2007	2008	2009	2010
<b>Total (%)</b>	100%	100%	100%	100%
<b>Agriculture, hunting and forestry</b>	9,6	7,9	8,8	8,8
<b>Manufacturing and energy</b>	17,2	17,6	16,2	16,9
<b>Construction</b>	11,2	11,4	7,8	7,1
<b>Wholesale and retail trade; repair of cars, motorcycles and personal and household goods, hotels and restaurants</b>	19,3	18,9	19,1	19
<b>Transport, storage and communications</b>	9,3	11	11,4	11,8
<b>Financial intermediaries, real estate, renting and business activities</b>	8,6	7,8	9,2	9,9
<b>Public administration and defence; compulsory social security</b>	7,5	7,7	7,9	6,6
<b>Education</b>	7,3	8,3	9,1	10,2
<b>Health and social services</b>	4,5	4,7	5,3	5
<b>Other</b>	4,8	4,7	5,2	4,7

Table no.6

**Status of employed persons working in the main job<sup>7</sup>**

	2007		2008		2009		2010	
	Men	women	men	women	men	women	men	women
<b>Total %</b>	100%	100%	100%	100%	100%	100%	100%	100%
<b>Employees</b>	87,1	91,8	86,7	90,2	87,1	91,8	86,4	90,6
<b>Employers</b>	4,4	1,9	4,2	2,6	4,4	1,9	5,3	2,7
<b>Self-employed</b>	7,0	4,7	7,6	5,7	7,0	4,7	7,0	5,3
<b>Unpaid persons*</b>	1,5	1,6	1,6	1,4	1,5	1,6	1,3	1,4

\* helping to other family members in an enterprise, etc.

<sup>6</sup> Data source: Central Statistical Bureau

<sup>7</sup> Data source: Central Statistical Bureau

**Employment policy expenditures as a share of GDP (Eurostat)**

	2007	2008	2009
<b>Total – categories 1-9</b>	0,459	0,479	1,343
<b>1.Labour market services</b>	0,064	0,054	0,044
<b>2.Training</b>	0,048	0,028	0,148
<b>3.Job rotation and job sharing</b>	n/a	n/a	n/a
<b>4.Employment incentives</b>	0,040	0,026	0,035
<b>5.Supported employment and rehabilitation</b>	n/a	n/a	n/a
<b>6.Direct job creation</b>	0,013	0,018	0,088
<b>7.Start-up incentives</b>	0,008	0,005	0,001
<b>8.Out-of-work income maintenance and support</b>	0,287	0,347	1,027
<b>9.Early retirement</b>	n/a	n/a	n/a

Table no.8

**Employed persons working full-time and part-time work<sup>8</sup>**

	2007		2008		2009		2010	
	men	Women	men	women	men	women	men	women
<b>Total %</b>	100%	100%	100%	100%	100%	100%	100%	100%
<b>Full-time workers</b>	95,1	92,0	95,3	91,6	95,1	92,0	92,1	88,5
<b>Part-time workers</b>	4,8	8,0	4,7	8,4	4,8	8,0	7,8	11,4

Table no.9

**Employed persons by hours actually worked per week<sup>9</sup>**

	2007	2008	2009	2010
<b>Total %</b>	100%	100%	100%	100%
<b>0 hours</b>	3,2	5,1	5,7	5,3
<b>1-39 hours</b>	12	14,9	16,8	16,5
<b>40 hours</b>	63,8	63,8	63,7	67,9
<b>More than 41</b>	20,1	15,8	13,1	9,6
<b>Not indicated</b>	0,9	0,4	0,8	0,7

<sup>8</sup> Data source: Central Statistical Bureau<sup>9</sup> Data source: Central Statistical Bureau

**Registered unemployment rate and number of registered unemployed  
(SEA)**

<b>Year</b>	<b>Month</b>	<b>Registered unemployment rate (%)</b>	<b>Number of unemployed</b>
<b>2007</b>		4,9	52 321
<b>2008</b>		7	76 435
<b>2009</b>		12,1	134 513
<b>2010</b>		15,6	176 497
<b>2009</b>	<b>January</b>	8,3	90 436
	<b>April</b>	11	123 127
	<b>July</b>	11,8	132 519
	<b>October</b>	14,1	157 897
<b>2010</b>	<b>January</b>	16,6	186 295
	<b>February</b>	17,1	192 032
	<b>March</b>	17,3	194 253
	<b>April</b>	16,7	189 881
	<b>May</b>	16,2	183 476
	<b>June</b>	15,6	176 879
	<b>July</b>	15,3	173 301
	<b>August</b>	15	169 676
	<b>September</b>	14,6	165 386
	<b>October</b>	14,3	162 497
	<b>November</b>	14,3	161 816
	<b>December</b>	14,3	162 463

### Classification of ALMP Measures in Latvia (MoW)<sup>10</sup>

	Implemented since	Crisis alleviation measures	Special measures for vulnerable groups of unemployed	Special measures for young unemployed	Allowance is payable during the participation period (LVL)	Wage subsidy is payable during the participation (LVL)	Additional support for persons with special needs	Short-term training courses	Voucher system is used or will be used starting with 2011	Lifelong learning initiatives for adults
1. Placement and job-search assistance	1991									
2. Vocational training, re-qualification, qualification improvement and non-formal training	1991				70 LVL					
3. Measures to enhance competitiveness	1991									
4. Career counselling and vocational guidance	1991									
5. Subsidised employment for the most vulnerable groups of unemployed	2002					max 200 LVL*				
6. Measures to support the unemployed to enter self-employment or entrepreneurship	2007					commercial grant 2000 LVL and 6 months minimum monthly wage (200 LVL)				
7. Lifelong learning programmes for adults	2010									
8. Workplaces with stipend emergency public works programme	2009				100 LVL					
9. Training vouchers for employed with reduced working hours	2009-2010				70 LVL					
10. Complex inclusion measures	2007									
11. National project "Training and working practice for assistants of SEA inspectors"	2010-2011									
12. Training for the unemployed with unfinished tertiary education	only in 2010									

\* the wage subsidy amounts 50% from the monthly wage expenses, but do not exceed minimum monthly wage amount; for people with special needs, the wage subsidy amounts the minimum monthly wage in the country

^ 6 months 100 LVL wage subsidy (per month) is payable or 150 LVL subsidy for young unemployed with special needs; another 3 months - 50 LVL or 100 LVL wage subsidy

' for young unemployed with special needs

<sup>10</sup> The Ministry of Welfare of the Republic of Latvia – hereinafter MoW, [www.lm.gov.lv](http://www.lm.gov.lv)

### Expenditures on ALMP Measures (mln LVL) and number of participants (MoW and SEA)

	2007	Persons	2008	Persons	2009	Persons	2010	Persons
<b>Training measures</b>	3,5	3 551	3,9	8 657	14,9	31 171	25,70	57 861
Lifelong learning training vouchers	-	-	-	-	-	-	0,90	5 155
Training of employed at risk of loosing a job	-	-	-	-	0,68	2 421	3,41	5 740
Measures to enhance competitiveness	3,2	56 207	1,4	17 338	0,33	37 164	0,59	59 919
Career counselling and vocational guidance	0,54	44 252	n/a	67 939	n/a	55 084	0,37	78 404
Business and self-employment start-ups	-	-	0,15	93	0,24	270	0,44	160
Regional mobility	-	-	0,0007	18	0,003	13	-	-
Practice at a workplace	2,06	691	0,35	550	n/a	n/a	0,23*	230*
Workplaces with stipend	-	-	-	-	8,1	18 062	27,24	66 693
Public works	1,87	10 284	3,0	9 983	3,5	11 137	-	-
Subsidized employment for the most vulnerable	3,2	3 088	2,3	1 136	2,4	1 805	2,58	2 830
Complex inclusion programme (complex inclusion measures)	-	-	-	-	1,9	3 624	3,38	4 101
Other small-scale measures	0,08	89	0,07	10	-	-	-	-
<b>TOGETHER:</b>	<b>14, 5</b>	<b>118 162</b>	<b>11,1</b>	<b>105 724</b>	<b>32,04</b>	<b>160 751</b>	<b>64,62</b>	<b>280 863</b>
ESF	6, 05		1,7		25,26		58,18	
State budget	8,44		9,4		6,77		6,44	

\* Since 2009 is a part of the training measures in the calculation of expences

- these meaasures were not implemented in the corresponding year



**ARTICLE 1 PARA. 2**

***“With a view to ensuring the effective exercise of the right to work, the Parties undertake:***

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

**1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

As it is provided in the Article 91 of the Constitution of the Republic of Latvia (Satversme) - all human beings in Latvia shall be equal before the law and the courts. Human rights shall be realized without discrimination of any kind (the relevant Article however was adopted on 15 October 1998).

The Article 7 of the Labour Law prescribes following the principles of equal rights:

(1) Everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair work remuneration.

(2) The rights provided for in the Paragraph one of this Article shall be ensured without any direct or indirect discrimination – irrespective of a person's race, skin colour, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation or other circumstances.

(3) In order to promote the adoption of the principle of equal rights in relation to disabled persons, an employer has a duty to take measures that are necessary in conformity with the circumstances in order to adapt the work environment to facilitate the possibility of disabled persons to establish employment legal relations, fulfil work duties, be promoted to higher positions or be sent for occupational training or the raising of qualifications, insofar as such measures do not place an unreasonable burden on the employer.

(4) Provider of labour force provision service as an employer has the duty towards the labour force that has been ordered for a specific time to carry out work in the enterprise of the labour force provision service receiver, to ensure that the same working conditions are provided and the same labour regulations are applied as would be provided to an employee if the employment legal relationships in relation to the receiver of the labour force provision service had been established directly and the employee was doing the same work.

(5) In the Paragraph four of this Article the referred working conditions and labour regulations are related to the work and resting time, payment for work, towards pregnant women, women in the postnatal period until one year, women who breastfeed, on the provided protection for children and adolescents as well as to the principle of equal treatment and the principle of the prohibition of different treatment.

The Article 29 of the Labour Law prescribes prohibition of differential treatment:

(1) Differential treatment based on the gender of an employee is prohibited when establishing employment legal relationships, as well as during the period of existence of employment legal relationships, in particular when promoting an employee, determining working conditions, work remuneration or occupational training or raising of qualifications, as well as when giving notice of termination of an employment contract.

(2) Differential treatment based on the gender of employees is permitted only in cases where a particular gender is an objective and substantiated precondition, which is adequate for the legal purpose reached as a result, for the performance of the relevant work or for the relevant employment.

(3) If in case of a dispute an employee indicates conditions which may serve as a basis for his/her direct or indirect discrimination based on gender, the employer has duty to prove that the differential treatment is based on objective circumstances not related to the gender of the employee, or also that belonging to a particular gender is an objective and substantiated precondition for performance of the relevant work or the relevant employment.

(4) Harassment of a person and instructions to discriminate against him/her shall also be deemed to be discrimination within the meaning of this Law.

(5) Direct discrimination exists if in comparable situations the treatment of a person in relation to his/her belonging to a specific gender is, was or may be less favourable than in respect of another person. Less favourable treatment due to granting of a prenatal and maternity leave, or a leave to the father of a child shall be considered as direct discrimination depending on the gender of a person.

(6) Indirect discrimination exists if apparently neutral provisions, criterion or practice cause or may cause adverse consequences for persons belonging to one gender, except in cases where such provisions, criterion or practice is objectively substantiated with a legal purpose the achievement of which the selected means are appropriate.

(7) Harassment of a person within the meaning of this Law is the subjection of a person to such actions which are unwanted from the point of view of the person, which are associated with his/her belonging to a specific gender, including actions of a sexual nature if the purpose or result of such actions is the violation of the person's dignity and the creation of an intimidating, hostile, humiliating, degrading or offensive environment.

(8) If the prohibition against differential treatment and the prohibition against causing adverse consequences is violated, an employee in addition to other rights specified in this Law, has the right to request compensation for losses and compensation for moral harm. In case of dispute, a court at its own discretion shall determine the compensation for moral harm.

(9) The provisions of this Article, as well as the Paragraph one of the Article 32, and Articles 34, 48, 60 and 95 of this Law, insofar as they are not in conflict with the essence of the relevant right, shall also apply to the prohibition of differential treatment based on race, skin colour, age, disability, religious, political or other conviction, national or social origin, property or marital status, sexual orientation or other circumstances of an employee.

(10) In a religious organisation differential treatment depending upon the religious beliefs of a person is permitted in the case if a specific type of religious belief is the objective of the relevant performance of work or the relevant employment and a justified prerequisite taking into account the ethos of the organisation.

Besides, the Article 34 of the same Law prescribes prohibition of differential treatment when establishing employment legal relationships:

(1) If, when establishing employment legal relationships, an employer has violated the prohibition of differential treatment, an applicant has the right to bring an action to a court within three months from the date of receipt of refusal of the employer to establish employment legal relationships with the applicant.

(2) If employment legal relationships have not been established due to the violation of the prohibition of differential treatment, the applicant does not have the right to request the establishment of such relations on a compulsory basis. But the Article 48 of the Labour Law talks about violation of the prohibition of differential treatment when giving notice of termination of an employment contract during the probation period. If an employer when giving a notice of termination of an employment contract during the probation period has violated the prohibition of differential treatment, an employee has the right to bring an action to a court within a one-month period from the date of receipt of a notice of termination from the employer.

In accordance with the Article 32 of the Labour Law a job advertisement (a notification by an employer of vacant working places) may not apply to men only or to women only, except in cases where belonging to a particular gender is an objective and substantiated precondition for the performance of relevant work or for a relevant employment.

Under the Article 60 of the Labour Law an employer has a duty to specify equal work remuneration for men and women for the same kind of work or work of equal value. If an employer has violated the provisions of Paragraph one of this Article, the employee has the right to request the remuneration that the employer normally pays for the same work or for work of equal value. An employee may bring the action referred to in Paragraph two of

this Article to court within a three-month period from the day he/she has learned or should have learned of the violation of the provisions of Paragraph one of this Article.

The Article 95 of the Labour Law stipulates that if an employer in determining working conditions, occupational training or the raising of qualifications has violated the prohibition of differential treatment; the relevant employee has the right to request the termination of such differential treatment. Or if an employer in determining working conditions, occupational training or the raising of qualifications or promotion of an employee, has violated the prohibition of differential treatment, the relevant employee has the right to bring an action in a court within a three-month period from the day he/she has learned or he/she should have learnt of the violation of the prohibition of differential treatment.

Pursuant to the Article 2.<sup>1</sup> of the Support for Unemployed Persons and Persons Seeking Employment Law when implementing active employment measures and preventative measures for unemployment reduction, different treatment is prohibited due to the person's gender, race or ethnical affiliation. Different treatment to a person is allowed, if the insurance of active employment measures and preventative measures for unemployment reduction is only or mostly for persons of one gender, certain race or ethnical affiliation is objectively based with a legitimate objective and the measures chosen for its achievement are proportionate.

If in case of dispute a person notifies about conditions which may be the reason for the persons direct or indirect discrimination due to gender race or ethnical affiliation, the duty of the person implementing active employment measures and preventative measures for unemployment reduction is to prove that the principle of prohibition of different treatment has not been violated.

Direct discrimination is such treatment towards the person, that is, was or could be less beneficial than towards another person due to the person's gender, race or ethnical affiliation in a comparable situations. Indirect discrimination is seemingly neutral provision, criteria or practice that causes to the person or could cause less beneficial consequences due to person's gender, race or ethnical affiliation, except for situations when such a provision, criteria or practice is objectively reasonable with a legitimate objective and the measures chosen for its achievement are proportionate.

It is considered to be a discrimination if a person is being insulted or if an order has been given to discriminate the person. Insulting of a person means the person is being subject to such actions (including sexually related actions) due to person's gender, race or ethnical affiliation, which are unfavourable according to the opinion of the person, if the aim or the results of such action is violation of the person's dignity or creation of an environment that is threatening, hateful, humiliating or degrading.

Discrimination due to gender is considered to be also a less favourable attitude towards a woman in the period of pregnancy and in the prenatal period until one year but if the woman breastfeeds all the breastfeeding period.

It is prohibited to the implementer of active employment measures and preventative measures for unemployment reduction to create directly or indirectly less favourable consequences to a person, if the person according to this Article defends his/her rights with the aim to prevent different treatment.

The Report further specifies that under the Latvian Administrative Violations Code in the case of a violation of regulatory enactments regulating employment legal relations relating, except for the cases, which are specified in the Paragraphs two and three of the Article 41: a warning shall be issued or a fine shall be imposed on the employer – for a natural person or an official in an amount from LVL 25 up to LVL 250, and for a legal person – from LVL 50 up to LVL 750.

In the case of not entering into a written form of the contract of employment:

a fine shall be imposed on the employer – for a natural person or an official in an amount from LVL 100 up to LVL 350, and for a legal person – from LVL 750 up to LVL 5000.

In the case of not ensuring minimal monthly wage specified by the State, if the person is employed for a normal working time, or not ensuring the minimal hourly tariff rates: a fine

shall be imposed on the employer – for a natural person or an official in an amount from LVL 300 up to LVL 400, and for a legal person – from LVL 600 up to LVL 5000.

In the cases of the violations provided for in Paragraph one of this Article, if they have been recommitted within a year after the imposition of administrative sanction: a fine shall be imposed on the employer – for a natural person or an official in an amount from LVL 250 up to LVL 500, and for a legal person – from LVL 750 up to LVL 2000.

In the cases of the violations provided for in Paragraphs two and three of this Article, if they have been recommitted within a year after the imposition of administrative sanction: a fine shall be imposed on the employer – for a natural person or an official in an amount from LVL 400 up to LVL 500, and for a legal person – from LVL 5000 up to LVL 10 000.

Additionally, the Article 3 of the State Labour Inspection Law defines the functions and tasks of the Labour Inspection.

(1) The function of the Labour Inspection is the implementation of State supervision and control in the field of employment legal relationships, labour protection and technical supervision of dangerous equipment.

(2) In order to ensure the implementation of the function referred to in Paragraph one of this Article, the Labour Inspection shall perform the following tasks:

- 1) monitor and control observance of the requirements of regulatory enactments regarding employment legal relationships, labour protection and technical supervision of dangerous equipment;
- 2) control how employers and employees mutually fulfil the obligations determined by employment contracts and collective agreements;
- 3) promote co-operation between employers and employees;
- 4) take measures to facilitate the prevention of differences of opinion between employers and employees.

As regards Ombudsman Law one of the functions of the Ombudsman is to promote the compliance with the principles of equal treatment and prevention of any kind of discrimination.

No changes were undertaken in relation to the adopted anti-discrimination norms. No substantial changes were made in prohibition of forced labour also. The State Labour Inspectorate (hereinafter – SLI) reported on no cases opened in 2007-2010 regarding the discrimination on disability or sexual basis. The SLI revised the cases of discrimination at a workplace as well and reported, that in 2009 there were 38 complaints included also references on violation the prohibition of discrimination. Only 2 of them were recognized as violations. Accordingly, in 2010 – 26 complaints and only 1 violation. In compliance with the Article 106 of the Constitution of the Republic of Latvia every person has the right to choose the occupation and workplace in accordance with own capabilities and qualification. Forced labour is prohibited. The involvement in the liquidation of the catastrophes and their consequences, as well as the employment on the bases of the decision made by a Court.

In accordance with the Article 6 and 7 of the Labour Law the provisions of collective agreement, work procedures, as well as labour agreement and the order of the employer are invalid, which conversely to the normative regulations deteriorate the legal status of the employee. The provisions of the labour contract which conversely to the collective agreement deteriorate the legal status of the employee are invalid. Everybody has equal right to the employment, to the working conditions that are just, safe and are not harmful to human health, as well as to receive equitable payment for work. The Article 28 of the Labour Law envisages that the legal relations of the employment are established by the employer and employee by concluding a labour contract. By concluding a labour contract the employee undertakes to perform a certain type of work, to comply with certain defined order and the instructions of the employer, but the employer to pay for work in accordance with the agreement and to ensure just and safe working conditions that are not harmful to human health.

In accordance with Paragraph three of the Article 56 of the Labour Law the employer does not have the right to require that the employee performs work that is not stipulated by the labour contract. Nevertheless the Article 57 of the Labour Law envisages that the employer has the right to assign the employee the performance of work which is not stipulated by the labour contract for the period of time which does not exceed one month a year, in order to avert the consequences in cases of *force majeure*, accidents or other extraordinary circumstances, which leave adverse effect on the daily pace of work in the company. In case of work stoppage the employer has the right to assign the performance of works that are not stipulated by the labour contract for the period of time that does not exceed two month per year. The employer has the obligation to pay adequate salary for the performance of works that are not included in the labour contract, the amount of which must not be smaller than previous average salary of the employee.

In order to ensure the fact that there is no forced labour used, the SLI accordingly to the Article 4 of the Law on the State Labour Inspectorate performs the control and surveillance over the employers and any other persons who can be considered as the employers at the given conditions, as well as the merchants and their authorized persons; enterprises (organizational units in which the employees work), work places, in which the employee or any other person who can be considered as the employee in the given circumstances, perform work, as well as any other place within the framework of the company which is available to the employee during the course of work or in which the employee works with the permission or order of the employer, as well as the working equipment and construction objects, including the construction objects during the construction works owned by a private person. In accordance with Paragraph one of the Article 9 of the Law on the State Labour Inspectorate the officials of the SLI ensure the availability of the information at their disposal on the bases of the normative acts on the publicity of the information.

Paragraph five of the Article 11 of the Law on the Ombudsman envisages that one of the functions of the ombudsman is to foster the awareness of the society and the understanding on the human rights, as well as on the defence mechanism of this right and on work of the ombudsman. The Bureau of the Ombudsman in accordance with the Articles 1 and 2 of the Law on the Ombudsman fosters the protection of the human rights and ensures that the state authority is implemented in legal and appropriate way in compliance with the principle of good governance.

The Article 154.<sup>1</sup> of the Criminal Law envisages the liability, for example, imprisonment, confiscation of the property for human trafficking. For the purpose of the Article 154.<sup>2</sup> the human trafficking is the recruitment, transportation, handing over, hiding or receiving the persons with the aim of exploitation by using violence or threats, as well as taking the persons away by deceit or by using the dependence of the person from the delinquent or the helplessness, as well by giving and receiving material and other type of benefits in order to reach the victim's agreement to the fact of trafficking. Exploitation is the involvement of the person in the prostitution or in other type of sexual abuse, forcing to do some work or provide services, keeping in slavery or in other forms similar to it (slavery of debts, bondage or forceful handing over of the person in the dependence of the other person), keeping in servitude as well as illegal removal of the person's tissues or organs.

The Article 41 of the Latvian Administrative Violations Code envisages the liability for the violation of normative acts laying down the legal employment relations. In most cases there are the warning issued or penalty imposed for the violation of normative acts laying down the legal employment relations to the employer – individual person or official in the amount from twenty-five till two hundred and fifty LVL, but to legal person in the amount of between fifty till seventy five LVL. If the respective violations have been committed repeatedly within the period of time of one year after imposing the administrative penalty, there is a repeated penalty imposed to the employer – individual person or official in the amount of between two hundred and five hundred LVL and for legal person – in the amount from seven hundred and fifty LVL till two thousand LVL.

The Labour Law provides prohibition of differential treatment based on age - prohibition of an employer's unfair treatment of a current or potential employee of any age, including old or young person.

Differential treatment based on age is prohibited when establishing employment legal relationships, as well as during the period of existence of employment legal relationships, in particular when promoting an employee, determining working conditions, work remuneration or occupational training or raising of qualifications, as well as when giving notice of termination of an employment contract.

According to the Article 32, Paragraph two of the Labour Law it is prohibited to indicate age limitations in a job advertisement except in cases where, in accordance with the law, persons of a certain age may not perform relevant work.

In the case of a reduction in the number of employees, preference to continue employment relations shall be for those employees who have higher performance results and higher qualifications. If performance results and qualifications do not substantially differ, preference to remain in employment in connection with the Clause eight of the Paragraph two of Article 108 of the Labour Law shall be for those employees, for example, for whom less than five years remain until reaching the age of retirement.

Answering to the questions of the Committee the Report further specifies that status of civil servant is regulated by the State Civil Service Law – civil servant is a person who fulfils definite functions, like forms policy, co-ordinates the activity of a sector, prepares or issues administrative documents etc. Other functions in public administration are fulfilled by employees who perform under the Labour Law or special laws, like officials in law enforcement institutions. The purpose of the State Civil Service Law is to determine the legal status of a loyal to the lawful government, professional and politically neutral state civil service which ensures the legal, stable, efficient and transparent operation of the administration of the state.

Because of exclusive functions of civil service related to execution of public authority and necessity guarantee loyal, professional and politically neutral civil service there are set mandatory requirements for civil service candidates. The citizenship of the Republic of Latvia has been seen as a basic confirmation of the loyalty to state civil service and to the state in general. The Republic of Latvia ensures a possibility for non-citizens to express their loyalty and confirm their knowledge via the naturalization process and opportunity to participate in open competitions for civil service positions afterwards.

Within the public sector (central administration, local governments, central and local government-owned companies) there are only 6% civil servants' positions, 18% of employees in central government budget institutions are civil service positions.

Demand for the citizenship of the Republic of Latvia within the state civil service can be explained as protection of the public interest in execution of public authority. Citizenship is stated as a precondition for loyal to the lawful government civil service. The information given above verifies that not all positions within the public sector and public administration are reserved for civil servants only. There are no formal restrictions for non-citizens to express their loyalty to the state via the naturalization process.

The amendments of 2 November 2006 made in the State Civil Service Law prescribes that the norms of regulatory enactments regulating legal employment relations that prescribe the principle of equal rights, the prohibition of differential treatment principle, prohibition to cause adverse consequences shall apply to the legal relations of the state civil service insofar as such are not prescribed by the State Civil Service Law. Starting from 10 November 2006 those norms are applied to the civil service. The principles mentioned above are assigned to other public sector employees in accordance with the Labour Law. The amendments in the State Civil Service Law do not affect access to public service employment for non-Latvian nationals as the subjects of the State Civil Service Law are Latvian citizens only.

In accordance with the Article 4 of the Advocacy Law of the Republic of Latvia (For detailed information please see appendix No.1) the citizens of European Union Member

States who have obtained the qualification of an advocate in one of the EU Member States may work as advocates in Latvia. The Paragraph two of the mentioned Article states, that advocates from non EU Member States may work accordingly to the international legal aid agreements mandatory for Latvia. We would like to pay your attention, that the legal norms of Directive 77/249/EEC of the Council of 22 March, 1977 to facilitate the effective exercise by lawyers of freedom to provide services and Directive 98/5/EC of the European Parliament and of the Council of 16 February, 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained are overtaken in the Law - measures aimed at freedom to provide advocacy services and practicing of advocate work outside the country the qualification was gained in.

Part seven of the same Law includes activities of advocates of EU Member States in Latvia. Advocate from EU Member States may work:

1) If he submits a certificate attesting to his/her registration with the competent authority of his/her home Member State (the European Union Member State in which the advocate has acquired the rights to use the vocational title of an advocate prior to the commencement of activities in Latvia) to the Latvian Council of Sworn Advocates. The Latvian Council of Sworn Advocates registers an advocate in a separate register. After registering an advocate receives a certificate with an indication regarding the right to perform professional activities under their home-country professional title. The professional title shall be expressed in the official language of the home Member State in such a way as to avoid the confusion of such title with the professional title of Latvian sworn advocates. The professional body of which an advocate is a member in his/her Member State, or the judicial body before which he is entitled to practice pursuant to the laws of his/her home Member State shall be indicated in the certificate.

2) If an advocate of the European Union Member State in accordance with the Article 130 of the Advocacy Law of the Republic of Latvia worked permanently in Latvia for 3 years and certifies his/her knowledge of the official language and Latvian laws and the Latvian Council of Sworn Advocates recognises the professional qualification of the advocate of the European Union Member State as adequate for permanent activity, he/she has the same right to professional activity and duties as a sworn advocate of Latvia.

3) If an advocate of the European Union Member State was not working permanently in Latvia at least 3 years, he may submit the documentation certifying his/her qualification and take an examination in order to acknowledge his/her proficiency. After that a certificate is issued and an advocate has the same rights for professional activity as a sworn advocate of Latvia.

Regarding the minimum wage in Latvia the Article 61 of the Labour Law named as "Minimum Wage" does not define the terms, but sets the main provisions regarding minimum wage. In compliance with the law, a minimum wage shall not be less than the minimum level determined by the state. The minimum monthly salary within the scope of normal working time, as well as minimum hourly wage rates, shall be determined by the Cabinet of Ministers. The procedures for the specification and review of the minimum monthly wage shall be determined by the Cabinet of Ministers. Each year, the MoW together with other partners, like the Ministry of Finance, the Ministry of Economics, the State Chancellery Department of Strategic Analysis, The Latvian Association of Local and Regional Governments, the Free Trade Union Confederation of Latvia and Employers' Confederation of Latvia, shall evaluate the economic situation in the country and co-ordinate the amount of the minimum monthly wage. The amount of the co-ordinated minimum monthly wage and the date for amendments introduction must be approved at the meeting of the National Trilateral Co-operation Council.

Currently, the increase of minimum wage does not have a substantial impact on average wage level in the country. Growth of average wages is more determined by the labour market competition and other economic factors.

According to Latvian legislation in cases when an employee has the right to request compensation for losses and compensation for moral harm there are no predefined upper limits to the amount of compensation that may be awarded.

In accordance with Paragraph three of the Article 134 of the Labour Law 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. Pursuant to Paragraph one of the Article 136 of the Labour Law overtime work shall mean work performed by an employee in addition to regular working time.

As it is said in Paragraph one of the Article 131 of the Labour Law regular daily working time of an employee may not exceed eight hours, and regular weekly working time – 40 hours. Daily working time within the meaning of this Law shall mean working time within a 24-hour period.

An employee who performs overtime work or work on a holiday in connection with the Article 68 of the Labour Law shall receive a supplement of not less than 100 per cent of the hourly or daily wage rate specified for him/her, but if piecework pay has been agreed upon, a supplement of not less than 100 per cent of the piecework rate for the amount of work done. A collective agreement or an employment contract may specify a higher supplement for overtime work or on a holiday.

An employee who is employed part-time and performs work within regular working time he/she shall be paid out the specified remuneration for work (if for an employee a time salary has been specified) or he/she shall be paid out average earnings (if for an employee a piecework salary has been specified).

In accordance with aforementioned an employee who is employed part-time and performs work in addition to regular daily (eight hours) working time or regular weekly (40 hours) working time shall receive a supplement of not less than 100 per cent of the hourly or daily wage rate specified for him/her, but if piecework pay has been agreed upon, a supplement of not less than 100 per cent of the piecework rate for the amount of work done.

The Article 137 of the Labour Law provides that employer has a duty to keep accurate accounts for each employee of total hours worked, as well as separately overtime hours, hours worked at night, on the week's days of rest and holidays. For employees who, on the basis of an order of the employer, concurrently are acquiring an occupation (profession, trade), the time spent on studies and work shall be summed and shall be regarded as working time. Employees have the right, in person or through employee representatives, to verify the accounts of working time kept by the employer.

Work performed by an employee in addition to him/her specified working time is permitted if the employee and the employer have so agreed in writing.

Accordingly to the Article 56.<sup>1</sup> of the Sentence Execution Code of Latvia (in force since 7th July 2011), in order to achieve the aim of re-socialisation, convicted persons may be involved in work with or without work remuneration. Convicted persons may be involved in work with remuneration if they submitted an application in writing to the head of a prison and there is a possibility to ensure work for a convicted person in a deprivation of liberty institution or outside it. Such work may be related with improvement of deprivation of liberty institutions, or related with workplaces created by private companies in such institutions or outside them, if it is allowed by the regime of conviction. Therefore work with remuneration is not obligatory for a convicted person and may not be imposed.

Convicted persons (excluding juvenile offenders, pregnant women, women in maternity leave till 1 year, women who are breastfeeding, persons at a pension leave and persons with disabilities) may be involved in work without work remuneration solely for the improvement of surrounding territory of the deprivation of liberty institutions or cultural and living conditions of convicted persons.

Convicted persons shall normally perform the work referred to in turn, outside of work hours and no more than four hours per day. Pursuant to their wish, convicted persons may be engaged in the work referred to for a longer period of time. Convicted persons working for more than 4 hours per day do not perform such work. Prison administration provides



observation of the national work safety regulation during the working hours. Additionally, the Sentence Execution Code of Latvia includes the regulation in relation to working conditions for convicted persons working with remuneration.

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

No additional information.

**3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.**

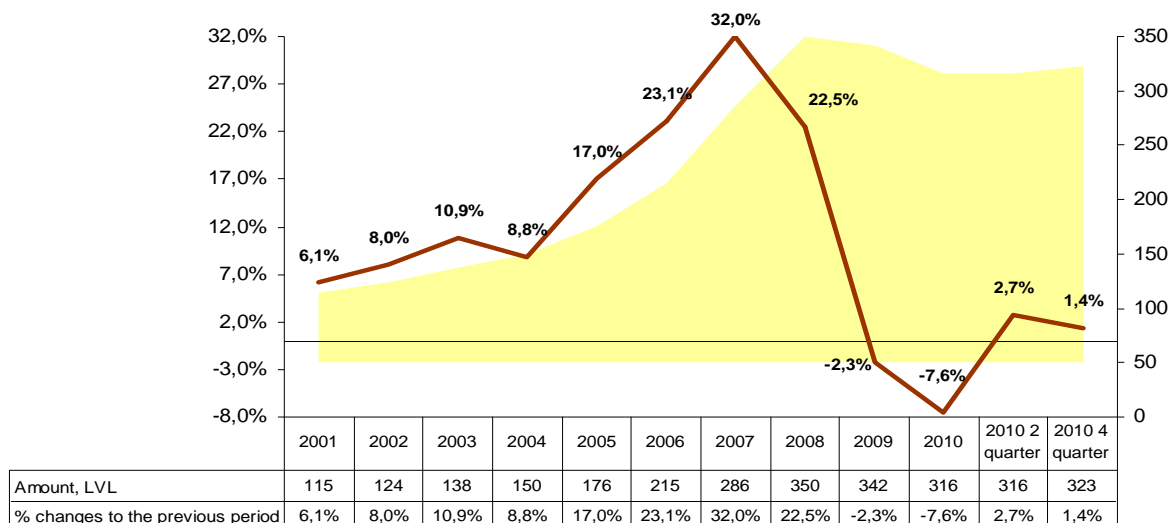
Table no.13

**Developments of minimum monthly wage in 1992-2009<sup>11</sup>**

<b>Development of minimum wage, EUR</b>			
<b>Date</b>	<b>Minimum wage</b>	<b>Gross average wage</b>	<b>Minimum wage in % of average wage</b>
01.01.1992	2,9	26	10,7
01.02.1992	4,2	26	15,6
16.04.1992	6,3	26	23,3
01.06.1992	9,5	26	34,9
01.05.1993	18,9	59	31,8
01.04.1994	33,9	108	31,3
01.10.1994	40,6	104	39
01.04.1996	55,4	144	38,4
01.01.1998	64,8	205	31,6
01.01.1999	75,5	213	35,5
01.07.2001	109,2	289	37,7
01.01.2003	112,7	309	36,5
01.01.2004	118,3	312	37,9
01.01.2006	128,1	430	29,8
01.01.2007	170,7	566	30,2
01.01.2008	227,7	682,2	33,4
01.01.2009	256,7	656,7	39,0
01.01.2011.	284,6	630 (2010 III quarter)	44,7

<sup>11</sup> Data source: Central Statistical Bureau

### Average net monthly wage developments<sup>12</sup>



#### ARTICLE 1 PARA. 3

***“With a view to ensuring the effective exercise of the right to work, the Parties undertake:***

***to establish or maintain free employment services for all workers;”***

**1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

The Regulations of the Cabinet of Ministers No 425 of 29 July 2003 “On the State Employment Agency’s Work” determines the main provisions of the SEA administration. The SEA Advisory Board is functioning since 2003 under supervision of the Minister of Welfare and is consultative body on the SEA functioning. The main aim of the Board is to promote implementation and develop proposals for the active labour market policy. The Board:

- analyses ALMP measures, achieved results and their implementation effectiveness by preparing proposals and recommendations on their further improvement;
- analyzes the results of the SEA work and make suggestions for the further tasks;
- is involved in the preparation process of the SEA mid-term development strategy and monitors its implementation;
- contributes to the development of the SEA cooperation with other institutions;
- facilitates the development projects implementation in the SEA.

On June 2011 members of the Board were represented by the following institutions: the the State Secretary of the MoW, non-governmental organization representing the interests of people with disabilities, the University of Latvia, Free Trade Union Confederation of Latvia, Employers’ Confederation of Latvia, the State Secretary of the Ministry of Economics, the Latvian Association of Local and Regional Governments, the Ministry of Education and Science.

Public employment services in Latvia are provided by the SEA and are primarily targeted at registered unemployed, job seekers and working adults (lifelong learning measures). At the same time several basic services like providing general information on ALMP measures, situation in the labour market and the SEA work, vocational guidance and

<sup>12</sup> Data source: Central Statistical Bureau

online vacancy database are available for all residents of Latvia. All services provided by the SEA are free of charge.

Public employment services are also provided by licensed private companies (the Regulations of the Cabinet of Ministers No 491 of 5 July 2005 "Procedure for licensing and supervision of merchants – paid employment provision services"). It is prohibited by the legal act to charge job-seekers for provided employment services, although documentation, health insurance and travelling costs can be charged.

Indicators for monitoring the effectiveness of ALMP measures:

- The proportion of persons returning to work from the total number of registered unemployed in the corresponding year: 2008 - 33%, 2010 – 43%.
- The share of fulfilled vacancies by the SEA in 2008 – 37,4% (from the total number of registered vacancies).
- The proportion of ALMP participants solved their unemployment problem (found work, became self-employed etc.) after participation in ALMP measures – 16% in 2010; 14,2% in 2009; 25,2% in 2008.

Information on the average time required to fulfil the vacancies is not available – no such statistics were carried out in the previous years.

According to national regulation (the Regulations of the Cabinet of Ministers No 458 of 3rd July, 2007 "Procedures for Licensing and Supervision of Merchants – Providers of Work Placement Services"), private employment companies must provide reports on the estimated number of persons consulted and placed to work. The information submitted also differs – a part of companies submit an information on the number of persons being consulted, other part – on the number of persons actually being placed to work. Taking into account that the number of issued licenses may differ from the number of companies actually working, there is only approximate data on the average number of persons placed to work (for example, almost half of interviewed companies did not respond to the SEA query in 2010 and additional request for information was sent to them).

The number of licences issued by the SEA for carrying out employment services: 2007 – 60 licences; 2008 – 30 licences; 2009 – 22 licences; 2010 – 27 licences. According to the information provided by the SEA, there were 89 private employment companies currently working in the country (August 2011).

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

No additional information.

3. Please provide indicators, estimated if necessary, on the functioning and the performance of the employment services in practice, including the number of vacancies registered by employment services; placement rate (placements made by the employment services as a share of notified vacancies).

Table no.15

### Registered vacancies and registered unemployed (SEA, 2007-2010)

Year	Month	Number of registered unemployed	Registered unemployment level, %	Number of registered vacancies at the end of the corresponding period	Number of registered unemployed returned to work
2007	January	69532	6,5	16 650	n/a
	May	62833	5,9	19 200	n/a
	September	54690	5,1	23 332	n/a
2008	January	53325	5	17 662	n/a
	May	52213	4,8	12 517	n/a
	September	57644	5,3	8 304	2429
2009	January	90436	8,3	2 549	1131
	May	126595	11,3	2 353	1505
	September	147754	13,2	1 856	3146
2010	January	186295	16,6	1 594	2107
	May	183476	16,2	2 533	3164
	September	165386	14,6	3 395	4135

Table no.16

### Registered unemployed (thsnd.) returned to work (SEA)

Total number:	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
	43,13	39,46	39,00	35,45	41,84	65,11	65,65	52,92	54,19	60,64	68,94
Man	18,57	16,66	16,54	14,86	17,31	28,07	27,41	21,22	23,17	31,61	n/a
Woman	24,57	22,80	22,46	20,59	24,54	37,04	38,24	31,70	31,02	29,03	n/a

Table no.17

### SEA clients (thsnd.) 2000-2009

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
180,09	181,74	186,39	177,82	182,32	167,74	148,58	103,74	101,52	168,19

Table no.18

### Registered unemployed and SEA inspectors in 2007-2010 (SEA)

	Registered unemployed	Inspectors	Average number of unemployed per one inspector
December 2007	52 321	231	226
December 2008	76 435	234	327
December 2009	179 235	248	723
December 2010	162 463	234	694

Table no.19

**The SEA posts (workloads)**

	2007	2008	2009	2010
<b>Together</b>	776	913	786	782
<b>Actual number of employees:</b>	639	842	749	766
<b>Man</b>	8%	8%	8%	8%
<b>Woman</b>	92%	92%	92%	92%

Table no.20

**Breakdown of the SEA staff by age**

Age	Woman	Man
<b>20-29 years</b>	16,8%	41%
<b>30-39 years</b>	25%	16%
<b>40-49 years</b>	27%	17%
<b>50-59 years</b>	24%	21%
<b>60-69 years</b>	7%	5%
<b>70 years and more</b>	0,2%	0%

Table no.21

**Breakdown of the SEA staff by education**

Level of education	% from the total number
<b>Bachelor degree</b>	26
<b>Tertiary education</b>	22
<b>Higher vocational education (2nd level)</b>	16
<b>Higher vocational education (1st level)</b>	11
<b>Master degree</b>	17
<b>General secondary education</b>	4
<b>Secondary vocational education</b>	4

Table no.22

**Persons placed to work by private employment services in foreign countries in 2010\* (SEA):**

Country:	Persons
USA	3
Denmark	4
Greece	235
Cyprus	10
Russia	3
Great Britain	1937
Netherlands	125
Norway	41
Spain	2
Germany	69
Sweden	79
<b>Together</b>	<b>2508</b>

**ARTICLE 1 PARA. 4**

***“With a view to ensuring the effective exercise of the right to work, the Parties undertake:***

***to provide or promote appropriate vocational guidance, training and rehabilitation;”***

**1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

(Please also see information provided on the Article 9 in this Report)

Persons to whom have granted the status of an unemployed person have the right to receive services of vocational training, retraining and the upgrading of qualifications:

- an acquisition of further vocational education that provides an opportunity to unemployed persons to acquire vocational qualifications. After the acquisition of the relevant programme the unemployed person shall take a qualification examination. A document attesting the vocational qualification shall be issued to the unemployed person, who has passed the qualification examination in accordance with the regulatory enactments regulating the acquisition of vocational education;
- an acquisition of the advanced vocational education programmes that provides an opportunity to the unemployed person to develop the vocational proficiency thereof and acquire the systemised vocational knowledge and skills appropriate for the changing requirements of the labour market. A document attesting the education shall be issued to the unemployed person in accordance with the regulatory enactments regulating the acquisition of vocational education;
- an acquisition of non-formal education that includes the acquisition of systemised social and vocational basic abilities appropriate for the changing requirements of the labour market. A certificate specified in the programme shall be issued to the unemployed person;
- an acquisition of programmes of higher vocational education for the unemployed with unfinished tertiary education.

A committee established by the MoW shall specify occupational, as well as social and vocational basic abilities, in which it is necessary to carry out training of unemployed persons and persons seeking employment, in conformity with the demands of the labour market and the prognosis for the development of the areas of economic activity. Experts from the SEA, the MoW, the Ministry of Economics, the Ministry of Education and Science, the Latvian Association of Local and Regional Governments, the Latvian's Employers Confederation, as well as the Free Trade Union Confederation of Latvia and other experts from academic field are represented in the committee.

A person may be involved in the training for the unemployed repeatedly no sooner than one year after completing the earlier course of training, in the case of vocational training programmes and may take no more than two training courses of non-formal education. In time period between October 2004 and until January 2007, the measure was implemented within the framework of the ESF project "Re-training and further education of the unemployed" (under national programme "Support to the implementation of the active employment measures"). The project was financed both from the state basic budget (25% of total financing), and ESF (75%). In the new EU Structural funds programming period 2007-2013 training measures are being implemented within the national project "Training of unemployed persons and persons seeking employment in Latvia" (ESF co-financing rate fluctuates from 10 to 15%).

The financial resources for the training of unemployed persons and persons seeking employment may be used for:

- the covering of the expenses of the implemented education programme within the framework of the training of unemployed persons and persons seeking employment;

- the performance of adaptations of the places of training and traineeship for the unemployed persons, for whom disability has been determined, in conformity with the opinion of the occupational therapist;
- the covering of expenses for the services of the sign language interpreter, companion, occupational therapist and other specialists to the unemployed persons involved in the measures, who conform with one of the target groups specified in the Support for Unemployed Persons and Persons Seeking Employment Law;
- the expenses of the vocational education programme qualification examination and final examination by organising them at the accredited examination centres;
- the covering of expenses for the performance of such health examinations, to the unemployed persons and persons seeking employment involved in the measures, which have been provided for in the regulatory enactments regarding mandatory health examinations.

While participating in the measure, unemployed are receiving monthly scholarship/grant in the amount of 70 LVL (99 EUR).

Starting with 2009, the SEA provides lifelong learning training for working adults aged 25 years and more (also see above mentioned information on Article 1 Para. 1 and Para. 3 about ALMP measures in Latvia).

Taking into account overall demographic trends, characterised by the low birth rates and enlarged population ageing, it is crucial to integrate all working age persons into the labour market and extend their active working life.

In December 2010, 38% of all registered unemployed were long-term unemployed (more than 1 year), 14% were young unemployed aged 15-24 years, 11% were people at pre-retirement age (5 years before retirement), 6% were persons with special needs, 2% - persons after childcare leave and 0,3% - after imprisonment.

Comparing to 2008, a proportion has significantly increased for the long-term unemployed (15% share in 2008). Though the overall situation in the labour market is slightly improving, it has remained problematic for long-term unemployed and young unemployed with low qualification and insufficient skills.

The consequences of the previous property boom led to a considerable number of young unemployed with work experience in low qualified jobs, but without proper education and qualifications. At the same time, young unemployed without work experience find it difficult to join the labour market.

Currently targeted active labour market policy measures are being implemented with the aim to provide opportunities to young unemployed for acquiring the first work experience and simultaneously to foster their long-term inclusion into the labour market. In circumstances where unemployment is a serious problem, voluntary work can offer invaluable work experience that can be later used when competing in the normal labour market. Therefore special activities aimed at making voluntary work more popular and supporting it are currently pursued in Latvia.

A competitive education system plays a key role in ensuring successful integration of young people into the labour market and fosters a full use of their potential for the benefit of the national economy. Building a competitive education system is one of the main aims of Latvia in this field and the necessary reforms have already being implemented.

There are several measures designed particularly for vulnerable groups of unemployed (see above - 5.Subsidized employment for the most vulnerable; 8.Workplaces with stipend emergency public works programme; 10.Complex inclusion measures). One of the form is subsidized employment - measures for specified groups of persons, in particular for persons of age from 15 to 24, for persons at pre-retirement age, for persons with disabilities, for persons after parental leave, for long-term unemployed, for persons after imprisonment and others in need. Under this measure, a person can be involved in employment relations, receiving monthly remuneration (paid by employer, but part (minimum monthly wage) is granted by the state) and working under supervision of a person employed in a company (also receiving additional remuneration). Almost all ALMP

measures provide additional adaptation of training and work places for persons with disabilities.

*Measures for specified groups of persons* make provisions for the employment of unemployed persons at the workplaces co-financed by the state, in order to help the unemployed persons to comprehend the requirements of the labour market, to promote integration into society and settlement in a permanent work. The measure involves: an establishment of legal employment relations, a designation of a qualified work manager, an acquisition of the basic abilities and skills necessary for the work, an adaptation of the workplace offered and services of the sign language interpreters, companions and other necessary specialists.

*Vocational training in computerized form* provides professional rehabilitation and was firstly introduced in 2007 - persons with disabilities could acquire licensed and accredited vocational educational programmes in computerized form (e-learning). Starting from 2008 the measure is co-financed by the ESF within the project "Training of unemployed persons and persons seeking employment in Latvia". The measure is specifically aimed at unemployed persons, for whom disability is determined, reducing risk of social exclusion for these persons and promoting equal opportunities for all in the labour market. E-learning programme for obtaining a qualification of data input operator is offered - the length of the programme is 480 hours and previously attained basic education and computer literacy at the user level skills are needed for the involvement. At the same time, vocational rehabilitation is also provided to participants as well as other technical support during training. At the end of training, participants must take a qualification examination and receive a document certifying a qualification gained.

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

Additionally, since year 2008 the Ministry of Economics together with the Investment and Development Agency of Latvia implements national project "Support to training of employed for promoting competitiveness of enterprises". Financing is provided for in partnership organized training of employed – mainly in highly skilled professions and prior economic sectors, 60-80% project co-financing is covered from the state budget. In 2008 4074 employees were trained and 2401 employees in 2009 (there are 20 500 planned participants and 31.9 million LVL for 2009-2013).

There are also other national projects aimed at promoting training of workers:

- *Training of trainees in educational field* (the Ministry of Education and Science) – project aimed at raising the competence of teachers and trainers, re-qualification in case of optimization in the education system (average 12 000 participants and 2.3 million LVL invested in 2009, financing for 2007-2013 – 32 million LVL);
- *Training of personnel working in healthcare field* (the Ministry of Health) – project is aimed at raising competitiveness of doctors, nurses, support personnel and others working in healthcare system (average 25 000 participants and more than 5 million LVL for 2008-2011);
- *Training in agriculture and forestry* (the Ministry of Agriculture) – training activities aimed to improve skills, competencies of different qualifications in recent branches, 0,9 million LVL invested 2007- 2013; 29 000 participants.



3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Table no.23

**Participation of registered unemployed with disabilities in ALMP measures in 2008-2010 (SEA)**

ALMP measures	2008		2009		2010	
	Number of persons	Share in the total number of participants, %	Number of persons	Share in the total number of participants, %	Number of persons	Share in the total number of participants, %
Training measures	125	6,0	413	4,2	315	3,8
Training at employer	n/a	n/a	4	0,9	16	1,4
Subsidized employment for the most vulnerable groups of unemployed	494	43,5	168	28	837	39,3
Complex inclusion measures	10	100	440	5,9	577	3,4
Workplaces with stipend emergency public works programme	not implemented		532	2,8	2359	4,5
Measures to support unemployed to enter self-employment or entrepreneurship	4	4,3	6	2,3	3	2,1
Non-formal training	416	6,5	723	3,8	1999	4,7
Measures for raising competitiveness	931	5,4	1446	3,7	2630	4,4
Career counselling and vocational guidance	2310	3,4	1880	3,4	4013	5,1

\* other small-scale measures not included in the table

Table no.24

**Persons with disabilities for whom disability was determined for the first time<sup>13</sup>**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Together, incl.:</b>	9 007	8 435	8 350	8 867	9 849	9 818	9 856	10 355	11 980	14 636
<b>working</b>	2 673	2 474	2 388	2 754	3 391	3 661	4 153	4 935	4 667	5 508
<b>not working</b>	6 334	5 961	5 962	6 113	6 458	6 157	5 703	5 420	7 313	9 128

<sup>13</sup> Data source: Central Statistical Bureau

### **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.”***

#### **1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

The Education Law, adopted by the Parliament of the Republic of Latvia on 29 October 1998, states the necessity to provide professional orientation and career guidance.

Guidelines for Education Development 2007–2013, accepted by the Cabinet of Ministers in 2006, set career education as one of the main actions to ensure identification of capacities of inhabitants, their competences and interests to make educational and training decisions and to manage their individual path in learning and successful career-making.

In 2006 the Cabinet of Ministers of the Republic of Latvia approved the Concept Paper *Career development support system* (hereinafter – the Concept Paper), which defined career guidance’s basic concepts, aims, target groups and relevant institutions responsible for implementation of the Concept Paper. According to this Concept Paper *Career development support system* comprised of three basic elements: information, career education, career guidance.

The MoW and the Ministry of Education and Science are responsible for national policy development, implementation of *Career development support system*, as well as coordination of the implementation of career education throughout the education sector. In accordance with the Concept Paper, the Cooperation Council for the Career Guidance System (hereinafter – the Council) was established. The Council includes representatives of the Ministry of Education and Science, the MoW, the Ministry of Economics, the Ministry of Environmental Protection and Regional Development, Latvian Association of Local and Regional Governments, Latvian Employers’ Confederation and Latvian Adult Education Association. Since 2007 meetings are held on a voluntary basis at least twice a year in order to discuss priorities in guidance.

The State Education Development Agency (hereinafter - SEDA) (subordinate institution to the Ministry of Education and Science) coordinates the implementation of Career Guidance System, prepares, publishes and distributes informational materials about the education system, training and qualification opportunities for Latvian career guidance professionals and meets users’ needs by providing information services for career guidance professionals and individuals online. The SEDA also organizes informational and training seminars for career guidance professionals and young people in schools, as well as coordinates the cooperative work of the Council. The services provided by the SEDA are free of charge for all clients, regardless of public or private legal status.

The SEDA’s Information and Career Guidance Department has been nominated as the Secretariat for the Council. The Secretariat calls the Council meetings when development processes in the guidance system require involvement of decision-makers.

Vocational counselling and vocational guidance services are offered to all residents of Latvia and include consultations on choosing education and career, vocational development, returning to the labour market and changing occupations, assessment of client’s vocational aptitude, interests and preferences, abilities, skills and suitability for a given profession, consultations about effective ways of job-finding, provision of information about the content and requirements of different professions/occupations, information about educational and training opportunities in Latvia and abroad. The measure is being financed from the special employment budget.

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

In 2007 the Vocational Education Development Agency (hereinafter - VEDA) was incorporated with the SEA. The aim was to create a one-stop-agency for persons seeking employment and shorten the waiting period for vocational guidance services. As a result, these services became available for a larger amount of people due to a larger number of the SEA affiliates (together 27 affiliates and 6 customer service centres). The VEDA was re-organized in September 2007 and corresponding amendments were made in Support for Unemployed Persons and Persons Seeking Employment Law.

Starting with September 2007, career education was also introduced in educational institutions providing basic and secondary education and became available for the youngest people.

Vocational guidance system is being improved through several national projects and initiatives, also co-financed by the ESF.

In 2005-2008 the SEDA implemented a national project "Ensuring of career education programmes in Latvian education system". Within the project, lifelong learning programme for educators was developed and more than 5000 teachers participated in it; a profession "career consultant" was designed and a 2-year master's vocational educational programme was introduced in several vocational education institutions; as well as other informative materials were issued and experience of other countries was deliberated.

In 2007 the occupational standard for Career Consultants was approved by the Cabinet of Ministers. The standard was developed through a national project funded by the ESF and formed the basis for a master's degree programme for training consultants. Persons with a bachelor's degree in education or psychology or in a different field, but having at least two years of relevant work experience are eligible to enrol in the programme. Graduates are awarded a MA(Ed) degree and professional qualification – Career Consultant. Since 2007 five higher education institutions provide master programme for career consultants. In 2007/2008 academic year 199 students enrolled in this programme, in 2008/2009 academic year – 201 student, in 2009/2010 academic year – 52 students, in 2010/2011 academic year – 33 students.

In accordance with the Regulations of the Cabinet of Ministers No 715 of 2 September 2008 „Regulations on the State General Secondary Education Standard and the General Education Subjects' Standards”, the Regulations of the Cabinet of Ministers No 1027 of 19 December 2006 „Regulations on the State Basic Education Standard and the Basic Education Subjects' Standards” and methodical material "Class Lessons' Programme Standard" career education is integrated into subject lessons and class lessons at school. It can also be a topic for project week's activities and field trips.

Career education has been developed with the support of the 2005–2008 ESF's National project "Provision of Career Education Programmes in Education System", which provided development of teacher in-service training. Teachers' handbooks and students' workbooks ensure systematic and sequential classroom activities in 7–12 grades, including vocational schools, DVDs illustrate professions in the most important economic sectors, and catalogues provide information on education opportunities.

In 2009 the SEDA issued comprehensive methodological material "Career education in schools", providing to all interested information about experience in development of vocational guidance system in Latvian schools (includes plans of career programmes in schools, description of measures taken (by subjects, grades etc.), methodical materials and examples of good practices and other materials). Higher education institutions may provide career guidance at students' information centres. Activities generally include CV writing workshops, information seminars, career tests and individual guidance.

In 2007 National Database of Learning Opportunities NIID.LV (hereinafter – NIID.LV) was launched, which publishes information on learning opportunities in Latvia offered by education providers. The database contains detailed information on current learning opportunities:

- Vocational secondary education;
- Higher education;
- Adult training (formal and non-formal);
- Informal courses for children and young people;
- Pre-vocational education in arts and music for school children.

Website also provides other information and services, which include:

- NIID.LV – E-guidance service;
- Online self-assessment tests;
- Explanation of educational terms and concepts via contextual menus.

NIID.LV is maintained by the SEDA. It also maintains website *Euroguidance Latvia*. The aims of *Euroguidance Latvia* are to foster development of national policy and practice in career guidance and counselling through provision of information to policy makers, support of guidance practitioners and other stakeholders. The tasks of *Euroguidance Latvia* include:

- Cooperation and networking at national and international level to ensure the exchange of information with guidance and counselling stakeholders, *Euroguidance* centres and other European initiatives related to mobility;
- Development, publication and dissemination of quality information on the education system, education opportunities and vocational qualifications in Latvia, other Member States of European Union, European Economic Area and candidate countries to meet the needs of guidance and counselling practitioners and outcome-users;
- Maintenance and update of information on learning opportunities in Latvia within the PLOTEUS (Portal on Learning Opportunities Throughout the European Space) and other databases;
- Gathering and dissemination of lifelong guidance methods and tools to the Latvian guidance community;
- Information on European learning, career development opportunities and mobility for guidance practitioners and their clients;
- Contribution to the development of the *Euroguidance* network and promotion of *Euroguidance* in Latvia.

Within the ESF national programme “Improvement of the VEDA vocational guidance system” (2004-2007):

1) information handouts were prepared and disseminated throughout Latvia (“Preconditions of choosing a profession”, “Educational opportunities”, “Career spheres”, “Assistant to job-seekers”, “Training courses in Latvia”, “Develop your own career by yourself” and others);

2) computer game “Me and my career” was developed;

3) several researches were undertaken (“Development of the system investigating the needs of different target groups receiving career guidance services”, “The needs for career services of persons with disabilities”, “The needs for career services of persons at pre-retirement age”, “The needs for career services of persons after childcare leave”, “List of advised and unfavourable professions for persons with disabilities” );

4) catalogue with description of different professions was prepared and video about 23 vocational fields in Latvia was filmed.

Within a national project “Improvement of the SEA capacity” (2008-2013) informative materials on vocational guidance were prepared for young people (“Educational options for those with basic education”, “Educational options for those with secondary education”, “Educational options for those with tertiary education”), handbook “Step-by-step to work” for job-seekers was issued, Professions catalogue was improved and re-issued, book “Build your career by yourself” was published.

The SEA also places monthly up-to-date information about labour market and interviews with representatives of the most demanded professions in general education schools of Latvia.

Vocational guidance services are carried out by 9 persons working in the Career Development Support Unit (administration, preparation of methodical material etc.) in the SEA main office and 36 career counsellors working in the SEA affiliates. All of them are with a tertiary education in psychology, education or social education (December 2010).

**3. Please supply any relevant statistics or other information on public spending on vocational guidance services, their geographical distribution and the institutions that provide them, their staffing levels and the qualifications of those staff, and the number of persons served and their characteristics, in terms of age, sex, educational level and occupation.**

There is no funding marked specifically for guidance within the subsidies, which the Ministry of Education and Science pays to general and vocational education institutions or higher education institutions.

Some municipal school boards have supported staff especially responsible for guidance activities, however, this is not the norm. In order to support guidance in the education sector the ESF's national project was implemented (2,27 million EUR) to develop and deliver in-service training courses and materials for teachers providing career education, career information tools for schools and a training program at master's level for career guidance consultants.

The national education budget also supports the National Database of Learning Opportunities and partially funds other methodological development activities of the SEDA.

Table no.25

**Development of Career support system<sup>14</sup>**

No.	Indicators of Performance	2007	2008	2009
1.	Maintenance of National Database of Learning Opportunities NIID.LV	1	1	1
2.	Number of website visits per month (average) to obtain information about education opportunities in Latvia	3833	8500	13380
3.	Number of population per year, which received individual e-consultations about education opportunities in Latvia	404	584	642
4.	Cooperation Council for the Career Guidance System (number of activities)	3	2	2
5.	Participation in EU funded researches, conferences or projects connected with career guidance development issues	3	2	2
6.	National coordinator functions in European Lifelong Guidance Policy Network	1	1	1
<b>Maintenance of Euroguidance Network functions</b>				
	Indicators of Performance	2007	2008	2009
1.	The number of centres, which provide information exchange about education opportunities in Latvia within Euroguidance Network	31	31	31
2.	Number of individual e-consultations about education opportunities abroad	72	89	120
3.	Individual response rate for foreigners about education opportunities in Latvia	416	633	618
4.	Events (for schoolchildren, parents, etc.) to help find information about education opportunities in Europe	4	4	12
5.	Informative seminars/reports for educational intendency directors, vocational schools' directors and university students' advisers	6	7	9
6.	Participation in educational institutions	3	3	3
7.	Foreign study visits and workshops (measures/number of participants)	2/21	2/19	2/28
8.	Informative brochures/newsletters/CD-ROM/newspaper articles	7	5	9

<sup>14</sup> Data from the Public Report of the SEDA (2007, 2008, 2009)

### Expenditures on vocational guidance services and participants (SEA)

	2007	Persons	2008	Persons	2009	Persons	2010	Persons
Career counselling and vocational guidance	0,54	44 252	n/a*	67 939	n/a*	55 084	0,37	78 404

\* expenditures were not calculated separately, but were part of the SEA yearly administration budget

### Persons received (thsnd.) SEA vocational guidance services

	2007	2008	2009
<b>Total number of participants, including:</b>	44,25	67,94	55,08
<i>registered unemployed</i>	12,23	39,10	45,18
Man	3,62	14,52	19,99
Woman	8,61	24,57	25,19
<i>other persons seeking employment (not employed)</i>	1,60	1,50	0,72
Man	0,43	0,70	0,33
Woman	1,17	0,80	0,39
<i>employed persons</i>	3,10	4,02	1,27
Man	0,45	0,65	0,25
Woman	2,66	3,37	1,02
<i>students, pupils and persons gaining education</i>	26,37	22,80	7,84
Man	11,84	9,92	3,50
Woman	14,53	12,88	4,34
<i>parents</i>	0,95	0,54	0,08
Man	0,08	0,04	0,01
Woman	0,86	0,50	0,07
<i>persons after childcare leave</i>	1,66	3,27	1,54
Man	0,00	0,01	0,01
Woman	1,66	3,26	1,53
<i>persons at pre-retirement age</i>	1,68	3,32	2,43
Man	0,50	1,27	1,04
Woman	1,18	2,05	1,39
<i>persons with disabilities</i>	0,81	2,31	1,88
Man	0,34	1,02	0,87
Woman	0,47	1,29	1,00
<i>persons after imprisonment</i>	0,10	0,13	0,09
Man	0,08	0,12	0,08
Woman	0,02	0,01	0,01
Amount of recipients who received vocational guidance services via internet	13 854	13 024	14 528

## **Questions and Answers to Conclusions XIX-1**

### **Article 1 – Right to work**

**Query:** The Committee again asks how the courts interpret the notion of indirect discrimination, as it appears in Article 29§6 of the Labour Code.

**Response:** In accordance with the judgement of the Supreme Court of the Republic of Latvia - different treatment includes not only person's direct, but also person's indirect discrimination what exists if in a comparable situation an evidently neutral provision, criteria or practice creates or could create an unfavourable outcome for a person in association with his/her gender. Paragraph one of the Article 2.<sup>1</sup> of the Law on Social Security stipulates prohibition of differential treatment.

In case when the Paragraph one of the Article 8 of the Law on Unemployment Insurance - the calculation of the average wage subject to insurance contributions for the determination of the amount of unemployment benefits - is applicable to women who prior to acquisition of the status of unemployed has been on child care leave, and as it is prescribed in the Law on Unemployment Insurance the social security contributions against unemployment of this woman is considerably lower even than the minimum wage, then such situation is tolerated as women's indirect discrimination.

Comments of the Labour Law the notion of indirect discrimination explain as follows:

In case of indirect discrimination the specific requirements and conditions of the employer have adverse and disproportionate impact on some group of people. With seemingly neutral regulation the employer may exclude from the range of applicants persons who on the basis of gender, ethnic origin or other criteria, will be recruited. Indirect discrimination is not detectable as easy as direct discrimination because the employer's criterion, provision or practice which puts persons of one sex in a less favourable position is neutral.

In case of indirect discrimination, unequal treatment may exist if the employer can justify that this unequal treatment is necessary by the nature of the work. In particular, to perform such work it substantially complies with the criterion. The criterion is justified by a legitimate aim. In addition, the means chosen to achieve it is proportionate. For example, a requirement for the person who will be recruited as an actor – he/she must be very short or very tall, because the obligation is – to play a character role. This may also be related to someones' age. However, it must be taken into consideration whether such a requirement is reasonable, whether a person other than a certain age can not be mugged, and thus objective is intended. Regarding the colour of a skin, it may also apply to restaurants or entertainment venues, such as an Indian restaurant in the selection preference is given to the representatives of the Indian race, instead of white people.

**Query:** More generally, it asks for more detailed information than the government provides to enable it to determine how far human freedom and dignity are protected by legislation and the courts against intrusions into personal or private life that may be associated with or result from the employment relationship (see observations on Article 1§2, general introduction to Conclusions XVIII-1, §§13-21).

**Response:** Personal Data Protection Law prescribes the rules how the personal data is protected. Please see appendix No. 2.

Article 2352.<sup>1</sup> of the Civil Law of the Republic of Latvia prescribes - if someone unlawfully injures a person's reputation and dignity orally, in writing or by acts, he/ she shall provide compensation (financial compensation). A court shall determine the amount of the compensation.

Thus, if a person believes that there is infringement of its right to privacy, it has the right to go to Court. Only the Court has the power to make rules and establish the official

interpretation of the law the legal framework and limits of application, taking into account that important role for the delimitation is to the facts of each case and their assessment.

**Query:** The Committee again invites the Government to reply to its question in the General Introduction to Conclusions XVIII-1 as to whether any legislation against terrorism precludes persons from taking up certain types of employment.

**Response:** Ministry of the Interior of the Republic of Latvia informs that counter-terrorism legislation does not include restrictions or bans on access to certain types of employment.

The National Security Law stipulates how to overcome situations dangerous to the State in case of terrorism threat. Please see appendix No. 3.



**Appendix No. 1- Advocacy Law of the Republic of Latvia**

Text consolidated by Tulkošanas Valsts valodas centrs (State Language Centre) with amending laws of:

29 January 1998;  
4 June 2002;  
30 October 2003;  
19 February 2004;  
27 May 2004;  
19 June 2008.

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The Supreme Council  
of the Republic of Latvia  
Law  
Adopted 27 April 1993

**Advocacy Law of the Republic of Latvia****Part One  
General Provisions**

1. This Law regulates the professional and corporate activities of advocates.
2. Advocacy shall be an integral element of the judicial system of a law-governed state.
3. An advocate shall be an independent and professional lawyer who provides legal assistance in defending and representing the lawful interests of persons in court proceedings and pre-trial investigations, providing legal consultations, preparing legal documents and performing other legal activities.  
*[27 May 2004]*
4. In accordance with the procedure specified by this Law, the following persons may work as advocates in Latvia:
  - 1) sworn advocates;
  - 2) assistants of sworn advocates;
  - 3) citizens of European Union Member States who have obtained the qualification of an advocate in one of the European Union Member States (hereinafter – advocates of European Union Member States).

Foreign advocates, except for advocates of European Union Member States, may practice in Latvia in accordance with the international agreements on legal assistance binding to the Republic of Latvia.  
*[27 May 2004]*
5. Advocates shall be persons belonging to the court system for conducting cases in any court and pre-trial investigation institution of the Republic of Latvia upon being commissioned and chosen by the parties, the accused and other participants (clients) of the case, as well as in cases specified in the Law upon being commissioned by court judges, chairpersons of pre-trial investigation institutions and the Latvian Council of Sworn Advocates. Advocates shall also provide other legal assistance in accordance with the procedures specified by law.  
*[19 February 2004]*

6. Advocates shall be independent and shall be subject only to the Law in their professional activities.

State authorities and local government institutions, courts, prosecutors and pre-trial investigation institutions shall guarantee the independence of advocates.

It is prohibited to:

1) interfere in the professional activities of advocates, exert influence or bring pressure upon them;

2) request information and explanations from advocates, as well as interrogate them as witnesses regarding the facts which have become known to them in providing legal assistance;

3) control postal and telegraph correspondence and the documents, which advocates have received or prepared in providing legal assistance, to examine or confiscate them, as well as to execute a search in order to find and confiscate such correspondence and documents;

4) control, also by applying the procedural measures referred to in Clause 3 of this Section, the information systems and means of communication, including electronic means of communication, used by advocates in providing legal assistance, to remove information from them and to interfere with the operation thereof;

5) request information from clients regarding the fact of assistance provided by advocates and the contents thereof;

6) subject advocates to any sanctions or threats in relation to the provision of legal assistance to clients in accordance with the Law;

7) hold advocates liable for written or oral announcements, which they have made while performing their professional duties in good faith.

An unlawful action of an advocate in the interests of a client, as well as an action for the promotion of an unlawful offence of a client shall not be recognised as a provision of legal assistance.

*[29 January 1998]*

7. Advocates shall not be identified with their clients or the cases thereof in relation to the fulfilling of the professional duties of an advocate.

8. Clients have the right to freely choose an advocate for the defence and representation of their interests and to meet the advocate without any restrictions and hindrance. All detained, arrested, imprisoned and convicted persons shall be provided with the possibility, time and resources to meet privately with or contact an advocate in order to receive legal assistance without delay, interference or censorship, respecting complete confidentiality.

9. All persons shall be provided with equal rights to legal assistance. Natural persons shall be provided with legal assistance irrespective of their citizenship, origin, social, financial, official and other status, race, nationality, language, sex, education, religious, political and other views, party affiliation, type and nature of occupation and place of residence.

10. State authorities and local government institutions, courts, prosecutors, pre-trial investigation institutions and any individual shall ensure that the provisions for providing legal assistance specified in regulatory enactments are fulfilled in relation to advocates and their clients.

11. The procedure and regulations which, in accordance with the Law, exist in the places in which legal assistance is provided shall be binding to advocates and their clients.

12. The State shall pay for legal assistance provided by advocates and the expenses related to the provision thereof in the cases specified by law.

The compensation and reimbursable expenses, which have occurred to the elder of the sworn advocates when organising the performance of defence or representation provided by the State, shall be covered from the funds from the State budget which are intended for such purposes.

The procedures for determination of compensation of the elder of the sworn advocates and amounts thereof, the types of reimbursable expenses, the procedures for determination of reimbursable expenses and amounts thereof, as well as the procedures for granting of compensation and reimbursable expenses of the elder of the sworn advocates and the content of the report on the use of the referred to financial resources and the procedures for the submission thereof shall be determined by the Cabinet.

*[19 February 2004; 19 June 2008]*

13. The state authorities have an obligation to listen to the Latvian Collegium of Sworn Advocates regarding matters related to the development of regulatory enactments and the drafts thereof.

*[19 February 2004]*

## **Part Two Sworn Advocates**

14. Persons may be admitted as sworn advocates if they:

- 1) are citizens of the Republic of Latvia;
- 2) have a faultless reputation;
- 3) have reached the age of twenty-five;
- 4) have received a state-recognised diploma of second-level higher education in law and have obtained the qualifications of a lawyer;
- 5) are fluent in the official language;
- 6) have obtained work experience working in one of the following positions:
  - a) the position of judge,
  - b) at least two years – the position of prosecutor, sworn bailiff or sworn notary,
  - c) at least three years – assistant to an advocate,
  - d) at least three years – in the position of academic personnel specialising in law at an institution of higher education,
  - e) at least five years – in any other position with a juridical speciality;
- 7) have passed the advocate examination.

Doctors of Law shall be exempted from the advocate examination.

*[19 February 2004; 27 May 2004]*

15. Persons may not be admitted as sworn advocates if:

- 1) they do not meet the requirements specified in Section 14 of this Law;
- 2) trusteeship has been established over them;
- 3) they have been declared insolvent debtors by a court;
- 4) they are the suspects or defendants in the criminal proceedings for committing an intentional crime;
- 5) the criminal proceedings for committing an intentional crime against them have been terminated for reasons other than exoneration;
- 6) they have been punished for committing an intentional crime, regardless of whether or not the conviction has been extinguished or set aside;
- 7) they have committed an intentional crime previously, but have been released from serving the sentence;
- 8) they have been withdrawn the right to hold the position of the advocate or the positions specified in Section 14, Paragraph one, Clause 6 of this Law by a judgment of the court in the criminal proceedings;
- 9) on the basis of a decision in a disciplinary matter they have been dismissed from the position of judge, sworn bailiff, assistant of a sworn bailiff, sworn notary or assistant of a sworn notary, have been debarred from the number of sworn advocates, assistants of sworn advocates or dismissed from the position of prosecutor until five years have not passed since the coming into effect of the decision taken in the disciplinary matter;

10) the Latvian Council of Sworn Advocates regards their occupation as incompatible with the position of sworn advocate in the society due to ethical reasons; or

11) they are employed in a direct or indirect State administrative institution, derived public person, other State institution or State (local) government capital company, except for teaching staff in educational establishments and persons performing the duties of legal adviser in accordance with an agreement, or they have not fulfilled the requirements specified in Section 42 of this Law.

*[27 May 2004; 19 June 2008]*

16. Persons shall be debarred from the number of sworn advocates if they:

- 1) have been declared insolvent debtors by a court;
- 2) trusteeship has been established over them;
- 3) the criminal proceedings for committing an intentional crime against them have been terminated for reasons other than exoneration;
- 4) have been punished for committing an intentional crime, regardless of whether or not the conviction has been extinguished or set aside;
- 5) have committed an intentional crime, but have been released from serving the sentence;
- 6) have been deprived from the right to hold the position of advocate by a judgment of the court in the criminal proceedings;
- 7) have falsely declared in the submission referred to in Section 39 of this Law that there are no obstacles to their admission to the number of sworn advocates;
- 8) have not terminated the activity referred to in Clause 10 or 11 of Section 15 of this Law upon the proposal of the Latvian Council of Sworn Advocates; or
- 9) have been imposed a disciplinary sanction – debarring from the numbers of sworn advocates.

*[27 May 2004; 19 June 2008]*

16.<sup>1</sup> The Latvian Council of Sworn Advocates may suspend the activities of a sworn advocate for a time period while he or she is employed in a direct or indirect State administrative institution, derived public person, other State institution or State (local) government capital company, or for the time period of studies or prolonged illness, as well as upon justified request of the advocate in other cases.

The Latvian Council of Sworn Advocates shall suspend the activities of such sworn advocate whom the court has sentenced with the deprivation of liberty for a crime committed unintentionally – for the time period while he or she is held in the place of imprisonment.

*[19 February 2004; 27 May 2004; 19 June 2008]*

17. Upon the receipt of the information in writing from a performer of procedures sworn advocates who are held in suspicion of or are accused of a crime committed intentionally, which is not connected to the performance of professional duties of sworn advocate, shall be suspended from performing the duties of sworn advocates during the time period of the pre-trial criminal procedure and proceedings in the criminal matter.

Upon the receipt of the information in writing from a performer of procedures sworn advocates who are held in suspicion of or are accused of a crime committed intentionally, which is connected to the performance of professional duties of sworn advocate, or for whom a prohibition of a definite occupation has been applied as a security measure in accordance with the procedures specified in the Criminal Procedure Law shall be suspended from performing the duties of sworn advocates during the time period of the pre-trial criminal procedure and proceedings in the criminal matter.

*[27 May 2004 19 June 2008]*

**Part Three**  
**Corporate Activity of Sworn Advocates**

**Division One**  
**Collegium of Sworn Advocates**

18. The Latvian Collegium of Sworn Advocates is an independent professional corporation of Latvian sworn advocates which unites all sworn advocates practising in Latvia. Only the Latvian Collegium of Sworn Advocates has the rights and duties prescribed by this Law.

19. Natural persons shall be united in the Latvian Collegium of Sworn Advocates following the principle of profession in order to maintain the prestige of their profession, promote the professional development, the improvement of the creative abilities and the obtaining of the experience of sworn advocates, in order to fulfil the tasks specified in this Law and other Laws.

20. The Latvian Collegium of Sworn Advocates shall operate on the basis of this Law and by-laws as a self-governing, autonomous body governed by public law.

*[27 May 2004]*

21. The institutions of the Latvian Collegium of Sworn Advocates shall be the General Meeting of Sworn Advocates, the Latvian Council of Sworn Advocates, the Audit Board and the Disciplinary Proceedings Commission.

*[27 May 2004]*

22. The resources of the Latvian Collegium of Sworn Advocates shall be constituted by sums paid from the earnings from the legal assistance provided by advocates.

23. In order to provide advocates with material support, the Latvian Collegium of Sworn Advocates may create special funds from the contributions of advocates, as well as from the donations of natural and legal persons.

**Division Two**  
**General Meeting of Sworn Advocates**

24. The Latvian Council of Sworn Advocates shall convene a General Meeting of Sworn Advocates.

24.<sup>1</sup> Advocates of the European Union Member States who have registered in the Latvian Council of Sworn Advocates in accordance with Section 121 of this Law, also have the right to participate and to vote in the General Meeting of Sworn Advocates.

*[27 May 2004]*

25. Only the General Meeting of Sworn Advocates shall:

1) determine the number of members of the Latvian Council of Sworn Advocates, the Audit Board and the Disciplinary Proceedings Commission;

2) elect the chairperson, vice-chairperson of the Latvian Council of Sworn Advocates, the members of the Council, the Audit Board and the Disciplinary Proceedings Commission for three years;

3) approve the report on the activities of the Latvian Council of Sworn Advocates;

4) approve the budget and the report on the implementation of the budget of the previous year;

5) approve the articles of association of the Latvian Council of Sworn Advocates, the code of advocate ethics and other acts related to the internal activities of advocacy.

*[27 May 2004]*

26. There shall be annual general meetings and extraordinary general meetings. Extraordinary general meetings shall be convened as appropriate, the convening thereof may also be requested by not less than one tenth of all sworn advocates.

27. A general meeting is not entitled to make decisions if less than one third of all sworn advocates are present.

*[27 May 2004]*

28. If, due to a lack of quorum, elections of the Latvian Council of Sworn Advocates have not taken place, the chairperson of the Council shall convene a new general meeting within a time period of not more than one month, but if less than one third of all sworn advocates gather at such general meeting, then the minutes thereof shall be prepared, new elections shall not be organised and the Council shall retain its authority until the general meeting of the following year.

29. A general meeting shall be presided over by persons who have been elected for this purpose by the sworn advocates present and from amongst the numbers thereof and the minutes shall be approved by the sworn advocates who have been assigned to such duty by the general meeting.

30. Elections of the Latvian Council of Sworn Advocates in the general meeting shall be conducted after the general meeting has discussed the activity report and the report on the implementation of the budget of the previous year and has determined the number of members of the Latvian Council of Sworn Advocates to be elected.

31. The Latvian Council of Sworn Advocates, the chairperson, vice-chairperson, Audit Board and the Disciplinary Proceedings Commission thereof shall be elected by secret ballot with a simple majority of votes.

Other issues shall be determined by the general meeting by open ballot with a simple majority of vote.

*[27 May 2004]*

32. The newly elected Latvian Council of Sworn Advocates shall commence the fulfilment of the duties thereof two weeks after the day it was elected.

### **Division Three**

#### **Latvian Council of Sworn Advocates, Audit Board and Disciplinary Proceedings Commission**

*[27 May 2004]*

33. The Latvian Council of Sworn Advocates is an administrative, supervisory and executive institution of the Latvian Collegium of Sworn Advocates.

34. The Latvian Council of Sworn Advocates shall:

1) take a decision regarding the admission and inclusion of sworn advocates and assistants of sworn advocates, and the exclusion, suspension or dismissal of sworn advocates and assistants of sworn advocates, as well as the suspension of the activities of individual sworn advocates and assistants of sworn advocates;

2) compile lists of sworn advocates and assistants of sworn advocates, as well as the elders of sworn advocates practising within the court operation territory and ensure public access to these lists;

3) manage the organisational matters of the Latvian Collegium of Sworn Advocates;

4) supervise the activities of sworn advocates and assistants of sworn advocates, examine the issued complaints regarding their activities, as well as initiate disciplinary proceedings;

- 5) manage the training of assistants of sworn advocates;
- 6) taking into account the location of courts, the Office of the Prosecutor and pre-trial investigating authorities, as well as the number of inhabitants in the relevant court operation territory, determine the minimum number of sworn advocates therein which is required in order to ensure sufficient legal assistance, but not limit the maximum number of sworn advocates practising within this court operation territory;
- 7) approve the elder of the sworn advocates practising in the court operation territory, as well as dismiss him or her from the duties of the elder of the sworn advocates upon his or her request or if he or she fails to fulfil the duties specified in this Law;
- 8) issue certificates of sworn advocates and assistants of sworn advocates;
- 9) assign advocates to conduct cases in courts, pre-trial investigation institutions and in other institutions in return for payment for those persons who due to a good reason cannot find an advocate to conduct their case, as well as upon the request of the elders of the sworn advocates of the court operation territory assign advocates to perform defence or representation provided by the State in the criminal proceedings or to provide State ensured legal assistance in the cases specified by the Law;
- 10) establish consultations for the provision of legal assistance to poor persons or persons of low-income;
- 11) see to the settling of the cases of such sworn advocates and assistants of sworn advocates who have died, are missing without information as to his or her whereabouts, have fallen ill or are unable to handle their own cases and the cases of their clients;
- 12) determine the amount of compensation for an advocate and other expenses related to the provision of legal assistance according to Section 57 of this Law if the advocate and his or her client have differences of opinion related to this matter and they do not have a written mutual agreement;
- 13) determine the procedures for and the amounts of payments required from sworn advocates and assistants of sworn advocates for the maintenance of the Latvian Collegium of Sworn Advocates;
- 14) determine the procedures by which the elders of the sworn advocates organise the work of advocates practising in the court operation territory, as well as determine the procedures for drawing up the duty schedule for advocates necessary for the performance of State ensured defence and representation in the criminal proceedings;
- 15) ensure the organisation of the work of advocates for the performance of defence and representation in the criminal proceedings upon the request of the performer of procedures, as well as for the provision of State ensured legal assistance in the cases specified in the Law;
- 16) administer the financing granted from the State budget for the elders of the sworn advocates of the court operation territory in accordance with the procedures provided for in the Cabinet Regulation referred to in Section 12, Paragraph three of this Law;
- 17) determine the procedures for the selection of the elder of the sworn advocates practising in the court operation territory.

*[30 October 2003; 19 February 2004; 27 May 2004; 19 June 2008]*

35. Meetings of the Latvian Council of Sworn Advocates shall have a quorum if not less than half of all members of the Council participate therein, including the chairperson or vice-chairperson of the Council.

36. The Latvian Council of Sworn Advocates shall take decisions by open ballot with a simple majority. In the event of a tied vote, the vote of the chairperson of the Council shall be the deciding vote.

The decision shall enter into effect the next day after it has been taken if it has not been stated otherwise in the decision.

*[27 May 2004]*

37. The decisions of the Latvian Council of Sworn Advocates may be appealed in accordance with the procedure specified by the Administrative Procedure Law.

Appeal of a decision of the Latvian Council of Sworn Advocates regarding exclusion, suspension or dismissal of a sworn advocate from the number of the advocates or regarding suspension of the activities of a sworn advocate shall not suspend the operation of such decision until the day of the coming into effect of the final adjudication in the matter.

*[19 February 2004; 19 June 2008]*

38. The Audit Board shall control the financial operation of the Latvian Council of Sworn Advocates.

The chairperson of the Audit Board shall be elected from amongst the members of the Board.

*[27 May 2004]*

38.<sup>1</sup> The Disciplinary Proceedings Commission shall examine the disciplinary proceedings of sworn advocates.

The chairperson of the Disciplinary Proceedings Commission shall be elected from amongst the members of the Commission.

*[27 May 2004]*

#### **Division Four**

#### **Admission to and Inclusion in the Numbers of Sworn Advocates**

39. A person who wishes to join the number of sworn advocates shall submit an application and the relevant documents to the Latvian Council of Sworn Advocates. In the application, the applicant shall confirm that there are no obstacles to his or her admission referred to in Section 15 of this Law.

*[27 May 2004; 19 June 2008]*

40. The Latvian Council of Sworn Advocates shall display on premises thereof the list of the persons who have submitted documents for admission to the number of sworn advocates and send it to the elder of the sworn advocates practising in the territory of operation of each court and to the Court Administration together with an invitation to submit a comment regarding such persons within a time period of one month.

*[19 February 2004; 19 June 2008]*

41. The Latvian Council of Sworn Advocates shall examine the submission and documents of the applicant, gather and consider all the necessary information and evaluate the compliance of the applicant with the requirements of this Law. If the applicant conforms to the requirements of this Law, the Latvian Council of Sworn Advocates shall accept him or her to take the advocate examination.

*[19 February 2004]*

41.<sup>1</sup> The Latvian Council of Sworn Advocates shall organise the advocate examination not less than once every six months. The examination shall be received by a commission, which shall include:

- 1) three Doctors of Law delegated by the legal science promotion council;
- 2) three senators assigned by the Chief Justice of the Supreme Court;
- 3) three sworn advocates assigned by the Latvian Council of Sworn Advocates;
- 4) an authorised representative of the Minister for Justice.

The Minister for Justice shall approve the composition of the examination board.

The chairperson of the examination board shall be elected from amongst the members of the Commission.

*[19 February 2004]*



41.<sup>2</sup> The Cabinet shall determine the fee for advocate examination. The money contributed by the examination shall be disbursed as a compensation to members of the examination board and used to cover the expenses of organising the examination.

The Cabinet shall determine the procedures for the examination of a sworn advocate and the fields in which the knowledge and skills of the applicant for the position of a sworn advocate are examined, as well as the procedures for their assessment.

*[19 February 2004; 19 June 2008]*

41.<sup>3</sup> If the applicant has passed the examination for the position of advocate and the Latvian Council of Sworn Advocates has not received additional information that the obstacles referred to in Section 15 of this Law have arisen, the Latvian Council of Sworn Advocates shall admit him or her to sworn advocates.

*[19 February 2004; 19 June 2008]*

42. If an application regarding admission to the numbers of sworn advocates has been submitted by a person who has an occupation which cannot be combined with the duties of an advocate (Section 14, Clause 8 and 9 of this Law), the Council may take a decision regarding the admission of such person, yet the decision shall enter into effect and the person shall be allowed to take the oath and be included in the list of sworn advocates only after such person has terminated the referred to occupation.

*[27 May 2004]*

43. [19 February 2004]

44. [30 October 2003]

45. When admitting a sworn advocate, the Latvian Council of Sworn Advocates shall determine in which regional court these sworn advocates shall work and in the territory of operation of which court these sworn advocates shall practice.

*[19 June 2008]*

46. The Latvian Council of Sworn Advocates shall report on the admission of a sworn advocate to the Chief Justice of the Supreme Court, who shall receive the oath of the newly admitted sworn advocate:

“I swear to be faithful to Latvia, to observe the State laws in good faith and with conviction, to treat the courts and national authority with respect, not to write and speak anything in my work as an advocate that could harm the State, society, family and morality, to honestly fulfil the duties of a sworn advocate, to defend the interests of my authorising persons or the interests of such persons whose cases I conduct, aware that I shall be liable for my actions before the Law.”

47. After giving the oath, the person admitted to the numbers of sworn advocates shall be included in the list of sworn advocates, the Latvian Council of Sworn Advocates shall make an announcement regarding his or her admission to the numbers of sworn advocates in the official newspaper, inform the Minister for Justice and issue a special certificate to the newly admitted sworn advocate.

## **Part Four Duties, Rights and Liabilities of Sworn Advocates**

### **Division Five Rights and Duties of Sworn Advocates**

48. In providing legal assistance, a sworn advocate is entitled to:

1) defend and represent a person requesting legal assistance and his or her rights and legal interests in all courts, the Offices of the Prosecutor and pre-trial investigation institutions, as well as in all State and local government institutions, as well as in other institutions, organisations and companies (undertakings);

2) amass evidence, also requesting all documents necessary for the provision of legal assistance from State and local government institutions, as well as from other institutions, organisations and companies (undertakings) which must submit these documents or true copies thereof in accordance with the procedures and cases specified by the Law and shall ensure the advocate with the opportunity to become acquainted with them, as well as to receive the opinion of experts in issues which require the relevant knowledge, in accordance with the procedures related to the provision of legal assistance prescribed by the Law;

3) become acquainted with the regulatory enactments and individual enactments of State and local government institutions, court, the Offices of the Prosecutor and pre-trial investigation institutions, as well as other information related to the provision of legal assistance, as well as to receive true copies of these documents.

*[19 June 2008]*

48.<sup>1</sup> The authorisation of the sworn advocate and the scope thereof, as well as the right to fulfil the tasks specified in Section 48 of this Law shall be attested by a retainer, the sample of which is approved by the Latvian Council of Sworn Advocates.

*[19 June 2008]*

49. The sworn advocate shall use all resources and methods provided for in the Law in defending and representing the rights and legal interests of persons requesting legal assistance.

50. Sworn advocates shall wear special clothing – a gown.

51. Sworn advocates shall provide legal assistance to any person in civil proceedings, administrative proceedings or in other matters in cases specified by the law upon agreement with clients or in cases specified in this Law – upon being commissioned by the Latvian Council of Sworn Advocates or the elder of the sworn advocates.

*[19 February 2004; 19 June 2008]*

52. In criminal cases, sworn advocates shall undertake to defend persons, who have the right to defence, and convicted persons, represent victims and provide legal assistance to any person in the criminal proceedings.

A sworn advocate shall perform the activities referred to in Paragraph one of this Section:

1) upon agreement with a person or representative thereof;

2) in the cases specified in this Law – upon being commissioned by the Latvian Council of Sworn Advocates or the elder of the sworn advocates; or

3) upon being commissioned by the performer of proceedings – separate procedural activities specified in the Criminal Procedure Law.

*[27 May 2004; 19 June 2008]*

52.<sup>1</sup> Sworn advocates have a duty to perform the State ensured defence or representation in separate procedural activities specified in the Criminal Procedure Law in the time indicated by the performer of the procedures in accordance with the duty schedule for advocates drawn up in accordance with the procedures specified by the Latvian Council of Sworn Advocates.

If a sworn advocate cannot participate in separate procedural activity himself or herself in the time indicated by the performer of proceedings, he or she shall ensure that another sworn advocate arrives instead of him or her for the provision of legal assistance and shall inform the performer of proceedings thereof.

*[19 June 2008]*

53. A client may request a sworn advocate to conduct his or her case to the full extent until the conclusion thereof or to authorise him or her to complete a particular task. It is not prohibited to hire several sworn advocates for the same case.

54. The Latvian Council of Sworn Advocates shall assign a sworn advocate to conduct cases only after co-ordination with the elder of the sworn advocates of the relevant court operation territory.  
[27 May 2004; 19 June 2008]

54.<sup>1</sup> The elder of the sworn advocates shall:

1) organise the work of advocates practising in the court operation territory, as well as shall draw up the duty schedules for advocates for the performance of the State ensured defence and representation in the criminal proceedings upon the request of a performer of proceedings or upon being commissioned by the Latvian Council of Sworn Advocates – also in other matters;

2) immediately but not later than within three working days after receipt of the request from a performer of the proceedings, notify him or her regarding participation of the advocate in the criminal proceedings;

3) assign the performance of the State ensured defence or representation to the advocates practising in the relevant court operation territory;

4) provide the support to other elders of the sworn advocates of the court operation territory for the provision of the State ensured defence or representation.

The elder of the sworn advocates has the right to receive the compensation from the funds from the State budget which are intended for such purposes for organising the work of advocates for the performance of State ensured defence or representation, as well as reimbursement for covering of the expenses which have occurred performing the referred to functions.

[19 June 2008]

55. Sworn advocates may not refuse the agreement entered into or to fulfil the duties assigned to them without providing justification.

[19 June 2008]

56. [27 May 2004].

57. Sworn advocates shall enter into a written agreement with the client regarding undertaking to conduct a case and the amount of the relevant compensation.

The client may hire one sworn advocate to replace another at any time or to undertake the conducting of the case himself or herself, remunerating the advocate for the job he or she has performed in accordance with the written agreement.

In case of a dispute, if the agreement between a sworn advocate and a client has not been entered into writing, the compensation in double amount, as well as other reimbursable expenses related to the provision of legal assistance shall be determined for the advocate in amounts specified in regulatory enactments regarding the remuneration for the State ensured legal assistance. The compensation for the advocate and other reimbursable expenses shall be covered by the client. In addition to the compensation and other expenses related to the provision of legal assistance, the expenses related to acquiring of written evidence shall be reimbursed in actual amount of such expenses.

The compensation for the advocate and other reimbursable expenses related to the provision of legal assistance in the case referred to in Paragraph three of this Section shall not be covered from the funds from the State budget.

[19 June 2008]

58. [19 June 2008]

[19 February 2004; 19 June 2008]

59. Sworn advocates shall keep records of client cases in accordance with the procedures determined by and by the Latvian Council of Sworn Advocates and under the control thereof.

*[27 May 2004]*

60. Sworn advocates shall have a stamp with their given name and surname.

61. *[19 June 2008]*

*[27 May 2004; 19 June 2008]*

62. *[19 June 2008]*

63. It is prohibited for a sworn advocate to purchase or acquire in some other way the rights of authorising persons in their cases not only in his or her name, but also in such a way as if he or she acquired these rights for other persons. Any deals of this kind shall be deemed invalid.

64. A sworn advocate may not act in court as the authorised person of his or her relatives in ascending and descending line, spouse, brothers or sisters of whole blood, as well as the brothers and sisters of his or her father or mother.

65. A sworn advocate may not simultaneously be both the advisor and the authorised person of both parties, and he or she may not change sides from one party to the other in one and the same case.

66. A sworn advocate may not undertake to conduct a case or the duties of defender if the judge of this case or the official examining this case is his or her spouse, his or her relative or a relative of his or her spouse in a direct line without any restrictions as to the degree of kinship, but in collateral lines – kinship of the first three degrees or affinity of two degrees.

67. A sworn advocate may not divulge the secrets of his or her authorising person not only while conducting the case, but also after being relieved from the conducting of the case or after the completion of the case. The advocate shall ensure that these requirements are also observed in the work of his or her staff.

68. A sworn advocate shall make an announcement regarding a change of the address of his or her practice in the official newspaper and shall inform the relevant courts, pre-trial investigation institutions and the Latvian Council of Sworn Advocates thereof.

69. A sworn advocate shall be discharged from the numbers of sworn advocates on the basis of his or her application or due to his or her death, or upon the initiative of the Latvian Council of Sworn Advocates if he or she is unable to perform the duties of a Sworn Advocate due to his or her health condition, as well as if he or she has not made payments for the maintenance of the Latvian Collegium of Sworn Advocates for more than six months due to unjustified reasons. The procedures for discharging shall be determined by the articles of association of the Latvian Collegium of Sworn Advocates.

*[27 May 2004]*

### **Division Six Liability of Sworn Advocates**

70. Sworn advocates shall have disciplinary and material liability for their actions in accordance with the procedures specified by this Law.

70.<sup>1</sup> Sworn advocates shall, in accordance with the procedures specified in this Law regarding the performance of duties of the elder of the sworn advocates, be held disciplinary liable.

*[19 June 2008]*

71. For violations of the Law and other regulatory enactments, the articles of association of the Latvian Collegium of Sworn Advocates, as well as for violations of the instructions regulating the work of sworn advocates and the norms of the professional ethics of sworn advocates, the Latvian Council of Sworn Advocates may initiate disciplinary proceedings upon the proposal of the court or prosecutor, as well as on the basis of the complaints of persons or upon their own initiative, sending the case materials for examination to the Disciplinary Proceedings Commission.

The Latvian Council of Sworn Advocates is entitled to explain to sworn advocates the wrongfulness of their conduct, without initiating disciplinary proceedings.

*[27 May 2004]*

71.<sup>1</sup> Meetings of the Disciplinary Proceedings Commission shall be recorded in minutes. The chairperson of the Commission and the recorder of minutes shall sign the minutes.

*[27 May 2004]*

71.<sup>2</sup> After an examination of disciplinary proceedings the Disciplinary Proceedings Commission shall take one of the following decisions:

- 1) regarding the imposition of disciplinary sanction upon a sworn advocate;
- 2) regarding the termination of disciplinary proceedings.

The Disciplinary Proceedings Commission is entitled to take a decision if more than one half of the members thereof is present at the Commission meeting.

The Disciplinary Proceedings Commission shall take decisions with a simple majority of votes. In the event of a tied vote, the vote of the chairperson of the Commission shall be the deciding vote. If any of the members of the Disciplinary Proceedings Commission have a differing opinion, it shall be recorded in the minutes.

All members of the Disciplinary Proceedings Commission present at the meeting shall sign the decision.

The decision shall indicate whether the activities performed by the sworn advocate are qualified as a disciplinary violation and what kind of punishment is imposed upon him or her.

*[27 May 2004]*

72. When initiating disciplinary proceedings or during the examination of a disciplinary matter, the Latvian Council of Sworn Advocates has the right to suspend a sworn advocate from fulfilling his or her duties.

*[27 May 2004]*

73. The Disciplinary Proceedings Commission has the right to impose the following sanctions:

- 1) to issue a reproof;
- 2) to issue a reprimand;
- 3) to determine another location for a practice or to prohibit to practice in a location for a time period of up to three years;
- 4) to prohibit to perform the duties of an advocate for a time period not longer than one year;
- 5) to debar from the numbers of sworn advocates.

On the basis of the decision referred to in Paragraph one, Clause 5 of this Section, the Latvian Council of Sworn Advocates shall debar a person from the numbers of sworn advocates.

*[27 May 2004]*

74. A disciplinary sanction – a debarring from the numbers of sworn advocates – may be imposed:

- 1) for an intentional violation of the Law;
- 2) for a severe violation of the norms of the ethical code of sworn advocates;
- 3) if a disciplinary sanction has been repeatedly imposed;
- 4) if a sworn advocate does not perform the duty imposed by a disciplinary sanction.

*[27 May 2004]*

75. [27 May 2004]

76. A disciplinary sanction may be imposed upon a sworn advocate not later than three months after the day the disciplinary violation was disclosed and not later than two years after the disciplinary violation was committed.

[27 May 2004]

77. The Disciplinary Proceedings Commission may not impose any of the sanctions referred to in Section 73 of this Law upon a sworn advocate if it has not previously requested a written explanation from such sworn advocate.

[27 May 2004]

78. When examining a disciplinary matter, the Disciplinary Proceedings Commission shall invite a sworn advocate to provide an oral explanation.

[27 May 2004]

79. If a sworn advocate does not provide explanations within the time period specified by the Disciplinary Proceedings Commission or fails to attend the meeting of the Disciplinary Proceedings Commission without justifying reasons, the Disciplinary Proceedings Commission shall take a decision on the basis of the circumstances ascertained in the matter and the information at its disposal.

[27 May 2004]

80. When examining disciplinary matters, the Disciplinary Proceedings Commission has the right to also listen to the explanations of other persons and to request the opinions of experts, to request information and documents from State and local government institutions, as well as from other institutions, organisations, companies (undertakings) and the officials thereof.

[27 May 2004]

81. A person upon whom a disciplinary punishment has been imposed may appeal to the court the decisions of the Disciplinary Proceedings Commission in accordance with the procedures specified in the Administrative Procedure Law.

[27 May 2004]

82. The Disciplinary Proceedings Commission shall make an announcement regarding the punishment of a sworn advocate to the submitter of the complaint, the Latvian Council of Sworn Advocates and the Minister for Justice after the entering into effect of the decision. The Latvian Council of Sworn Advocates shall also announce the debarring of a sworn advocate in the official newspaper.

[27 May 2004]

## **Part Five Assistants of Sworn Advocates**

### **Division Seven General Provisions**

83. An assistant of a sworn advocate may be a citizen of Latvia who has reached the age of twenty-one and who:

- 1) complies with the provisions provided for in Section 14, Clauses 2, 4 and 5 of this Law;
- 2) has indicated which of the sworn advocates has agreed to be his or her patron – who has undertaken to guide, teach, employ and supervise the assistant.

*[27 May 2004]*

84. The patron of an assistant of a sworn advocate may be a sworn advocate who has practised as a sworn advocate for not less than five years and is capable of guiding, employing and supervising the assistant. The Latvian Council of Sworn Advocates shall make a judgement regarding this in each individual case.

85. A sworn advocate may not have more than two assistants.

*[19 February 2004]*

86. The persons referred to in Section 15, Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Law may not be admitted as assistants of sworn advocates, and the persons referred to in Section 16, Clauses 1, 2, 3, 4, 5, 6 and 8 of this Law shall be debarred from the number of assistants sworn advocates.

The activities of assistants of sworn advocates shall be stopped or they shall be suspended from the fulfilment of their duties in accordance with the provisions of Sections 16.<sup>1</sup> and 17 of this Law.

*[27 May 2004; 19 June 2008]*

#### **Division Eight Admission as an Assistant of Sworn Advocates**

87. The Latvian Council of Sworn Advocates shall admit assistants of sworn advocates not less than twice per year, determining in advance the time period of admission.

*[19 February 2004]*

88. *[19 February 2004]*

89. An applicant for the position of assistant to a sworn advocate shall submit the documents referred to in Section 39 of this Law to the Latvian Council of Sworn Advocates. If the applicant conforms with the requirements of this Law, the Latvian Council of Sworn Advocates shall take a decision to admit him or her to the numbers of assistants of sworn advocates.

*[19 February 2004]*

90. The chairperson or the vice-chairperson of the Latvian Council of Sworn Advocates shall announce in the Council meeting the decision regarding admission to the numbers of assistants of sworn advocates, shall give the newly admitted person the general instructions regarding the work and duties of an assistant of a sworn advocate, but persons who have been admitted to the numbers of assistants of sworn advocates shall give an oath to honestly and conscientiously fulfil his or her duties.

91. The Latvian Council of Sworn Advocates shall make an announcement in the official newspaper and shall inform the Minister for Justice, as well as the elder of the practising sworn advocates of the relevant court operation territory regarding persons who have been admitted to the numbers of assistants of sworn advocates, as well as regarding where and with which patron he or she shall work.

*[19 June 2008]*

#### **Division Nine Duties and Rights of Assistants of Sworn Advocates**

92. Assistants of sworn advocates shall work under the guidance and supervision of sworn advocates.

*[30 October 2003]*

93. Assistants of sworn advocates may not conduct cases in courts and pre-trial investigation institutions during the first six months after their admission. During this period, assistants of sworn advocates shall prepare themselves for the fulfilling of the duties of an advocate, working under the guidance of a patron and performing separate tasks under the supervision of the patron.

*[19 February 2004; 27 May 2004]*

94. After six months, an assistant of a sworn advocate shall take the first examination of an assistant of a sworn advocate in accordance with the procedures determined by the Latvian Council of Sworn Advocates. After passing this examination, the assistant of a sworn advocate may conduct cases in courts, the Offices of the Prosecutor and pre-trial investigation institutions upon the basis of the reauthorization of a patron and under the guidance thereof.

If an assistant of a sworn advocate does not pass the examination within a time period of one year, the Latvian Council of Sworn Advocates shall take a decision regarding his or her debarring from the numbers of assistants of sworn advocates.

*[27 May 2004; 19 June 2008]*

95. After one year, an assistant of a sworn advocate shall take the second examination of the assistant of the sworn advocate in accordance with the procedures specified by the Latvian Council of Sworn Advocates.

If the second examination has been passed and the relevant pre-trial investigation institutions, the Offices of the Prosecutor, the courts, as well as the elder of the sworn advocates of the relevant court operating territory have not given negative comments regarding legal assistance provided by the assistant of the sworn advocate, the Latvian Council of Sworn Advocates may allow the assistant of the sworn advocate to conduct cases in pre-trial investigation institutions, the Offices of the Prosecutor and courts without reauthorization, except for criminal cases in regional courts and the Supreme Court; the assistant of the sworn advocate may conduct these cases upon the reauthorization of a patron and under the guidance thereof.

*[27 May 2004; 19 June 2008]*

96. After an assistant of a sworn advocate has worked under the guidance of a patron for three years, he or she may take the advocate examination.

*[27 May 2004]*

97. *[27 May 2004]*

98. The Latvian Council of Sworn Advocates shall issue the relevant certificate to the assistant of a sworn advocate for the conducting of cases without the reauthorization of a patron in accordance with the procedures specified in Section 95 of this Law.

*[27 May 2004]*

99. Each assistant of a sworn advocate shall register all the cases conducted by him or her in accordance with the procedures approved by the Latvian Council of Sworn Advocates and the list of such cases shall be submitted to the Council together with explanations regarding his or her activities, which have been certified by a patron.

100. It is mandatory that assistants of sworn advocates participate in all events organised by the Latvian Council of Sworn Advocates for the raising of qualifications, as well as shall perform all other duties imposed upon them by the Council.

Assistants of sworn advocates shall, after passing the examinations of an assistant of a sworn advocate specified in Sections 94 and 95 of this Law, perform State ensured defence or representation in the criminal proceedings in all court operation territories upon being commissioned by the Latvian Council of the Sworn Advocates or in the cases specified in this Law



– upon being commissioned by the elder of the sworn advocates of the relevant court operation territory, or upon invitation of a performer of proceedings in the cases specified in Section 52.<sup>1</sup> of this Law.

*[19 June 2008]*

101. An assistant of a sworn advocate shall work for three years. An assistant of a sworn advocate who is not admitted to the numbers of sworn advocates within the time period of the next two years shall be debarred from the numbers of assistants of sworn advocates. The Latvian Council of Sworn Advocates may extend the term for a time period of one year due to justified reasons.

*[19 February 2004]*

102. In relation to the rights and duties of assistants of sworn advocates, the provisions of Sections 48-69 shall be applied.

### **Division Ten**

#### **Preparation, Supervision and Liability of Assistants of Sworn Advocates**

103. The Latvian Council of Sworn Advocates shall establish supervisory commissions and examination boards from sworn advocates in order to conduct the professional training of assistants of sworn advocates, and the supervision and guidance of the activities thereof.

104. The direct supervision of the activities of an assistant of a sworn advocate shall be performed by a patron whose instructions shall be binding to the assistant.

105. In relation to the liability of assistants of sworn advocates, the provisions of Sections 70-82 shall be applied.

### **Part Six**

#### **Financial Activities of Sworn Advocates**

106. Sworn advocates shall practice a liberal profession.

107. The professional activities (practice) of sworn advocates shall be qualified as intellectual work, and the aim thereof shall not be the making of a profit.

108. The practice of sworn advocates shall be organised exclusively in the manner prescribed by this Law.

109. Sworn advocates shall commence their practise only after their admission into the list of sworn advocates. The Council of Sworn Advocates shall notify the relevant department of the State Revenue Service thereof. Sworn advocate shall inform the relevant department of the State Revenue Service about the address of his or her legal practice and the change thereof.

*[30 October 2003]*

110. If a sworn advocate has permitted an infringement of the rights of a client and the consequences thereof are some kind of damage, the client has the right to request satisfaction from the sworn advocate, in so far as he or she may be at fault for such infringement.

111. In the cases specified in Section 110 of this Law, a sworn advocate shall be liable for the damages caused to the client which have occurred as a result of legal assistance provided by such an assistant of a sworn advocate performing duties under his or her guidance who has not passed the

second examination of an assistant of a sworn advocate, as well as the result of the conducting of cases upon the basis of the reauthorization of a patron.

*[27 May 2004]*

112. An assistant of a sworn advocate shall be responsible to his or her client in the cases specified in Section 110 beginning with the moment when the assistant of a sworn advocate has received the permission of the Latvian Council of Sworn Advocates (Section 98 of this Law) and has begun to conduct cases without the reauthorization of a patron.

113. Only Latvian sworn advocates and assistants of sworn advocates are entitled to offer the assistance of an advocate for the conducting of cases in courts, as well as to advertise such assistance.

The advertising provisions of Latvian sworn advocates and assistants of sworn advocates shall be determined by the articles of association of the Latvian Collegium of Sworn Advocates.

*[30 October 2003]*

114. The possible risk of losses resulting from the professional activities of sworn advocates and assistants of sworn advocates may be insured.

A sworn advocate shall inform his or her client if he or she has not been insured.

115. Sworn advocates shall be financially independent in their professional activities.

116. Sworn advocates shall practice individually or also in collaboration exclusively with other sworn advocates.

Sworn advocates may establish offices of sworn advocates, which shall be registered in the Latvian Council of Sworn Advocates.

*[27 May 2004]*

117. Sworn advocates shall practice directly and personally.

118. Sworn advocates may employ technical, financial or advisory staff on the basis of a contract of employment for whose activities they shall be liable and who are prohibited to engage in the providing of legal assistance.

119. Sworn advocates shall maintain accounts of their income and expenses. Income from the practice of a sworn advocate shall consist of the payments of clients for the legal assistance provided. The expenses of sworn advocates shall be expenses related to the provision of legal assistance or that are specified in this Law.

*[30 October 2003]*

120. *[30 October 2003]*

## **Part Seven**

### **Activities of Advocates of European Union Member States in Latvia**

*[30 October 2003]*

## **Division Eleven**

### **Procedures for the Registration of Advocates of European Union Member States and the Professional Activities thereof under their Home-country Professional Titles**

121. If an advocate of a European Union Member State submits a certificate attesting to his or her registration with the competent authority of his or her home Member State (the European Union Member State in which the advocate has acquired the rights to use the vocational title of an

advocate prior to the commencement of activities in Latvia) to the Latvian Council of Sworn Advocates, the Latvian Council of Sworn Advocates shall register the advocate of the European Union Member State in a separate register. Such certificate shall be valid for registration in Latvia for three months from the day it was issued.

*[19 June 2008]*

122. The Latvian Council of Sworn Advocates shall inform the competent authority of the home Member State of an advocate regarding the registration of the advocate and the given name and surname of the registered advocate shall be published in the newspaper "*Latvijas Vēstnesis*" [the official Gazette of the Government of Latvia].

123. When registering in accordance with the provisions of Section 121 of this Law, an advocate of a European Union Member State shall receive a certificate with an indication regarding the right to perform professional activities under their home-country professional title. The professional title shall be expressed in the official language of the home Member State in such a way as to avoid the confusion of such title with the professional title of Latvian sworn advocates.

The professional body of which the advocate of a European Union Member State is a member in his or her home Member State, or the judicial body before which he or she is entitled to practice pursuant to the laws of his or her home Member State shall be indicated in the certificate.

124. An advocate of a European Union Member State who practices with under their home-country professional title is entitled to participate in court proceedings in criminal cases only together with an advocate of the Latvian Collegium of Sworn Advocates.

*[27 May 2004]*

125. Advocates of European Union Member States who practice in Latvia under their home-country professional title may establish a joint practice under the same conditions as Latvian sworn advocates.

126. Advocates of European Union Member States may establish branches of the advocate associations of their home Member State in Latvia, as well as use the names of the advocate associations of their home Member State if full-fledged advocates of European Union Member States have joined together in the advocate association of the home Member State.

127. The Latvian Council of Sworn Advocates has the right to initiate disciplinary proceedings against an advocate of a European Union Member State regarding a violation of laws and other regulatory enactments, as well as the norms of the professional ethics of Latvian sworn advocates.

Prior to the initiation of disciplinary proceedings, the Latvian Council of Sworn Advocates shall inform the competent authority of the home Member State of the advocate regarding all the relevant facts and, during the examination of disciplinary matters, shall collaborate with the competent authority of the home Member State of the advocate. The competent authority of the home Member State of the advocate shall take a decision regarding the imposing of a disciplinary sanction in accordance with the material and procedural legal norms of their State.

128. If the competent institution of the home Member State of an advocate of a European Union Member state prohibits the advocate from practising in the State territory thereof, the advocate of the European Union Member State may not practice in Latvia under their home-country professional title.

129. A decision of the Latvian Council of Sworn Advocates to refuse or to annul the registration of an advocate of a European Union Member State may be appealed to a court.

**Division Twelve**  
**Recognition of the Professional Qualification of an Advocate of a European Union Member State as Adequate for Permanent Activity**

130. If an advocate of a European Union Member State certifies his or her knowledge of the official language and Latvian laws and the Latvian Council of Sworn Advocates recognises the professional qualification of the advocate of the European Union Member State as adequate for permanent activity, he or she has the same right to professional activity and duties as a sworn advocate of Latvia.

131. If an advocate of a European Union Member State has performed professional activities in Latvia under their home-country professional title for at least three consecutive years and if he or she has certified the necessary knowledge and practice obtained in the field of Latvian law to the Latvian Council of Sworn Advocates, he or she shall be issued a certificate for the recognition of professional qualification.

132. In order to certify the necessary skills and knowledge, an applicant shall submit an application and the relevant documents regarding the number and content of the cases, which he or she has handled to the Latvian Council of Sworn Advocates. The Latvian Council of Sworn Advocates shall examine the efficiency and regularity of the activities of the relevant advocate, additionally requiring explanations from the advocate in oral or written form.

133. If an advocate of a European Union Member State has not been working in Latvia under their home-country professional title for at least three years, he or she shall submit to the Latvian Council of Sworn Advocates an application and the evidence confirming his or her qualification and the rights recognised in his or her home Member State. The Latvian Council of Sworn Advocates shall organise an examination of the conformity of the professional qualification in accordance with the Law "On Regulated Professions and the Recognition of Professional Qualification". After the successful passing of such examination, the advocate shall be issued a certificate for the recognition of professional qualification.

134. The Latvian Council of Sworn Advocates may refuse to recognise the professional qualification of an advocate pursuant to a substantiated decision if the professional qualification of the advocate is not in conformity with the provisions of the professional qualification of a Latvian sworn advocate or if there have been disciplinary and other infringements in the professional activity of the advocate. A decision of the Latvian Council of Sworn Advocates to refuse to recognise the professional qualification may be appealed to the court.

**Transitional Provisions**

1. The amendment to Section 4 of the Law regarding the practising of advocates of European Union Member States in Latvia and Part Seven of the Law shall come into force on 1 May 2004.

2. The Latvian Council of Sworn Advocates shall elect the Disciplinary Proceedings Commission the first time for the remaining term of office of the Council chairperson, vice-chairperson, Council members and the Audit Board.

*[30 October 2003; 27 May 2004]*

3. The Latvian Council of Sworn Advocates shall, until 1 January 2009, taking into account the procedures for the selection of the elders of the sworn advocates in force until 1 January 2009, approve the elders of the sworn advocates of a court operation territory for one year, which commence their operation on 1 January 2009.

*[19 June 2008]*

4. The Latvian Council of Sworn Advocates shall, not later than by 1 January 2009, taking into account the procedures for drawing up the duty schedule for advocates in force until 1 January 2009, ensure that the duty schedules for advocates applicable from 1 January 2009 are drawn up for all court operation territories for at least one month.

*[19 June 2008]*

5. The Latvian Council of Sworn Advocates shall, not later than by 1 November 2009, organise the selection of the elders of the sworn advocates of court operation territories and approve the elders of the sworn advocates of court operation territories who commence their activity from 1 January 2010.

*[19 June 2008]*

6. Until the day of coming into force of the Cabinet Regulation referred to in Section 41.<sup>2</sup>, Paragraph two of this Law, but not longer than until 1 January 2009, the Cabinet Regulation No. 160 of 27 February 2007, *Regulations Regarding Procedures of Advocate Examination and Amount of Minimum Knowledge*, shall be applied, insofar as they are not in contradiction with this Law.

*[19 June 2008]*

7. Amendments to Sections 12, 34, 51, 52, 54 and 100 of this Law which specify the participation of the Latvian Council of Sworn Auditors, the elders of the sworn auditors and sworn auditors in the provision of the State ensured legal assistance shall come into force on 1 January 2009.

*[19 June 2008]*

8. Sections 52.<sup>1</sup>, 54.<sup>1</sup> and 70.<sup>1</sup> of this Law shall come into force on 1 January 2009.

*[19 June 2008]*

### **Informative Reference to European Union Directives**

This Law includes legal norms arising from European Union Directives 77/249/EEC and 98/5/EC.

*[30 October 2003]*

Chairperson of the Supreme Council of the Republic of Latvia

A. Gorbunovs

Secretary of the Supreme Council of the Republic of Latvia

I. Daudišs

## **Appendix No. 2 – Personal Data Protection Law**

Text consolidated by Tulkošanas un terminoloģijas centrs (Translation and Terminology Centre) with amending laws of:

24 October 2002;  
19 December 2006.

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*<sup>1</sup> has adopted and  
the President has proclaimed the following law:

## **Personal Data Protection Law**

### **Chapter I General Provisions**

#### **Section 1.**

The purpose of this Law is to protect the fundamental human rights and freedoms of natural persons, in particular the inviolability of private life, with respect to the processing of data regarding natural persons (hereinafter – personal data).

#### **Section 2.**

The following terms are used in this Law:

- 1) **data subject** – a natural person who may be directly or indirectly identified;
- 2) **consent of a data subject** – a freely, unmistakably expressed affirmation of the wishes of a data subject, by which the data subject allows his or her personal data to be processed in conformity with information provided by the system administrator in accordance with Section 8 of this Law;
- 3) **personal data** – any information related to an identified or identifiable natural person;
- 4) **personal data processing** – any operations carried out regarding personal data, including data collection, registration, recording, storing, arrangement, transformation, utilisation, transfer, transmission and dissemination, blockage or erasure;
- 5) **personal data processing system** – a structured body of personal data recorded in any form that is accessible on the basis of relevant person identifying criteria;
- 6) **personal data processor** – a person authorised by a system administrator, who carries out personal data processing upon the instructions of the system administrator;
- 7) **recipient of personal data** – a natural or a legal person to whom personal data are disclosed;
- 8) **sensitive personal data** - personal data which indicate the race, ethnic origin, religious, philosophical or political convictions, or trade union membership of a person, or provide information as to the health or sexual life of a person;
- 9) **system administrator** – a natural person or a legal person who determines the purposes and the means of processing of a personal data processing system; and
- 10) **third person** – any natural person or legal person, except for a data subject, a system administrator, a personal data operator and persons who have been directly authorised by a system

administrator or a personal data processor.

*[24 October 2002]*

### **Section 3.**

(1) This Law, taking into account the exceptions specified in this Law, applies to the processing of all types of personal data, and to any natural person or legal person if:

- 1) the system administrator is registered in the Republic of Latvia;
- 2) data processing is performed outside the borders of the Republic of Latvia in territories, which belong to the Republic of Latvia in accordance with international agreements; and
- 3) in the territory of the Republic of Latvia is located equipment, which is utilised for the processing of personal data.

(2) In the cases referred to in Paragraph one, Clause 3 of this Section, the system administrator shall appoint an authorised person who shall be responsible for compliance with this Law.

(3) This Law shall not apply to the information systems made by natural persons in which personal data are processed for personal or household and family purposes and in which the personal data collected are not disclosed to other persons.

*[24 October 2002]*

### **Section 4.**

This Law, taking into account the exceptions, which are specified in the Law On Official Secrets, shall regulate the protection of personal data, which have been declared to be official secret objects.

*[24 October 2002]*

### **Section 5.**

(1) Sections 7, 8, 9 and 11 of this Law shall not apply if personal data are processed for journalistic, artistic or literary purposes, and it is not prescribed otherwise by law.

(2) In applying the provisions of Paragraph one of this Section, regard shall be had to the rights of persons to inviolability of private life and freedom of expression.

## **Chapter II General Principles for Personal Data Processing**

### **Section 6.**

Every natural person has the right to protection of his or her personal data.

### **Section 7.**

Personal data processing is permitted only if not prescribed otherwise by law, and at least one of the following conditions exist:

- 1) the data subject has given his or her consent;
- 2) the personal data processing results from contractual obligations of the data subject or, taking into account a request from the data subject, the processing of data is necessary in order to enter into the relevant contract;
- 3) the data processing is necessary to a system administrator for the performance of his or her duties as specified by law;
- 4) the data processing is necessary to protect vitally important interests of the data subject, including life and health;

5) the data processing is necessary in order to ensure that the public interest is complied with, or to fulfil functions of public authority for whose performance the personal data have been transferred to a system administrator or transmitted to a third person; and

6) the data processing is necessary in order to, complying with the fundamental human rights and freedoms of the data subject, exercise lawful interests of the system administrator or of such third person as the personal data have been disclosed to.

*[24 October 2002]*

### **Section 8.**

(1) When collecting personal data from a data subject, a system administrator has a duty to provide a data subject with the following information unless it is already available to the data subject:

1) the designation, or given name and surname, as well as address of the system administrator and the personal data operator; and

2) the intended purpose and basis for the personal data processing.

(2) On the basis of a request from the data subject, the system administrator has a duty to provided the following information:

1) the possible recipients of the personal data;

2) the right of the data subject to gain access to his or her personal data and of making corrections in such data; and

3) whether providing an answer is mandatory or voluntary, as well as the possible consequences of failing to provide an answer.

(3) Paragraph one of this Section is not applicable if the conducting of personal data processing without disclosing its purpose is authorised by law.

*[24 October 2002]*

### **Section 9.**

(1) If personal data have not been obtained from the data subject, a system administrator has a duty, when collecting or disclosing such personal data to a third person for the first time, to provide the data subject with the following information:

1) the designation, or given name and surname, and address of the system administrator and the personal data operator; and

2) the intended purpose for the personal data processing.

(2) On the basis of a request from the data subject, the system administrator has a duty to provided the following information:

1) the possible recipients of the personal data;

2) the source of obtaining the data and personal data categories; and

3) the right of data subjects to gain access to his or her personal data and of making corrections in such data.

(3) Paragraph two of this Section is not applicable, if:

1) the law provides for the processing of personal data without informing the data subject thereof; and

2) when processing personal data for scientific, historical or statistical research, or the establishment of Latvian national archive holdings, the informing of the data subject requires inordinate effort or is impossible.

*[24 October 2002]*

### **Section 10.**

(1) In order to protect the interests of a data subject, a system administrator shall ensure that:

1) the personal data processing takes place with integrity and lawfully;

2) the personal data is processed only in conformity with the intended purpose and to the extent required therefor;



3) the personal data are stored so that the data subject is identifiable during a relevant period of time, which does not exceed the time period prescribed for the intended purpose of the data processing; and

4) the personal data are accurate and that they are updated, rectified or erased in a timely manner if such personal data are incomplete or inaccurate in accordance with the purpose of the personal data processing.

(2) Personal data processing for purposes other than those originally intended is permissible if it does not violate the rights of the data subject and is carried out for the needs of scientific or statistical research only in accordance with the conditions referred to in Section 9 and Section 10, Paragraph one of this Law.

(3) Paragraph one, Clauses 3 and 4 of this Section are not applicable to the processing of personal data for the establishment of Latvian national archive holdings according to the procedures specified in regulatory enactments.

*[24 October 2002]*

## **Section 11.**

The processing of sensitive personal data is prohibited, except in cases where:

1) the data subject has given his or her written consent for the processing of his or her sensitive personal data;

2) special processing of personal data, without requesting the consent of the data subject, is provided for by regulatory enactments, which regulate legal relations regarding employment, and such regulatory enactments guarantee the protection of personal data;

3) personal data processing is necessary to protect the life and health of the data subject or another person, and the data subject is not legally or physically able to express his or her consent;

4) personal data processing is necessary to achieve the lawful, non-commercial objectives of public organisations and their associations, if such data processing is only related to the members of these organisations or their associations and the personal data are not transferred to third parties;

5) personal data processing is necessary for the purposes of medical treatment, the provision of health care services or the administration thereof and the distribution of means of medical treatment;

6) the processing concerns such personal data as necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings;

7) personal data processing is necessary for the provision of social assistance and it is performed by the provider of social assistance services;

8) personal data processing is necessary for the establishment of Latvian national archive holdings and it is performed by the State archives and institutions with State storage rights approved by the Director-general of the State archives;

9) personal data processing is necessary for statistical research, which is performed by the Central Statistics Bureau; and

10) the processing relates to such personal data, which the data subject has him or herself made public.

*[24 October 2002]*

## **Section 12.**

If personal data, which relate to the commitment of criminal offences, convictions in criminal matters, court proceedings in criminal matters and closed court sittings in civil matters, only persons authorised by law are entitled to process such data and in the cases specified by law.

*[24 October 2002]*

**Section 13.**

(1) A system administrator is obliged to disclose personal data in cases provided for by law to officials of State and local government institutions. The system administrator shall disclose the personal data only to such officials of the State and local government institutions as he or she has identified prior to the disclosure of such data.

(2) Personal data may be disclosed on the basis of a written application or agreement, stating the purpose for using the data, if not prescribed otherwise by law. The application for personal data shall set out information as will allow identification of the applicant for the data and the data subject, as well as the amount of the personal data requested.

(3) The personal data received may be used only for the purposes for which they are intended.

**Section 13.<sup>1</sup>**

Personal identification (classification) codes may be processed if:

1) the consent of the data subject has been received;

2) the processing of the identification (classification) codes arises from the purpose of the personal data processing;

3) the processing of the identification (classification) codes is necessary to ensure the continuing anonymity of the data subject; and

4) a written permit has been received from the Data State Inspectorate.

*[24 October 2002]*

**Section 14.**

(1) A system administrator may entrust personal data processing to a personal data processor provided a written contract is entered into between them.

(2) A personal data processor may process personal data entrusted to him or her only within the amount determined in the contract and in conformity with the purposes provided for therein and in accordance with the instructions of the system administrator if they are not in conflict with regulatory enactments.

(3) Prior to commencing personal data processing, a personal data processor shall perform safety measures determined by the system administrator for the protection of the system in accordance with the requirements of this Law.

*[24 October 2002]*

### **Chapter III** **Rights of a Data Subject**

**Section 15.**

(1) In addition to the rights referred to in Sections 8 and 9 of this Law, a data subject has the right to obtain all information that has been collected concerning himself or herself in any system for personal data processing, unless the disclosure of such information is prohibited by law in the field of national security, defence and criminal law.

(2) A data subject has the right to obtain information concerning those natural or legal persons who within a prescribed time period have received information from a system administrator concerning this data subject. In the information to be provided to the data subject, it is prohibited to include State institutions, which administer criminal procedures, investigatory operations authorities or other institutions concerning which the disclosure of such information is prohibited by law.

(3) A data subject also has the right to request the following information:

- 1) the designation, or name and surname, and address of the system administrator;
- 2) the purpose, amount and method of the personal data processing;
- 3) the date when the personal data concerning the data subject were last rectified, data extinguished or blocked;
- 4) the source from which the personal data were obtained unless the disclosure of such information is prohibited by law; and
- 5) the processing methods utilised for the automated processing systems, concerning the application of which individual automated decisions are taken.

(4) A data subject has the right, within a period of one month from the date of submission of the relevant request (not more frequently than two times a year), to receive the information specified in this Section in writing free of charge.

*[24 October 2002]*

### **Section 16.**

(1) A data subject has the right to request that his or her personal data be supplemented or rectified, as well as that their processing be suspended or that the data be destroyed if the personal data are incomplete, outdated, false, unlawfully obtained or are no longer necessary for the purposes for which they were collected. If the data subject is able to substantiate that the personal data included in the personal data processing system are incomplete, outdated, false, unlawfully obtained or no longer necessary for the purposes for which they were collected, the system administrator has an obligation to rectify this inaccuracy or violation without delay and notify third parties who have previously received the processed data of such.

(2) If information has been retracted, a system administrator shall ensure the accessibility of both the new and the retracted information, and that the information referred to is received simultaneously by recipients thereof.

### **Section 17.**

Sections 15 and 16 of this Law are not applicable if the processed data are used only for the needs of scientific and statistical research or the establishment of Latvian national archive holdings in accordance with regulatory enactments and, on the basis of such, no activities are carried out and no decisions are taken regarding the data subject.

*[24 October 2002]*

### **Section 18.**

If a data subject disputes an individual decision, which has been taken only upon the basis of automated processed data, and creates, amends, determines or terminates legal relations, the system administrator has a duty to review such data. The system administrator may refuse to review such decision if it has been taken in accordance with law or a contract entered into with the data subject.

*[24 October 2002]*

### **Section 19.**

A data subject has the right to object to the processing of his or her personal data if such will be used for commercial purposes.

### **Section 20.**

A data subject has the right to appeal to the Data State Inspectorate the refusal of a system administrator to provide the information referred to in Section 15 of this Law or perform the activities referred to in Section 16 of this Law.

## Chapter IV

### Registration and Protection of a Personal Data Processing System

#### Section 21.

(1) All State and local government institutions, and other natural persons and legal persons which carry out or wish to commence carrying out personal data processing, and establish systems for personal data processing, shall register such in accordance with the procedures prescribed in this Law unless otherwise prescribed by law.

(2) The registration procedure prescribed by this Law is not applicable to personal data processing for the needs of accounting and personnel registration if the personal data is not being accumulated in electronic form, as well as on the personal data processing systems established by the denominational religious organisation referred to in the Civil Law.

*[24 October 2002]*

#### Section 22.

(1) The institutions and persons referred to in Section 21 of this Law which wish to commence personal data processing and establish a system for personal data processing shall submit an application for registration to the Data State Inspectorate which includes the following information:

1) the designation (name and surname), registration code, address and telephone number of the institution or person (system administrator);

2) the name, surname, personal identity number, address and telephone number of a person authorised by the system administrator;

3) the legal basis for the operation of the personal data processing system;

4) the type of personal data to be included in the system, the purposes for which it is intended and the amount of personal data to be processed;

5) the categories of data subjects;

6) the categories of recipients of personal data;

7) the intended method of personal data processing;

8) the planned method of obtaining personal data and a mechanism for the control of their quality;

9) other data processing systems, which will be connected with the system to be registered;

10) what personal data connected systems will be able to obtain from the system to be registered, and what data the system to be registered will be able to obtain from connected systems;

11) the method for transferring data from the system to be registered to another system;

12) the identification codes of natural persons as will be used by the system to be registered;

13) the method for exchanging information with the data subject;

14) the procedures whereby a personal data subject is entitled to obtain information concerning himself or herself and other information referred to in Sections 8 and 9 of this Law;

15) the procedures for supplementing and updating of personal data;

16) technical and organisational measures ensuring the protection of personal data; and

17) what personal data will be transferred to other states.

(2) The Data State Inspectorate shall evaluate and determine the personal data processing systems in which a prior checking must be performed.

(3) When registering a personal data processing system, the Data State Inspectorate shall issue a certificate of registration of the personal data processing system to a system administrator or to a person authorised by him or her.

(4) Prior to changes being made in a personal data processing system, such changes shall be registered in the Data State Inspectorate if the following changes:

1) the system administrator or the personal data processor;

2) the location of the personal data processing system;

3) the types of personal data or the purpose of the personal data processing;

- 4) the holder of the information resources or technical resources, as well as the responsible person for the security of the information system;
- 5) the data processing systems with which the relevant system is associated;
- 6) the type of personal data processing; and
- 7) the type of personal data processing, which is transferred to other states.

(5) If the personal data processing system technical and organisational means of protection change so that they significantly impact on the protection of the system, information regarding this shall be submitted within a period of one year to the Data State Inspectorate.

(6) For the registration of each personal data system or the registration of the changes referred to in Paragraph four of this Section, a State fee shall be paid according to the procedures and in the amount specified by the Cabinet.

*[24 October 2002]*

### **Section 23.**

The Data State Inspectorate may refuse to register a personal data processing system, if:

- 1) all of the information referred to in Section 22 of this Law is not submitted; or
- 2) on inspection of the personal data processing system, violations are determined.

### **Section 24.**

(1) The Data State Inspectorate shall include the information referred to in Section 22 of this Law in the register for personal data processing systems (except the information referred to in Clause 16 of the same Section). The register is a component part of the State information system.

(2) Information regarding those registered personal data processing systems the operation of which is regulated by the Law On Official Secrets and the Investigatory Operations Law shall not be included in the register referred to in Paragraph one of this Section.

*[24 October 2002]*

### **Section 25.**

(1) A system administrator and personal data processor have a duty to use the necessary technical and organisational measures in order to protect personal data and to prevent their illegal processing.

(2) A system administrator shall control the form of personal data entered in the personal data processing system and the time of recording and is responsible for the actions of persons who carry out personal data processing.

*[24 October 2002]*

### **Section 26.**

(1) The mandatory technical and organisational requirements for the protection of personal data processing systems shall be determined by the Cabinet.

(2) Every year State and local government institutions shall submit to the Data State Inspectorate a personal data processing system internal audit findings (also a system risk analysis) and a report regarding measures performed in the field of information security.

(3) The Data State Inspectorate in accrediting a person who wishes to perform systems audits in State and local government personal data processing systems shall perform the following in relation to external systems auditors:

- 1) initial accreditation;
- 2) repeated accreditation;
- 3) accreditation for the renewal of activities;
- 4) extension of the time period of the accreditation; and

5) issuing of duplicates of accreditation certificates.

(4) For the performance of each of the activities referred to in Paragraph three of this Section, a State fee shall be paid according to the procedures and in the amount specified by the Cabinet.

*[24 October 2002; 19 December 2006]*

### **Section 27.**

(1) Natural persons involved in personal data processing shall make a commitment in writing to preserve and not, in an unlawful manner, disclose personal data. Such persons have a duty not to disclose the personal data even after termination of legal employment or other contractually specified relations.

(2) A system administrator is obliged to record the persons referred to in Paragraph one of this Section.

(3) When processing personal data, a processor of the personal data shall comply with the instructions of the system administrator.

### **Section 28.**

(1) Personal data may be transferred to another state if that state ensures such level of data protection as corresponds to the relevant level of the data protection in effect in Latvia.

(2) Exemption from compliance with the requirements referred to in Paragraph one of this Section is permissible if the system administrator undertakes to perform supervision regarding the performance of the relevant protection measures and at least one of the following conditions is complied with:

1) the data subject has given consent to the transfer of the data to another state;

2) the transfer of the data is necessary in order to fulfil an agreement between the data subject and the system administrator, the personal data are required to be transferred in accordance with contractual obligations binding upon the data subject or also, taking into account a request from the data subject, the transfer of data is necessary in order to enter into a contract;

3) the transfer of the data is required and requested, pursuant to prescribed procedures, in accordance with significant state or public interests, or is required for judicial proceedings;

4) the transfer of the data is necessary to protect the life and health of the data subject; or

5) the transfer of the data concerns such personal data as are public or have been accumulated in a publicly accessible register.

(3) The evaluation of the level of personal data protection in accordance with Paragraph one of this Section shall be performed by the Data State Inspectorate and it shall issue permission in writing for the transfer of the personal data.

*[24 October 2002]*

### **Section 29.**

(1) The supervision of protection of personal data shall be carried out by the Data State Inspectorate, which is subject to the supervision of the Ministry of Justice and operates independently and permanently fulfilling the functions specified in regulatory enactments, takes decisions and issues administrative acts in accordance with the law. The Data State Inspectorate is a State administration institution the functions, rights and duties of which are determined by law. The Data State Inspectorate shall be managed by a director who shall be appointed and released from his or her position by the Cabinet pursuant to the recommendation of the Minister for Justice.

(2) The Data State Inspectorate shall act in accordance with by-laws approved by the Cabinet. Every year the Data State Inspectorate shall submit a report on its activities to the Cabinet and shall publish it in the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia].

(3) The duties of the Data State Inspectorate in the field of personal data protection are as follows:

1) to ensure compliance of personal data processing in the State with the requirements of this Law;

- 2) to take decisions and review complaints regarding the protection of personal data;
  - 3) to register personal data processing systems;
  - 4) to propose and carry out activities aimed at raising the effectiveness of personal data protection and provide opinions regarding the conformity of personal data processing systems to be established by the State and local governments to the requirements of regulatory enactments;
  - 5) together with the Office of the Director General of the State Archives of Latvia, to decide on the transfer of personal data processing systems to the State archives for preservation thereof; and
  - 6) to accredit persons who wish to perform system audits of State and local government institution personal data processing systems according to the procedures specified by the Cabinet.
- (4) In the field of personal data protection, the rights of the Data State Inspectorate are as follows:
- 1) in accordance with the procedures prescribed by regulatory enactments, to receive, free of charge, information from natural persons and legal persons as is necessary for the performance of functions pertaining to inspection;
  - 2) to perform inspection of a personal data processing system;
  - 3) to require that data be blocked, that incorrect or unlawfully obtained data be erased or destroyed, or to order a permanent or temporary prohibition of data processing;
  - 4) to bring an action in court for violations of this Law;
  - 5) to cancel a personal data processing registration certificate if in inspecting the personal data processing system violations are determined;
  - 6) to impose administrative penalties according to the procedures specified by law regarding violations of personal data processing; and
  - 7) to perform inspections in order to determine the conformity of personal data processing to the requirements of regulatory enactments in cases where the system administrator has been prohibited by law to provide information to a data subject and a relevant submission has been received from the data subject.

*[24 October 2002]*

### **Section 30.**

(1) In order to perform the duties referred to in Section 29, Paragraph three of this Law, the director of the Data State Inspectorate and the Data State Inspectorate employees authorised by the director, have the right:

- 1) to freely enter any non-residential premises where personal data processing systems are located, and in the presence of a representative of the system administrator carry out necessary inspections or other measures in order to determine the compliance of the personal data processing procedure with law;
- 2) to require written or verbal explanations from any natural or legal person involved in personal data processing;
- 3) to require that documents are presented and other information is provided which relate to the personal data processing system being inspected;
- 4) to require inspection of a personal data processing system, or of any facility or information carrier of such, and to determine that an expert examination be conducted regarding questions subject to investigation;
- 5) to request assistance of officials of law enforcement institutions or other specialists, if required, in order to ensure performance of its duties;
- 6) to prepare and submit materials to law enforcement institutions in order for offenders to be held to liability, if required; and
- 7) to draw up a statement regarding administrative violations in personal data processing.

(2) The officials of the Data State Inspectorate involved in registration and inspections shall ensure that the information obtained in the process of registration and inspections is not disclosed, except information accessible to the general public. Such prohibition shall also remain in effect after the officials have ceased to fulfil their official functions.

*[24 October 2002]*

**Section 31.**

Decisions by the Data State Inspectorate may be appealed to a court.

**Section 32.**

If, in violating this Law, harm or losses have been caused to a person, he or she has the right to receive commensurate compensation.

**Transitional provisions**

1. Chapter IV of this Law, "Registration and Protection of a Personal Data Processing System", shall come into force on 1 January 2001.

2. The institutions and persons referred to in Section 21 of this Law, which have commenced operations before the coming into force of this Law, shall register with the Data State Inspectorate by 1 March 2003. After expiry of this term, unregistered systems shall cease operations.  
[24 October 2002]

3. Amendments to Section 4 shall come into force on 1 July 2003, but amendments to Section 29, Paragraph one shall come into force on 1 January 2004.  
[24 October 2002]

4. Personal data processing systems, which until now the law has not imposed a duty to register with the Data State Inspectorate, shall be registered by 1 July 2003.  
[24 October 2002]

This Law has been adopted by the *Saeima* on 23 March 2000.

President

V. Vīķe-Freiberga

Rīga, 6 April 2000



### **Appendix No. 3 – National Security Law**

Text consolidated by Tulkošanas un terminoloģijas centrs (Translation and Terminology Centre) with amending laws of:

16 May 2002;  
 15 May 2003;  
 30 October 2003;  
 7 April 2004;  
 2 December 2004;  
 21 April 2005;  
 28 April 2005;  
 1 December 2005;  
 15 June 2006;  
 2 November 2006;  
 9 November 2006.

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section.

The *Saeima*<sup>1</sup> has adopted and the President has proclaimed the following Law:

## **National Security Law**

### **Chapter I General Provisions**

#### **Section 1. National Security**

- (1) National security is a state, attained as a result of joint, purposeful measures implemented by the State and society, in which the independence of the State, its constitutional structure and territorial integrity, the prospect of free development of society, welfare and stability are guaranteed.
- (2) Guaranteeing of national security is a basic obligation of the State.

#### **Section 2. Purpose of the Law**

This Law determines the national security system and tasks of such, the competence of the persons or institutions responsible for the national security system and the principles and procedures of co-ordination, implementation and control of their activities.

#### **Section 3. The National Security System and Tasks of Such**

- (1) The national security system is formed by the institutions implementing State authority and administration, and the citizens of Latvia to whom law delegates obligations and rights in the field of national security within the scope of specified competence.
- (2) The tasks of the national security system are the following:
- 1) to forecast in a timely manner and prevent internal and external danger to the State, to guarantee State defence, public safety and democratic development of society;
  - 2) to formulate a joint, systemic policy of national security for the institutions implementing State authority and administration, and to implement, in a co-ordinated and purposeful manner, the legal, economic, social, military, security and other measures determined by the State, at all levels of State administration; and
  - 3) to ensure effective management to overcome situations dangerous to the State.
- (3) The operation of the national security system is based upon civilian-military co-operation. Civilian-military co-operation is the planned and co-ordinated activities of State administrative

institutions, the public and the National Armed Forces in the suppression of dangers to the State. The basic principles of civilian-military co-operation are effective mutual co-operation co-ordination, unified understanding of common goals and shared responsibility for the results of the achieving the goals.

[15 May 2003]

## **Chapter II**

### **Competence of Persons or Institutions Responsible for the National Security System**

#### **Section 4. Principles of Distribution of Competence of Persons or Institutions Responsible for the National Security System**

The basis for the division of competence of persons or institutions responsible for the national security is the State structure, parliamentary democracy and the principle of division of State authority determined in the Constitution of the Republic of Latvia, as well as the principles in accordance with which the parliamentary and civil control over the National Armed Forces, institutions of the system of the Ministry of the Interior and State security is performed.

#### **Section 5. Obligations and Rights of Latvian Citizens**

It is an obligation of every Latvian citizen to defend the independence, freedom and democratic structure of the State. Only Latvian citizens are entitled to:

- 1) participate in the development of the national security plan;
- 2) perform military service; and
- 3) hold offices in State security institutions.

[15 May 2003]

#### **Section 6. Competence of the Saeima**

The *Saeima* shall:

- 1) adopt laws in the area of national security;
  - 2) approve the National Security Concept and the State Defence Concept;
  - 3) perform parliamentary control over the National Armed Forces, institutions of the system of the Ministry of the Interior and State security;
  - 4) determine the basic structure and size of the National Armed Forces, and the principles for staffing of the personnel;
  - 5) determine the principles for staffing of the personnel of State security institutions;
  - 6) accept and supervise the use of budgetary resources granted for the needs of national security;
  - 7) decide on the utilisation of units of the National Armed Forces outside the State territory in accordance with procedures determined by law;
  - 8) appoint to and release from office officials of defence institutions and State security institutions determined by law;
  - 9) decide on declaration and commencement of war;
  - 10) assess justification of a declared state of emergency, exceptional state or mobilisation;
- and
- 11) examine the annual report of the Prime Minister regarding national security.

[7 April 2004]

#### **Section 7. Competence of National Security Committee of the Saeima**

(1) For members of parliament elected to the National Security Committee of the *Saeima* for work in this committee shall be necessary a first category special permit for access to official secrets. If a

member of parliament is elected to the committee who does not have such a permit, he or she may participate in meetings of the committee only after the receipt of the referred to special permit.

(2) The National Security Committee of the *Saeima* shall:

- 1) [7 April 2004]
- 2) assess and accept draft budgets of State security institutions;
- 3) perform parliamentary control of the activities and use of budgetary resources of State security institutions;
- 4) hear reports from the Cabinet and heads of State security institutions regarding the activities of State security institutions, as well as examine the results of examinations of the activity of such institutions; and
- 5) [7 April 2004]
- 6) [7 April 2004]
- 7) examine proposals regarding the appointment to and release from office of the Director of the Constitution Protection Bureau.

[30 October 2003; 7 April 2004]

## **Section 8. Competence of the President**

(1) The President shall:

- 1) perform the duties of the Commander-in-Chief of the National Armed Forces;
  - 2) chair the National Security Advisory Board;
  - 3) appoint the Supreme Commander of the National Armed Forces for a time of war;
  - 4) form the Military Council of the President;
  - 5) recommend the Commander of the National Armed Forces for approval by the *Saeima*;
- and
- 6) propose the issue of declaration and commencement of war for decision in the *Saeima*.

(2) The President has the right to receive, upon his or her request, information available to State institutions and offices, in compliance with regulations regarding utilisation of information provided for by law.

## **Section 9. Competence of the Prime Minister**

The Prime Minister shall:

- 1) conduct measures for prevention and suppression of dangerous situations to the State;
- 2) submit an annual report regarding national security to the *Saeima*;
- 3) co-ordinate activities of Ministers in the area of national security;
- 4) organise preparation and implementation of plans for and concepts of national security, State defence and mobilisation of the national economy;
- 5) take a decision regarding the performance or non-performance of combat action against an aircraft in the territory of the Republic of Latvia as a last resort case in order to prevent harm to national security interests, and if there is a basis to believe that the aircraft is being utilised as a weapon for the destruction of people, and the Minister for Defence has been prevented from fulfilling his or her office.

[7 April 2004; 28 April 2005]

## **Section 10. Competence of the Cabinet**

(1) The Cabinet shall:

- 1) provide the necessary funds to State institutions for implementation of tasks determined for them in the field of national security;
- 2) appoint to and release from office the officials, determined by law, of defence institutions, the system of the Ministry of the Interior and State security institutions;
- 3) approve the aggregate of State objects vital for State security and implement security measures;

4) announce a state of emergency, exceptional state and mobilisation in cases determined by law;

5) decide on the participation of units of the National Armed Forces in international rescue and humanitarian operations, as well as in military training (manoeuvres) outside the territory of Latvia;

6) decide on the necessity for the support of the armed forces of the North Atlantic Treaty Organisation and of Member States of the European Union during a state of emergency or exceptional state, as well as the strengthening of State defence capacity in peace time; and

7) determine the types, intensity and nature of danger to the State in conformity with the national security system emergency preparedness level.

(2) The Cabinet has the right:

1) to request and receive information at the disposal of State security institutions, in compliance with regulations regarding utilisation of information provided for by law; and

2) to assign the performance of certain tasks to State security institutions within the scope of the authority of such.

*[2 December 2004; 21 April 2005; 15 June 2006]*

### **Section 11. Competence of the Ministry of Defence**

(1) The Ministry of Defence shall:

1) draw up and implement the State policy for defence;

2) plan resources necessary for State defence and submit relevant proposals to the Cabinet; and

3) ensure the administration and military education of the personnel involved in State defence.

(2) The Minister for Defence shall perform civil control over the National Armed Forces and other institutions subordinate to the Ministry.

(3) The Minister for Defence as a last resort case in order to prevent harm to national security interests, and if there is a basis to believe that the aircraft is being utilised as a weapon for the destruction of people, shall take a decision regarding the performance or non-performance of combat action against an aircraft in the territory of the Republic of Latvia.

*[28 April 2005; 1 December 2005]*

### **Section 12. Competence of the Supreme Commander of the National Armed Forces**

The Supreme Commander of the National Armed Forces shall:

1) manage the military defence of the State;

2) mobilise the reserves of the National Armed Forces and the national economy for the purposes of State defence; and

3) issue orders restricting the rights and freedom of individuals.

### **Section 13. Competence of the Ministry of the Interior**

(1) The Ministry of the Interior and the institutions subordinate to it shall:

1) draw up and implement the State policy of internal affairs;

2) protect public order and safety;

3) protect the rights and lawful interests of persons;

4) register natural persons, and ensure and control lawful residence of persons in the State;

5) implement fire safety, fire-fighting, rescue and civil protection measures;

6) within the scope of competence determined by law, guard and control the State border of Latvia;

7) co-ordinate the activities of institutions and public organisations of the State and local governments regarding matters of maintenance of public order; and

8) forecast and prevent danger to the State and society, and to the national economy.

(2) On the basis of a recommendation of the head of the State Security Police, the Minister for the Interior according to the procedures specified by the Cabinet shall declare the terrorism threat level.  
[1 December 2005; 2 November 2006]

#### **Section 14. Competence of the Ministry of Foreign Affairs**

The Ministry of Foreign Affairs shall:

- 1) implement the State policy of external security;
- 2) co-ordinate entering into international agreements, binding on Latvia, in the area of national security; and
- 3) analyse the foreign and internal policy of foreign states.

#### **Section 15. State Security Institutions**

(1) State security institutions are State institutions, which perform, for the implementation of tasks determined for the national security system, intelligence, counterintelligence activities and investigatory operations activities.

(2) The aggregate of State security institutions shall be formed by:

- 1) the Constitution Protection Bureau;
- 2) the Military Intelligence and Security Service of the National Armed Forces; and
- 3) the Security Police.

(3) The competence of State security institutions shall be determined by special laws.

[7 April 2004]

#### **Section 15.<sup>1</sup> Information Analysis Service**

(1) The Information Analysis Service is a State administration institution supervised by the Cabinet.

(2) The Information Analysis Service shall:

- 1) evaluate and analyse information received from State security institutions and provide it to members of the National Security Council;
- 2) prepare relevant proposals and recommendations to the National Security Committee of the *Saeima*, the President and the Cabinet in relation to further action;
- 3) provide proposals to the members of the National Security Council in relation to the directions and priorities of the activities of the State security institutions; and
- 4) analyse and forecast danger to the State.

(3) The head of the Information Analysis Service shall be appointed to office and removed from office by the Cabinet on the basis of a proposal by the National Security Council.

(4) The By-law of the Information Analysis Service shall be approved by the Cabinet. Prior to approval, the draft by-law shall be co-ordinated with the National Security Committee of the *Saeima*.

[7 April 2004]

#### **Section 15.<sup>2</sup> Officials of the Information Analysis Service**

(1) The service conditions, restriction of rights, liability, social guarantees and protection of information regulations specified for State security institution officials in the State Security Institution Law shall apply to Information Analysis Service officials.

(2) The remuneration of Information Analysis Service officials shall be determined by the Cabinet.

[21 April 2005]

#### **Section 16. Competence of Other Ministries and State Institutions**

Other ministries and State institutions shall perform, in the area of national security, the tasks determined by law and Cabinet Regulations in order to guarantee implementation of

conceptions and plans related to national security and State defence, and of effective safety measures and measures to manage situations which are dangerous to the State.

### **Section 17. Competence of Local Governments**

Local governments shall:

- 1) ensure public order in the administrative territory of the relevant local government;
  - 2) perform State administration functions, the performance of which is delegated to the relevant local government in accordance with procedures prescribed by law;
  - 3) implement measures specified in the plans for the management of states of emergency;
- and
- 4) provide assistance to State security institutions and the National Armed Forces in the implementation of national security measures.

### **Section 18. Competence of Public Organisations**

- (1) Public organisations and their associations may be involved in national security measures in accordance with the procedures, and to the extent, prescribed by regulatory enactments.
- (2) It is prohibited to form, train and arm military public organisations of volunteers or associations of such organisations.

## **Chapter III National Security Council**

### **Section 19. Composition of the National Security Council**

- (1) Members of the National Security Council shall be the following:
  - 1) the President;
  - 2) the chairperson of the *Saeima*;
  - 3) the chairperson of the National Security Committee of the *Saeima*;
  - 4) the chairperson of the Defence, Internal Affairs and Corruption Prevention Committee of the *Saeima*;
  - 5) the Prime Minister;
  - 6) the Minister for Defence;
  - 7) the Minister for Foreign Affairs; and
  - 8) the Minister for the Interior;
  - 9) [7 April 2004]
- (2) The Prosecutor General has the right to participate in the meetings of the National Security Council.
- (2<sup>1</sup>) With adviser rights, heads of State security institutions and the head of the Information Analysis Service may be invited to participate in the meetings of the National Security Council.
- (3) The activity of the National Security Council and its secretariat shall be ensured by the State President Chancellery.  
[7 April 2004; 9 November 2006]

### **Section 20. Competence of the National Security Council**

- (1) The National Security Council shall:
  - 1) co-ordinate a joint State policy in the area of national security, implemented by the higher State institutions and officials, and examine the course of improvement and problems of such; and
  - 2) examine plans and concepts related to national security, as prescribed by law.
- (2) The National Security Council shall submit proposals to the *Saeima* regarding appointment to and release from office of the Director of the Constitution Protection Bureau. The National Security

Council shall submit proposals to the Cabinet regarding the appointment to office and removal from office of the head of the Information Analysis Service.

(3) A decision of the National Security Council, except in the cases referred to in Paragraph two of this Section, shall have a recommending character and shall not release the responsible officials from responsibility for the decisions they have taken.

(4) The National Security Council has the right to request the Information Analysis Service and State security institutions all the existing information at their disposal, which concerns national security interests.

*[7 April 2004; 1 December 2005]*

## **Section 21. Convening of Meetings of the National Security Council**

Meetings of the National Security Council shall be convened by the President.

### **Chapter IV Suppression of Danger to the State**

## **Section 22. Danger to the State**

(1) Depending on the type of danger to the State, the intensity and nature thereof, as well as on the size of the endangered territory an appropriate terrorism threat level, national security system emergency preparedness level shall be determined, as well as a state of emergency or an exceptional state may be declared in accordance with the procedures prescribed by law.

(2) A national security system emergency preparedness level is the preparedness of State authority and administration realising institutions for the implementation of the total measures for prevention and suppression of the relevant danger to the State. A national security system emergency preparedness shall be determined for a time period, which is necessary in order to prevent the possible danger to the State or to overcome the danger to the State and to perform the emergency measures to eliminate the consequences thereof.

(3) A state of emergency shall be declared in cases of natural disasters or accidents, epidemics, epizooties, epiphytes, public disorder, terrorism and armed conflicts, if the safety of society, environment and economic activity is significantly endangered.

(4) An exceptional state shall be declared if the State is endangered by an external enemy or if in the State or a part thereof internal disturbances have arisen or there is a threat that such may arise, which shall endanger the existing State structure.

(5) In the case of a state of emergency and exceptional state, mobilisation may be announced in order to carry out tasks related to national security and State defence, as well as to liquidate states of emergency and the consequences thereof.

*[21 April 2005; 2 November 2006]*

## **Section 22.<sup>1</sup> Terrorism Threat Levels**

(1) Depending upon the possibility of terrorism threat and the potential impact of negative consequences, the following terrorism threat levels shall be declared:

1) low terrorism threat level (colour code – blue), if there exists a terrorism threat of a general nature;

2) elevated terrorism threat level (colour code – yellow), if there is an increasing terrorism threat;

3) high terrorism threat level (colour code – orange), if there is a confirmed terrorism threat to a concrete object, sector of the national economy or region of the State; and

4) especially high terrorism threat level (colour code – red), if an act of terrorism has occurred or an act of terrorism is no longer preventable.

(2) A terrorism threat level may be declared for:

- 1) the whole of the territory of the State;
- 2) an endangered region of the State;
- 3) a endangered sector of the national economy; and
- 4) a endangered object.

(3) Institutions involved in anti-terrorism activities shall plan terrorism threat prevention and suppression measures in conformity with the terrorism threat level.

*[2 November 2006]*

### **Section 23. Responsibility of the Cabinet and Obligations of Ministries**

(1) The Cabinet shall be responsible for the suppression of danger to the State and the liquidation of such consequences.

(2) The Ministries shall sectors within their competence and plan the prevention, suppression and liquidation forecast danger to the of possible consequences of the danger. The sector plans for the prevention, suppression and liquidation of possible consequences of the danger shall be submitted by the ministries to for approval to the relevant member of the Cabinet. The draft plans prior to approval in ministries shall be submitted for evaluation to the Crisis Management Council. The approved plans shall be submitted by the ministries to the Crisis Management Council for utilisation in the work of the Council.

(3) In the case of a danger to the State, the measures for suppression of the danger shall be conducted by the ministry responsible for the relevant sector.

(4) *[21 April 2005]*

(5) In the case of danger to the State, the Cabinet is entitled to take a decision on the involvement of the National Armed Forces in the maintenance of public order and liquidation of the consequences caused by the danger.

(6) On the basis of a proposal by the Crisis Management Council, the cabinet may specify the relevant level of national security system emergency preparedness.

*[15 May 2003; 21 April 2005; 2 November 2006]*

### **Section 23.<sup>1</sup> Crisis Management Council**

(1) In the case of a danger to the State, the Crisis Management Council shall co-ordinate civil-military co-operation and the operational measures of State administration institutions in suppression of the danger to the State.

(2) The By-law of the Crisis Management Council shall be approved by the Cabinet.

*[21 April 2005]*

### **Section 23.<sup>2</sup> Composition of the Crisis management Council**

(1) The Crisis Management Council shall be chaired by the Prime Minister.

(2) Members of the Crisis Management Council are the:

- 1) Minister for Defence;
- 2) Minister for Foreign Affairs;
- 3) Minister for Economics;
- 4) Minister for Finance;
- 5) Minister for the Interior;
- 6) Minister for Justice; and
- 7) Minister for Health.

(3) Heads of State security institutions and other State officials may be invited to meetings of the Crisis Management Council with advisory rights.

*[21 April 2005]*



### **Section 23.<sup>3</sup> Competence of the Crisis Management Council**

#### **The Crisis Management Council shall:**

- 1) co-ordinate the operational management of suppression of a danger to the State;
- 2) co-ordinate the development of plans for the prevention of danger to the State of State administration institutions;
- 3) prepare for submission to the Cabinet proposals regarding the specification of national security system emergency preparedness;
- 4) in the case of a danger to the State, co-ordinate the unified and timely implementation of political decisions in State administration institutions; and
- 5) prepare and submit to the Cabinet proposals regarding the aggregate of State objects important to national security and the security measures to be performed.

*[21 April 2005; 2 November 2006]*

### **Section 23.<sup>4</sup> Secretariat of the Crisis Management Council**

(1) The work of the Crisis Management Council shall be ensured by the Crisis Management Council secretariat.

(2) The Crisis Management Council secretariat shall ensure the purposeful and continuous provision of co-operation and support of responsible institutions to the Crisis Management Council within the scope of its competence in the following issues:

- 1) preparation of proposals to the Crisis Management Council regarding the development of crisis management;
- 2) the co-ordination and examination of sector danger forecasts prepared by the ministries, and the developed plans for the prevention, suppression and liquidation of possible consequences thereof;
- 3) the operational planning and co-ordination of the prevention of danger to the State, and the compilation, and analysis of the results of the implementation thereof; and
- 4) the management of State and international level crisis management training or participation in training.

*[21 April 2005; 2 November 2006]*

### **Section 24. Powers of the President in Case of War or Military Aggression**

(1) In case of war declared to the State, or military aggression, the President shall immediately:

- 1) act in accordance with the regulations of the State Defence Plan, issue orders and directions to the National Armed Forces, State and local government institutions and the population of the State;
- 2) convene the *Saeima* for the taking of a decision to declare and commence war; and
- 3) appoint a Supreme Commander of the National Armed Forces.

(2) If the President determines that the *Saeima* cannot meet in order to take a decision on the declaration of war, he or she shall assign the performance of the functions of the Supreme Commander, to the full extent, to the Commander of the National Armed Forces.

*[21 April 2005]*

### **Section 25. Powers of Other Institutions and Officials in Case of War or Military Aggression**

If the institutions implementing legitimate State authority and administration have been liquidated in an antidemocratic way or as a result of military aggression of another State, the following shall be done in the interests of maintaining or restoring of independence:

- 1) the National Armed Forces, as well as other State institutions shall act in accordance with special procedures, appropriate to the situation, prescribed by the National Security Plan;

2) the Ambassador Plenipotentiary of Latvia to the United Nations shall have the powers to represent the legitimate State authority of Latvia;

3) State institutions and officials of Latvia situated in foreign states shall immediately take measures for the restoration of State independence, making use of the help of international organisations; and

4) citizens and the society shall take possible resistance measures against the illegal administration institutions.

## **Chapter V**

### **Preparation and Approval of Concepts and Plans for Prevention of Danger to the State**

#### **Section 26. Analysis of Danger to the State**

(1) The analysis of danger to the State is a comprehensive assessment as a result of which the existing and potential specific danger or risk factors to the national security are identified.

(2) The analysis of danger to the State shall be:

1) prepared by the Information Analysis Service, on the basis of information provided by State security institutions;

2) examined by the State security institutions council; and

3) on the basis of a proposal by the Prime Minister, examined by the National Security Council and the Cabinet.

*[7 April 2004]*

#### **Section 27. Concept of National Security**

(1) The Concept of National Security is a document prepared on the basis of the analysis of danger to the State, which determines the basic strategic principles, priorities and measures for the prevention of danger to the State.

(2) The Concept of National Security shall be:

1) prepared by the Cabinet;

2) examined by the National Security Council; and

3) approved by the *Saeima* not less than once during each convening by 1 October of its first year of operation.

#### **Section 28. Analysis of Military Threat**

(1) The Analysis of Military Threat is an assessment of the possibility of military aggression against Latvia.

(2) The Analysis of Military Threat shall be:

1) prepared by the Ministry of Defence;

2) examined by the National Security Council; and

3) approved annually by the Cabinet.

#### **Section 29. Concept of State Defence**

(1) The Concept of State Defence is a document drawn up on the basis of the Analysis of Military Threat, which determines the basic strategic principles, priorities and measures of the State military defence during peacetime, danger to the State and a state of war.

(2) The Concept of State Defence shall be:

1) prepared by the Ministry of Defence;

2) examined by the Cabinet; and

3) approved by the *Saeima* not less than once during each convening by 1 October of its second year of operation.

*[1 December 2005]*

### **Section 30. National Security Plan**

(1) The National Security Plan shall be based on the strategy and principles determined by The National Security Concept. It shall include specific measures and means for neutralisation and prevention of danger to the State.

(2) The National Security Plan shall be:

1) drawn up and approved by the Cabinet; and

2) examined by the National Security Council and the National Security Committee of the *Saeima*.

### **Section 31. State Defence Plan**

(1) The State Defence Plan shall be prepared on the basis of the Analysis of Military Threat and the principles determined in the State Defence Concept. It shall determine specific State defence measures, priorities and necessary resources, as well as the necessary readiness and activities of the National Armed Forces, institutions implementing State authority and administration, local governments, and natural and legal persons regard to State defence.

(2) The State Defence Plan shall be:

1) drawn up by the Ministry of Defence in co-operation with other ministries; and

2) approved by the Cabinet.

(3) The Minister for Defence shall acquaint the Defence, Internal Affairs and Corruption Prevention Committee of the *Saeima* with the State Defence Plan.

(4) The Minister for Defence after co-ordination with the Constitution Protection Bureau may involve in the development of the State defence plan specialists from foreign states, international organisations and the institutions thereof, with which an agreement has been entered into regarding the protection of classified information.

[15 May 2003; 9 November 2006]

### **Section 32. National Armed Forces Development Plan**

(1) The National Armed Forces Development Plan shall be drawn up on the basis of State Defence Plan. It shall determine the prospective four-year development of the structural facilities of the National Armed Forces, the personnel, armaments and materials and technical facilities, and the resources of the State budget estimated for the fulfilment of this Plan.

(2) The National Armed Forces Development Plan shall be:

1) drawn up by the Ministry of Defence; and

2) approved by the Cabinet.

### **Section 33. State Defence Operational Plan**

(1) The State Defence Operational Plan shall include the assessment of the operational situation, the assessment of operational combat readiness of the National Armed Forces, and the plan of action. It shall determine leadership of the operational situation, tasks, obligations, procedures for their performance, expected support, possible liaison and materials and technical facilities.

(2) The State Defence Operational Plan shall be:

1) drawn up by the Commander of the National Armed Forces; and

2) approved by the Minister for Defence.

(3) The implementation of the State Defence Operational Plan shall be ensured by the Commander of the National Armed Forces, or, during a state of war, the Supreme Commander of the National Armed Forces.

### **Section 34. National Armed Forces Mobilisation Plan**

(1) The National Armed Forces Mobilisation Plan shall be prepared for a case of exceptional state or a state of war. It shall include expansion of the National Armed Forces to partial or full combat readiness, determine leadership for mobilisation, duties, procedures, materials and technical facilities.

(2) The National Armed Forces Mobilisation Plan shall be:

- 1) drawn up by the Ministry of Defence; and
- 2) approved by the Cabinet.

### **Section 35. National Economy Mobilisation Plan**

(1) The National Economy Mobilisation Plan shall include the preparation and utilisation of State material reserves and objects of national economy during an exceptional state or a state of war.

(2) The National Economy Mobilisation Plan shall be approved by the Cabinet.

### **Section 36. State Civil Protection Plan**

(1) The State Civil Protection Plan shall include measures for the implementation of the State civil protection system, and preventive, readiness and response measures intended for states of emergency, and measures for the liquidation of the consequences of such situations, and shall determine the actions of the civil protection system in case of military aggression or a state of war.

(2) The State Civil Protection Plan shall be:

- 1) drawn up by the Ministry of the Interior in co-operation with other ministries; and
- 2) approved by the Cabinet.

### **Transitional provisions**

1. With the coming into force of this Law, the Law On State Defence (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1995, Nos. 2, 21; 1996, No. 6; 1997, No. 6; 1999, No. 24) is repealed.

2. Until the adoption of the relevant Cabinet Regulation, but not longer than by 31 December 2001, the following Cabinet Regulation shall be in effect, which have been issued in accordance with the Law on State Defence:

- 1) 21 January 1997 Regulation No. 37 By-laws on Service Career Path of Military Persons; and
- 2) 11 March 1997 Regulation No. 91, Rules of Procedure on Military Discipline of Soldiers.

3. Section 7, Paragraph one of this Law shall come into force concurrently with the convening of 8<sup>th</sup> Saeima.

4. Section 7, Paragraph two, and Section 20, Paragraphs one and three of this Law shall come into force concurrently with relevant amendments to the State Security Institutions Law and the Constitution Protection Bureau Law.

5. Section 19, Paragraph three of this Law shall come into force on 1 January 2002.

6. The National Security Concept, prepared in accordance with Section 27 of this Law, and the State Defence Concept, prepared in accordance with Section 29, shall be approved during the term of office of the 7<sup>th</sup> Saeima by 1 October 2001.

7. The Cabinet shall, by 1 January 2003, approve the State Civil Defence Plan referred to in Section 36 of this Law.

[16 May 2003]

8. The Cabinet shall, by 1 June 2009, approve the National Economy Mobilisation Plan referred to in Section 35 of this Law.

[15 May 2003; 2 December 2004]

This Law has been adopted by the *Saeima* on 14 December 2000.

President

V. Vīķe-Freiberga

Rīga, 29 December 2000

**Transitional Provisions Regarding Amendments  
to the National Security Law**

**Transitional Provision**  
(regarding amending law of 21 April 2005)

With the coming into force of this Law, Cabinet Regulation No. 24, Amendments to the National Security Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2005, No. 7), issued in accordance with Article 81 of the Constitution of the Republic of Latvia, is repealed.