



European Social Charter
Charte Sociale Européenne



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EUROPEAN SOCIAL CHARTER OF 1961

REPLIES TO SUPPLEMENTARY QUESTIONS

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

submitted by

THE GOVERNMENT OF LATVIA

(Article 1§2
for the period 01/01/2007 – 31/12/2010)

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CYCLE XX-1 (2012)

**LATVIJAS REPUBLIKAS
LABKLĀJĪBAS MINISTRIJA**



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Mr Regis Brillat
Head of the Department of the European Social Charter
and the European Code of Social Security,
Executive Secretary of the European Committee of Social Rights

Directorate General
Human Rights and Rule of Law
Directorate of Human Rights

Council of Europe
F-67075 Strasbourg Cedex

Dear Mr Brillat,

With regard to the questions of the European Committee of Social Rights that were forwarded by your letter of 14 June 2012, after consultations with the liable institutions we would like to deliver following information.

According to the Military Service Law, Latvian citizens from age of 18 may be accepted to professional military service. One may enter into the professional service contract until the maximum age (for details of this maximum age please see Article 41 of the Military Service Law (available also in English): <http://www.likumi.lv/doc.php?id=63405>) determined for the military service or for a time period not less than 5 years. The contract may be extended for another 5 years, but not longer than the maximum age.

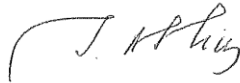
In individual cases the Minister of Defence, taking into account the needs of national defence, may prolong the professional service for a soldier whose rank is not higher than colonel and who has attained the maximum age for professional service in accordance with the terminated professional service contract for a period not longer than two years. In accordance with such

contract, the Minister of Defence may only repeatedly prolong the professional service for an officer whose service rank is not higher than lieutenant colonel.

The professional military service contract may be terminated before the end of the term at any time by agreement of the parties. The contract is terminated on the initiative of management/employer if:

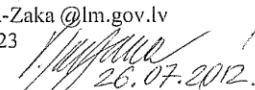
- 1) the soldier has lost Latvian citizenship;
- 2) the soldier has been recognised as unfit for active service due to state of health;
- 3) during examination it is ascertained that the soldier does not conform to service requirements;
- 4) circumstances have been revealed, which in accordance with the law prevent the soldier from the performance of active service or holding a position and such circumstances cannot be rectified;
- 5) the period of soldier's incapacity for service due to illness is longer than four months (120 days), if the illness or injury (trauma) have not been suffered while performing service duties;
- 6) a unit (sub-unit) is abolished or reorganised or the number of soldiers is reduced;
- 7) retirement from the active service has been applied to the soldier as a disciplinary sanction;
- 8) a soldier has been convicted for committing a criminal offence;
- 9) the criminal proceedings initiated against a soldier have been terminated for reasons other than exoneration;
- 10) a soldier has committed a criminal offence, but has been released from a punishment.

Sincerely yours,
Deputy State Secretary




I. Alliks

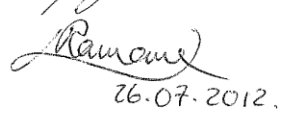
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26.07.2012.



26.07.12.



26.07.2012.

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

19 December 2002;
12 June 2003.

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*¹ has adopted and the President has proclaimed the following Law:

Military Service Law

Chapter I General Provisions

Section 1. Purpose of this Law

The purpose of this Law is to determine a uniform course of military service.

Section 2. Terms Used in this Law

The following terms are used in this Law:

1) **military service** — a type of State service in the sphere of national defence performed by a soldier;

2) **active service** — direct performance of military service in the status of a soldier; it includes mandatory active military service, professional service, training in military educational institutions and military training of persons liable for military service;

3) **mandatory military service** — military service the performance of which in accordance with the law is a duty of a Latvian citizen and which consists of mandatory active military service and reserve service;

4) **professional service** — military service, which is performed by a Latvian citizen on a voluntary basis in accordance with a professional service contract entered into by him or her and the Ministry of Defence;

5) **soldier** — a Latvian citizen who performs active service and who has been awarded a military service rank (hereinafter — service rank);

6) **status of a soldier** — the legal condition of a soldier while performing active service;

7) **reserve soldier** — a Latvian citizen who has been included in reserve service and who has been awarded a military service rank;

8) **cadet** — a soldier who is studying full-time at a military educational institution and after graduation from the institution is awarded the first officer service rank;

9) **officer** — a soldier who has a lieutenant's or higher military service rank;

10) **specialist officer** — an officer who has a higher academic or professional education in a relevant speciality and who has completed the specialist officer course at the National Defence Academy of Latvia;

11) **student** — an officer who improves his or her qualifications at a military educational institution full-time;

12) **unit** — a military formation with the status of a legal person;

13) **sub-unit** — a military formation within a unit;

14) **garrison** — a body of units, which has been permanently or temporarily stationed in a certain administrative territory.

Section 3. Corps of Soldiers

(1) Soldiers (reserve soldiers) shall be divided into corps of officers, warrant officers, non-commissioned officers and privates.

(2) Corps of officers shall be divided into junior, senior and higher officers.

(3) [12 June 2003]

[12 June 2003].

Section 4. Oath of a Soldier

(1) All soldiers shall take the following oath:

“I, a Latvian soldier, recognising my responsibility to my nation and before the law, pledge and swear:

- my allegiance to the Republic of Latvia, its Constitution and lawful government,
- to defend the State of Latvia and its independence not sparing my strength, health and life,
- to conscientiously carry out the soldier’s duties entrusted to me,
- to comply unquestioningly with military discipline, always to fulfil the commands and orders of my superiors in accordance with the laws of the Republic of Latvia.”

(2) Procedures for taking the oath shall be specified by the unit commander in conformity with the Military Interior Service Regulations.

(3) Until the taking of the oath a soldier may not be involved in the performance of combat tasks, combat duty and guard, and a disciplinary penalty — arrest may not be imposed upon him or her . A soldier may only be sent to study or to perform other military tasks abroad after taking of the oath of a soldier.

Section 5. Status of a Soldier

(1) A Latvian citizen shall acquire the status of a soldier when commencing the performance of active service and shall lose it when finishing the performance of active service.

(2) A soldier shall be issued with a soldier service identification document. The Minister for Defence shall determine the content of the soldier service identification document, procedures for its issuance and use thereof.

(3) For a Latvian soldier who performs service duties in the territory of another country, international agreements and other regulatory enactments in conformity with the specific situation shall determine the special nature of the status in the specific country.

(4) A soldier who has been taken prisoner or who is interned shall retain the status of a soldier. The Cabinet and the superior military leadership shall take measures to liberate such a soldier.

Section 6. Military Discipline

(1) Military discipline is the observance of the procedures determined for each soldier in regulatory enactments and by orders of a commander (superior officer) during the performance of military service.

(2) Each soldier shall be personally liable for the observance of military discipline. Violations committed by a soldier shall be examined in accordance with the procedures set out in law, Soldier Military Discipline Regulations and other regulatory enactments.

Chapter II Obligations and Rights of Soldiers

Section 7. General Obligations of a Soldier

(1) The duty of a soldier is to perform military service in accordance with regulatory enactments and the orders of the commander (superior officer).

(2) A soldier shall unquestioningly fulfil the lawful orders of the commander (superior officer).

Section 8. General Duties of a Commander (Superior Officer)

(1) A commander (superior officer) has a duty to ensure the preparedness of the subordinate unit (sub-unit), combat and mobilisation readiness, successful performance of combat tasks, combat training, observance of safety requirements, personnel training and educating, discipline, observance of the relevant medical, social-legal standards and standards of conduct, as well as the fulfilment of other requirements provided for in regulatory enactments.

(2) A commander (superior officer) has a duty to ensure the observance of the rights of soldiers of the subordinate unit (sub-unit).

(3) A commander (superior officer) has no right to give a soldier orders and tasks that are not related to the performance of military service duties or are unlawful.

Section 9. Performance of Military Service

(1) The performance of military service is:

- 1) the performance of the duties prescribed in military regulations and other regulatory enactments;
- 2) the fulfilment of an order of a commander (superior officer); and
- 3) other activities of soldiers in the interests of the public and the State provided for in regulatory enactments.

(2) The Cabinet shall determine:

- 1) [12 June 2003];
- 2) garrison and guard organisation, performance of service and military ceremonies — in the Garrison and Guard Duty Regulations; and
- 3) the disciplinary liability of soldiers — in the Soldier Military Discipline Regulations.

(3) The Military Service Structure Regulation, which determines the mutual relations between soldiers, the general duties of soldiers and the duties of officials, the procedures for the performance of active service, as well as other regulations that determine the performance of military service shall be approved by the Minister for Defence.

[12 June 2003]

Section 10. General Rights of a Soldier

(1) A soldier is under the protection of the State. His or her life, freedom, honour and dignity are protected by law.

(2) A soldier has the right to be a member of such public organisations, which do not have a political nature, as well as to establish public organisations for soldiers and participate in other non-political activities if such activities do not interfere with the performance of service duties.

(3) Soldiers have the right to nominate a representative in each unit from amongst their number to protect the interests of soldiers and to solve practical issues in relationships with the unit commander (superior officer) and higher officials. The representative of soldiers shall exercise his or her powers in accordance with the procedures determined by the Minister for Defence.

(4) A soldier has the right to appeal the decisions of officials taken in respect of him or her to a court if such decisions restrict his or her rights or infringe upon his or her honour and dignity without grounds and if he or she has utilised all means to dispute the decision in accordance with subordination procedures to higher officials, including the Minister for Defence.

(5) Procedures for submission and examination of service complaints shall be prescribed by the Military Interior Service Regulations.

Section 11. Right of a Soldier to Acquire Education

(1) A soldier may acquire an education in State and foreign military educational institutions and in courses for mastering and improving professional qualifications.

(2) In accordance with procedures determined by the Minister for Defence a soldier may be sent to study to a civil educational institution if special education is required for the performance of the duties his or her position. Expenditures associated with the training of a soldier shall be covered from budget funds provided for such purpose.

(3) On his or her own initiative a professional service soldier with the permission of the unit commander (superior officer) may also study in civil educational institutions .

Section 12. Right of Soldiers to Employment

(1) A soldier is a defender of the State and he or she shall exercise the right to employment by performing military service.

(2) Regulatory enactments regulating employment legal relationships shall not apply to a soldier.

(3) The length of a service day of a soldier shall depend on the necessities of service. A detailed division of time for the performance of service duties and rest and the conditions thereof shall be provided for in the Military Interior Service Regulations and orders issued on the basis thereof.

Section 13. Right of Soldiers to Employ a Service Firearm

(1) A soldier has the right to keep and carry a service firearm in accordance with the procedures determined by the Minister for Defence.

(2) During peacetime a soldier has the right to employ a service firearm in the cases specified by and in accordance with the procedures prescribed by laws and military regulations.

(3) The employment of a firearm is shooting on purpose.

(4) While performing service duties a soldier is entitled to employ a service firearm in situations of absolute emergency in order to:

1) defend other persons and himself or herself from an attack that actually endangers life or may do injury to health, and to avert an attempt to violently obtain a service firearm;

2) free hostages;

3) repulse an attack on a guarded person or facility;

4) arrest a person who is showing armed resistance or who is surprised at the moment of committing a serious or especially serious crime, or has escaped from a place of imprisonment, and to arrest an armed person who refuses to fulfil a lawful requirement to hand over a weapon or explosives;

5) stop a means of transport, causing damage to it, if through his or her actions its driver poses an actual threat to the life or health of persons to be guarded or other persons and does not submit to a request by a soldier to stop the means of transport and if there is no other possibility to arrest him or her; and

6) render harmless an animal, which endangers human life and health.

- (5) A soldier may utilise a service firearm in order to fire a warning shot, to give a warning signal or to summon help.
- (6) Before employment of a firearm a warning regarding intent to do so must be given. If necessary, a warning shot may also be fired.
- (7) A firearm may be employed without warning if:
- 1) an attack is sudden or in the attack weapons, military equipment or any type of mechanical means of transport are used; or
 - 2) such is necessary to free hostages.
- (8) It is prohibited to employ and utilise a service firearm if other persons may be injured as a result of the employment or utilisation of such .
- (9) A soldier has the right to take out a service firearm and prepare it for shooting if he or she believes that in the specific situation its employment or utilisation is possible. If the arrested person intentionally makes sudden movements or other dangerous actions which the soldier may understand as attempted violence, or attempts to approach the soldier closer than the distance indicated by the soldier, the soldier has the right to employ a service firearm in accordance with this Law.
- (10) In all cases of the employment and utilisation of service firearms a soldier must do everything possible to guarantee the safety of other persons and to provide necessary medical assistance to injured persons. In accordance with subordination procedures, a soldier must notify of every case of the employment of a service firearm to the unit commander (superior officer) without delay, who in turn shall without delay notify the military police of the events that have taken place but also the Office of the Prosecutor if the accident has resulted in the loss of human life .
- (11) The provisions of Paragraphs one to ten of this Section shall not apply to the performance of combat tasks in armed conflict. While performing a combat task in an armed conflict a soldier shall observe the rules of international law regarding the employment of weapons in such conflict.

Section 14. Right of Soldiers to Use Physical Force and Special Means

- (1) A soldier while performing service duties is entitled to use physical force, special fighting techniques, handcuffs, bayonets, daggers, swords, means of tying, batons, tear-eliciting substances, special paints, psychological impact lights and sound devices, devices for opening premises occupied by persons violating the law, means to demolish barriers and forcibly stop transport, water cannons, helicopters and other special means of transport and other devices and techniques in conformity with the threat and situation, and service dogs, if such are necessary in order to:
- 1) repulse an attack on guarded persons and facilities, soldiers or other persons who are performing duties of State service or to free facilities occupied by armed persons;
 - 2) free hostages; or
 - 3) control the arrested persons if they do not submit or resist and stop intentionally wrongful resistance to lawful requests made by a soldier while performing service duties.
- (2) The type of special means and the intensity of use of physical force and special means shall be determined by taking into account the specific situation, the nature of the violation

and individual characteristics of the violator, maximally restricting the harm done by such means.

(3) If there are injured persons as a result of the use of physical force or special means, a soldier has a duty to provide medical assistance to the injured persons without delay and to notify the unit commander (superior officer) thereof in accordance with subordination procedures who in turn shall notify the military police of the events that have taken place, but also the Office of the Prosecutor if the accident has resulted in the loss of human life. A soldier shall notify the immediate direct superior officer of all cases of the use of physical force and special means.

(4) While performing active service in the daily regime during peacetime a soldier is entitled to keep, carry and use special means in accordance with the procedures determined by the Minister for Defence.

Section 15. Prohibitions for Soldiers

(1) Soldiers are prohibited from:

1) engaging in political activities, joining trade unions, organising strikes and participating in them;

2) combining the performance of military service with another position or work not permitted by law;

3) being a representative of another person in matters related to a unit (institution) in which he or she holds a position; and

4) taking part, personally or through the intermediation of another person, in transactions, upon the entering into or the fulfilment of which soldiers may unlawfully utilise their service position or come into a conflict of interest.

(2) A soldier has no right to refuse to perform military service on religious grounds, and to utilise his or her service position to impose his or her religious conviction on others.

(3) A soldier's private property and its administration shall not be an obstacle or impediment to the performance of military service or to the transfer of the soldier from one unit to another.

Chapter III Recruitment of Unit Personnel

Section 16. Basic Principles of Recruitment

(1) During peacetime units shall be recruited from Latvian citizens who:

1) are conscripted into mandatory active military service;

2) are accepted into professional service;

3) have entered military educational institutions;

4) are employed as military employees; and

5) are employed in civil positions provided for in the staff list.

(2) A Latvian citizen shall not be conscripted or accepted into military service if he or she:

1) has been sentenced for a criminal offence;

2) is a suspect, an accused or a defendant;
3) is unfit for service due to state of health; or
4) is or has been a staff employee or a supernumerary of the security service, intelligence or counter-intelligence service of the USSR., Latvian S.S.R. or a foreign state, or an agent, resident or safe-house keeper.

(3) The individual and statistical registration of soldiers shall be carried out in accordance with the procedures determined by the Minister for Defence.

(4) The active service of a soldier shall commence on the day he or she has been included in the personnel of a unit and shall terminate on the day he or she has been excluded from the personnel of a unit.

Section 17. Conscription into Mandatory Active Military Service

Latvian citizens shall be conscripted into mandatory active military service in accordance with the Mandatory Military Service Law.

Section 18. Recruitment of Cadets and Students in Military Educational Institutions

(1) Military educational institutions shall enrol Latvian citizens who have reached the age of 18 years and have acquired at least a secondary education.

(2) For enrolment in military educational institutions the following age limits have been set:

1) in training programmes at the platoon commander level, persons up to 27 years of age shall be enrolled;

2) in training programmes at the company commander level — up to 35 years of age; and

3) in training programmes at the battalion commander level — up to 40 years of age.

(3) Prior to the commencement of studies at military educational institutions the Minister for Defence or a commander (superior officer) authorised by him or her shall enter into a contract with the cadet or student, which contract shall provide that after graduation from the educational institution it shall be mandatory to serve the time period provided for in the agreement, which shall be not be less than five years.

(4) After the completion of courses for obtaining qualification or qualification improvement a soldier shall serve the time period provided for in the agreement which shall not be less than four times the duration of such courses.

(5) A soldier who has been expelled from a military educational institution due to poor progress (except for the cases where the poor progress has been the result of health impairment or another valid reason), violations of discipline or of his or her own free will and who has not served the time of mandatory active military service set out in the law shall be sent to serve mandatory military service in a unit of the National Armed Forces (unless the reasons for non-conscription provided for in the law exist) in accordance with procedures determined by the Minister for Defence,. A soldier who has served the time of mandatory active military service shall be sent to the previous place of service or retired from active service and he or she shall repay the financial resources utilised for training in accordance with procedures set out by the Cabinet.

Section 19. Acceptance into Professional Service

(1) The following shall be accepted into professional service:

- 1) soldiers after mandatory active military service;
- 2) graduates of military educational institution (courses);
- 3) reserve soldiers;
- 4) Latvian citizens who have served in foreign armed forces in accordance with Paragraph three of this Section; and
- 5) women from 19 years of age.

(2) Persons referred to in Paragraph one of this Section shall be accepted into professional service if they meet the requirements specified in regulations in respect of the state of health, education, professional and physical preparedness, knowledge of the official language, and moral and psychological characteristics and if such persons, except for specialist officers may serve not less than five years until the attainment of the maximum age specified for active service in Section 41 of this Law.

(3) In special cases the Minister for Defence may accept into professional service a Latvian citizen who has been retired from the armed forces of a member state of the North Atlantic Treaty Organisation for a certain period of time for the performance of specific tasks, without application of the provisions of Sections 4 and 41 of this Law.

(4) A person who has served in foreign armed forces shall documentarily prove the length of service in foreign armed forces and the service rank awarded .

(5) the selection of candidates for professional service shall be performed in accordance with the procedures determined by the Minister for Defence.

(6) A probationary period of up to four months may be set for a soldier accepted into professional service. The probationary period shall not be set for a soldier who has been accepted into service after graduation from a military educational institution (courses) or has been transferred to another position.

(7) A person who has not been previously trained for military service, after acceptance into professional service shall complete a military training course specified for the position in accordance with procedures determined by the Minister for Defence.

Section 20. Professional Service Contract

(1) The content of the professional service contract, procedures for entering into contracts and extension of the term shall be determined by the Minister for Defence.

(2) On behalf of the Ministry of Defence the professional service contract with a soldier shall be entered into and extended by the Minister for Defence or a commander (superior officer) authorised by him or her.

(3) The professional service contract shall be entered into:

- 1) with officers — until the attainment of the maximum age for active service specified in Paragraph 41 of this Law or for a period not less than five years;
- 2) with warrant officers — for five years; and
- 3) with other soldiers — for three years.

- (4) After the expiry of the contract, by agreement of the parties, it may be extended each time for a period prescribed in Paragraph three of this Section but not longer than until the attainment of the maximum age prescribed for active service.
- (5) The contract may be terminated before the end of the term in cases prescribed in Section 43 of this Law.

Chapter IV

Appointment to Position and Discharge from Position, Transfer and Official Travel

Section 21. General Provisions for Appointment to Position

- (1) A professional service soldier shall be appointed to a position subsequent to entering into a professional service contract or in conformity with the certification results. A mandatory active military service soldier shall be appointed to a position in conformity with his or her preparedness.
- (2) A soldier referred to in Section 19, Paragraph seven of this Law shall be included in the unit personnel and appointed to a position in a temporary acting capacity for the period of military training .
- (3) A soldier may be assigned to perform the duties of the position of an absent or suspended soldier or a vacant position for a period up to six months. The unit commander (superior officer) or a higher commander (superior officer) has the right to assign the temporary performance of a position to a soldier.
- (4) A soldier shall not be appointed to such position where he or she would be in kinship relations to the third degree or in affinity relations to the second degree with his or her immediate direct superior officer.
- (5) If, due to unforeseen circumstances, a commander (superior officer) has suspended the performance of his or her duties of a position, without appointing a person in a temporary acting capacity, the performance of his or her position shall be assumed by a senior by position (service rank) held and who shall notify thereof in accordance with subordination procedures.
- (6) If a soldier is discharged from a position but is not appointed to another position or is not retired from service he or she may be assigned at the disposal of the commander (superior officer) without appointment to a position, retaining the previous salary, for a period until the issue regarding further course of service is decided but no longer than for two months.
- (7) If a soldier is not granted a special permit for access to official secrets or if it is cancelled or the term of its validity is not extended, the soldier shall immediately be discharged from the position and transferred to another position, which is not related to official secrets, or retired from active service.

Section 22. Soldier Position Lists

- (1) The list of positions corresponding to the service ranks of higher officers shall be approved by the Cabinet.
- (2) The list of positions corresponding to the service ranks of other officers, warrant officers, non-commissioned officers and privates, and the unit staff shall be approved by the Minister for Defence.
- (3) The military position classification shall be approved by the Minister for Defence. The classification shall specify the education and professional qualification requirements necessary for each position.

Section 23. Appointment of Officers and Warrant Officers to Positions

- (1) The Commander of the National Armed Forces, his or her deputy, the Chief of Staff, commanders of the armed forces branches and the Commander of the National Guard shall be appointed and discharged from the position in accordance with the Law On National Armed Forces.
- (2) Unit commanders (superior officers) and higher commanders (superior officers), and all officers of colonel's rank shall be appointed to a position by the Minister for Defence upon the recommendation of the Commander of the National Armed Forces. The Minister for Defence shall also appoint officers under his direct subordination.
- (3) Other officers shall be appointed by the Commander of the National Armed Forces.
- (4) Candidature to an officer's position prior to appointment to any of the positions referred to in Paragraph two of this Section shall be evaluated by the Higher Certification Committee formed by the Minister for Defence.
- (5) An officer may be appointed to a one service rank higher position and only in exceptional cases with the consent of the Minister for Defence — to a two ranks higher position.
- (6) Soldiers holding positions in the corps of warrant officers shall be appointed by the commander of the armed forces branch, but in units of direct subordination — by the Commander of the National Armed Forces.

Section 24. Appointment to Position of Non-commissioned Officers and Privates

Soldiers holding positions in the corps of non-commissioned officers and privates shall be appointed by the unit commander (superior officer).

Section 25. Professional Evaluation and Certification of Soldiers

- (1) Professional service soldiers shall be subject to professional evaluation and certification.
- (2) Professional evaluation is assessment of the performance of service duties and tasks of the soldier and it shall be performed by the direct commanders (superior officers) of the soldier.
- (3) During certification the Certification Commission shall determine the suitability of the soldier for service, his or her professional preparedness and general development, personal

characteristics, deficiencies on the basis of professional evaluation materials of the soldier and determine the further course of the service.

(4) A soldier who has received a poor certification evaluation shall be warned regarding unsuitability for service. A soldier who has received a poor certification evaluation twice in succession shall be recognised as unsuitable for active service.

(5) Procedures for the evaluation and certification of soldiers shall be determined by the Minister for Defence.

Section 26. Transfer of Soldiers

(1) A soldier may be transferred from one unit or institution to another unit or institution in the interests of the service in accordance with procedures determined by the Minister for Defence.

(2) An officer shall hold a position for no longer than five years. After the end of this term he or she shall be transferred to another position. The Minister for Defence, taking into account the speciality of the soldier or service necessity, may extend the term in the position for an officer. A specialist officer shall be transferred only in conformity to his or her speciality. Officers referred to in Section 23, Paragraph five of this Law may be transferred on a rotational basis to a position corresponding to their service rank.

(3) When abolishing a position or a unit (sub-unit) or when reorganising it a soldier shall be transferred to a position of not lower than in conformity with his or her service rank in this or another unit or with his or her consent — to a lower service rank position. If it is not possible to transfer a soldier to a position corresponding to his or her service rank and he or she does not agree to the transfer to a lower service rank position, the soldier shall be retired from active service in accordance with the procedures specified by law.

(4) A soldier may be transferred from a higher service rank position to a lower service rank position:

1) due to his or her state of health according to the opinion of the Central Medical Expert-examination Commission of the National Armed Forces; or

2) if during certification unsuitability for the position has been determined.

(5) Procedures for selecting soldiers for studies or the acquiring of experience abroad shall be determined by the Minister for Defence. A soldier who is sent to study (acquire experience) abroad for more than six months, shall be included in the student (cadet) group of foreign military educational institutions of the National Defence Academy of Latvia for the period of studies, retaining the previous salary.

[12 June 2003]

Section 27. Transfer of Soldiers to Civil State Institutions

In the interests of national defence a soldier may be temporarily transferred to a civil State institution, appointing him or her to a position of a State civil service official or another position and retaining his or her status of a soldier. The Commander of the National Armed Forces is entitled to transfer a soldier to a civil State institution. The head of the relevant institution shall appoint the soldier to a position. If such transfer has taken place upon the

request of the State institution, the remuneration of the soldier shall be ensured by the institution.

Section 28. Official Travel of Soldiers

(1) A soldier may be sent on official travel for a specified period of time for the performance of the direct duties of service or an individual task in accordance with the procedures determined by the Minister for Defence.

(2) A unit commander (superior officer) is entitled to send a soldier on official travel in the territory of Latvia, but the Minister for Defence and the Commander of the National Armed Forces — also abroad.

(3) A soldier who is sent to perform service duties at the disposal of another unit commander (superior officer) shall be considered as attached to this unit.

(4) Provisions of this Section shall not apply to a soldier who participates in an international operation.

Section 29. Suspension of Soldiers from Positions

(1) If an internal investigation against a soldier is commenced or he or she is a suspect, the accused or a defendant in a criminal matter and the holding of the position by the soldier may interfere with the investigation process, he or she shall be suspended from the position until the matter is decided. The commander (superior officer) who has the right to appoint a soldier to a position or a higher commander (superior officer) has the right to suspend a soldier from the position and appoint another person to the position in a temporary acting capacity.

(2) The suspended soldier shall hand over all documents and State property at his or her disposal to the person in the temporary acting capacity in accordance with the procedures set out in the Military Interior Service Regulations.

Section 30. Discharge of Soldiers from Position

(1) Soldiers shall be discharged from their position:

- 1) by appointing them to another position; or
- 2) by retiring them from active service.

(2) A professional service soldier who transfers together with his or her spouse – a military attaché or military representative – to his or her place of service abroad shall be discharged from his or her position, preserving soldier status, but not preserving service salary. During such absences, the term of service which gives a right to the awarding of regular service rank for soldier shall not counted. After returning to Latvia, the soldier shall be appointed to a position in conformity with his or her service rank. If afterwards the soldier, when his or her spouse's service abroad has ended, does not return to military service, he or she shall be retired.

[12 June 2003]

Awarding and Removing of Service Ranks

[12 June 2003]

Section 31. Service Ranks of Soldiers

(1) Service ranks of soldiers shall be divided into the general and Naval Forces service ranks.

(2) Soldiers shall have the following service ranks:

1) for the corps of privates: Private, Private First Class (in the Naval Forces — Seaman, Seaman First Class);

2) for the corps of non-commissioned officers: Corporal, Sergeant, First Sergeant (in the Naval Forces — Boatswain), Senior First Sergeant (in the Naval Forces — Senior Boatswain);

3) for the corps of warrant officers: Warrant Officer, Senior Warrant Officer;

4) for the corps of officers:

a) for the junior officers: Lieutenant, First Lieutenant, Captain (in the Naval Forces — Lieutenant Commander),

b) for senior officers: Major, Lieutenant Colonel, Colonel (in the Naval Forces — Sub-commander, Commander Senior Grade, Navy Captain),

c) for higher officers: Brigade General, Major General, Lieutenant General (in the Naval Forces — Flotilla Admiral, Rear Admiral, and Vice Admiral).

Section 32. General Provisions for Awarding Service Ranks

(1) A person conscripted or accepted into active service concurrently with inclusion in the unit personnel shall be awarded the first service rank. A reserve soldier accepted into active service or conscripted shall retain the existing service rank irrespective of the position held.

(2) Service ranks shall be awarded to soldiers:

1) officer service ranks — by the President upon recommendation of the Minister for Defence;

2) warrant officer service ranks — by the Commander of the National Armed Forces upon recommendation of the commander of the armed forces branch or the unit commander (superior officer) directly subordinate to the Commander of the National Armed Forces; and

3) non-commissioned officer and private service ranks — by a unit commander (superior officer) upon recommendation of a sub-unit commander.

(3) A soldier shall acquire the right to be awarded the next service rank if he or she has received a positive certification evaluation and meets all the requirements specified for the awarding of the next service rank in general and for each service rank separately and he or she has no non-expunged (non-extinguished) punishments.

(4) Soldiers shall be awarded next service ranks gradually, except for corporal, warrant officer and lieutenant service ranks, as well as in the cases provided for in Section 32.¹ of this Law.

(5) A soldier shall be awarded the next service rank:

1) after serving the specified period in the existing service rank if the position held provides for a higher service rank;

2) for achievements in battle — outstanding heroism and courage during the performance of combat tasks irrespective of the term of service in the existing service rank — as an award; or

3) in special cases where accepting a Latvian citizen into professional service in accordance with Section 19, Paragraph three of this Law.

(6) If a soldier holds a position for which a higher service rank than the existing service rank of the soldier is provided and if he or she has been certified twice in turn with the evaluation "teicami" [excellent] in this position, he or she may be awarded the next service rank before the length of service specified.

[12 June 2003]

Section 32.¹ Awarding of Service Rank to Specialist Officers

(1) A soldier, who has successfully completed a basic specialist officer course shall be awarded the service rank of First Lieutenant.

(2) A soldier, who is a certified physician, after successfully completing a basic specialist officer course, shall be awarded the service rank of Captain.

(3) A junior specialist officer, who has acquired a Masters Degree in Law, shall have the service period for the acquisition of the regular service rank reduced by one year.

[12 June 2003]

Section 33. Sequence for Awarding Service Ranks

(1) During peacetime a soldier shall be awarded the next service rank in the following sequence:

1) Private First Class (Seaman First Class) — to a private (seaman) no sooner than after military service of three months or as an award;

2) Corporal — to a private (seaman) and private first class (seaman first class) after completion of a section or group non-commissioned officer's training course;

3) Sergeant — to a corporal who has completed a platoon level non-commissioned officer training course after serving for four years in the rank of corporal;

4) First Sergeant (Boatswain) — to a sergeant who has completed a of company or headquarters level non-commissioned officer's training course after serving for five years in the rank of sergeant;

5) Senior First Sergeant (Senior Boatswain) — to a first sergeant after serving for five years in the rank first sergeant;

6) Warrant Officer — to a soldier with at least first level professional higher education after completion of a warrant officer's training course;

7) Senior Warrant Officer — to a warrant officer after serving for five years in the rank of warrant officer;

8) Lieutenant — to a soldier after graduation from an officer training military educational institution and to a soldier with higher education after completion of a basic officer's training course;

9) First Lieutenant — to a lieutenant after serving for three years in the rank of lieutenant;

10) Captain (Lieutenant Commander) — to a first lieutenant who has completed a platoon commander training course, another course equivalent thereto or a specialist officer's qualifications course after serving for four years in the rank of first lieutenant;

11) Major (Sub-commander) — to a captain (lieutenant commander) after serving for five years in the rank of captain (lieutenant commander);

12) Lieutenant Colonel (Commander Senior Grade) — to a major (sub-commander) with higher education after completion of a battalion commander training course or another equivalent course thereto and after serving for five years in the rank of major (sub-commander);

13) Colonel (Navy Captain) — to a lieutenant colonel (commander senior grade) with higher education after completion of a brigade commander training course or other equivalent course thereto and after serving for five years in the rank of lieutenant colonel (commander senior grade);

14) Brigade General (Flotilla Admiral) — to a colonel (navy captain) after completion of the highest rank commander training course and after serving for three years in the rank of colonel (navy captain);

15) Major General (Rear Admiral) — to a brigade general (flotilla admiral) after serving for three years in the rank of brigade general (flotilla admiral);

16) Lieutenant General (Vice Admiral) — to a major general (rear admiral) if he has been appointed the Commander of the National Armed Forces.

(2) Service ranks of senior and higher officers shall only be awarded to those soldiers who are fluent in at least one of the official languages of the North Atlantic Treaty Organisation.

(3) The rank of colonel and higher service ranks shall be awarded to soldiers who have served in positions of unit commanding personnel for at least three years. This requirement shall not apply to specialist officers.

(4) After graduation from a foreign military educational institution (courses) the suitability of the soldier for the awarding of the relevant service rank shall be approved by a special commission of the Ministry of Defence in accordance with the procedures determined by the Minister for Defence.

[12 June 2003]

Section 34. Removal and Renewal of Service Ranks

The service rank of a soldier shall be removed if he or she is convicted of the commission of a serious or especially serious crime. In such case the officer service rank shall be removed by the President, the service rank of the corps of warrant officers — by the Commander of the National Armed Forces, the service rank of the corps of privates and non-commissioned officers — by the unit commander (superior officer) and it may be renewed only in accordance with a court judgment rehabilitating the soldier.

[12 June 2003]

Section 35. Awarding of Service Ranks Under Equalisation Procedures

(1) A former State specialised civil service official who has been accepted into professional service, a Latvian citizen who has served in state security institutions and the Office of the prosecutor and foreign armed forces, in accordance with equalisation procedures, may be awarded a soldier service rank equal to his or her service (special) rank that is documentarily proven and a service rank corresponding to his or her military preparedness in accordance with the procedures set out in this Law, but not higher than the rank that has been documentarily proved.

(2) A soldier who immediately enlists in the professional service after retirement from service in the institutions referred to in Paragraph one of this Section and to whom in accordance with equalisation procedures has been awarded a military service rank, in the term of service period, which gives the right to the awarding of regular military service rank, shall also include the time served in such institutions with the relevant service (special) rank.

[12 June 2003]

Chapter VI

Leave

Section 36. Types of Leave

(1) A professional service soldier shall be granted the following leave:

- 1) annual leave;
- 2) supplementary leave;
- 3) pregnancy and maternity leave; and
- 4) child-care leave.

(2) Leave to a soldier shall be granted by the unit commander (superior officer).

(3) If a state of war, a state of emergency or mobilisation is proclaimed, soldiers on leave referred to in Paragraph one, Clauses 1, 2 and 4 of this Section shall return to their unit without delay.

Section 37. Annual Leave

(1) Professional service soldiers shall be granted paid annual leave — 30 calendar days, not including public holidays. Pilots, soldiers serving in the crew of aircraft, sailors serving in the crew of a ship and engineer shot-firers who actually carry out the shot-firing shall be granted a leave of 40 calendar days.

(2) For every five years of uninterrupted serving in active service the annual leave shall be prolonged by three days but not more than by 15 days in total.

(3) After graduation from a military educational institution a cadet shall be granted paid annual leave — 30 calendar days — by the educational institution and paid a salary for this period adequate for the service rank awarded.

(4) A soldier has the right to annual leave after six months of uninterrupted service. In the year of conscription the leave for a soldier shall be calculated for the period from the day of conscription until the end of the year (for each month served — 2.5 days). In exceptional

cases, annual leave may be transferred to the next year but for no more than two years in succession.

(5) It is not permitted to compensate annual leave in money, except in cases where a soldier who has not used his or her annual leave is retired from active service. When compensating for leave in money, leave allowance shall not be paid, food rations in kind shall not be granted and its value in money shall not be paid.

(6) Depending on the tasks of a unit or upon the request of a soldier by a decision of the commander (superior officer) the annual leave may be divided into parts. A professional service soldier has the right to an uninterrupted leave of at least 15 days per year.

(7) A soldier may be recalled from his or her annual leave only due to special service circumstances in accordance with the procedures determined by the Minister for Defence.

(8) In the case of a soldier's temporary service disability, the annual paid leave shall be postponed or extended.

(9) A mandatory active military service soldier shall be granted annual leave in accordance with the Mandatory Military Service Law.

[12 June 2003]

Section 38. Supplementary Leave

(1) A soldier who, while performing service duties, has suffered injury (trauma, concussion) or a serious illness shall be granted paid supplementary leave for out-patient medical treatment and recovery purposes for a period of up to six months on the basis of an opinion of the Central Medical Expert-examination Commission of the National Armed Forces.

(2) A soldier may be granted paid supplementary leave for a period up to 10 calendar days as an award, due to urgent family reasons or other important reasons.

(3) A professional service soldier may be granted paid study leave of up to 20 calendar days per year for taking entry examinations, tests and examinations if the soldier is entering or has entered an educational institution on his or her own initiative, without interrupting the service,.

Section 39. Pregnancy and Maternity Leave

A soldier shall be granted maternity leave and maternity allowance in accordance with the procedures set out in regulatory enactments and a compensation for soldier food rations shall be paid for this time period.

Section 40. Child-care Leave

If he or she wishes, a soldier shall be granted leave to take care of a child without retaining service remuneration until the child reaches the age of one year and a half. For taking care of each child a soldier shall be granted one undivided child-care leave. A soldier shall receive an allowance for child care in accordance with the procedures and in the amount

set out in regulatory enactments. The period of such leave shall be included in the length of service of the soldier, which entitles him or her to a service pension but shall not be included in the length of service, which entitles him or her to the awarding of the next service rank. If the soldier fails to return to service after the end of the term of such leave, he or she shall be retired from active service.

Chapter VII

Retirement of Soldiers from Military Service

Section 41. Maximum Age in Military Service

(1) The maximum age of a soldier for the performance of military service shall be the following:

1) in mandatory military service:

a) for corps of privates: in active service — 28 years; in reserve — 55 years,

b) for corps of non-commissioned officers: in active service — 28 years; in reserve — 55 years;

2) in professional service:

a) for corps of privates: in active service — 45 years; in reserve — 55 years,

b) for corps of non-commissioned officers: in active service — 50 years; in reserve — 55 years,

c) for corps of warrant officers: in active service — 55 years; in reserve — 60 years,

d) for a lieutenant: in active service — 35 years; in reserve — 55 years,

e) for a first lieutenant: in active service — 45 years; in reserve — 55 years,

f) for a captain (lieutenant commander): in active service — 48 years; in reserve — 55 years,

g) for a major (sub-commander): in active service — 51 years; in reserve — 60 years,

h) for a lieutenant colonel (commander senior grade): in active service — 55 years; in reserve — 60 years,

i) for a colonel (navy captain): in active service — 58 years; in reserve — 60 years,

j) for higher officers: in active service — 60 years; in reserve — 65 years.

(2) A professional service soldier of the corps of privates and non-commissioned officers who holds a qualified specialist position of a significant profession may be retired, in accordance with the list of military specialist positions determined by the Minister for Defence, when he or she has attained the age of 55 years, but a soldier of the corps of warrant officers and officers — when he or she has attained the age of 60 years.

(3) In individual cases the Minister for Defence, taking into account the needs of national defence, may prolong the professional service for a soldier whose rank is not higher than the rank of colonel and who has attained the maximum age for active service prescribed in Paragraph one of this Section in accordance with the terminated professional service contract for a period of not longer than two years. In accordance with such contract, the Minister for

Defence may only repeatedly prolong the professional service for an officer whose service rank is not higher than the rank of lieutenant colonel.

Section 42. Retirement from Professional Service

(1) A soldier shall be retired from professional service:

1) upon expiry of the term of the professional service contract in connection with the attainment of the maximum age prescribed for active service;

2) upon expiry of the term of the professional service contract if the contract is not extended; or

3) upon terminating the professional service contract prior to the end of the term.

(2) If a soldier has attained the maximum age prescribed for the military service reserve or the soldier has been recognised as unfit for military service due to the state of health, or his or her service rank has been removed, he or she shall be retired, deleting him or her from the military service records.

(3) In other cases of retirement soldiers shall be retired to the military service reserve.

(4) Soldiers who are dead, have perished or are missing without information shall be excluded from the personnel.

Section 43. Termination of Professional Service Contract Before the End of the Term

(1) A professional service contract may be terminated before the end of the term at any time by agreement of the parties.

(2) A professional service contract with a soldier shall be terminated on the initiative of management if:

1) the soldier has lost Latvian citizenship;

2) the soldier has been recognised as unfit for active service due to state of health;

3) during examination it is ascertained that the soldier does not conform to service requirements;

4) circumstances have been revealed, which in accordance with law prevent the soldier from the performance of active service or holding a position and such circumstances cannot be rectified;

5) the soldier has received an unsatisfactory certification evaluation twice in succession;

6) the period of soldier's incapacity for service due to illness is longer than four months (120 days), if the illness or injury (trauma) were not suffered while performing service duties;

7) a unit (sub-unit) is abolished or reorganised or the number of soldiers is reduced, observing the provisions of Section 26, Paragraph three of this Law;

8) retirement from active service has been applied to the soldier as a disciplinary sanction; or

9) there is a court judgment of conviction.

(3) A professional service contract with a soldier shall be terminated by the Minister for Defence or a commander (superior officer) authorised by him or her.

(4) If a court has adjudged to a soldier a sentence which is less than deprivation of liberty for committing a criminal offence through negligence, the Minister for Defence is entitled not to terminate the professional service contract prior to the end of the term.

(5) When terminating the professional service contract before the end of the term due to circumstances referred to in Paragraph two, Clause 7 of this Section the soldier shall be warned thereof two months in advance.

Section 44. Retirement Procedures

(1) The following are entitled to retire a soldier from active service during peacetime:

1) a higher officer — the President;

2) a senior officer — the Minister for Defence; and

3) a junior officer — the Commander of the National Armed Forces; a soldier of the corps of warrant officers — commander of the armed forces branch; a soldier of the corps of privates and non-commissioned officers — a unit commander (superior officer).

(2) A mandatory military service soldier shall be retired from active service in accordance with the Mandatory Military Service Law.

(3) In connection with a court judgment of conviction a soldier shall be retired from active service as of the day the court judgment comes into legal effect. A soldier who at the moment when the judgment comes into effect is in detention shall be retired from active service as of the day stated in the judgment as the beginning of serving the sentence.

If a soldier is retired from active service due to the termination of the professional service contract prior to the end of the term, except for the cases prescribed in Section 43, Paragraph two, Clauses 2 and 7 of this Law and cases where a soldier has been retired due to other inevitable circumstances independent of his or her will, which have been recognised as justifiable by the Minister for Defence, he or she shall, proportionally to the period not served, compensate (it shall be recovered from him or her) expenses for his or her military and professional training or improvement of qualifications, including study expenses incurred at foreign educational institutions (courses), which have been covered by the foreign state as assistance to Latvia. The soldier referred to shall also reimburse the remaining value of the equipment, outfit and uniform issued to him or her in accordance with the procedures determined by the Minister for Defence (except for the case where he or she is retired to the reserve with the right to wear the uniform).

(5) During an armed conflict, state of war or state of emergency and in case of mobilisation the retirement of soldiers shall be suspended except for cases where a soldier has become unfit for military service.

Chapter VIII Uniform of Soldiers

Section 45. Uniform of Soldiers

(1) The uniform of a soldier, the identifying insignia and tabs, and the procedures for use thereof shall be approved by the Minister for Defence.

(2) Only a soldier (retired soldier) is entitled to wear the uniform of a soldier, the identifying insignia and tabs.

(3) Only the Ministry of Defence and the National Armed Forces have the right to order the manufacture of the uniforms of soldiers, the identifying insignia and tabs.

Section 46. Wearing of Soldier's Uniform in Active Service

(1) A soldier shall wear a uniform, identification insignia and tabs of the relevant armed forces branch (unit) and depending on the task received shall carry the weapons and accoutrements provided for.

(2) During free time outside the performance of service duties, soldiers may also wear civilian clothes. The unit commander (superior officer) shall allow a soldier to wear civilian clothes during the performance of service duties if it is required by service tasks.

(5) The wearing of soldier's uniforms by soldiers while abroad is prohibited except for the cases where they are performing such service duties abroad for which the wearing of a soldier's uniform has been provided for.

Section 47. Right of Retired Soldiers to Wear Soldier's Uniforms

(1) An official who is entitled to retire a soldier may grant a retired soldier the right to wear a soldier's uniform for impeccable service in the following cases:

1) for achievements in battle — irrespective of the length of the service;

2) if a soldier has been retired due to disability (illness), which has been acquired during service while performing service duties; or

3) if a soldier has been retired from service because of attaining the maximum age and his or her total length of service is not less than 20 years.

(2) Soldiers of the Latvian army who have served in the Latvian army until 17 June 1940 have the right to purchase, at their expense, and wear the everyday soldier's uniform according to their service rank and position in accordance with the procedures determined by the Minister for Defence.

(3) Persons referred to in this Section when wearing a soldier's uniform shall fulfil the relevant military regulations and provisions for wearing a uniform, and observe the requirements of military courtesy.

(4) Persons referred to in this Section are permitted to wear the soldier's uniform on public holidays and days of commemoration, during events of military units and other events supported by the Ministry of Defence and the National Armed Forces in the Republic of Latvia or abroad.

(5) If a person referred to in this Section fails to comply with the provisions for wearing a soldier's uniform or by improper conduct compromises the honour of a soldier, the Minister for Defence or a commander (superior officer) authorised by him or her may deprive the person of such right.

Chapter IX

Support and Social Guarantees of Soldiers

Section 48. Service Remuneration

(1) During active service a soldier shall receive a service remuneration determined by the Cabinet. Service remuneration shall include a salary depending on the service rank and the length of service, and supplements provided for in Cabinet regulations.

(2) The length of service of a soldier shall encompass the time of service in professional service (until the day of coming into force of this Law — in active service and in combat service), in the institutions of the Ministry of the Interior system, State security institutions and Office of the Prosecutor in positions with special service ranks and the time served in the armed forces of another country, but for a soldier who has been accepted into active service until the day of coming into force of this Law, also 80 percent of the time served in civil institutions.

(3) A soldier who has been suspended from a position shall receive a salary and soldier food rations or a compensation therefor.

(4) For the time period when a soldier is arbitrarily absent he or she shall not receive service remuneration and soldier food rations or a compensation therefor, and this time period shall not be included in his or her length of service. During the time when a soldier is under arrest he or she shall be provided with food rations but he or she shall not receive service remuneration.

(5) A soldier who has been appointed to a higher service rank position during the performance of the position shall receive a supplement in the amount of the salary difference. A soldier who has been appointed to a lower service rank position during the performance of the position shall receive a salary according to his or her service rank.

(6) Procedures by which the money payments referred to in this Section shall be calculated and paid to a soldier shall be determined by the Minister for Defence.

Section 49. Support of Soldiers

A mandatory active military service soldier during the time of service shall be fully State supported but a professional service soldier — partially State supported. Each soldier during the time of service shall receive soldier food rations or a compensation therefor, a soldier's uniform and the necessary service equipment. Support conditions, norms and procedures by which a soldier shall be provided with financial and material and technical resources shall be determined by the Cabinet.

Section 50. Allowances and Compensations for Soldiers Serving Outside the State

(1) During the time period when a soldier is performing service duties outside the State, except in the case where a soldier is in the diplomatic and consular service or takes part in an international operation, military training, manoeuvres or is on official travel, he or she in addition to service remuneration shall receive:

1) an allowance in such amount as to cover expenses required for the rent of a flat and satisfaction of other family and practical needs;

2) full compensation for travel expenses and a resettlement allowance when going to the place of service and returning therefrom; and

3) full compensation for his or her own and his or her family members' travel expenses when going on an annual leave to Latvia once a year and returning to the place of service.

(2) Depending on the specific conditions of the place of service in a foreign state the amounts of allowances and compensations prescribed in this Section shall be determined by the Cabinet.

(3) The taxes provided for by law and other mandatory payments shall not be imposed upon the allowances and compensations referred to in this Section.

[12 June 2003]

Section 51. Health Care of Soldiers

(1) A professional service soldier has the right to receive paid health care in medical treatment institutions during the time of service. The relevant expenses shall be covered by the Ministry of Defence in accordance with the procedures determined by the Cabinet.

(2) A professional service soldier shall receive a sickness benefit in accordance with the procedures set out in regulatory enactments. If the amount of the received sickness benefit is smaller than the salary of the soldier he or she shall be compensated for this difference from the resources of the service remuneration fund. A professional soldier, for the first fourteen disability days, shall receive a sickness benefit in the amount of a soldier's salary.

(3) If a mandatory active military service soldier is retired from service because of the unsuitability of the state of health for active service and the reason therefor has been a trauma suffered during the time of service while performing service duties or an illness whose cause is related to military service, the expenses for the treatment of health impairments acquired during the time of service and for the rehabilitation of such soldier shall be covered by the Ministry of Defence in accordance with the procedures and in the amount determined by the Cabinet.

(4) The expenses for health care services rendered to a mandatory active military service soldier during the time of service shall be covered by the Ministry of Defence.

[12 June 2003]

Section 52. Insurance of Soldiers and Compensations for Health Impairment and in the Event of Death of Soldier

(1) A soldier shall be subject to State mandatory insurance in accordance with the procedures set out in this Law.

(2) If the disability of a professional service soldier has been determined during the time of service or within a year from the retirement from active service due to injury (mutilation, concussion) or illness, which has been suffered during the time of service, while performing service duties, he or she shall be paid a single compensation in addition to compensations and allowances provided for in laws:

1) to a first group disabled person — in the amount of 50 soldier's salaries for the previous month;

2) to a second group disabled person — in the amount of 40 soldier's salaries for the previous month; and

3) to a third group disabled person — in the amount of 20 soldier's salaries for the previous month.

(3) If the disability of a mandatory military service soldier has been determined during the time of active service or within a year after retirement from active service because of injury (mutilation, concussion) or illness, which has been suffered during the time of service, while performing service duties, he or she shall be paid a compensation each month for the loss of the capacity for work:

1) to a first group disabled person — in the amount of 50 lats;

2) to a second group disabled person — in the amount of 40 lats; and

3) to a third group disabled person — in the amount of 20 lats.

If the group of disability for the persons referred to in this Paragraph is changed, the amount of the compensation specified shall also be changed according to the group of disability determined anew.

(4) If a soldier during the time of service, while performing service duties, has suffered health impairments, but has not become disabled, he or she shall be paid a single compensation:

1) in case of serious health impairment:

a) to a mandatory active military service soldier and a reserve soldier — in the amount of 250 lats, and

b) to a professional service soldier — in the amount of five soldier salaries for the previous month;

2) in case of moderate health impairment:

a) to a mandatory active military service soldier and a reserve soldier — in the amount of 150 lats, and

b) to a professional service soldier — in the amount of three soldier salaries for the previous month;

3) in case of slight health impairment:

a) to a mandatory active military service soldier and a reserve soldier — in the amount of 100 lats, and

b) to a professional service soldier — in the amount of the soldier's salary for the previous month but not less than 100 lats.

(5) If a soldier, while performing military service, has become ill and after treatment has been recognised as unfit for future active service and he or she is to be retired from active service before the end of the term of service (contract), he or she shall be paid a single compensation in addition to compensations and allowances provided for in laws:

1) to a mandatory active military service soldier — in the amount of 150 lats; and

2) to a professional service soldier — in the amount of three soldier's salaries for the previous month.

(6) If an active service soldier has died during the time of service, while performing service duties, or has died within a year after retirement from active service because of injury

(mutilation, concussion) or illness acquired while performing service duties, his or her forced heirs (Section 423 of the Civil Law) shall be paid a single allowance:

1) to the heirs of a mandatory active military service soldier and reserve soldier — in the amount of 50 000 lats but not less than 2500 lats to each dependant; and

2) to the heirs of a professional service soldier — in the amount of 120 soldier's salaries for the previous month but not less than 2500 lats to each dependant.

(7) If a soldier has died during the time of service or health impairment of a soldier has been acquired due to his or her negligence and he or she has become disabled, but the cause of death or health impairment is not related to the performance of his or her direct service duties or his or her malicious or unseemly act, he or she or his or her forced heirs (Section 423 of the Civil Law) may be paid a part of the corresponding compensation prescribed in this Section the amount of which shall be determined by the Minister for Defence in each individual case.

(8) The connection of the cause of death or health impairment of a soldier with the performance of direct service duties shall be determined by the person performing the internal service investigation. The degree of seriousness of health impairment (mutilation) of a soldier shall be determined by the attending physician or the Central Medical Expert-examination Commission of the National Armed Forces in accordance with the procedures set out in regulatory enactments. These decisions may be appealed to the Minister for Defence within a period of 10 days from the issuing of the opinion to the soldier, his or her family members or at his or her request to another person representing the interests of a soldier. The decision of the Minister for Defence may be appealed to a court.

(9) The compensations referred to in this Section shall be paid to a soldier as an insurance compensation referred to in Paragraph one of this Section.

(10) An accident (health impairment) shall be considered as unrelated to the performance of service duties and the compensation shall not be paid if the person performing investigation has determined that:

1) the accident has occurred due to the use of alcoholic, narcotic, toxic, psychotropic or other harmful substances or products thereof and it has not been caused by the use of the aforementioned substances for service purposes or improper storage and transport thereof;

2) the cause of death is not related to the accident and the opinion of the forensic expert examination attests to it;

3) suicide or attempted suicide has been committed and a law enforcement institution attests to it;

4) the accident has taken place while the soldier was committing a criminal offence and a criminal matter has been initiated with respect to it, except for a case where a soldier is held criminally liable for the violation of road traffic regulations while driving a means of transport;

5) the accident has taken place while the soldier was violating the requirements of military regulations, orders and other regulatory enactments, except for the case when the aforementioned violations have been done in the interests of the service, protecting the property of the State or a person, safeguarding the public order or saving the life of a person;

6) the accident has taken place outside the time of the performance of service duties, if during this time the harmful effects of factors dangerous or harmful to the service

environment was not present and it is not related to the protection of the property of the State or a person, safeguarding of the public order, saving of the life of a person or service interests; or

7) the accident has taken place during an argument and the cause of the argument is not related with the performance of service duties.

(11) Mandatory insurance of soldiers and procedures for compensation payment prescribed in this Section shall not be in effect during a time of war.

(12) The Cabinet shall determine procedures by which accidents, which have occurred to soldiers during service, shall be investigated and registered.

(13) If a soldier who participated in international operations has acquired a health impairment or illness or has died, the payment of the compensation specified in this Section, shall take into account the service salary which was specified for the soldier in his or her place of basic deployment in Latvia before being sent to perform the international operation.

[12 June 2003]

Section 53. Social Guarantees and Other Guarantees Related to Active Service

(1) A professional service soldier, when taking annual leave, shall receive a leave allowance in the amount of the monthly salary.

(2) After every five years in professional service a soldier shall receive a single allowance in the amount of service remuneration for the previous three months. If a soldier is retired from service due to the maximum age or the state of health (disability or an illness acquired while performing service duties) or due to the unit's (sub-unit's) abolition or reorganisation or due to the reduction of the number of soldiers and he or she is not offered another position, the soldier shall be paid a part of the allowance referred to proportionate to the time served.

(3) A professional service soldier shall be paid an allowance in the amount of monthly service remuneration in case of death of a parent, spouse, child or dependant. When a child is born a soldier shall receive an allowance in the amount of 250 lats. If both parents of the child are soldiers, only one of them has a right to the allowance.

(4) Losses caused to the property of a soldier due to the performance of service duties shall be compensated in full from the State budget. The procedures for the payment of compensation for losses shall be determined by the Cabinet.

(5) If, during a professional service soldier's change of place of residence in the interests of service, his or her spouse has lost employment due to the resettlement and does not receive an unemployment benefit, a pension or any other regular income and it is impossible to find another job in the locality of the place of dislocation of the soldier, the soldier shall be paid a monthly compensation in the amount of 10 percent of the monthly salary. The soldier shall notify the unit commander without delay of any changes affecting the right of the soldier to receive the monthly compensation.

(6) If the acceptance of a soldier into professional service, and the relocation of a soldier in the interests of service is related to a change of his or her place of residence, after the resettlement to the place of service he or she shall be paid a single allowance in the amount of one monthly salary and in the amount of 0.5 salaries for each family member who is resettling to the new place of residence together with him or her.

(7) A soldier who has perished or died during the time of service, while performing service duties or due to reasons related to military service, shall be buried at the expense of the State, and a soldier's tombstone shall be erected for him or her made according to a sample approved by the Minister for Defence. If, when burying the referred to soldier, a tombstone different than the soldier's tombstone is erected, the Ministry of Defence shall cover that part of tombstone erection expenses, which corresponds to the value of a soldier's tombstone.

(8) A professional service soldier who successfully studies at a civil educational institution without interrupting the service in order to acquire the special knowledge required for the performance of military service, may be paid a compensation in order to cover not less than half of the annual tuition fees.

(9) An officer when commencing professional military service after the completion of a unit commanding personnel basic officer course or a specialist officer basic course at the National Defence Academy shall receive a single interest-free loan:

1) in the amount of 1000 lats if a contract on five year long professional service has been entered into; or

2) in the amount of 2000 lats if a contract on professional service for a period not less than 10 years has been entered into.

The terms for repayment of the interest-free loan shall be specified in the professional service contract. The obligation to repay the interest-free loan in the amount of 1000 lats shall lapse if an officer has served in professional service at least five years but the interest-free loan in the amount of 2000 lats — if 10 years have been served.

(10) Social guarantees related to military service and other guarantees to soldiers provided for in the Law shall be provided from the State budget funds allocated to the Ministry of Defence.

[12 June 2003]

Section 54. Right to Receive Funds for Representation

[19 December 2002]

Section 55. Right to Living Quarters

(1) During the period of active service mandatory military service soldiers shall be provided with living quarters in barracks in accordance with the procedures set out in the Military Interior Service Regulations.

(2) Reserve soldiers conscripted for military training shall be provided with living quarters in barracks or in the field — in a tent.

(3) If necessary, professional service soldiers shall be provided with service living quarters in possession of the Ministry of Defence in the place of service. A soldier who has been transferred in service (on a rotational basis) in the interests of service and holds a position in the commanding personnel shall have preference in the allocation of service living quarters. A professional service soldier shall not pay rent for the allocated service living quarters. A soldier shall pay for electricity, heat and other public utility services expended.

(4) A professional service soldier who has not been provided with service living quarters at the place of service may be paid a compensation to cover rental expenses of living premises

and public utility service payments in accordance with the procedures and in the amount determined by the Minister for Defence.

(5) The Ministry of Defence has the right to acquire or build residential buildings or individual flats for the needs of professional service soldiers within the framework of the allocated State budget funds.

Section 56. Right to Utilise Means of Transport and Communication

(1) The expenses incurred by a soldier and a reserve soldier while using public transport (except for taxis) for ensuring the performance of service duties shall be covered. In accordance with the procedures determined by the Minister for Defence travel expenses incurred by a soldier while travelling by public transport (except for taxis) to a place of medical treatment or rehabilitation, expenses incurred by a soldier and his or her family members while going to a new place of service and place of residence in the interests of service and after retirement from active service — to the permanent place of residence, as well as expenses incurred by a mandatory active military service soldier while travelling by public transport (except for taxis) on leave within the territory of the State shall also be covered.

(2) Expenses for postal services utilised by a mandatory active military service soldier shall be covered in accordance with the procedures determined by the Minister for Defence.

(3) An active service soldier shall be provided with the means of communication required for the performance of service duties by the unit in accordance with the procedures determined by the Minister for Defence.

Section 57. Retirement Allowance

(1) When retiring a soldier from active service he or she shall be paid a retirement allowance if the retirement takes place:

1) due to the attainment of the maximum age prescribed for active service, when terminating the professional service contract before the end of the term due to the state of health (a trauma, disability or illness acquired during the time of service while performing service duties) or due to abolition (reorganisation, reduction of the number of soldiers) of the unit (sub-unit) and the soldier is not offered another position:

a) if the length of service of the soldier is 20 and more years — in the amount of the soldier's salary for the three previous months, or

b) if the length of service of a soldier is less than 20 years — in the amount of the soldier's salary for the two previous months;

2) upon termination of the professional service contract before the end of the term due to the abolition (reorganisation, reduction of the number of soldiers) of the unit (sub-unit) and if the soldier refuses the position offered — in the amount of the soldier's salary for the previous two weeks;

3) upon expiry of the term of the professional service contract before the attainment of the maximum age prescribed for active service — in the amount of service remuneration for the previous month;

4) upon expiry of the time period of mandatory active military service — in the amount of 70 lats; for a soldier with a dependent minor child — in the amount of 100 lats, but for an orphaned soldier — in the amount of 250 lats.

(2) When retiring a soldier from active service due to other reasons, he or she shall only be paid service remuneration until the day of retirement.

[12 June 2003]

Chapter X

Duties and Social Guarantees of Retired Soldiers

Section 58. Duties of Retired Soldiers

A soldier retired from active service shall register for the military service reserve in the permanent place of residence in the relevant State Military Service Office within 10 days of the day of retirement, by arriving in person, and shall perform the duties of a reserve soldier.

Section 59. Social Guarantees of Retired Soldiers

(1) A retired soldier shall be granted a service pension in accordance with the Law On Service Pensions of Military Persons.

(2) If a soldier has been retired from active service and he or she has the right to wear a soldier's uniform he or she shall retain the rights prescribed in Section 51, Paragraph one of this Law.

(3) A soldier who has been retired from active service due to the attainment of the maximum age if his or her length of service is not less than 35 years or the retirement was due to injury (mutilation) or an illness acquired during the time of service, while performing service duties, in the event of death, which is not related to the circumstances referred to in Section 52, Paragraph ten of this Law during peacetime shall be buried at the expense of the State in accordance with the procedures determined by the Cabinet.

Chapter XI

Specific Nature of Service and Work of Civilians in Military Units

Section 60. Civilians of Military Units

Civilians of military units shall be the following:

- 1) military employees; and
- 2) civil employees.

Section 61. Legal Service Relations of Military Employees

- (1) Military employees are civilians who on the basis of an employment contract hold the positions of soldiers determined by the Minister for Defence, which for objective circumstances cannot be staffed with soldiers in units (sub-units).
- (2) An employment contract with a military employee shall be entered into for a certain time period — until the moment when a soldier is appointed to the position, a military employee shall be employed and appointed to a position by a unit commander (superior officer) — in the position of an officer or a warrant officer by permission of the Commander of the National Armed Forces but in positions of non-commissioned officers or privates by permission of a commander of the armed forces branch or another higher commander (superior officer) specified by the Minister for Defence. When employing a military employee a probation period up to three months may be set.
- (3) A military employee shall receive remuneration as provided for the soldier of the service rank specified for the relevant position and soldier food rations or a compensation therefor.
- (4) Orchestra military employees shall have their uniform. The uniform of military employees of an orchestra and procedures for wearing thereof shall be determined by the Minister for Defence.
- (5) Social guarantees provided for a professional service soldier in Section 51, Paragraph one, Section 52, Paragraphs one and five, Section 53, Paragraphs one, two, three and seven, Section 56, Paragraph one and Section 57, Paragraph one of this Law shall apply to military employees.
- (6) Upon expiry of the employment contract in relation to the appointment of a soldier to the position, a military employee shall be paid a discharge benefit in the amount of the average monthly earnings.
- (7) If the employment contract of a military employee is terminated prior to the end of the term, the military employee shall compensate the remaining value of the equipment and outfit issued to him or her, compensate for a certain part of expenses for his or her professional training and improvement of qualifications, except for cases where the employment contract is terminated due to the abolition or reorganisation of the unit (sub-unit) or due to the illness (disability) of the military employee.
- (8) Provisions of regulatory enactments regulating legal employment relationships are applicable to the service of military employees only in respect of the part, which is not regulated in this Section.

Section 62. Civil Employees

- (1) Civil employees are persons who perform a specific job (work) on the basis of an employment contract in units (sub-units) in civil positions of staff in accordance with regulatory enactments regulating employment legal relationships.
- (2) A civil employee shall receive remuneration for work in conformity with the regulations for remuneration of employees to be financed from the budget.

Chapter XII Reserve Service

Section 63. Reserve Service

During peacetime reserve service shall encompass the observance of military registration provisions and procedures, the training of persons liable for military service, preservation and improvement of combat knowledge, skills and preparedness for the performance of a specific military speciality during the time of war.

Section 64. Inclusion into Reserve Service

(1) The following shall be included into reserve service:

1) soldiers retired to the reserve from professional service; and

2) other Latvian citizens — in accordance with the Mandatory Military Service Law.

(2) A Latvian citizen who has not served in active service and to whom no service rank has been awarded together with inclusion into the reserve shall be awarded the service rank — private by the Head of the State Military Service Office, except for a citizen who has been included into the reserve after completion of alternative service.

Section 65. Duties of Reserve Soldiers

A reserve soldier has the duty:

1) to notify the State Military Service Office of leaving Latvia for a time period longer than six months, and of the change of the place of residence;

2) in the event of mobilisation to arrive at the place and time specified by the State Military Service Office; and

3) to attend military training at the place and time specified by the State Military Service Office.

Section 66. Procedures for Conscription of Reserve Soldiers

(1) A reserve soldier may be conscripted for regular or control military training in the units of the National Armed Forces. Time and place of military training and the number of participants shall be determined by the Minister for Defence according to a recommendation by the Commander of the National Armed Forces.

(2) During military training a reserve soldier shall perform active military service, he or she shall have the status of a soldier, and the time of training shall be included in his or her length of service.

(3) A reserve soldier may be conscripted for military training for the following time period:

1) a soldier of the corps of officers and warrant officers — up to nine months in total, up to 60 days within a year; and

2) a soldier of the corps of non-commissioned officers and privates — up to six months in total, up to 30 days within a year.

(4) The interval between the regular military training in which reserve soldiers are involved shall not be less than four years.

(5) In between the regular military training a reserve soldier may be conscripted for control training of up to 10 days both during the time free from work and during the time of work. This time shall be included in the total time of military training.

(6) Organisation of military training, materials and technical facilities and financing thereof, and all-type provision of a reserve soldier during the military training shall be determined by the Minister for Defence.

(7) A reserve soldier conscripted for military training shall be released from the performance of the duties of work (position) for the period specified in the assignment up to 60 days per calendar year. The workplace and position of a reserve soldier shall be preserved during the time of military training. A reserve soldier called up for military training shall be paid a compensation for each day of military training from the budget resources allocated to the Ministry of Defence. The amount of compensation and procedures for payment thereof shall be determined by the Cabinet. Reserve soldiers called up for the time of military training shall be subject to the mandatory State insurance.

(8) A reserve soldier shall not be called up for the regular or control training:

- 1) due to the state of health;
- 2) if the reserve soldier is the sole provider for dependant family members or at least two pre-school age children are dependent on him or her;
- 3) if the reserve soldier is acquiring education abroad;
- 4) if the reserve soldier is a suspect, the accused or a defendant;
- 5) if the reserve soldier is serving a sentence for criminal offences committed; or
- 6) if the reserve soldier is serving in institutions of the Ministry of the Interior system.

[12 June 2003]

Section 67. Awarding of Service Ranks to Reserve Soldiers

(1) A reserve soldier who has completed a relevant training programme during military training and has passed the necessary tests shall be awarded the next service rank, but not higher than the service rank of captain, in accordance with the procedures determined by the Minister for Defence.

(2) A reserve soldier who has served in the armed forces of a foreign state may be awarded a service rank similar to his or her service rank that is documentarily proven and a service rank corresponding to his or her military preparedness in accordance with the procedures specified by the Minister for Defence.

[12 June 2003]

Section 68. Removal of Reserve Soldiers from the Register

A reserve soldier shall be removed from the register:

- 1) if he or she has attained the maximum age specified for reserve service;
- 2) if he or she has been recognised as unfit for military service due to the state of health;
- 3) when he or she is accepted into professional service;
- 4) if he or she loses the Latvian citizenship; or

5) in the event of death.

Chapter XIII

Awarding and Liability of Soldiers

Section 69. Awards

(1) The following awards are determined to mark the achievements of soldiers and to promote exemplary conduct and assiduity:

- 1) praise and appreciation;
- 2) permission to leave the place of service for up to 36 hours (for mandatory service soldiers);
- 3) supplementary leave up to 10 days (for mandatory service soldiers);
- 4) promotion to the private first class (seaman first class) rank;
- 5) a certificate to a soldier of the corps of non-commissioned officers and privates for excellent conduct and diligence when retiring from active service;
- 6) monetary prizes and other valuable prizes;
- 7) decorations and honorary certificates of honour of the Ministry of Defence and the National Armed Forces;
- 8) a personal firearm or non-firearm weapon — to an officer;
- 9) promotion in the service rank for achievements in battle prior to the term; and
- 10) honorary State decorations, medals and orders.

(2) Procedures for awarding of soldiers shall be prescribed by military regulations.

Section 70. Liability of Soldiers

(1) A soldier shall be held subject to disciplinary liability, administrative liability or criminal liability for unlawful actions, compensation for material losses caused shall be collected from him or her in accordance with the procedures set out in regulatory enactments.

(2) Holding a soldier subject to disciplinary liability shall not release him or her from possible criminal or civil liability.

Section 71. Basis and Scope of Civil Liability of Soldiers

(1) If a soldier has caused losses to a unit or institution of the National Armed Forces (hereinafter — legal person) in which he or she holds a position as a result of unlawful, culpable action the soldier has an obligation to reimburse the losses incurred by the legal person.

(2) If the losses to a legal person have been caused due to the malicious intent of the soldier or due to such unlawful, culpable actions by him or her as are not related to the performance of military service, the soldier shall be liable for all the losses of the legal person.

Section 72. Basis for Release of a Soldier from Civil Liability

A soldier shall be fully or partially released from civil liability if the legal person itself was also at fault for causing the losses by not providing appropriate conditions for the performance of service or the equipment necessary for service. The extent of the civil liability of a soldier shall be determined depending on the circumstances of the case, especially taking into account the extent to which the prevailing fault has been that of the soldier or of the legal person.

Section 73. Civil Liability of Several Soldiers

If losses to a legal person have resulted from the unlawful, culpable action of several soldiers, the liability of each soldier shall be determined in conformity with his or her participation in causing the losses and with the degree of his or her fault.

Section 74. Procedures for Compensation of Losses

A soldier may voluntarily, fully or partly, reimburse the losses caused to a legal person. With the consent of the legal person the soldier, in order to reimburse losses, may transfer an item of equivalent value or repair the damage.

Section 75. Disciplinary Sanctions

(1) The following disciplinary sanctions are applicable to soldiers for violations of military discipline:

- 1) a reprimand;
- 2) extraordinary assignment;
- 3) prohibition or restriction to leave the place of service;
- 4) strict supervision;
- 5) arrest up to 10 days and nights;
- 6) a warning about unsuitability for the position held;
- 7) demotion in position; or
- 8) retirement from service before the time stipulated in the contract.

(2) Strict supervision and arrest shall not be imposed on officers and soldiers of the corps of warrant officers.

(3) Procedures for the investigation, examination of violations of military discipline, and for the imposition and performance of disciplinary sanctions thereof shall be set out in the Soldier Military Discipline Regulations.

[12 June 2003]

Transitional Provisions

1. With the coming into force of this Law the following are repealed:

1) the Law On Defence Forces (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1992, No. 46/47/48; *Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1994, No. 13, 23; 1995, No. 2; 1996, No. 14; 1997, No. 6, 20; 1999, No. 14, 24; 2001, No. 1);

2) the decision of the Presidium of the Supreme Council of the Republic of Latvia On Service Ranks and Appointment to Positions of Soldiers of the Defence Forces of the Republic of Latvia (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1992, No. 1, 15/16);

3) the decision of the Presidium of the Supreme Council of the Republic of Latvia On Approving of the Wording of the Oath of Soldier of the Republic of Latvia and the Regulation on Procedures for Taking the Oath of Soldier of the Republic of Latvia (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1991, No. 47/48).

2. Until the day of the coming into force of the relevant Cabinet regulations, but not longer than by 31 December 2003, the following Cabinet Regulations shall be in force insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 177 of 21 May 1996, Regulation on Material Provision of Military Persons of the National Armed Forces;

2) Cabinet Regulation No. 124 of 7 April 1998, Regulation on Remuneration of Mandatory Active Military Service Soldiers; and

3) Cabinet Regulation No. 147 of 21 April 1998, Regulation on Soldier Food Rations. [19 December 2002]

3. Cabinet Regulation No. 241 of 29 June 1999, Regulation regarding the Remuneration System for Soldiers and Rank and File Service National Guards shall be in force until the moment when Cabinet regulations come into force, which must be issued in accordance with Section 48 of this Law, but not later than by 31 December 2003.

[12 June 2003]

4. With the date of coming into force of this Law rank and file national guards of the National Guard of the Republic of Latvia shall become soldiers, but part-time national guards shall become national guards. The corps of national guards of the National Guard shall retain the National Guard service rank "national guardsman" and "senior national guardsman" but the corps of non-commissioned officers and officers of the National Guard shall be determined (awarded) the general soldier service ranks in accordance with the procedures determined by the Minister for Defence.

5. A soldier for whom the right to the next service rank comes up prior to 30 April 2003 shall be granted such service rank according to the provisions of law that were in force until 1 July 2002.

6. A person who upon joining the National Guard has taken the oath of a national guard shall not take the oath of a soldier when becoming a soldier.

7. If necessary, the Minister for Defence may prolong the time of service for a professional service soldier who has attained the maximum age for active service prescribed by this Law within six months from the date of coming into force of this Law according to the requirements of this Law by entering into a terminated professional service contract.

8. A soldier for whom the time of service has been prolonged by the order of the Minister for Defence before coming into force of this Law, until the time specified in the service prolongation order shall not be retired from active service on the basis of the requirements of Section 41 of this Law due to the attainment of the maximum age if he or she meets other requirements of this Law. A professional service contract with such soldier shall no longer be entered into.

9. Service rank awarding provisions prescribed in Section 33 of this Law with respect to the necessity for education and fluency in a foreign language for soldiers who have been accepted into active service before coming into force of this Law, shall come into force on 1 July 2004.

9.¹ The conditions for the awarding of service ranks provided for in Section 33, Clause 6 of this Law regarding the necessity for a relevant education, shall, for soldiers who were enlisted for active service prior to the coming into force of this Law, come into force on 31 December 2006.

[12 June 2003]

10. Section 53, Paragraph five and Section 54 of this Law shall come into force on 1 March 2003.

11. Until 1 March 2003 if retirement from professional service takes place in accordance with Section 57, Paragraph one, Clause 1 of this Law, the retirement allowance in the amount of previous three monthly salaries shall be paid to a soldier whose length of service is 25 years and more, but in the amount of two previous monthly salaries — to a soldier whose length of service is less than 25 years.

This Law shall come into force on 1 July 2002.

This Law has been adopted by the *Saeima* on 30 May 2002.

Acting for the President,
the Chairperson of the *Saeima*

J. Straume

Rīga, 18 June 2002

SECRETARIAT GENERAL

**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

DIRECTORATE OF HUMAN RIGHTS

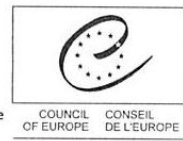
*HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
AND THE EUROPEAN CODE OF SOCIAL SECURITY,
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS*

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COUNCIL OF EUROPE
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Ms Velga Lazdina-Zaka
Ministry of Welfare of the Republic
Social Insurance Department
Benefits policy division
28 Skolas Street
Riga, LV-1331
Latvia

Strasbourg, 14 June 2012

Dear Ms Lazdina-Zaka,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

Yours sincerely,

Régis Brillat

Council of Europe
F-67075 Strasbourg Cedex

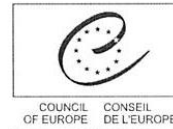
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to Latvia

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*