



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

September 2018

**FIRST REPORT
ON THE NON-ACCEPTED PROVISIONS
OF THE EUROPEAN SOCIAL CHARTER**

LATVIA

Meeting
Riga, 24 May 2018

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I. SUMMARY

With respect to the procedure provided by Article 22 of the 1961 Charter – examination of non-accepted provisions - the Committee of Ministers decided in December 2002 that "states having ratified the Revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification" and "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the states concerned" (Decision of the Committee of Ministers of 11 December 2002).

Following this decision, it was agreed that the European Committee of Social Rights would examine - in a meeting or by written procedure - the level of conformity of the country's situation, in law and in practice, with non-accepted provisions. This review would be done for the first time five years after the ratification of the Revised European Social Charter, and every five years thereafter, to assess the situation on an ongoing basis and to encourage States to accept new provisions. Indeed, experience has shown that States tend to overlook that the selective acceptance of the provisions of the Charter should be only a temporary phenomenon.

As Latvia ratified the Revised Charter on 26 March 2013, accepting 90 of the 98 paragraphs, the procedure on the non-accepted provisions was applied for the first time in the context of a meeting between the European Committee of Social Rights and representatives of various Latvian ministries held in Riga on 24 May 2018.

The following eight provisions are not yet accepted by Latvia:

Article 4§1 - The right to a fair remuneration – Decent remuneration;

Article 12§3 - The right to social security – Development of the social security system;

Article 12§4 - The right to social security – Social security of persons moving between states;

Article 19§2 – The right of migrant workers and their families to protection and assistance – Departure, journey and reception;

Article 19§3 - The right of migrant workers and their families to protection and assistance – Co-operation between social services of emigration and immigration states;

Article 23 – The right of elderly persons to social protection;

Article 31§2 - The right to housing – Reduction of homelessness;

Article 31§3 - The right to housing – Affordable housing.

Following the meeting, the European Committee of Social Rights concluded that Articles 12§§3 and 4, 19§3, 23 as well as 31§§2 and 3 could be accepted immediately and there were no significant obstacles in law and in practice to acceptance of Article 19§2. As regards Article 4§1, the Committee was of the opinion that legislative and political changes seemed required to bring the situation into conformity with the Charter but that acceptance should be considered in view of the importance of this provision.

The representative of Latvia stated that they were not in a position to promise the acceptance of new provisions in the near future.

The Committee wished to encourage the Latvian authorities to work towards accepting additional provisions where it concluded that there were no significant obstacles in law and in practice to do so and to complete this work with a positive result as soon as possible thus consolidating the paramount role of the Charter in guaranteeing and promoting social rights. It invited them to consider the possibility of accepting the collective complaints procedure.

The next examination of the provision not accepted by Latvia will take place in 2023.

II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS

The meeting was opened by Ingus ALLIKS, State Secretary, Ministry of Welfare of Latvia and by Régis BRILLAT, Head of the Department of the European Social Charter, Executive Secretary of the European Committee of Social Rights, Council of Europe. It was moderated by Velga LAZDINA-ZAKA, Social Insurance Department, Ministry of Welfare, Representative of Latvia to the Governmental Committee.

The authorities of Latvia presented the situation in law and in practice relating to the non-accepted provisions. Interventions were made by representatives of Ministry of Welfare (Labour Market Policy Department, Social Insurance Department, Social Services Department, Methodological Management and Control Department), Ministry of Health (Department of Health Care), Office of Citizenship and Migration Affairs (Migration Division), Ministry of Interior (Sectorial Department Policy Development Division), Ministry of Economics (Housing Policy Department), Latvian Association of Local and Regional Governments (LPS), Free Trade Union Confederation (LBAS) and Employers' Confederation of Latvia (LDDK) as detailed in the Programme of the meeting (Appendix I) and the list of participants (Appendix II).

The European Committee of Social Rights delegation consisted of Giuseppe PALMISANO, President of the Committee and Kristine DUPATE, member of the Committee. The Secretariat was represented by Régis BRILLAT and Danuta WIŚNIEWSKA-CAZALS. They presented some aspects of the case-law with regard to the non-accepted provisions and the possible acceptance of these provisions by Latvia. One session of the meeting was devoted to the collective complaints procedure.

Article 4§1 - The right to a fair remuneration – Decent remuneration

Situation in Latvia

The Government indicated that Article 107 of the Constitution guarantees that every employed person has the right to receive, for work done (40 hours/week), a commensurate remuneration which shall not be lower than the minimum wage fixed by the State. The minimum wage has increased significantly - by 33% - between 2011 and 2017. Further increase - by more than 10% - occurs in 2018. The net minimum wage is 40% of the net average wage.

The minimum wage was not decreased during the economic and financial crisis despite the very sharp drop in GDP. However, in some regions and specific sectors, there are job-related risks. This is why an increase in the minimum wage is discussed. Both the economic criteria (for example, productivity and the evolution of average wages) and social criteria are taken into account. The Ministry of Welfare coordinates decisions in this field with social partners within the National Tripartite Cooperation Council. It is through collective bargaining that the minimum wage may be increased next year in the construction sector (780 EUR).

The gross average wage in 2017 amounted to 926 EUR in Latvia.

The Free Trade Union Confederation (LBAS) informed the participants that in 2017 it adopted a resolution on the acceptance of Article 4§1 which was sent to the Government. Compliance with this provision could help to curb the migration of workers who continue to leave Latvia for countries with higher wages, not only minimum wages but also average wages. Five sectors are concerned: transportation, wood processing, forestry, chemistry and construction.

Also last year, discussions took place between the social partners on the acceptance of the collective complaints procedure, however progress is slow.

The Employers' Confederation of Latvia (LDDK) stated that excessive focusing on the minimum wage is not useful. Young workers whose jobs are often very demanding do not want to work for such a small amount of money.

The Latvian Association of Local and Regional Governments (LPS) added that although the Government is trying to involve municipalities in the issue of the minimum wage, it is too early for Latvia to fulfill all the requirements of welfare policy as set out in the European Social Charter.

Opinion of the Committee

Article 4§1 guarantees the right to a fair remuneration such as to ensure a decent standard of living. It applies to all workers, including to civil servants and contractual staff in the state, regional and local public sectors, to branches or jobs not covered by collective agreement, to atypical jobs (assisted employment), and to special regimes or statuses (minimum wage for migrant workers).

The concept of "decent standard of living" goes beyond merely material basic necessities such as food, clothing and housing, and includes resources necessary to participate in cultural, educational and social activities.

To be considered fair within the meaning of Article 4§1, the minimum or lowest net remuneration or wage paid in the labour market must not fall below 60% of the net average wage. Beyond 60% the Committee presumes that the situation is fair within the meaning of the Charter. When the net minimum wage is between 50 and 60% of the net average wage, it is for the state to establish whether this wage is sufficient to ensure a decent standard of living. However, a net wage which is less than 50% of the net national average wage will be deemed to be unfair and therefore the situation of the Party concerned will not be in conformity with Article 4§1.

To be considered fair within the meaning of Article 4§1, remuneration must in any event be above the poverty line in a given country.

Remuneration relates to the compensation – either monetary or in kind – paid by an employer to a worker for time worked or work done. It covers, where applicable, special bonuses and gratuities. The assessment is based on net amounts, i.e. after deduction of taxes and social security contributions. Where net figures are difficult to establish, it is for the State Party concerned to conduct the needed enquiries or to provide estimates.

In view of these requirements, the Committee took note of the efforts already made by Latvia to increase the minimum wage and the average wage. However, it is of the view that the principle underpinning Article 4§1 deserves the highest consideration and that the choice of whether or not to accept this provision should be more political than strictly legal. The question is whether the State considers that a principle protecting such a fundamental right is important and that a goal such as a fair wage must be pursued and achieved, or not.

The Committee encouraged the Government to pursue its efforts and to continue considering the acceptance of Article 4§1 in the near future.

Article 12 - The right to social security

§3 - Development of the social security system

§4 - Social security of persons moving between states

Situation in Latvia

The Government indicated that an extension of social insurance coverage and an increase in the amount of benefits have occurred, and that in response to trends in social insurance contributions and changes in the labour market, new categories of contributors were covered and details of contributions were developed for certain types of employment. Pension adequacy issues and some benefits were addressed.

The members of the board of a joint-stock company, or a limited liability company performing tasks with no remuneration in a company with a turnover but without employees (or with employees whose work income is below the minimum wage) must make social insurance contributions for themselves from at least a minimum wage.

Since June 2014, a personal income tax for seasonal agricultural workers has been introduced. If a person is employed in such a capacity (up to a maximum of 65 days a year, from April to November), a 15% personal income tax is levied on work income. If the total income (collected by one or more employers of seasonal agricultural workers) per calendar month exceeds 70 EUR, 90% of the personal income tax is directed to the public social insurance and the person concerned is covered for pensions.

Since 2017, legislative acts in favour of start-ups are effective. One of the measurers offers a possibility to apply for a fixed state social insurance contribution payment option – from two monthly minimum wage amounts.

For each taxi vehicle, an advance payment on contributions is determined (130 EUR per month). When contributions are deducted from the actual salary, the amount paid as an advance is deducted.

As of 2018, the employer / business paying the author's fees (from its resources) make social security contributions for the recipient of this fee in an amount of 5% from the fee.

Self-employed workers, whose income is below the minimum wage, pay 5% social security contributions for retirement. If the income reaches or exceeds the amount of the minimum wage, the contributions are made from a freely chosen amount (not lower than the minimum wage) and 5% of contributions are levied on the difference between the freely chosen amount and the actual income (for pension insurance).

For professional athletes, contributions must be made from the amount of two minimum wages.

The micro-enterprise tax rate was raised to 15% of turnover. 80% go now to social security.

From 2018, the contribution rate is again increased by 1%, from 34.09% to 35.09% (0.5% for the employee and the employer), since a new branch of insurance health is introduced (revenue is allocated to the central budget).

The solidarity tax that was introduced in 2016 is levied on labour income exceeding the maximum amount for social security contribution purposes (currently 55000 EUR). The

normal contribution rate is applicable and the revenue goes to the state budget. As of 2018, if the solidarity taxpayer participates in the FDC pension scheme, 6% are directed there and 4% to private pension funds. Otherwise, all 10% go to the private system.

Then, the Government indicated benefits related to the development of the social security system: the main changes affected parental benefits, unemployment benefits, sickness benefits and state social security benefits.

With regard to the social security of persons moving between states, according to national legislation, pensions are not waived for pensioners going abroad and access to insurance benefits is guaranteed. Also, appropriate bilateral agreements have been concluded with several countries and others are under way in the area of social security rights. In addition, the EU law on equal treatment and social security coordination applies in Latvia:

- Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, volunteering and training programs exchange of students or educational projects and au pair work;
- Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer;
- Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers;
- Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents to extend its scope to beneficiaries of international protection Text with EEA relevance;
- COM(2016)815 - Amendment of Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 on procedures for implementing Regulation (EC) No 883/2004 adopted as part of the 2016 European Commission's *Labour Mobility Package*.

Opinion of the Committee

Article 12§3 requires states to improve their social security system.

This provision applies differently whether States parties have or have not reached the level of social security required by Article 12§1.

In respect of countries whose social security has reached the level of Article 12§1, improvements may still be made to social security. For example, the expansion of schemes, protection against new risks or increase of benefits, are examples improvement.

In respect of countries which have not yet reached the level required by article 12§1, Article 12§3 prompts them to improve the system with a view to reaching the said level.

In the situation of Latvia, it is recalled that the Committee concluded that the situation in Latvia is not in conformity with Article 12§1 of the Charter on the grounds that:

- the minimum level of unemployment benefits is inadequate;
- the minimum level of old age pension is inadequate.

The information provided by the Latvian authorities would be assessed under Article 12§3 in order for the Committee to decide whether they constitute improvements of the social security system. They will also be assessed under Article 12§1 in order to determine whether they provide a solution to the shortcomings identified in the previous conclusion.

It should be noted that, whether the State Party has or has not reached the level of Article 12§1, a restrictive evolution in the social security system does not automatically amount to a violation of Article 12§3. The Committee's assessment of the situation is based on the following criteria:

- the nature of the changes (field of application, conditions for granting allowances, amounts of allowance, etc.);
- the reasons given for the changes and the framework of social and economic policy in which they arise;
- the extent of the changes introduced (categories and numbers of people concerned, levels of allowances before and after alteration);
- the necessity of the reform;
- the existence of measures of social assistance for those who find themselves in a situation of need as a result of the changes made (this information can be submitted under Article 13);
- the results obtained by such changes.

Measures taken in order to consolidate public finances may be considered as a necessary means to ensure the maintenance and sustainability of the social security system. However, any modifications should not undermine the effective social protection of all members of society against social and economic risks and should not transform the social security system into a basic social assistance system.

In defining the personal scope of **Article 12§4**, reference must be made to paragraph 1 of the Appendix to the Charter, which reads "Without prejudice to Article 12§4, the persons covered by Articles 1 to 17 include foreigners only insofar as they are nationals of other Contracting Parties lawfully resident or working regularly within the territory of the Contracting Party concerned". It follows from the Appendix to the Charter that Article 12§4 applies to nationals of other States Parties who no longer reside on the territory concerned but who did reside or worked regularly there in the past and acquired social security rights. The scope of Article 12§4 extends to refugees and stateless persons. Self-employed workers are also covered. The principle of reciprocity does not apply to Article 12§4.

Material scope of Article 12§4a

In order to ensure the right to social security of persons moving between States the following principles must be guaranteed with respect to all existing branches of the social security system:

Right to equal treatment

The guarantee of equal treatment within the meaning of Article 12§4 requires states to remove all forms of discrimination from their social security legislation against foreigners in so far as they are nationals of other States Parties. Both direct and indirect discrimination are covered. National legislation cannot reserve a social security benefit to nationals only, or impose extra or more restrictive conditions on foreigners, neither may national legislation stipulate eligibility criteria for social security benefits which, although they apply without reference to nationality, are harder for foreigners to comply with and therefore affect them to a greater degree. However, legislation may require a completion of a period of residence for

non-contributory benefits. In this respect, Article 12§4 requires that any period of residence is reasonable.

As regards child benefit, a condition that the child concerned resides on the territory of the paying state is compatible with Article 12§4. This means that any child resident in a defined country is entitled to the payment of family benefits on an equal footing with nationals of the country concerned. Therefore, whoever is the beneficiary under the social security system, i.e. whether it is the worker or the child, state Parties are under the obligation to secure through unilateral measures the actual payment of family benefits to all children residing on their territory. However, since not all countries apply such a system, states applying the 'child residence requirement' are under the obligation, in order to secure equal treatment within the meaning of Article 12§4, to conclude within a reasonable period of time bilateral or multilateral agreements with those states which apply a different entitlement principle.

Equality of treatment does not necessarily mean that family allowances should be paid at the same amount when the children for whom it is granted are not residents of the same country as the recipient. The level of benefit may in this case be reduced where the cost of living in the child's country of residence is significantly lower, but the reduction must be proportional to the differences of the cost of living in the countries concerned.

Right to retention of accrued rights

Invalidity benefit, old age benefit, survivor's benefit and occupational accident or disease benefit acquired under the legislation of one state according to the eligibility criteria laid down under national legislation are maintained irrespective of whether the beneficiary moves between the territories. Due to the particular nature of unemployment benefit, which is a short-term benefit closely linked to trends in the labour market, Article 12§4 does not require it to be exported.

With respect to the retention of benefits (exportability), the obligations entered into by States Parties must be fulfilled irrespective of any other multilateral social security agreement that might be applicable. In order to ensure the exportability of benefits, States may choose between bilateral agreements or any other means such as unilateral, legislative or administrative measures.

Material scope of Article 12§4b

Right to maintenance of accruing rights

There should be no disadvantage for a person who changes their country of employment where they have not completed the period of employment or insurance necessary under national legislation to confer entitlement and determine the amount of certain benefits. This requires, where necessary, the aggregation of employment or insurance periods completed in another territory and, in the case of long-term benefits, a pro-rata approach to the conferral of entitlement, the calculation and payment of benefit. States may choose between the following means in order to ensure maintenance of accruing rights: multilateral convention, bilateral agreement or, unilateral, legislative or administrative measures. States that have ratified the European Convention on Social Security are presumed to have made sufficient efforts to guarantee the retention of accruing rights.

In view of these requirements and in the light of the information provided, the Committee considered that there were no obstacles to the immediate acceptance of Article 12§§3 and 4 of the Charter.

Article 19 - The right of migrant workers and their families to protection and assistance

§2 - Departure, journey and reception

§3 - Co-operation between social services of emigration and immigration states

Situation in Latvia

With regard to Article 19§2, the Government provided data on the population in Latvia: temporary residence permits issued for the first time - by third-country nationals (2007 - 2017), temporary residence permits issued for the first time - by reason of stay (2008 - 2017), granted right to employment in 2015 – 2017 (visas and residence permits) and work permits on 1 January 2018 by economic activity.

Furthermore, it presented the principles of migration policy in employment, namely:

- The protection of the internal labour market;
- The possibility for an employer to employ a foreigner 30 days after registering an offer of employment with the State Employment Agency;
- No quota system;
- No restrictions regarding employees with low qualification;
- The requirement for correspondence between occupation and education and/or professional experience (with the exception of seasonal and self-employed workers);
- A one-stop agency for obtaining a right to employment and visa/residence permit;
- Equal rights.

The Government explained further the procedure for obtaining a residence permit with the right to employment, including the simplified procedure (without registering an offer of employment).

It indicated then that the Health Financing Act stipulates that everyone has the right to receive emergency medical assistance. The citizens of the Republic of Latvia, non-citizens, foreigners holding a permanent residence permit and persons granted stateless status in Latvia are entitled to the minimum amount of state-sponsored medical assistance (emergency medical aid, maternity care, general medical care services and treatment of illness), as well as refugees and persons enjoying alternative status and persons socially covered by health insurance in accordance with the Social Insurance Act.

To receive a temporary residence permit which guarantees the payment of health care during the period when a foreigner is staying in the Republic of Latvia, the latter must submit a document confirming that he/she has valid health insurance.

For persons holding a temporary residence permit, the Law on Social Services and Social Assistance does not allow for the right to social services and social assistance provided by the municipality. To receive a temporary residence permit, a foreign worker must present a document proving the necessary means of subsistence to reside in Latvia.

At the same time, it should be noted that for the improvement of the reception conditions of third-country nationals, including migrant workers, since 2016 the Information Center for Immigrants (hereinafter ICI) has operated, implemented in the framework of projects supported by the Asylum, Migration and Integration Fund and under the responsibility of the Ministry of Culture. Third country nationals may receive the following services from ICI:

- 1) the necessary information about life in Latvia, through all available communication channels;
- 2) professional lawyers' consultations on the residence permit and the procedure to obtain it;

- 3) information and advice on basic services in Latvia - employment opportunities, health care, education, social security and household issues;
- 4) consultation of a psychologist in case of crisis or post-traumatic problems;
- 5) translation services in 15 rare languages. In case of emergency, interpreters are available within a few hours upon receipt of the request at any time of the day.

The ICI also provides immigrant advisory services, organises the Interdisciplinary Dialogue Platform meetings on topical issues and manages the information website www.integration.lv.

The legislation provides two ways for a migrant worker to enter Latvia:

1) if he/she comes from a country whose citizens do not need a visa or they have a residence permit in another member State of the European Union, the European Economic Area or Switzerland, it is possible to enter the Republic of Latvia and submit the relevant documents to the territorial office of the Office of Citizenship and Migration and receive a temporary residence permit in accordance with the Immigration Act and Regulation No. 564 of 21 June 2010 on residence permits;

(2) if the migrant worker is from a country whose citizens require a visa, the necessary documents must be submitted to the diplomatic or consular representation of the Republic of Latvia in the foreign country concerned, who shall forward these documents to the Office of Citizenship and Migration.

The different conditions for logging documents for migrant workers make acceptance of this article difficult.

In conclusion, the Government was of the view that acceptance of Article 19§2 is not possible for the following reasons:

- migrant workers and their family members who have been granted a temporary residence permit are not entitled to state-guaranteed health care and social assistance (except for those who have obtained an alternative status in the Republic of Latvia);
- unequal conditions to enter Latvia.

With regard to the co-operation between social services of emigration and immigration states, the Government indicated that for citizens of the EU / EEA or the Swiss Confederation, the information is exchanged and co-ordinated between the different service providers (including between the employment services involved in the EURES network, the national contact points in the framework of Directive on Posted Workers, social security institutions, etc.).

Latvia has concluded bilateral co-operation agreements with individual countries (for example with Russia and Ukraine) in the field of social insurance, which provides for the principle of aggregation of social insurance periods.

In other cases, there is no formal cooperation between social service providers. However, if necessary and especially for minors, Latvia will use the mechanisms of international cooperation available to solve social problems and involve the INGO "International Social Service" if it is necessary to contact the State or local authority in the country of emigration, etc.

Social services and social assistance are provided by local governments, and the right to these services is also granted to beneficiaries of the permanent residence permit. However,

laws and regulations do not prevent local governments from providing social support to other foreigners, including those with temporary residence permits.

Finally, the Government pointed out that it has been difficult to systematically introduce the co-operation of social service providers in emigration and immigration countries, given both the low migratory movement and the fact that there is no guarantee that social service providers in the migrant's country of origin will provide timely responses and information to resolve problems.

Opinion of the Committee

Article 19§2 concerns both foreign workers lawfully migrating to the concerned country and national workers wishing to migrate to another country.

Under this provision, States Parties should adopt special measures for the benefit of migrant workers, beyond those which are provided for nationals to facilitate their departure, journey and reception.

Reception must include not only assistance with regard to placement and integration in the workplace, but also assistance in overcoming problems, such as short-term accommodation, illness, shortage of money and adequate health measures. Reception means the period of weeks which follows immediately from their arrival, during which migrant workers and their families most often find themselves in situations of particular difficulty.

The obligation to "provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey" relates to migrant workers and their families travelling either collectively or under the public or private arrangements for collective recruitment. This aspect of Article 19§2 does not apply to forms of individual migration for which the state is not responsible. However, in such cases, the need for reception facilities would be all the greater.

Article 19§3 requires States to establish contacts and information exchanges between public and/or private social services in emigration and immigration countries.

The scope of this provision extends to migrant workers immigrating as well as migrant workers emigrating to the territory of any other State. Contacts and information exchanges should be established between public and/or private social services in emigration and immigration countries, with a view to facilitating the life of emigrants and their families, their adjustment to the new environment and their relations with members of their families who remain in their country of origin. Formal arrangements are not necessary, especially if there is little migratory movement in a given country. In such cases, the provision of practical co-operation on a needs basis may be sufficient.

Common situations in which such co-operation would be useful would be for example where the migrant worker, who has left his or her family in the home country, fails to send money back or needs to be contacted for family reasons, or where the worker has returned to his or her country but needs to claim unpaid wages or benefits or must deal with various issues in the country in which he was employed.

In view of these requirements and taking into account the information provided, the Committee considered that the interpretation by the Latvian authorities of the scope of both provisions concerned is too broad. The situation in the country seems in conformity with the requirements of Article 19§2, especially since the conditions of departure, travelling and reception of EU citizens and third country nationals are governed not only by the Charter but

also by EU legislation which is mandatory in Latvia. With regard to Article 19§3, the Committee took note of the measures already in place and it considered that there were no obstacles to the immediate acceptance of this provision.

Article 23 – The right of elderly persons to social protection

Situation in Latvia

The Government introduced the Latvian system of social protection for the elderly, as regulated by the most recent legislation.

Retirement

Latvian laws and regulations on old-age pensions are the following:

- State Pensions Act;
- Cabinet regulations: on insurance periods, on calculating old-age pensions and payout timeframes, on the European Union pension scheme, on state social insurance benefit amounts, and on old-age pension payments if you move abroad.

The old-age pension is granted to persons who have reached the set retirement age and accrued the required social insurance contribution periods. In 2018, the retirement age for both men and women is 63 years and 3 months, and the minimum period for which social insurance contributions must be made is 15 years.

The retirement age is gradually increased by 3 months every year, reaching 65 years on 1 January 2025. Starting from 1 January 2025, the minimum insurance record necessary to receive an old-age pension will be 20 years.

Latvia has a three-tier pension system:

- the first tier comprises mandatory social insurance contributions, and all payers are participants.
- the second tier consists of mandatory social insurance contributions which are invested by an intermediary (a bank) in the financial market. The profits thus earned remain as part of the accrued pension. The second tier is mandatory for all social insurance contributors born after 1 July 1971. Persons born between 2 July 1951 and 1 July 1971 can voluntarily join the second tier.
- the third tier comprises voluntary contributions made by the employer and employee into a private pension fund, which are then further invested in the financial market. The contributor can receive this pension at age 55, i.e. before reaching the legally mandated retirement age.

Persons who move abroad can continue receiving the old-age pension.

Persons whose insurance period is at least 30 years are entitled to take early retirement - 2 years before reaching the legal retirement age. In 2017, people who have reached the age of 61 (in 2018 - 61 years and 3 months) could retire early.

A pension can be claimed 5 years before the set retirement age by the following persons:

- a person whose insurance record is not less than 25 years and who for the period until the children reached 18 years of age spent at least 8 years caring for 5 or more children or a disabled child;
- politically repressed persons whose insurance record is not less than 30 years;
- participants in the clean-up of the Chernobyl nuclear power station disaster whose insurance record is not less than 15 years;

- an early old-age pension can also be claimed by women with lifetime disabilities, people suffering from growth retardation, people suffering from dwarfism, blind persons and persons who have worked in difficult and hazardous conditions.

The State Pensions Act stipulated that state pensions were not reviewed between 1 January 2009 and 31 December 2013. In 2013, following an action by the Federation of Latvian Pensioners, an extraordinary pension indexation was carried out.

On 1 October 2014, the amount of the pension or part thereof subject to indexation was 285 EUR, but in the following years the amount of the pension subject to indexation or part thereof is equal to 50% of the average insurance premium wage in the previous calendar year. Such an indexing procedure provides for the indexation of all small pensions, while for persons with relatively larger pensions, the indexation is based on a portion of the pension, taking into account the possibilities of the special social insurance budget.

From 2018, pensions with a high level of insurance benefit from a higher percentage of real growth in the amount of insurance premiums:

- 60% if the length of insurance is 30 to 39 years and for pensions granted for work in harmful and difficult working conditions,
- 70% if the length of insurance is 40 years or more.

As a result of these changes, a higher index will be applied to 89% of retirees as of October 2018.

Only the amount of the pension is indexed, not the pension insurance premium until 1996. A personal income tax may be deducted from the indexed pension, which reduces the amount owed.

Indexation of pensions is provided by the National Social Insurance Agency (VSAA), which has all the necessary data and the conversion is done automatically.

The pension amount depends on the person's social insurance contribution period, the amount of social insurance contributions made and the person's age. The minimum pension is calculated taking into account the amount of state social security benefits:

Insurance period	Minimum pension
up to 20 years	general cases 70.43 EUR disabled since childhood 117.39 EUR
from 21 to 30 years	general cases 83.24 EUR disabled since childhood 138.74 EUR
from 31 to 40 years	general cases 96.05 EUR disabled since childhood 160.08 EUR
41 years and more	general cases 108.85 EUR disabled since childhood 181.42 EUR

The old-age pension is paid monthly. Personal income tax is withheld from the old-age pension. The tax-free threshold is 3,000 EUR per year (250 EUR per month).

If a retiree has worked in another EU country, this insurance period may be taken into account in determining rights to old-age pensions in Latvia.

In particular, for old-age pensions the social insurance period in another EU/EEA Member State is only taken into account if the insurance period in Latvia is insufficient to receive a pension. It is possible that pensions for insurance periods in one EU/EEA Member State may be granted earlier than in others since the retirement age differs from country to country.

If a retiree's insurance period in Latvia is at least 15 years, the pension amount shall be calculated in accordance with national laws and regulations. If the insurance period in Latvia is not sufficient, the insurance periods accrued in other EU/EEA member states shall also be taken into account, but each state grants a pension regarding their social insurance periods.

The amount of the allowance for an insurance year completed before 31 December 1995 is 1 EUR from 1 January 2009. During the period from 2006 to 2013, premiums were paid from the special budget, as of 1 January 2014 - from the state's basic budget funds.

From 1 July 2018, the amount of the allowance for a year of insurance completed before 31 December 1995 was increased to 1,5 EUR for persons who, before the end of 1995, were entitled to the old-age pension or a invalidity pension. 34% of the old-age pension recipients will receive this higher amount of the premium. The additional expenditure of the state's basic budget funds for old-age and invalidity pensions in 2018 is 13.9 million euros and in 2019 - 26.5 million euros. The aim is to better support people whose pension does not depend on their own social insurance contributions and who have reached retirement age.

Retirement pensions and the conditions for their revision are defined in the annual law on the state budget, taking into account the resources available.

Survivor's Allowance

Currently, the State Pensions Act stipulates that in the event of the death of the recipient of the pension, the surviving spouse must receive a lump sum payment of two months' pension.

On 26 April 2018, the Saeima adopted amendments to the Act whereby the surviving spouse, who is also the beneficiary of the pension, will receive 50% of the deceased spouse's pension for 12 months, including the insurance premium granted to him/her until 31 December 1995. This provision will apply in cases where the death of the recipient of the pension occurred after 1 January 2019.

Funeral benefits

Latvian laws and regulations on funeral benefits are the following:

State Social Allowances Act;

State Pensions Act;

Compulsory Social Insurance in respect of Accidents at Work and Occupational Diseases Act;

Maternity and Sickness Insurance Act;

Unemployment Insurance Act;

Cabinet regulations on mandatory social insurance against workplace accidents and work-related illnesses, and on the amount of state social insurance benefits and funeral benefits.

The following persons are entitled to receive the funeral benefit:

- an insured person in the case of death of a family member who was dependent on this person;

- a family member of an insured person or a person who has actually undertaken the funeral arrangements if the deceased person was an insured person, an unemployed, a receiver of pension or state social insurance benefit.;
- a family member or a person who has undertaken the funeral arrangements if the insured person or a dependent family member has died within one month after the end of the contribution period.

Funeral benefits are also paid out if the socially insured person or his or her family member has died within 1 month of the expiry of the social insurance contribution period.

Allowance for the deceased's spouse is granted if on the day of death both the deceased and his or her spouse were recipients of old-age, disability, loss of breadwinner or retirement pensions.

Currently, the State Pensions Act stipulates that, in the event of the death of the recipient of the pension, his/her family or a person who performs the funeral will receive a funeral benefit in the amount of two months' pension. However, since the insurance premium granted until 1996 is not included in the funeral benefit, the amount of this allowance, in the case of the death of a retiree, is less than the deceased's previous two-month income.

On 26 April 2018, the Saeima adopted amendments to the law providing that the funeral benefit paid in the amount of two pensions of the deceased person includes the insurance premium granted until 31 December 1995. This provision will apply to cases where the death of the recipient of the pension occurred after 1 January 2019.

Amounts of funeral benefits:

- in the event of the death of an insured person - double the average contribution wage of the deceased;
- in the event of the death of a pensioner or recipient of benefits for the loss of work capacity - double the pension or benefits;
- in the event of the death of a dependent family member or unemployed person - triple the amount of state social security benefits (in general cases: 192.09 EUR, disabled since childhood: 320.16 EUR);
- in the event of the death of a recipient of state social security benefits - double the amount of state social security benefits (in general cases: 128.06 EUR, disabled since childhood: 213.44 EUR).

If the insured person was the recipient of a pension, compensation or state social security benefits, the payout is one benefit amount - in the largest amount.

Allowance for the deceased's spouse is paid out to the amount of double the pension of the deceased.

The aforementioned benefits are paid out one time only.

Minimum resources benefits - State social security benefits

Latvian laws and regulations on claiming minimum resources benefits are the following:

State Social Allowances Act;

Social Services and Social Assistance Act;

Cabinet regulations on the amount of state social security benefits, on granting underprivileged needy status to a family or person, on the guaranteed minimum income level, and on calculating, granting and paying out benefits to ensure the guaranteed minimum income level.

The minimum resources benefits granted in Latvia are intended for underprivileged persons and persons without rights to old-age or disability pensions.

Persons who have contributed to the insurance for less than 15 years and who are therefore not entitled to an old-age pension, in accordance with the State Social Allowances Act, receive social security benefits from the State.

Since 2017, following the amendments adopted on 18 June 2015, a person who is not entitled to a state old-age pension, is entitled to a social security benefits from the date on which he/she reached the retirement age, stipulated in the State Pensions Act, but not before 1 January 2017 (in the past, it was necessary to wait 5 years after reaching retirement age). The amount of this allowance is currently 64.03 EUR per month. The Ministry of Finance intends to increase state social security benefits as part of the "Plan to Improve the 2018-2020 Minimum Income Support System", setting 94 EUR for 2019.

The benefits are granted for periods from 3 to 6 months.

Long-term care

The Act on Social Services and Social Assistance, as amended in 2015, defines the types of social services available in the country, the division of responsibilities between the state and the municipalities in the provision of services and the sources of funding for services.

Support can be provided if a person is unable to care for themselves and perform daily activities due to their age and health problems, if their family members are unable to provide the necessary care. They are entitled to home health care.

Long-term care is provided according to a person's individual needs and resources (the assessment is carried out by a social worker). Services to persons in need of long-term care are provided in their place of residence or as close as possible to their place of residence (home care, semi-residential care, day centres). If a person needs special services, social care is provided by long-term social care institutions. Such services for pensioners are provided in the same way as for other groups of citizens (general arrangement). Similar legal aspects concerning all groups of persons are set out in Articles 13 and 14 of the European Social Charter which Latvia has already accepted.

Long-term care in Latvia falls within the scope of social care, which is administratively and financially entirely separate from the health system. Long-term care and other social care are the responsibility of the Ministry of Welfare. Financing for long-term care facilities is available from the state budget for specialised long-term care institutions, such as for individuals with mental disorders or serious disabilities, and from local governments for "general" long-term care facilities, such as for the elderly. Municipalities pay from their own budget the social services received by the residents of their territory if those pensioners and theirs providers are unable to pay the total price of the service. The exception concerns third-country nationals holding a temporary residence permit who should request a service directly from the service provider and pay the full price of the service themselves.

The financial ability to provide social services on an adequate scale and at an appropriate level depends primarily on the population and composition of each municipality. Rural municipalities are in a most difficult situation from the perspective of available resources.

The municipality can grant additional benefits, including cash benefits. The amount and conditions for provision of cash benefits depends on the municipality and the internal regulations they approve.

Social care services, financed from State budget or municipal budget are provided to Latvian citizens, non-citizens, nationals from third countries who have been granted a permanent residence permit, to nationals of EU member states, European Economic Area and Confederation of Switzerland, who have acquired a permanent right of residence and their family members according to an assessment of the individuals' need for care. Other persons who have the right to enter and reside in the Republic of Latvia must require social care from the relevant service provider and pay the service costs themselves.

In addition to social care services, support measures from the state budget are also provided to prevent, compensate, mitigate or neutralise functional impairment or disability. Based on an opinion of a doctor, such help - 7.11 EUR - may be granted once. This financial aid does not apply to third-country nationals holding a temporary residence permit.

The list of technical aids financed by the state budget is approved by the Council of Ministers. The amount allocated for this purpose from the state budget essentially affects the waiting period for the receipt of technical aids and the selection of technical aids to be included in the list.

With regard to the State allowance for persons with disabilities who need special care, the amount is 213.43 EUR per month and is granted to adults with severe functional impairment of the body system, on the basis of the opinion of the State Health and Welfare Expert Medical Commission on the need for special care.

Support for seniors in dental care

On 21 March 2018, a Memorandum of Mutual Cooperation was signed to facilitate the access of elderly people to dental care. This memorandum was signed between the Ministry of Social Affairs and the Dental Institute of the University of Riga Stradins and the Faculty of Dentistry, the Riga Active Seniors Alliance, the Association of Senior Communities of Latvia and the Federation of Latvian Pensioners.

Support for parents-seniors, proposals for improving the quality of life of seniors

In order to develop proposals to improve the quality of life of seniors, an interinstitutional working group including social partners and academic experts was set up by a decree of the Minister of Welfare of 23 November 2017. The working group discusses opportunities to improve the quality of life of current and potential retirees.

Opinion of the Committee

Article 23 of the Charter is the first human rights treaty provision to specifically protect the rights of the elderly. The measures envisaged by this provision, by their objectives as much as by the means of implementing them, point towards a new and progressive notion of what life should be for elderly persons, obliging the Parties to devise and carry out coherent actions in the different areas covered.

One of the primary objectives of Article 23 is to enable elderly persons to remain full members of society. The expression "full members" means that elderly persons must suffer no ostracism on account of their age. The right to take part in society's various fields of activity should be granted to everyone active or retired, living in an institution or not.

Article 23 overlaps with other provisions of the Charter which protect elderly persons as members of the general population, such as Article 11 (Right to protection of health), Article 12 (Right to social security), Article 13 (Right to social and medical assistance) and Article 30 (Right to protection against poverty and social exclusion). All these provisions (with the

exception of Article 12§§3 and 4) have been accepted by Latvia. Article 23 requires States Parties to make focused and planned provision in accordance with the specific needs of elderly persons.

Non-discrimination legislation should exist at least in certain domains protecting persons against discrimination on grounds of age. The focus of Article 23 is on social protection of elderly persons outside the employment field. Questions of age discrimination in employment are primarily examined under Articles 1§2 (non-discrimination in employment) and 24 (right to protection in cases of termination of employment).

As regards the protection of elderly persons from discrimination outside employment, Article 23 requires States Parties to combat age discrimination in a range of areas beyond employment, namely in access to goods, facilities and services, healthcare, education, services such as insurance and banking products, participation in policy making/civil dialogue, allocation of resources and facilities. Therefore an adequate legal framework is a fundamental measure to combat age discrimination in these areas.

Elderly persons at times may have reduced capacity or no such capacity. Therefore, there should be a national legal framework related to assisted decision making for the elderly guaranteeing their right to make decisions for themselves unless it is shown that they are unable to make them. This means that elderly persons cannot be assumed to be incapable of making their own decision just because they have a particular medical condition or disability, or lack legal capacity.

An elderly person's capacity to make a particular decision should be established in relation to the nature of the decision, its purpose and the state of health of the elderly person at the time of making it. Elderly persons may need assistance to express their will and preferences, therefore all possible ways of communicating, including words, pictures and signs, should be used before concluding that they cannot make the particular decision on their own.

In this connection, the national legal framework must provide appropriate safeguards to prevent the arbitrary deprivation of autonomous decision making by elderly persons, also in case of reduced decision making capacity. It must be ensured that the person acting on behalf of elderly persons interferes to the least possible degree with their wishes and rights.

Article 23 also requires States Parties to take appropriate measures against elder abuse. States Parties must therefore take measures to evaluate the extent of the problem, to raise awareness on the need to eradicate elder abuse and neglect, and adopt legislative or other measures.

Article 23, first indent (a), requires States Parties to ensure adequate resources enabling elderly persons to lead a decent life and play an active part in public, social and cultural life. The primary focus of the right to adequate resources is on pensions. Pensions and other state benefits must be sufficient in order to allow elderly persons to lead a 'decent life' and play an active part in public, social and cultural life.

However when assessing adequacy of resources of elderly persons under Article 23, all social protection measures guaranteed to elderly persons and aimed at maintaining an income level allowing them to lead a decent life and participate actively in public, social and cultural life are taken into account. In particular, pensions, contributory or non-contributory, and other complementary cash benefits available to elderly persons are examined. These resources are then compared with the median equivalised income.

Article 23, first indent (b), although referring only to information on services and facilities, presupposes the very existence of such services and facilities. In particular; the existence, extent and cost of home help services, community based services, specialised day care provision for persons with dementia and related illnesses and services such as information, training and respite care for families caring for elderly persons, in particular, highly dependent persons, as well as cultural leisure and educational facilities available to elderly persons.

Additionally States Parties must have a system for monitoring the quality of services and a procedure for complaining about the standard of services.

Insufficient regulation of fees for services may amount to a violation of Article 23.

Furthermore, the Charter requires that needs of elderly persons be taken into account in national or local housing policies. The supply of adequate of appropriate housing for elderly person must be sufficient. Housing law and policy must take account of the special needs of this group. Policies should help elderly persons to remain in their own homes for as long as possible through the provision of sheltered/supported housing and assistance for the adaptation of homes (Article 23, second indent (a)).

In the context of a right to adequate health care for elderly persons Article 23 requires that health care programmes and services (in particular primary health care services including domiciliary nursing/health care services) specifically aimed at the elderly must exist together with guidelines on healthcare for elderly persons. In addition, there should be mental health programmes for any psychological problems in respect of the elderly, and adequate palliative care services (Article 23, second indent (b)).

The final part of Article 23 (third indent) deals with the rights of elderly persons living in institutions. In this context, it provides that the following rights must be guaranteed; the right to appropriate care and adequate services, the right to privacy, the right to personal dignity, the right to participate in decisions concerning the living conditions in the institution, the protection of property, the right to maintain personal contact with persons close to the elderly person and the right to complain about treatment and care in institutions.

There should be a sufficient supply of institutional facilities for elderly persons (public or private), care in such institutions should be affordable and assistance must be available to cover the cost. All institutions should be licensed and subject to an independent inspection regime. Emphasis is put on the importance of a truly independent inspection body.

Issues such as the requirements of staff qualifications, staff training and the wage levels of staff, compulsory placement, social and cultural amenities and the use of physical restraints are also examined under this provision.

In view of these requirements, the Committee considered that Latvia was in a position to accept this provision, taking into account a number of measures which were already in place or being developed, as well as steps taken to improve the situation of elderly persons, including the organisation of the care system. As regards the reforms of the pension system, referred to at the meeting, the Committee recalled that the measures taken should not have the effect of bringing the level of the minimum pension below the poverty threshold corresponding to 50% of the median equivalised income.

The Committee recommended acceptance of Article 23 of the Charter immediately.

Article 31 - The right to housing

§2 - Reduction of homelessness

§3 - Affordable housing

Situation in Latvia

The government referred to the European Regional Development Fund (ERDF) program "Promote energy efficiency improvement in residential buildings" and it provided information on the measures taken in the field of affordable and social housing, notably through the provision of financial assistance to certain vulnerable or low-income categories of persons.

Latvia, as a Member State of the European Union, uses the financial support provided by the EU for the economic and social development. The main instruments in which Latvia receives financial support are: the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Cohesion Fund (CF). The management of the funds is governed by the Law on the Management of Structural Funds and Cohesion Funds of the European Union. In 2007, an Operational Program "Infrastructure and Services" was adopted. Among the priorities of this programme is the measure "Energy Efficiency of Housing" which provides for two activities: "Improvement of thermal insulation of multi-apartment buildings" and "Improvement of thermal insulation of residential social buildings". The first activity aims at implementing measures to increase the energy efficiency of multi-apartment residential buildings to ensure efficient use of energy resources and long-term apartment funds. The aim of the second activity is to improve the energy efficiency of social buildings, thus providing socially unprotected groups with adequate housing.

Financial support for energy efficiency work in multi-apartment buildings is provided as follows:

- Grants - if, for the implementation of an energy efficiency improvement project, a loan is granted by a bank or another financing is received, or an agreement regarding a loan is concluded with ALTUM¹.
- ALTUM loans with a repayment term of up to 20 years for the implementation of an energy efficiency improvement project.
- Guarantees - in the case of a loan granted by a bank or a loan granted by an alternative investment fund in the amount of up to 80% of the principal amount of financing for a period of up to 20 years.

Then, the Government provided information on the Housing Guarantee Programme, the purpose of which is to provide state aid in the form of housing guarantee for the purchase or construction of a suitable living space for persons with children:

- 10 % guarantee for a person with one child;
- 15 % guarantee for a person with two children;
- 20 % guarantee for a person with three or more children.

The guarantee reduces the amount of the first installment.

¹ ALTUM is a state-owned development finance institution, which offers state aid for various target groups with the help of financial tools (such as loans, credit guarantees, investing in venture capital funds, etc.). ALTUM develops and implements state aid programmes to compensate for the market's shortcomings that can't be solved by private financial institutions.

The Committee noted that over a 3-year period, the program has helped approximately 8,000 families with 11,530 children to get a suitable living space (62% - families with 1 child, 31% - families with 2 children, 7% - families with 3 or more children²).

In addition, since 1 January 2018, guarantees of up to 20% are available to persons under 36 years of age who have acquired higher or secondary vocational education.

The Committee noted that a housing guarantee programme for young specialists began on 1 March 2018. To date, 200 guarantees have been provided under this programme.

Finally, the government mentioned new programmes and legislative changes, including a programme to support the construction of affordable rental housing with the goal of developing a model of sustainable support to provide access to quality, affordable housing (housing expenses should not exceed 30% of household income) in Latvia's regions. The development of the rental market should improve access to the labour force in regions where employment is increasing (in line with the OECD recommendation). No less than 90% of the apartments should be rented to qualified specialists or to a specialist who performs state or municipal functions related to administrative tasks.

Since rent regulations are now outdated - in place since 1993 - the Ministry of the Economy is developing new regulations to improve the balance between tenants and homeowners. New regulations will in particular:

- introduce common data base in Land Register;
- shorten the settlement of rent disputes;
- increase the rent market;
- decrease the grey economy;
- improve the development of housing funds.

The government then presented the progress made in the field of social housing.

In 1997, the Latvian Parliament adopted a Law on Social Apartments and Social Dwelling houses. This law has been the first legislative act defining what is a social house and social apartment, how they should be financed and who has the right to live there. Since then, legislation on social assistance for low-income people has been adjusted and several laws and regulations have been adopted and amended. In the social house, the municipality rent apartments only to low-income people. According to the law, social apartments and social houses cannot be privatised.

The obligation to provide the person (family) with the necessary support and assistance to solve apartment issues in accordance with the Law on Local Governments" (Article 15, paragraph 1, clause 9) is the responsibility of the municipality in which the family lives. According to the Law on Assistance in Solving Apartment Matters, local governments are entitled to pay housing allowances in accordance with the procedure and the amount specified by local regulations. Section 14, paragraph 1, clause 6 stipulates that, in the first instance, other categories of disadvantaged persons may be provided with the living space. Section 5 (4) of the Law on Social Apartments and Social Dwelling houses provides that the municipality may establish preferential conditions for the recognition of a person (family) as entitled to rent a social apartment.

This means that each municipality has the right to determine the criteria and groups of the population to whom assistance must be given first and what documents are to be submitted in this regard. In accordance with Section 9 (1) of the Law on Social Services and Social Assistance (SPSP), the municipality in whose territory the person declares to be domiciled is obliged to provide social services and social assistance corresponding to the needs of this person.

² A child in this context is a person under 24.

The purpose of social assistance is to provide material support to poor, low-income and crisis families (individuals) to meet their basic needs and to encourage their participation in improving their situation. In accordance with Article 35 of the Law on SPSP, the municipality covers the following social assistance benefits from its budget:

1) Benefits to ensure that the guaranteed minimum income level (hereinafter GMI) is calculated and granted to families (individuals) recognised as poor (monthly income below 128.06 EUR per family) for the eligibility period. The GMI benefit is calculated as the difference between the GMI level for each family member and the total income of the family (individual) - from 1 January 2018 it ranges from 53.00 EUR to 128.06 EUR.

2) Housing allowances the amount of which, as well as the payment procedure and the beneficiaries, are governed by the binding rules of the local administration.

3) As an exception to the basic principles of social assistance, the law provides a benefit in a crisis situation that a municipality may grant without assessing income. According to the SPSP Law, a crisis situation is one in which a family (individuals), because of a disaster or other circumstances beyond their control, are unable to meet their basic needs and require psychosocial or material help.

Similarly, the law provides that following an assessment of the material situation of a family (an individual), the municipality may also decide to cover other social assistance benefits to meet the basic needs of this family (individual) (health care, compulsory schooling, etc.). The types, amount, and conditions for granting benefits are determined by the local authorities in binding regulations.

Opinion of the Committee

The Committee provided information on aspects of interpretation and case law related to Article 3§2 of the Charter, pointing out that States must take action to prevent categories of vulnerable people from becoming homeless. They must set up procedures to limit the risk of eviction, i.e. the deprivation of housing which a person occupied due to insolvency or wrongful occupation. To this effect, evictions should be carried out in accordance with rules of procedure sufficiently protective of the rights of the persons concerned. Legal protection for persons threatened by eviction must include, in particular, an obligation to consult the parties affected in order to find alternative solutions to eviction and the obligation to fix a reasonable notice period before eviction.

When evictions do take place, they must be carried out under conditions which respect the dignity of the persons concerned. The law must prohibit evictions carried out at night or during the winter period. When an eviction is justified by the public interest, authorities must adopt measures to re-house or financially assist the persons concerned. Domestic law must provide legal remedies and offer legal aid to those who are in need of seeking redress from the courts. Compensation for illegal evictions must also be provided. States should foresee sufficient places in emergency shelters and the conditions in the shelters should be such as to enable living in keeping with human dignity. The Committee considers that eviction from shelters without the provision of alternative accommodation must be prohibited.

The Committee further pointed out that, under Article 31§3, an adequate supply of affordable housing must be ensured.

Housing is affordable if the household can afford to pay initial costs (deposit, advance rent), current rent and/or other costs (utility, maintenance and management charges) on a long-term basis while still being able to maintain a minimum standard of living, according to the standards defined by the society in which the household is located. In particular, states must

show that the affordability ratio of the poorest applicants for housing is compatible with their level of income.

They are furthermore required to:

- adopt appropriate measures for the construction of housing, in particular social housing;
- ensure access to social housing for all disadvantaged groups of people. Measures to reduce waiting times which are very long must be adopted. Legal remedies must be available in the event of excessive waiting times.
- introduce housing benefits for low-income and disadvantaged sections of the population. Housing allowance is an individual right: all qualifying households must receive it in practice; legal remedies must be available in case of refusal.

Equal treatment with respect to housing (Article E) must be guaranteed, in particular, to the different groups of vulnerable persons, particularly low-income persons, the unemployed, single parent households, young persons, persons with disabilities including those with mental health problems as well as Roma or travellers.

In the light of these requirements, the Committee considered that Latvia was in a position to accept these provisions, taking into account a number of measures which were already in place (affordable housing programme, municipal shelters for mothers and children, legislation to solve the problem of the homeless, social housing, the legal framework on evictions and other) or in the course of development. It therefore recommended acceptance of Article 31§§2 and 3 of the Charter.

III. EXCHANGE OF VIEWS ON THE COLLECTIVE COMPLAINTS PROCEDURE

Giuseppe PALMISANO and Régis BRILLAT provided an overview of the collective complaints procedure, which had so far been accepted by 15 States Parties, including 14 European Union member states.

They pointed out that the collective complaints procedure, which came into force in 1998 under an Additional Protocol to the European Social Charter, complemented the judicial procedure under the European Convention of Human Rights. However, it was not a system of individual applications.

The aim of the procedure was to increase the effectiveness and the speed of the implementation of the European Social Charter and also to increase the role of the Social partners and NGOs by giving them a more prominent role in enabling them to directly apply to the Committee when they consider that the Charter is not correctly applied in a country.

The complainant organisation is not necessarily a victim and there is no obligation to exhaust domestic remedies.

The organisations entitled to lodge collective complaints are as follows:

- the European social partners: European Trade Union Confederation (ETUC), for employees; Business Europe and International Organisation of Employers (OIE), for employers;
- certain international non-governmental organisations (INGOs) holding participatory status with the Council of Europe;
- social partners at national level.

Furthermore, any State may grant representative national non-governmental organisations (NGOs) within its jurisdiction the right to lodge complaints against it. So far, only Finland has done so.

A complaint may be declared admissible even if a similar case has already been submitted to another national or international body. The fact that the substance of a complaint has been examined as part of the Charter supervision procedure based on government reports does not constitute an impediment to the complaint's admissibility.

The fact that a complaint relates to a claim already examined in the context of a previous complaint is not in itself a reason for inadmissibility; the submission of new evidence during the examination of a complaint may prompt the Committee to re-assess a situation it has already examined in the context of previous complaints and, where appropriate, take decisions which may differ from the conclusions it adopted previously.

Decision on the merits

If the complaint is declared admissible, the Committee asks the respondent State to make written submissions on the merits of the complaint within a time limit which it sets. The President then invites the organisation that lodged the complaint to submit, on the same conditions, a response to these submissions. The President may then invite the respondent State to submit a further response. It is a real adversarial procedure.

International organisations of employers and trade unions are invited to make observations on complaints lodged by national organisations of employers and trade unions or by non-governmental organisations. The observations submitted here are transmitted to the organisation that lodged the complaint and to the respondent State.

The Committee may also invite any organisation, institution or person to submit observations. Any observation received by the Committee is transmitted to the respondent State and to the organisation that lodged the complaint.

In the course of the examination of the complaint, the European Committee of Social Rights may organise a hearing. The hearing may be held at the request of one of the parties or on the Committee's initiative. The hearing is public unless the President decides otherwise.

Following deliberation, the Committee adopts a decision on the merits of the complaint. It decides whether or not the Charter has been violated. The decision is notified to the parties and the Committee of Ministers.

Insofar as they refer to binding legal provisions and are adopted by a monitoring body established by the Charter and the Protocol providing for the system of complaints, the decisions of the European Committee of Social Rights must be taken into consideration by the States concerned; however, they are not enforceable in the domestic legal system. In practice, this means that when the Committee rules that the situation in a country is not in compliance with the Charter, the complainant organisation cannot require the Committee's decision to be enforced in domestic law as would be the case with a ruling by a court in the State concerned.

The Decisions of the Committee – like its Conclusions in the reporting system - are declaratory; in other words, they set out the law. On this basis, national authorities are required to take measures to give them effect under domestic law. In this connection, domestic courts could declare invalid or set aside domestic legislation if the Committee has ruled that it is not in compliance with the Charter, depending on the internal legal system of the State.

In the event of violation of the Charter, the State is asked to notify the Committee of Ministers of the Council of Europe of the measures taken or planned to bring the situation into conformity.

The Committee of Ministers may adopt a resolution, by a majority of those voting. The resolution takes account of the respondent State's declared intention to take appropriate measures to bring the situation into conformity. The Committee of Ministers' decision is based on social and economic policy considerations not on legal considerations.

If the State in question does not indicate its intention to bring the situation into conformity, the Committee of Ministers may also adopt a recommendation to the State. In view of the importance of this decision, a two-thirds majority of those voting is required here. In the case of both resolutions and recommendations, only States party to the Charter may take part in the vote.

The European Committee of Social Rights' decision on the merits of the complaint is made public at the latest four months after the report is transmitted to the Committee of Ministers and is published on the Council of Europe website.

Ultimately, it falls to the Committee to determine whether the situation has been brought into compliance with the Charter.

The Committee's findings of violation in the framework of the complaints procedure are not intended to be decisions against states. The spirit and purpose of the procedure, as the Committee understands it, is not to put the State on trial for its lack of implementation of the Charter. It is rather to put the normative provisions of the Charter to the test of specific and concrete situations. It is to assess what a State has to do or to prevent in order to guarantee the application of rights of the Charter in specific situations. In other words, the purpose is to give an additional opportunity to States Parties to bring the situation into conformity and to prevent possible further violations of the Charter.

There are other added values of the procedure: the complaints procedure is also important because it opens the Charter to the civil society, to its very beneficiaries, those who are directly concerned with the implementation of the Charter and who are the best guardians of these rights. It is therefore an opportunity for dialogue between different actors on the best way to implement the Charter at national level, drawing on the experience of other countries through the Committee.

Furthermore, accepting the procedure now produces an advantage to the States concerned in terms of reporting burden under the Charter: States having accepted the complaint procedure are exempted from some reporting obligations under the Charter.

Experience has shown that, since the introduction of the procedure, the number of complaints over time had been relatively limited and has not created an undue burden on governments.

It was also recalled that, in the framework of the Turin process started in 2014, reinforcement of the collective complaints procedure was a priority and all member states had been called on to ratify the Protocol. It provided a legal tool for guaranteeing the full enjoyment of fundamental social and economic rights and had important implications for improving democracy through the involvement of civil society as actors.

The Government pointed out that Latvia sees the European Social Charter as a very important instrument for the implementation of social rights. It envisages continuing to work on the provisions of the Charter which have already been accepted, when it is necessary to eliminate existing inconsistencies between the national situation and the requirements of the Charter. At the same time, there is an effort to move forward with the gradual acceptance of the remaining articles of the Charter, reviewed today.

According to the results of the survey conducted by the CDDH-SOC less than a year ago, the Council of Europe member states which have not accepted the collective complaints procedure have many questions in relation to this procedure.

Furthermore, the Government recalled that Mr Giuseppe Palmisano, President of the Committee, during an exchange of views with the Committee of Ministers of the Council of Europe in March 2018, stressed that the amendments to the reporting system adopted by the Committee of Ministers in April 2014 in the purpose of simplifying it, has not yet produced effects for States Parties to the Charter which have accepted the collective complaints procedure. They were even felt to have increased the reporting burden.

This is another reason why Latvia is not yet ready to take further steps to accept the collective complaints procedure: the reporting system is still not sufficiently transparent and well organised. Its simplification would be really welcome.

**APPENDIX I – PROGRAMME – 1ST MEETING ON THE NON-ACCEPTED PROVISIONS
OF THE EUROPEAN SOCIAL CHARTER – RIGA, 24 MAY 2018**



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PROGRAMME
1st MEETING ON THE NON-ACCEPTED PROVISIONS
OF THE EUROPEAN SOCIAL CHARTER

organised by

Department of the European Social Charter, DG I

Council of Europe

and

Ministry of Welfare of the Republic of Latvia

Riga, 24 May 2018

Venue: Ministry of Welfare of the Republic of Latvia, Skolas street 28, Riga, LV-1331,
Building II, 6th floor

Working languages: English and Latvian

The meeting is organised within the framework of the procedure provided for by Article 22 of the 1961 Charter on “non-accepted provisions”. It will consist of an exchange of views and information on the provisions not accepted by Latvia with a view to evaluating the prospects for acceptance of additional provisions. In addition, there will be an exchange of views on the system of collective complaints, which has not yet been accepted by Latvia.

Background

Latvia ratified the European Social Charter (revised) on 26 March 2013, accepting 90 of the 98 paragraphs of the Charter. The following eight provisions are not yet accepted by Latvia:

Article 4§1 - The right to a fair remuneration – Decent remuneration;

Article 12§3 - The right to social security – Development of the social security system;

Article 12§4 - The right to social security – Social security of persons moving between states;

Article 19§2 – The right of migrant workers and their families to protection and assistance – Departure, journey and reception;

Article 19§3 - The right of migrant workers and their families to protection and assistance – Co-operation between social services of emigration and immigration states;

Article 23 – The right of elderly persons to social protection;

Article 31§2 - The right to housing – Reduction of homelessness;

Article 31§3 - The right to housing – Affordable housing.

According to the decision taken by the Committee of Ministers on 11 December 2002, the examination of non-accepted provisions should take place, state by state, for the first time five years after the date of ratification of the revised Charter, and then every five years, to assess the situation on an ongoing basis and to encourage States to accept new provisions. Consequently, with a view to carrying out the procedure for the first time, the European Committee of Social Rights decided, at its 293rd session, to invite Latvia to organise a meeting on the non-accepted provisions in 2018.

Programme

Moderator: Velga Lazdiņa-Zaka, Social Insurance Department, Ministry of Welfare

Opening of the meeting

- *Ingus Alliks, State Secretary, Ministry of Welfare*
- *Régis Brillat, Head of the Department of the European Social Charter, Executive Secretary of the European Committee of Social Rights*

9.45 Article 4§1 The right to a fair remuneration – Decent remuneration

Situation in law and in practice in Latvia, reasons for non-acceptance

- *Aina Liepiņa, Senior Expert of Labour Market Policy Department, Ministry of Welfare*

Comments in the light of the Committee's conclusions and decisions

- *Giuseppe Palmisano, President of the European Committee of Social Rights*

Discussion

10.30 Article 12 The right to social security §3 (Development of the social security system) and §4 (Social security of persons moving between states)

Situation in law and in practice in Latvia, reasons for non-acceptance

- *Daina Fromholde, Senior Expert of Social Insurance Department, Ministry of Welfare*
- *Ēriks Miķītis, Director of Department of Health Care, Ministry of Health*

Comments in the light of the Committee's conclusions and decisions

- *Régis Brillat, Head of the Department of the European Social Charter, Executive Secretary of the European Committee of Social Rights*

Discussion

11.15 *Coffee break*

11.45 Article 19 The right of migrant workers and their families to protection and assistance

§2 (Departure, journey and reception) and §3 (Co-operation between social services of emigration and immigration states)

Situation in law and in practice in Latvian, reasons for non-acceptance

- *Ilze Briede, Head of Migration Division, Office of Citizenship and Migration Affairs*
- *Olga Dabiža, Senior Desk Officer of Sectoral Department Policy Development Division, Ministry of Interior*
- *Svetlana Djačkova, Senior Expert of Labour Market Policy Department, Ministry of Welfare*
- *Ēriks Miķītis, Director of Department of Health Care, Ministry of Health*

Comments in the light of the Committee's conclusions and decisions

- *Danuta Wiśniewska-Cazals, Department of the European Social Charter, Council of Europe*

Discussion

12.30 *Lunch break*

14.00 Article 23 The right of elderly persons to social protection

Situation in law and in practice in Latvia, reasons for non-acceptance

- *Sandra Stabiņa, Director of Social Insurance Department, Ministry of Welfare*
- *Anda Masejeva, Senior Officer of Social Services Department, Ministry of Welfare*
- *Ēriks Miķītis, Director of Department of Health Care, Ministry of Health*

Comments in the light of the Committee's conclusions and decisions

- *Kristine Dupate, member of the European Committee of Social Rights*

Discussion

**14.45 Article 31 The right to housing
§2 (Reduction of homelessness) and §3 (Affordable housing)**

Situation in law and in practice in Latvia, reasons for non-acceptance

- *Dace Vītola, Deputy Head of Housing Policy Department, Ministry of Economics*
- *Ilze Skrodele-Dubrovskā, Deputy Head of Methodological Management and Control Department, Ministry of Welfare*

Comments in the light of the Committee's conclusions and decisions

- *Giuseppe Palmisano, President of the European Committee of Social Rights*

Discussion

15.15 The collective complaints procedure

- *Giuseppe Palmisano, President of the European Committee of Social Rights*
- *Régis Brillat, Head of the Department of the European Social Charter, Executive Secretary of the European Committee of Social Rights*

Situation in law and in practice in Latvia, reasons for non-acceptance

- *Velga Lazdiņa-Zaka, Senior Officer of Social Insurance Department, Ministry of Welfare*

Discussion

16.00 Conclusions of the meeting

- *Giuseppe Palmisano, President of the European Committee of Social Rights*
- *Ingus Alliks, State Secretary, Ministry of Welfare*

APPENDIX II – LIST OF PARTICIPANTS – 1ST MEETING ON THE NON-ACCEPTED PROVISIONS OF THE EUROPEAN SOCIAL CHARTER – RIGA, 24 MAY 2018



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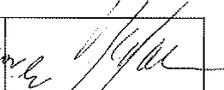
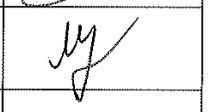
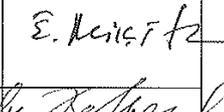
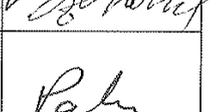
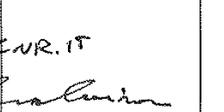
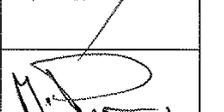
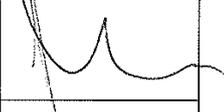
1ST MEETING ON THE NON-ACCEPTED PROVISIONS

OF THE EUROPEAN SOCIAL CHARTER

organised by
Department of the European Social Charter, DG I
Council of Europe
and
Ministry of Welfare of the Republic of Latvia

Riga, 24 May 2018

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22.	Wiśniewska-Cazals	Danuta	Department of the European Social Charter, Council of Europe		

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APPENDIX III – SITUATION OF LATVIA WITH RESPECT TO THE EUROPEAN SOCIAL CHARTER

Signatures, ratifications and accepted provisions

Latvia ratified the European Social Charter on 31/01/2002. It has signed and ratified the Amending Protocol to the Charter on 09/12/2003.

Latvia ratified the Revised European Social Charter on 26 March 2013, accepting 90 of the 98 paragraphs of the Revised Charter.

Latvia has neither signed nor ratified the Protocol providing for a system of collective complaints.

The Charter in domestic law

The Charter is recognized as having immediate legal effects in the domestic legal order. Article 68. "Any international treaty which requires a transposition by Law into domestic order shall be ratified by the Parliament (Saeima)".

Table of accepted Provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3							Grey = accepted provisions				

Monitoring the implementation of the European Social Charter ³

I. Reporting system ⁴

Reports submitted by Latvia

Between 2004 and 2017, Latvia submitted 10 reports on the application of the 1961 Charter, and 3 reports on the application of the Revised Charter.

The [3rd report on the revised Charter](#), submitted on 4/7/2017, concerns the accepted provisions relating to Thematic Group 2 "Health, social security and social protection", namely:

- the right to safe and healthy working conditions (Article 3),
- the right to protection of health (Article 11),
- the right to social security (Article 12),
- the right to social and medical assistance (Article 13),
- the right to benefit from social welfare services (Article 14),
- the right of elderly persons to social protection (Article 23),
- the right to protection against poverty and social exclusion (Article 30).

Conclusions with respect to these situations will be published in January 2018.

The 4th report, which should have been submitted by 31/10/2018, should concern the accepted provisions relating to Thematic Group 3 "Labour Rights", namely:

- the right to just conditions of work (Article 2),
- the right to a fair remuneration (Article 4),
- the right to organise (Article 5),
- the right to bargain collectively (Article 6),
- the right to take part in the determination and improvement of the working conditions and working environment (Article 22),
- the right of dignity at work (Article 26),
- the right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28),
- the right to information and consultation in collective redundancy procedures (Article 29).

Conclusions with respect to these provisions will be published in January 2019.

³ The European Committee of Social Rights ("the Committee") monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

⁴ Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups.

Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

SITUATIONS OF NON-CONFORMITY ⁵

Thematic Group 1 “Employment, training and equal opportunities - Conclusions XX-1 (2012)

▶ *Article 151 - Right to work - Policy of full employment*

It has not been established that employment policy efforts have been adequate in combatting unemployment and promoting job creation.

▶ *Article 152 - Right to work Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*

The restrictions on access to employment for non EU citizens go beyond those permitted by the Charter.

Thematic Group 2 “Health, social security and social protection” - Conclusions 2017

▶ *Article 353 - Right to safe and healthy working conditions - Enforcement of safety and health regulations*

Measures to reduce the number of fatal accidents at work are inadequate.

▶ *Article 1151 – Right to protection of health – Removal of the causes of ill-health*

Insufficient measures have been taken to effectively guarantee the right of access to health care.

▶ *Article 1251 - Right to social security - Existence of a social security system*

- the minimum level of unemployment benefits is inadequate;
- the minimum level of old age pension is inadequate;
- the minimum level of disability pension is inadequate.

▶ *Article 1351 – Right to social and medical assistance – Adequate assistance for every person in need*

- the level of social assistance paid to a single person without resources is not adequate;
- non-EEA nationals, lawfully resident in Latvia are subject to a length of residence requirement of five years to be entitled to social assistance.

▶ *Article 1451 – Right to benefit from social services – Promotion or provision of social services*

Access to social services by nationals of other States Parties is subject to a length of residence requirement.

▶ *Article 30 - Right to be protected against poverty and social exclusion*

There is no adequate overall and coordinated approach to combating poverty and social exclusion.

Thematic Group 3 “Labour rights” - Conclusions XX-3 (2014)

▶ *Article 5 – Right to organise*

A minimum of 50 members or at least one quarter of the employees of an undertaking are required to form a trade union, which is an excessive restriction on the right to organise.

▶ *Article 652 - Right to bargain collectively - Negotiation procedures*

The voluntary negotiations are not sufficiently promoted in practice.

Thematic Group 4 “Children, families, migrants” - Conclusions XIX-4 (2011)

▶ *Article 16 – Right of the family to social, legal and economic protection*

1. Measures implemented to address the problem of domestic violence have not been sufficient;
2. The level of family benefits is inadequate;
3. Equal treatment of nationals of other States parties regarding the payment of family benefits is not ensured because the length of residence requirement is excessive.

⁵ Further information on the situations of non-conformity is available on the [HUDOC database](#).

The Committee has been unable to assess compliance with the following provisions and has invited the Latvian Government to provide more information in the next report:

Thematic Group 1 "Employment, training and equal opportunities"

Thematic Group 2 "Health, social security and social protection"

- ▶ Article 3§1 - Conclusions 2017
- ▶ Article 3§2 - Conclusions 2017
- ▶ Article 3§4 - Conclusions 2017
- ▶ Article 12§2 - Conclusions 2017
- ▶ Article 13§2 - Conclusions 2017

Thematic Group 3 "Labour rights"

Thematic Group 4 "Children, families, migrants"

- ▶ Article 8§1 - Conclusions XIX-4 (2011)

II. Examples of progress achieved in the implementation of rights under the Charter ***(update in progress)***

Employment

- ▶ The law on the Support of the Unemployed and Jobseekers which entered into force on 1 July 2002 stipulates a range of active measures from which unemployed persons may benefit.
- ▶ Unemployment, and particularly long-term unemployment, has considerably decreased.
- ▶ Measures have been taken to address the problem of unemployment among disabled people (subsidised work places for disabled implemented by the State Employment Agency and in the framework of the National Employment Plan).
- ▶ A prohibition of discrimination in employment is prescribed by the Labour Law which came into force in 2004.
- ▶ The duration of alternative service has been reduced to 12 months (same duration as for the military service).
- ▶ The police legislation enacted on 1st January 2006 authorizes police officers to form trade unions and to affiliate to them.

Health

- ▶ On 1 January 2006, and in accordance with Community regulations, new statutory food hygiene rules came into force.
- ▶ An anti-AIDS programme has been set up in 2003. It includes epidemiological monitoring, prevention, especially for major at-risk groups, and special care and treatment for persons with HIV/AIDS (2003-2007 programme).
- ▶ Amendments to the law limiting cigarette and tobacco advertising were approved in 2005. These also introduced more restrictions on smoking in public places from 1 July 2008.

Migrants

- ▶ Amendments to the Immigration Law had been adopted on 6 April 2006 in order to lighten the procedure for a non-national in view of requesting a temporary residence permit; a permanent residence permit may be requested by an alien who has continuously resided in Latvia with a temporary residence permit for at least 5 years.

Social and medical assistance

- ▶ Among the categories of residents who are defined in Regulation No. 1529 as exempted from a patient contribution are poor persons who have been recognised as such in accordance with the regulations regarding the procedures by which a family or a person living alone shall be recognised as poor

APPENDIX IV – DECLARATION OF THE COMMITTEE OF MINISTERS ON THE 50TH ANNIVERSARY OF THE EUROPEAN SOCIAL CHARTER

*(Adopted by the Committee of Ministers on 12 October 2011
at the 1123rd meeting of the Ministers' Deputies)*

The Committee of Ministers of the Council of Europe,

Considering the European Social Charter, opened for signature in Turin on 18 October 1961 and revised in Strasbourg on 3 May 1996 (“the Charter”);

Reaffirming that all human rights are universal, indivisible and interdependent and interrelated;

Stressing its attachment to human dignity and the protection of all human rights;

Emphasising that human rights must be enjoyed without discrimination;

Reiterating its determination to build cohesive societies by ensuring fair access to social rights, fighting exclusion and protecting vulnerable groups;

Underlining the particular relevance of social rights and their guarantee in times of economic difficulties, in particular for individuals belonging to vulnerable groups;

On the occasion of the 50th anniversary of the Charter,

1. Solemnly reaffirms the paramount role of the Charter in guaranteeing and promoting social rights on our continent;
2. Welcomes the great number of ratifications since the Second Summit of Heads of States and Governments where it was decided to promote and make full use of the Charter, and calls on all those member states that have not yet ratified the Revised European Social Charter to consider doing so;
3. Recognises the contribution of the collective complaints mechanism in furthering the implementation of social rights, and calls on those members states not having done so to consider accepting the system of collective complaints;
4. Expresses its resolve to secure the effectiveness of the Social Charter through an appropriate and efficient reporting system and, where applicable, the collective complaints procedure;
5. Welcomes the numerous examples of measures taken by States Parties to implement and respect the Charter, and calls on Governments to take account, in an appropriate manner, of all the various observations made in the conclusions of the European Committee of Social Rights and in the reports of the Governmental Committee;
6. Affirms its determination to support States Parties in bringing their domestic situation into conformity with the Charter and to ensure the expertise and independence of the European Committee of Social Rights;
7. Invites member states and the relevant bodies of the Council of Europe to increase their effort to raise awareness of the Charter at national level amongst legal practitioners, academics and social partners as well as to inform the public at large of their rights.