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European Social Charter (REVISED)

European Committee of Social Rights

Conclusions 2023

LATVIA

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns Latvia, which ratified the Revised European Social Charter on 26 March 2013. The deadline for submitting the 9th report was 31 December 2022 and Latvia submitted it on 5 May 2023.

The Committee recalls that Latvia was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2019).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2019), the Committee concluded that the situation was in conformity, there was no examination in 2023.

Latvia has not accepted the following provisions from the above-mentioned group: 19§§2- 3, 31§§2-3.

The conclusions relating to Latvia concern 32 situations and are as follows:

– 24 conclusions of conformity: Articles 7§§1-2, 7§4, 7§§6-10, 8§§1-5, 17§2, 19§§4-5, 19§7, 19§9, 19§11, 19§12, 27§§1-3.

– 8 conclusions of non-conformity: 7§3, 7§5, 16, 17§1, 19§6, 19§8, 19§10, 31§1.

Conclusions and reports are available at www.coe.int/socialcharter.

Article 7 - Right of children and young persons to protection

Paragraph 1 - Prohibition of employment under the age of 15

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee notes that it has previously considered that the situation in Latvia was in conformity with Article 7§1 of the Charter.

The Committee has observed that many States’ legislation is in conformity with Article 7§1 of the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggest that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

According to the report, the State Labour Inspectorate has not detected any case of illegal employment of children during the reference period and has not received any complaints about the domestic or home-based work done by children. The report also states that during the period from 2018 to 2021, no violations have been detected of the Regulation of the Cabinet of Ministers No. 205, concerning the procedures for issuing work permits for children in cultural, artistic, sporting and advertising activities or of Regulation No. 10 of the Cabinet of Ministers regarding activities in which the employment of children from the age of 13 is permitted.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 7§1 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 7§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2019) the Committee found that the situation in Latvia was in conformity with the Charter. However, the Committee asked the next report to provide up-to-date information on the activities and findings of the State Labour Inspectorate in relation to the prohibition of employment under the age of 18 for dangerous or unhealthy activities and the exceptions permitted, including the number of inspections conducted, the number of violations detected and sanctions applied.

The Committee notes from the report in this regard that in 2018, 2019 and 2021 the State Labour Inspection (SLI) has not detected any violations of the Clause 3, Regulations of the Cabinet of Ministers No. 206. In 2020 one violation was detected but was remedied.

According to the report the SLI carries out educational work in the framework of the project 'employment measures in summer time for persons who receive education at secondary, special or vocational education institutions', which is organised by the State Employment Agency. Young people are informed about their rights at the workplace and about the regulations of the Labour Law regarding the employment of adolescents. In the period from 2018 to 2021 the SLI conducted 7 events.

The report also indicates the numbers of violations that SLI detected and the number of administrative penalties it imposed in the period 2018-2021 with respect to Article 37 paragraphs 4 to 6 of the Labour Law (prohibition to employ adolescents in jobs in special conditions, employer's obligation to inform about the assessed risk of the working environment and the labour protection measures and the obligation of medical examinations).

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 7§2 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 3 - Prohibition of employment of children subject to compulsory education

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 7§ 3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion the Committee found that the situation in Latvia was in conformity with the Charter.

In its previous conclusion the Committee asked whether children who are still in compulsory education benefit from two consecutive weeks free from any work during the summer holidays. The report states in this respect that the provisions of the Labour Law do not clearly state that a child obtaining compulsory education should have two consecutive weeks free from any work during the summer holidays. The report indicates however that school holidays in summer are three months, which is longer than in other countries. According to the report in 2018-2021 the controlling bodies did not receive any complaints about excessive and continuous work of children during summer holidays.

The Committee recalls that States Parties must provide for a mandatory and uninterrupted period of rest during school holidays. Its duration shall not be less than two consecutive weeks during the summer holidays. The Committee considers that this is not guaranteed by law in Latvia. Therefore, the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Latvia is not in conformity with Article 7§3 of the Charter on the ground that the law does not guarantee two consecutive weeks of rest during school holidays.

Article 7 - Right of children and young persons to protection

Paragraph 4 - Working time

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no questions were asked for Article 7§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§4 requires that the working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training.

In its previous conclusion, the Committee found that the situation in Latvia was in conformity with Article 7§4 of the Charter, pending receipt of the information requested on activities and findings of the State Labour Inspectorate (Conclusions 2019).

The Committee requested up-to-date information on activities and findings of the State Labour Inspectorate with regard to the legislation on reduced working time of young workers who are no longer subject to compulsory education, including the number of inspections conducted, the number of violations detected and the sanctions imposed in practice.

The report provides statistics for 2018 to 2021 for number of detected violations and administrative penalties imposed by the Labour Inspectorate (SLI). Furthermore, in all cases where unregistered employment of young people is found, administrative punishment is applied.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 7§4 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 5 - Fair pay

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 7§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee considered that the situation in Latvia was not in conformity with Article 7§5 of the Charter on the ground that the young workers wages were not fair (Conclusions 2019). The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of non-conformity, and to the targeted questions.

Fair remuneration for young workers and apprentices

Under Article 7§5 the Committee examines if young workers are paid the equivalent of 80% of a minimum wage in line with the Article 4§1 fairness threshold (60% of the net average wage). Thus, if young workers’ wage amounts to 80% of the minimum threshold required for adult workers (60% of the net average wage), the situation would be in conformity with Article 7§5 (Conclusions XVII-2, Spain). In the present case, as the young workers’ wage is at the same level as the adult workers’ wage, the Committee examines whether the net minimum wage of young workers represents 80% of the minimum threshold required for adult workers (60% of the net average wage). This is at least a 48% of the net average monthly wage. Since Latvia has not accepted Article 4§1 of the Charter, the Committee makes its own assessment on the adequacy of young workers wage under Article 7§5. For this purpose, the ratio between net minimum wage and net average wage is taken into account.

In its previous conclusion, the Committee noted that the remuneration of adolescents (defined as persons between the ages of 15 and 18 who were not subject to compulsory education) was at the same level as the adult workers’ wage. Taking into account that the report established that for 2017 the minimum wage was 380 € and that workers under 18 years old earn the same as adult workers, this amount represented 42% of the net average monthly earnings, and it was well below the required threshold of 48%. The Committee therefore considered that the situation in Latvia in this respect was not in conformity with the Charter.

The report states in reply that in 2021, the net minimum wage was 428 EUR. According to Eurostat, an average wage was 1,066 EUR in 2021. According to the CSB data, most of young persons aged 15 – 19 (52%) were paid the minimum wage or below (gross) per month; 36% earned 400 EUR – 700, 21% earned 200 – 400 EUR, 17% earned above 200 EUR, 16% earned 700 – 1000 EUR. The Committee notes that the minimum wage represented 40% of the average wage in the reference period. The Committee thus considers that the young workers’ wages cannot be considered fair and thus reiterates its conclusion.

As regards the apprentices, the Committee recalls that apprentices may be paid lower wages, since the value of the on-the-job training they receive must be taken into account. However, the apprenticeship system must not be deflected from its purpose and be used to underpay young workers. Accordingly, the terms of apprenticeships should not last too long and, as skills are acquired, the allowance should be gradually increased throughout the contract period (Conclusions II (1971), Statement of Interpretation on Article 7§5), starting from at least one-third of the adult starting wage or minimum wage at the commencement of the apprenticeship, and arriving at least at two-thirds at the end (Conclusions 2006, Portugal).

In its previous conclusion (Conclusions 2019), the Committee asked whether there was a legal framework on the status of apprentices in Latvia. In order to assess the conformity of the

situation with Article 7§5 of the Charter, the Committee requested to be provided with the net values of the allowances paid to apprentices (after deduction of social security contributions) at the beginning and at the end of the apprenticeship.

The report states that there are plans to review the issues of fair remuneration and access to social security in 2023 within the context of an EU activity focusing on updating framework for quality traineeships. No information on current values is provided.

Due to the failure to provide the information, the Committee concludes that the situation in Latvia is not in conformity with Article 7§5 of the Charter.

Fair remuneration in atypical jobs

For the present monitoring cycle, the Committee requested updated information on net minimum wages and allowances payable to persons under 18 years of age. In particular, it asked for information on measures taken to ensure that fair remuneration is guaranteed to young workers:

i) in atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.)

ii) in the gig or platform economy and

iii) having zero hours contracts.

The report states that in Latvia there are no zero hours contracts. It does not provide information in reply to other questions asked.

Due to the failure to provide the information, the Committee concludes that the situation in Latvia is not in conformity with Article 7§5 of the Charter.

Enforcement

In the context of the present monitoring cycle the Committee also requested information on measures taken to ensure that this right of young persons to fair pay is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions).

The report provides information on the number of detected violations and administrative penalties imposed by the SLI with respect to remuneration for persons under 18 years of age (between 0 to 2 in the years 2018-2021) and on the sanctions imposed. It also provides information on measures taken by the SLI for education of young people on labour legal relations and labour protection.

Conclusion

The Committee concludes that the situation in Latvia is not in conformity with Article 7§5 of the Charter on the ground that young workers' wages are not fair.

Due to the failure to provide the information listed below the Committee concludes that the situation in Latvia is not in conformity with Article 7§5 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Latvia of their reporting obligations under Article C of the Charter.

List of questions:

- information on measures taken to ensure that fair remuneration is guaranteed to young workers in atypical jobs;
- information on allowances paid to apprentices.

Article 7 - Right of children and young persons to protection

Paragraph 6 - Inclusion of time spent on vocational training in the normal working time

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no questions were asked for Article 7§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§6 requires that time spent on vocational training by young people during normal working hours must be treated as part of the working day (Conclusions XV-2 (2001), Netherlands). Such training must, in principle, be done with the employer’s consent and be related to the young person’s work. Training time must thus be remunerated as normal working time, and there must be no obligation to make up for the time spent in training, which would effectively increase the total number of hours worked (Conclusions V (1977), Statement of Interpretation on Article 7§6). This right also applies to training followed by young people with the consent of the employer and which is related to the work carried out, but which is not necessarily financed by the latter.

In its previous conclusion, the Committee found that the situation in Latvia was in conformity with Article 7§6 of the Charter, pending receipt of the information requested (Conclusions 2019). The Committee asked for information on the activity and findings of the State Labour Inspectorate specifically concerning the inclusion of time spent on training in normal working time, as well as on the number of inspections conducted. The report provides statistics for 2018 to 2021 for number of detected violations and administrative penalties imposed by the Labour Inspectorate (SLI), confirming that the situation remains in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 7§6 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 7 - Paid annual holidays

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 7§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Latvia was in conformity with Article 7§7 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked for confirmation that the right to paid annual holidays could not be waived by young workers under 18, in exchange for additional pay. The report refers to Article 149§5 of the Labour Law, which provides that paid annual leave may not be compensated with additional pay, except where the employment relationship is terminated, and the employee had not used their annual leave.

The Committee asked whether young workers who suffered from illness or temporary incapacity during their holiday were entitled to take the days lost at another time. The report refers to Article 150§6 of the Labour Law, which provides that paid annual paid leave shall be transferred or extended in case of temporary incapacity of an employee.

The Committee asked for information on the activity and findings of the State Labour Inspectorate in relation to the paid annual holidays of young workers under 18. The report provides consolidated data on the number of violations of the right to paid annual holidays, as provided under Article 149§1 of the Labour Law, as regards minor, as well as adult, workers.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 7§7 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 8 - Prohibition of night work

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 7§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Latvia was in conformity with Article 7§8 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked whether exceptions were made with regard to certain occupations or sectors and, if this was the case, what the number/proportion of young workers concerned by such derogations was. The report notes that the prohibition of night work for young workers does not allow for any exceptions as regards certain occupations or sectors.

The Committee asked for information on the activity of the Labour Inspectorate, its findings and sanctions imposed in relation to possible illegal involvement of young persons under 18 years of age in night work. The report provides consolidated data on the number of violations of the prohibition of night work, as regards minor, as well as adult, workers. Accordingly, during the reference period, there was one violation of the prohibition of night work, recorded in 2018.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 7§8 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 9 - Regular medical examination

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 7§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Latvia was in conformity with Article 7§9 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked for information on the activity and findings of the Labour Inspectorate in relation to the medical examination of young workers under 18 years of age. The report provides information as regards the number of violations found by the Labour Inspectorate during the reference period, namely four in 2018, four in 2019, one in 2020, and none in 2021.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 7§9 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 10 - Special protection against physical and moral dangers

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§10 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

Previously, the Committee deferred its conclusion (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of deferral and to the targeted questions.

Protection against sexual exploitation

Previously, the Committee asked whether the principle that child victims of sexual exploitation should not be prosecuted for any act connected with this exploitation was respected by Latvia. It also asked for information on the extent of sexual exploitation of children and measures taken to address the problem (Conclusions 2019).

In the targeted questions, the Committee asked for updated information on measures taken to strengthen the protection of children, including migrant, refugee, and displaced children, from sexual exploitation and abuse (in particular, in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

The report states that a child who is a victim of a criminal offence, exploitation, sexual abuse, violence, negligence or any other unlawful, cruel or demeaning acts shall be provided with emergency assistance free of charge. There is an obligation to inform the police or any other competent authority about violence or other criminal offence directed against a child.

The report provides no information on whether child victims of sexual exploitation can be prosecuted for any act connected with this exploitation. The Committee notes from other sources (GRETA Evaluation Report, Third evaluation round, GRETA (2022)02, 21 February 2022) that the Administrative Code provides for the release from administrative liability victims of human trafficking who have committed administrative violations by being subjected to trafficking.

In reply to the targeted question, the report states that the strategic plan 2018-2021 on “Trafficking in Human Beings” was implemented. Furthermore, work was continued on “Guidelines for the Prevention of Human Trafficking 2014-2020”. In 2018-2021, annual Europol EMPACT THB joint action measures against labour exploitation were carried out, as well as measures against child exploitation. Between 2018 and 2021, four minors were identified as victims of human trafficking. 18 cases were opened for the involvement of minors in prostitution during the same period.

The report further states that every year, the Child Helpline organises an information campaign against sexual abuse entitled “Stop the silence” where several interviews are made and people are encouraged to call Child Helpline if any questions regarding sexual abuse, its consequences and risks arise as well as in cases where a child has experienced sexual abuse.

Protection against the misuse of information technologies

In the targeted question, the Committee asked for information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

The report states that the Latvian Safer Internet Centre implemented the project “Dangerous friendship on the internet” which aims to prevent children from becoming victims of online grooming by recognising it and adequately reacting to it. Children and young people, parents and educators are all invited to fill out the self-help test to find out how safe an online friendship is, to learn how to recognise grooming cases and where to seek help. The Committee welcomes this information but notes that it appears to be outside the reference period for the purposes of the present reporting cycle since the project was launched in 2022.

The report also provides information on illegal online content and breaches. For example, illegal content comprising child sexual abuse material was identified 180 times in 2018, 3,254 times in 2019, 3,993 times in 2020 and 22,925 times in 2021.

Protection from other forms of exploitation

The Committee previously asked for information on the assistance provided to children. It also asked what measures had been taken to protect and assist children in vulnerable situations, with particular attention to children at risk of child labour, including those in rural areas (Conclusions 2019).

The report states that in order to support young people in difficult situations, the non-governmental organisation “OPEN Creative Centre” developed a network of such centres in Latvia. These are places where young people from the age of 13 can come and spend their free time there. 300 young people regularly frequent these centres. Since 2016, social rehabilitation programmes for children aged 13-18 with behavioural disorders have also been provided. Children living on the streets are also invited to participate in the programmes.

The report further states that since 2019, the Welfare Department has paid attention to children with behavioural disorders through a programme providing early support and education for families facing difficulties in raising a child. Moreover, social correction programmes for children are developed and provided to an average of 30 families per month.

Covid-19

In the context of the Covid-19 pandemic, the Committee asked for information on the impact of the pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen the monitoring mechanisms.

The Committee recalls that Article 7§10 of the Charter guarantees protection against sexual and other exploitation of children as well as protection against the misuse of information technology and social media (for the purposes of online bullying, child pornography, grooming, harassment, etc.), which is particularly pertinent in view of the acceleration of digitalisation and online activity brought about by the pandemic (Statement on Covid-19 and social rights, 24 March 2021).

The report states that during the pandemic, there was an increase in calls to Child Helpline regarding sexual abuse. This may be due to the fact that children stayed at home, were not allowed to go to school and were unable to meet their peers; therefore, they often felt lonely and started looking for communication online.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 7§10 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked in relation to Article 8§1 of the Charter, only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

As the previous conclusion found the situation in Latvia to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

According to the report, Covid-19 didn't have an impact on the right to paid maternity leave. All employed women – in the private as in the public sector - continued to receive 80% of their gross salary during the whole length of the compulsory maternity leave during the Covid-19 crisis financed from social insurance.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 8§1 of the Charter.

Article 8 - Right of employed women to protection of maternity
Paragraph 2 - Illegality of dismissal during maternity leave

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked in relation to Article 8§2 of the Charter only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group “Children, families and migrants”).

The Committee previously deferred its conclusion (Conclusions 2019) pending receipt of information on any case law on reinstatement and whether the same system of compensation for unfair dismissal applied to female employees in the public sector, in particular those on fixed-term contracts.

Prohibition of dismissal

The Committee previously found the situation to be in conformity on this point. There was therefore, no examination of the situation in 2023 and the Committee reiterates its previous finding of conformity.

Redress in case of unlawful dismissal

In its previous conclusion (Conclusions 2019) the Committee requested information on any case law relating to applications for reinstatement following unlawful dismissal during pregnancy or maternity leave.

The report states that between 2018 and 2021, the Labour Inspectorate reviewed 16 applications concerning women dismissed because of pregnancy. The inspectorate found 2 violations and imposed fines on the employers.

The report also refers to the Daugavpils` court ruling of 12 January 2018 in case no. C12287817 concerning reinstatement . The report states that there are no data on the number of applications for reinstatement following an unlawful dismissal during pregnancy or maternity.

In its previous conclusion (Conclusions 2019), the Committee asked whether the same system of compensation for unfair dismissal applied to female employees in the public sector, in particular those on fixed-term contracts.

The Committee notes that the same system applies to both public and private sector workers as well as those on fixed term contracts.

Covid-19

The Committee asked whether the Covid-19 crisis had had an impact on the possibility of dismissing pregnant employees and those on maternity leave; it also asked whether there had been any exceptions to the ban on dismissal during pregnancy and maternity leave during the pandemic.

The report states that the Covid-19 crisis had no impact on the possibility of dismissing pregnant employees and employees on maternity leave.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 8§2 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 3 - Time off for nursing mothers

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children migrants and families").

As the previous conclusion found the situation in Latvia to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023.

Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 8§3 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 4 - Regulation of night work

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§4 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Latvia was in conformity with Article 8§4 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

The Committee previously noted that under Article 138 of the Labour Law, it is prohibited to employ at night pregnant women and women having given birth for a period of up to one year following childbirth which can be extended, to the whole nursing period (Conclusions 2019).

The Committee notes from the information provided in the report under Article 8§5 that no loss of pay results from changes in working conditions, reassignment to a different post or exemption from work.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 8§4 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Latvia was in conformity with Article 8§5 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave and women concerned retain the right to return to their previous employment once their condition permits.

According to the report Article 99 of the Labour Law provides that in order to prevent any risk, which may negatively affect the safety and health of a pregnant woman, an employer, after receipt of a doctor's opinion, has the obligation to ensure such working conditions and working time for the pregnant woman as would prevent her exposure to the abovementioned risk. If it is not possible to ensure such working conditions or working time, the employer has the obligation to temporarily transfer the pregnant woman to a different, more appropriate job. The pay may not be less than the previous average earnings of the woman. If a transfer to another job is not possible, the employer has the obligation to grant the pregnant woman temporary leave. During the period of leave the pregnant woman shall continue to receive her salary. Identical rules also apply to a woman during the period following childbirth up to one year, but if a woman is breastfeeding, during the whole period of breastfeeding.

Once their condition permits women have the right to return to their previous post.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 8§5 of the Charter.

Article 16 - Right of the family to social, legal and economic protection

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that for the current reporting cycle, States were asked to respond to several targeted questions for Article 16 of the Charter as well as, where applicable, previous conclusions of non-conformity, deferral or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the Charter's implementation in respect of the provisions relating to the "Children, family and migrants" thematic group).

In its previous conclusion (Conclusions 2019), the Committee found that the situation in Latvia was not in conformity with Article 16 of the Charter on the grounds that :

- equal treatment of nationals of other States Parties regarding the payment of family benefits was not ensured due to the excessive length of residence requirement, and
- family benefits were not of an adequate level for a significant number of families.

The Committee's assessment will therefore relate to the information provided in the report in response to the conclusion of non-conformity, and to the targeted questions.

Legal protection of families

Domestic violence against women

First of all, the Committee notes that Latvia has signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in May 2016, but has not yet ratified it.

In its previous conclusion, the Committee asked for updated information on the adoption of the draft law prepared by the Ministry of Justice, which aims to strengthen cooperation and exchange of information between the State and local government institutions involved in the fight against domestic violence, or any other relevant measures taken to develop integrated policies to deal with issues related to domestic violence. It also asked whether NGOs were involved in the elaboration of these policies.

In addition, among the targeted questions that it raised, the Committee asked for updated information on measures taken to reduce all forms of domestic violence against women, including information on incidence and conviction rates.

In response, the report states that the above-mentioned law was not supported and that other instruments were chosen.

In particular, the report indicates that it is possible to receive social rehabilitation services for adult victims of violence, on several occasions, at the expense of the state budget, as well as to receive separate counselling once the course of services has been established. The service provides support for transport costs to the service provider and, if necessary, for accommodation (for up to two months) when providing the service in a crisis centre. Victims of violence living in Latvia with a temporary residence permit, as well as third-country nationals or stateless persons are also eligible for social rehabilitation services.

Since 2015, a social rehabilitation service for perpetrators of violence has been provided in the form of individual counselling or group therapy (without accommodation). The report indicates that since 1 July 2021, in accordance with Article 250.47§1 of the Civil Procedure Law (as amended), the range of temporary protection from violence has increased: the court may order a person to attend a social rehabilitation course to reduce aggressive behaviour. The defendant (violent person) must attend the said course within one year of receiving the court's decision. Failure to comply with this obligation is liable to criminal prosecution. In 2021, 441 persons benefited from social rehabilitation services and 509 persons in 2019.

The report adds that, in connection with the obligation for the defendant to take a social rehabilitation course to reduce violent behaviour, amendments were made to Cabinet of Ministers Regulation No. 161 of 25 March 2014 "The Procedure for Preventing the Threat of Violence and for Temporary Protection against Violence", on 1 August 2020. This legal act defines the activities of the State police, which monitor compliance with the temporary means of protection against violence. Under the amended Regulations, social services are allowed to receive information from the police about cases of violence within one working day.

Under the Law "On the Police" as amended on 22 January 2022 (outside the reference period), the police may decide to separate a person who poses a threat from a protected person without a written request from the latter. The changes apply to situations where there is an immediate threat of violence, but the protected person refuses to apply for a separation order.

Furthermore, the Cabinet of Ministers approved the 2021-2023 Plan for the Promotion of Equal Rights and Opportunities for Women and Men on 17 August 2021. The plan includes measures to promote zero tolerance of gender-based and domestic violence. These measures include activities for young people, encouraging them to discuss building respectful, non-violent relationships and recognising violence, as well as training for professionals and various support measures.

The report states that representatives of state government agencies, local authorities and their agencies, and providers of services to reduce aggressive behaviour (NGOs) were involved in the development of these regulations.

Moreover, in 2021, a Summer School was held for social workers specialised in working with adult victims and perpetrators of violence.

The report also indicates that in 2018, the Ministry of Welfare signed a contract for the development of a Methodology for Social Work with Victims of Violence and Perpetrators (methodological material, on-site training programme and online course module), aimed at social workers. The Committee takes note of the very detailed information provided in the report regarding this methodology, as well as other guidance materials and activities (seminars and conference) on aspects of domestic violence prepared and organised by the Ministry of Welfare in cooperation with several NGOs during the reference period.

The Committee observes that the report provided very detailed statistical data on the number of adult and child victims of violence receiving social rehabilitation services. However, the report does not provide any data on the incidence and conviction rates of domestic violence against women.

Social and economic protection of families

Family benefits

Equal access to family benefits

In its previous conclusions (Conclusions 2019, 2015, XIX-4 (2011), XVIII-2 (2007), XVII-2 (2005)), the Committee found that the situation was not in conformity with Article 16 of the Charter on the ground that equal treatment of nationals of other States Parties regarding the payment of family benefits was not ensured due to the excessive length of residence requirement (five years).

Furthermore, in its targeted questions, the Committee asked whether a length of residence requirement was imposed on nationals of other States Parties lawfully resident in the country for eligibility to family benefits.

The report indicates that there is no length of residence requirement regarding family benefits. In accordance with the Law on State Social Benefits, Latvian citizens, nationals of other States Parties and stateless persons (who have been granted a personal identity number, who have

an active status in the Register of Natural Persons and who permanently reside in the territory of Latvia) have the right to State social benefits.

According to amendments of 24 November 2020, the place of permanent residence is the place where a person actually resides and where the centre of his/her habitual interests is located. In case of doubt, at the request of the State Social Insurance Agency, the person must provide evidence confirming that he/she permanently resides in Latvia and that Latvia is his/her centre of habitual interests. The Committee takes note of the seven criteria that the State Social Insurance Agency examines when considering the centre of habitual interests of the persons and children, in particular those relating to the minimum term (2 years) of employment and those relating to the (non-defined) duration of continuous residence, education and acquisition of accommodation.

The Committee notes that it has not been demonstrated in the report that nationals of other States Parties lawfully residing in the country are not subject to a residence requirement in order to be entitled to family benefits. Therefore, the Committee reiterates its previous conclusion of non-conformity on this point.

Level of family benefits

In its previous conclusion (Conclusions 2019), the Committee noted that the minimum monthly amount of Family State benefit corresponded to 2% of the monthly median equivalised income in 2017 and, therefore, considered that the situation was not in conformity with Article 16 of the Charter on the ground that family benefits were not of an adequate level for a significant number of families.

Among the targeted questions that it raised, the Committee asked for information about the amounts paid in family benefit as well as the median equivalised income for the reference period. It also asked whether family or child benefits were subject to a means-test and, if so, what percentage of families were covered.

The Committee points out that family benefit must be such as to provide a significant number of families with sufficient extra income. Adequacy is assessed with respect to the monthly median equivalised net income as calculated by Eurostat.

The Committee notes from Eurostat data (published on 26 July 2023) that the monthly median equivalised income stood at €773 in 2021.

The report states that there are no means-tested family or child benefits in Latvia. Social benefits are financed from the main state budget and are considered to be benefits paid universally, without any assessment of the beneficiary's (or household's) income level.

The Committee observes that the report refers to the same figures as those assessed in the previous conclusion: the monthly amount of the Family State Benefit was €11.38 for the first child, €22.76 for the second child, €34.14 for the third child, €50.07 for the fourth and following children.

The report adds that during the period from 1 March 2018 to 31 December 2021, a monthly supplement to the state family benefit was paid to families with more than two children: €10 for families with two children; €66 - with three children; € 116 - with four children; €166 - with five children; €216 - with six children, and so on.

The Committee notes from the report that there are special allowances for children with disabilities:

- Supplement to the Family State Benefit for each child with disability under 18 years of age, amounting to € 106.72 per month. In 2021, about 8,155 children received this benefit.
- Disabled Childcare Allowance provided to persons who are raising disabled children with severe physical and functional disturbance under 18 years of age.

The amount of the allowance is € 313.43 per month. In 2021, about 2,750 children received this benefit.

The Committee refers to its previous conclusion for a description of the other benefits.

The Committee observes that since 1 January 2022 (outside the reference period), the amount of Family State Benefit has been increased as follows: €25 per month for one child; €100 per month for two children; €225 per month for three children; €100 per month for each child in the case of four or more children.

While taking into account the measures taken to raise the level of family benefits outside the reference period and other types of benefits, the Committee notes however that the minimum monthly amount of the Family State benefit corresponds to 1.5% of the monthly median equivalised income in 2021, which remains inadequate. On the basis of the information at its disposal, the Committee reiterates its previous conclusion of non-conformity with Article 16 of the Charter on the ground that family benefits do not constitute a sufficient income supplement for a significant number of families.

Measures in favour of vulnerable families

Among the targeted questions that it raised, the Committee asked what measures had been taken to ensure that vulnerable families could meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services).

In response, the report states that support for electricity payments has been provided by the State since 2016. This support is targeted at various persons, in particular the poor and low-income persons, large families, as well as Group I disabled persons and families with disabled children. In 2018, more than 80,000 persons received monthly support. In 2020, there was no change in the way electricity bills were compensated, and in 2021, under Cabinet of Ministers Regulations No. 345 "Regulations regarding trade service of the protected user", the amount of support was revised (effective from 1 November 2021). Large families received €20 per month, and families/persons who have a child/children with disabilities in their care received € 15 per child. The Committee takes note of the new service delivery mechanism introduced by the above regulations with effect from 1 September 2021.

In a targeted question, the Committee asked whether, in cases where specific temporary measures had been taken to financially support families during the covid-19 pandemic, they would or were expected to be maintained or withdrawn and, if they had been withdrawn, what effect this was expected to have on vulnerable families.

In response, the report indicates that one-off support of €500 for each child has been provided to families with children to reduce the negative impact and tension caused by Covid-19.

Participation of associations representing families

In its previous conclusion (Conclusions 2019), the Committee asked whether all civil organisations representing families were regularly consulted in the drafting and implementation of family policies.

In response, the report confirms that all interested NGOs participate both in the drafting of laws or amendments to the Cabinet of Ministers, and in the development of political planning documents.

Conclusion

The Committee concludes that the situation in Latvia is not in conformity with Article 16 of the Charter on the grounds that :

- equal treatment of nationals of other States Parties regarding the payment of family benefits is not ensured due to the excessive length of residence requirement;

- family benefits do not constitute a sufficient income supplement for a significant number of families.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 1 - Assistance, education and training

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§1 and asked States to provide, in the next report, information on measures taken to reduce statelessness; to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation; to reduce child poverty; combat discrimination and promote equal opportunities for children from particularly vulnerable groups; and on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

In its previous conclusion, the Committee concluded that the situation in Latvia was not in conformity with Article 17§1 of the Charter on the ground that the maximum length of pre-trial detention was excessive (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity, the targeted questions and the general questions.

The legal status of the child

In the general questions, the Committee asked for information on measures taken by the State to reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth). It also asked for information on measures taken by the State to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

The report states that Latvia’s non-citizens are not considered as stateless persons. Every non-citizen enjoys most of the rights guaranteed to Latvian citizens and has the right to acquire Latvian citizenship through naturalisation. As of 31 December 2021, 160 stateless persons were registered in Latvia, among whom four were children. The number of non-citizens is also constantly decreasing. The Office of Citizenship and Migration Affairs continues to make the naturalisation process available to vulnerable groups.

The report further states that the General Registry Institution shall be notified of a birth of a child within one month after the birth. If the parents are deceased or for other reasons, a medical practitioner or any other person who was present during the birth has a duty to notify the birth. If the child was born in a shelter or a place of imprisonment, the head of the relevant institution has a duty to notify the birth. If no one has notified the birth and the birth has become known to local government, the latter has to notify the birth.

Child poverty

In the general questions, the Committee asked for information on measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.); to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care. It also asked for

information on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

The report states that the State shall ensure the rights and freedoms of all children without discrimination.

The report states that support opportunities for children with disabilities have been expanded by introducing a new attendant service, as well as establishing the right to receive care services financed from the municipal budget without income assessment. Two pilot projects were implemented during the reference period to test services close to the family environment for children with severe functional disabilities (in the first project, two apartments were renovated where seven children with severe mental disorders received services; in the second one, three children with severe mental disorders were moved to a separate apartment). In line with the Public Health Strategy 2014-2020, health promotion and disease prevention measures were implemented and targeted at vulnerable groups. During the 2014-2020 programming of EU funds, seven annual assessments of policies to reduce poverty and social exclusion were implemented.

The report further states that during the reference period, the amount of various benefits has increased, such as the guaranteed minimum income, benefit for a foster family for a child up to the age of seven, support for children in the event of loss of the breadwinner, support for orphans and children left without parental care when they start living independently, support for families with children during the pandemic.

The report also states that a child has the right to express their opinion, to participate in self-administration in the fields of education, culture and sports.

The Committee notes from EUROSTAT that 20.1% of children in Latvia in 2021 were at risk of poverty or social exclusion, a decline in comparison with 2018, when the percentage was 23.6%. The Committee notes that the 2021 rate is lower than the EU average of 24.4%.

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee's consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

Right to assistance

The Committee previously requested further information on measures taken to find alternatives to detention for asylum-seeking children, to ensure that accommodation facilities for children in an irregular migration situation, whether accompanied or unaccompanied, were appropriate and were adequately monitored and information on the type of healthcare asylum-seeking children had access to. It also asked what assistance was given to children in an

irregular migration situation, in particular unaccompanied children, to protect them against negligence, violence or exploitation. Finally, it asked whether Latvia used bone testing to assess age and, if so, in what situations, and what potential consequences such testing could have (Conclusions 2019).

In the targeted question, the Committee asked for information on any measures adopted to protect and assist children in crisis situations and emergencies.

The report states that asylum-seeking children have access to State-funded healthcare at the same level as Latvian children.

The report further states that the Society “Shelter “Safe House”” (an NGO) is implementing the project “Information Centre for Newcomers II”, the purpose of which is to ensure a coordinated support system for immigrants, who have been granted the right to stay in Latvia. A network of NGOs is helping immigrants, including children. The integration.lv website was set up and publishes information related to integration of third-country nationals in Latvia, including services available to them and information on integration activities.

The report states that the detention of an asylum seeker is a measure of last resort. Families of detained asylum seekers, including minors with their parents, are accommodated together, separately from other detained persons in a specifically equipped family block. Detained unaccompanied minors are accommodated in the “Daugavpils” and “Mucenieki” centres, which have personnel and equipment to take into account the needs of their age.

Due to the failure to provide requested information on measures taken to find alternatives to detention for children in an irregular migration situation, the Committee concludes that the situation in Latvia is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Latvia of their reporting obligations under Article C of the Charter.

The report also states that identification methods of an asylum seeker include age determination. However, the report does not specify how age is determined. The Committee notes that it has already stated that the use of bone testing to determine the age of unaccompanied foreign minors is inappropriate and unreliable (European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 114/2015, decision on the merits of 24 January 2018, §113). Due to the failure to provide requested information on whether Latvia uses bone testing to assess age and, if so, in what situations and what potential consequences such testing could have, the Committee concludes that the situation in Latvia is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Latvia of their reporting obligations under Article C of the Charter.

In reply to the targeted question, the report states that in accordance with Article 12 of the Law on Social Services and Social Assistance, the social service office in local municipalities is responsible for providing a person with psychosocial and/or material assistance in order to enable them to overcome a crisis situation and promote the integration of the said person into society.

The Committee notes from other sources (United Nations High Commissioner for Refugees, Amnesty International, as well as the Cabinet of Ministers Order of 2021) that immediate expulsion of migrants, including children in an irregular migration situation was legalised as a result of the Cabinet of Ministers Order of 2021 and is carried out by the authorities. The Committee concludes that the situation in Latvia is not in conformity with Article 17§1 of the Charter on the ground that immediate expulsion of children in an irregular migration situation can be carried out by the authorities without providing them with any assistance.

Rights of children in public care

In its previous conclusion, the Committee asked what measures were available to support families. It also asked to be kept informed of the number of children in institutions and in foster care, and of the progress made in deinstitutionalisation and the implementation of the Action Plan for Deinstitutionalisation in particular (Conclusions 2019).

The report states that if the relationship of the parents with their child does not ensure a favourable environment for the development of the child or if the child is chronically ill, families can be assisted through consultations with specialists and a support family is appointed. The Ministry of Welfare is implementing an EU co-funded project “Development of Professional Social Work in Municipalities” and special attention is paid on how to improve the social work with families with children as well as with people.

The report states that in 2018, 794 children were in institutions, in 2019 – 621, in 2020 – 568 and in 2021 – 514. In 2018, 1,246 children were in foster families, in 2019 – 1,355, in 2020 – 1,377 and in 2021 – 1,413. In 2018, 4,398 children were under guardianship, in 2019 – 4,276, in 2020 – 4,059 and in 2021 – 3,983. In 2021, the number of children who left care institutions was higher than those who entered – 197 left and 166 entered.

The report further states that a total of 11 municipalities are investing in the creation of community-based social services for children out-of-family care, including 14 care services close to the family environment and one home for young people.

Children under the age of two can only receive long-term social care in institutions for six months, and no children under the age of two received such services as of 31 December 2021.

Children in conflict with the law

The Committee previously found the situation in Latvia not to be in conformity with Article 17§1 of the Charter on the ground that the maximum length of pre-trial detention of children was excessive. The Committee also asked for information on measures taken to find alternatives to detention. It also asked whether children could be placed in solitary confinement; if so, for how long and under what circumstances (Conclusions 2019).

It appears from the report that pre-trial detention of minors can still exceed eight months. In any case, the Committee recalls that it has previously found that eight-month and seven-month period of pre-trial detention was not in conformity with the Charter (Conclusions XX-4, 2015, Denmark, Conclusions 2019, Slovak Republic). The Committee considers that, in order to be in conformity with the Charter, the pre-trial detention of children should not exceed six months. It therefore concludes that the situation in Latvia is not in conformity with Article 17§1 of the Charter on the ground that the maximum length of pre-trial detention is excessive.

The report states that as of 20 July 2022, minors can be placed in solitary confinement for three days as opposed to 10 days before. Minors can only be placed in solitary confinement for gross or systematic violation of the rules of internal order of remand prisons.

Due to the failure to provide requested information on measures taken to find alternatives to detention, the Committee concludes that the situation in Latvia is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Latvia of their reporting obligations under Article C of the Charter.

Conclusion

The Committee concludes that the situation in Latvia is not in conformity with Article 17§1 of the Charter on the grounds that

- immediate expulsion of children in an irregular migration situation can be carried out by the authorities without providing them with any assistance;
- the maximum length of pre-trial detention of children is excessive.

Due to the failure to provide the information listed below, the Committee concludes that the situation in Latvia is not in conformity with Article 17§1 of the Charter. The Committee

considers that this failure to provide information amounts to a breach by Latvia of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- whether Latvia uses bone testing to assess age and, if so, in what situations and what potential consequences such testing could have;
- measures taken to find alternatives to detention for children in an irregular migration situation.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 2 - Free primary and secondary education - regular attendance at school

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§2 and asked States to provide, in the next report, information on measures taken to introduce anti-bullying policies in schools; and on measures taken to facilitate child participation across a broad range of decision-making and activities related to education.

Previously, the Committee deferred its conclusion (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of deferral, the targeted questions and the general questions.

Enrolment rates, absenteeism and drop out rates

In the previous conclusion, the Committee requested information on enrolment and drop out rates as well as information on measures taken to address issues related to these rates (Conclusions 2019).

The report states that the “Support for Reducing Early School Leaving” project is being implemented to reduce the number of children and young people from leaving school early.

The report further states that schools are required to monitor absences and enter information on absences, the reasons for them and the action taken into the State Education Information System. A project entitled “Reducing school drop out by implementing preventive and intervention measures” is being carried out.

The Committee notes from other sources (UNESCO database) that the enrolment rates in 2021 were as follows: 98.72% in primary education, 98.68% in lower secondary education and 94.46% in upper secondary education.

Costs associated with education

The Committee has previously asked whether there were any measures, apart from free school lunches, to help families with low income to cover the costs of education, in terms of assistance for books, transport (Conclusions 2019). In the targeted questions, the Committee asked for information on measures taken to ensure that state allocation of resources to private education did not negatively impact on the right of all children to access free, quality public education.

The report states that educational institutions receive funding for each student, earmarked for the teaching aids and school supplies needed during the school year. In the municipality of Riga, an education support allowance of €50 is granted to pre-school children from the age of five who are taking part in the mandatory preparation for public education, and to students under the age of 21 who are following a general or vocational course. A person may receive an allowance if they come from a low-income household or one in need.

In reply to the targeted question, the report declares that State allocation of resources to private education is regulated in the same way as for public education. Calculation of financing

is based on equity and does not negatively impact the rights of all children to access free, quality public education.

Vulnerable groups

The Committee notes that where the States have accepted Article 15§1 of the Charter, the right to education of children with disabilities is dealt with under that provision.

The Committee has previously asked for information on the situation of Roma children, in particular on progress made in integrating Roma children into general education. It also sought confirmation that all children present in Latvia, including those in an irregular migration situation, had the right to access education (Conclusions 2019).

The report states that the Ministry of Education and Science ensures the quality of education provided to Roma students, including the integration of Roma students with special needs into general education programmes. In 2021, the Ministry of Education and Science informed the Jelgava City Preschool Education Institution “Rotaļa” about the possibility of assistance from a Roma mediator. It also monitored the education of Roma pupils in order to guarantee them preschool education opportunities.

The report further states that all students are provided with equal education opportunities, including minor asylum seekers.

The voice of children in education

In the general questions, the Committee asked what measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children’s specific learning environments).

The report states that a student peer-to-peer support programme was launched. Representatives of students and their parents are also involved in the school council. The Youth Saeima is a project of the Latvian Parliament which gives young people the opportunity to express and defend their ideas, as well as to get to know the day-to-day work of deputies more closely.

Anti-bullying measures

In the general questions, the Committee asked what measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention.

The report states that the Ministry of Health implemented a public awareness campaign entitled “Look me in the eyes! Bullying is not funny!”, which aimed to make society understand that bullying, including in educational institutions, is not the norm, and to provide recommendations on how to act in situations of bullying. The Ministry of Health started to plan the development of guidelines and recommendations for reducing the prevalence of bullying in educational institutions in 2021. As part of EU funding, a Psychological First Aid manual for teenagers was developed in 2020; it summarises the basic knowledge, techniques and skills that help teenagers avoid mental health problems, recognise them and provide first aid. In addition, in 2021, the Mental health promotion and prevention programme for pupils in classes 7-9 and 10-12 was developed, which helped improve pupils’ skills in preventing bullying.

The report also states that digital courses are available for teachers, with practical recommendations for reducing bullying among adolescents. Furthermore, preventive safety classes are given to pupils, a school safety assessment is carried out, educators must be able to identify risk situations and preventive control measures are organised.

Covid-19

In the context of the Covid-19 crisis, the Committee asked the States Parties to provide information on measures taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children).

The Committee recalls that under Article 17§2 of the Charter equal access to education must be ensured for all children during the Covid-19 crisis. In this respect, particular attention should be paid to vulnerable groups such as children from minorities, children seeking asylum, refugee children, children with disabilities, children in hospital, children in care, pregnant teenagers, children deprived of their liberty (Statement on Covid-19 and social rights, 24 March 2021).

The report states that during the Covid-19 crisis, pupils had the opportunity to receive face-to-face counselling. Likewise, special education classes for children with severe mental disabilities were kept open for on-site learning. The Ministry of Education and Science provided 11,352 computers to pupils in order to help them adjust to distance learning. “Your class”, an educational TV channel for pupils, was created; in operation since 2020, it has supported pupils, parents and teachers in the implementation of distance learning.

The report further states that in March 2020, the Ministry of Culture updated the Guidelines for the work of Roma mediators in order to provide Roma mediation services at municipal level during the lockdown. The Guidelines included provision of support to ensure better access of Roma children to the distance online learning process in a cooperation with schools.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 17§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 1 - Assistance and information on migration

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 19§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee considered that the situation in Latvia was in conformity with Article 19§1 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

Change in policy and the legal framework

In its previous conclusion, the Committee took note that a new Immigration Law was planned to be elaborated by March 2019 (Conclusions 2019). It asked that the next report provide updated information with regard to the adoption of the new Law and relevant changes in the policy (Conclusions 2019).

The report indicates that the draft law on Immigration (the new Immigration Law) was supported by the Cabinet of Ministers on 28 September 2021 and was submitted to the Parliament (Saeima) on 7 October 2021. The report indicates that at the time of drafting, the 14th Saeima has taken over its consideration. The draft law is being considered simultaneously with the draft law on "Entry and residence of citizens of the European Union and their family members in the Republic of Latvia".

Measures against misleading propaganda relating to emigration and immigration

The Committee recalls that under Article 19§1 of the Charter, States Parties must take measures to prevent misleading propaganda relating to immigration and emigration (Conclusions XIV-1 (1998), Greece). Such measures should prevent the communication of misleading information to nationals leaving the country and act against false information targeted at migrants seeking to enter (Conclusions 2019, Estonia). The Committee stresses the importance of promoting responsible dissemination of information, and of deterring the promulgation of discriminatory views. It considers that in order to combat misleading propaganda, there must be an effective system to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere (Conclusions 2019, Albania).

In its previous conclusion, the Committee asked that the next report provide detailed data on the measures taken by the State Police to identify and investigate cases of hate crime/speech (Conclusions 2019).

The report provides detailed information on the activities and measures taken by the State Police with regard to: elaboration of guidelines for the identification and investigation of hate crimes, relevant trainings programs conducted for officers, cooperation with NGOs and participation in various events related to the prevention and combating of hate crimes and projects such as CALDER on “Building capacity and awareness raising to prevent and combat intolerance in Latvia”. Information is also provided on the procedure for reporting hate crimes in person at the respective police unit, by telephone (helpline 110) or twitter as well as on the registration/processing and examination of such cases by the police. In September 2022 (outside the reference period), the State Police developed the Internet Police Concept in order to monitor the activities of the Internet environment.

In its previous conclusion, the Committee asked for complete and up-to-date information on any measures taken to target trafficking in human beings (Conclusions 2019).

The report provides information on the measures and initiatives taken by authorities in the field of trafficking in human beings.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 19§1 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 4 - Equality regarding employment, right to organise and accommodation

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 19§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee considered that the situation in Latvia was in conformity with Article 19§4 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

Membership of trade unions and enjoyment of the benefits of collective bargaining

The Committee recalls that this sub-heading requires States to eliminate all legal and de facto discrimination concerning trade union membership and as regards the enjoyment of the benefits of collective bargaining (Conclusions XIII-3 (1995), Turkey). This includes the right to be founding member and to have access to administrative and managerial posts in trade unions (Conclusions 2011, Statement of interpretation on Article 19§4(b)).

The Committee noted previously (Conclusions 2015) that employees as well as employers have the right to freely unite, without any direct or indirect discrimination. It referred to the Statement of Interpretation (Conclusions 2015) and asked for information concerning the legal status of workers posted from abroad (Conclusions 2015 and Conclusions 2019).

The report indicates that under Article 102 of the Constitution, everyone has the right to form and join associations, political parties and other public organisations. It further indicates that according to Article 4 (1) of the Trade Unions Law of 6 March 2014 everyone has the right to freely, without any direct or indirect discrimination, establish a trade union and to join a trade union and also not to join a trade union. Article 4 (1) of the Trade Unions Law also apply to foreigners, including to workers posted from abroad, who are legally employed in Latvia.

Accommodation

The Committee recalls that States shall eliminate all legal and de facto discrimination concerning access to public and private housing (European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009, §§111-113). It also recalls that there must be no legal or de facto restrictions on home-buying (Conclusions IV (1975), Norway), access to subsidised housing or housing aids, such as loans or other allowances (Conclusions III (1973), Italy).

In its previous conclusion (Conclusions 2019), the Committee noted that persons who reside in Latvia have the right to receive the benefit for ensuring the guaranteed minimum income level, shelter and night shelter services, as well as information and consultations from the social service office, which is also entitled to grant a housing allowance.

The Committee asked for confirmation in the next report that housing or housing allowance is available to migrant workers on the same conditions as to nationals (Conclusions 2019). The report confirms that persons who lawfully live and work in Latvia have the same rights as nationals regarding access to housing.

Monitoring and judicial review

The Committee recalls that it is not enough for a government to demonstrate that no discrimination exists in law alone but also that it is obliged to demonstrate that it has taken adequate practical steps to eliminate all legal and de facto discrimination concerning the rights secured by Article 19§4 of the Charter (Conclusions III (1973), Statement of interpretation).

In particular, the Committee considers that in order to monitor and ensure that no discrimination occurs in practice, States Parties should have in place sufficient effective monitoring procedures or bodies to collect information, for example disaggregated data on remuneration or information on cases in employment tribunals (Conclusions XX-4 (2015), Germany). The Committee further recalls that under Article 19§4(c), equal treatment can only be effective if there is a right of appeal before an independent body against the relevant administrative decision (Conclusions XV-1 (2000) Finland). It considers that existence of such review is important for all aspects covered by Article 19§4.

In its previous conclusion, the Committee asked for information on the calculation of compensation for discriminatory treatment, in particular in cases relating to migrant workers (Conclusions 2019).

The report indicates that Article 29 (8) of the Labour Law prescribes that “if the prohibition of differential treatment and prohibition to cause adverse consequences is violated, the employee, in addition to other rights provided for by this Law, has the right to request compensation for damages and compensation for moral damages. In the case of a dispute the amount of compensation for moral damages shall be determined by the court at its discretion.”

The report also indicates that Article 1779 of the Civil Law provides that everyone has a duty to compensate for losses they have caused through their acts or failure to act. Under Article 1635 of the Civil Law, the amount of compensation for moral injury shall be determined by a court at its own discretion, taking into account the seriousness and the consequences of the moral injury.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 19§4 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 5 - Equality regarding taxes and contributions

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 19§5 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee considered that the situation in Latvia was in conformity with Article 19§5 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

In its previous conclusion, the Committee noted that the personal income tax is not based on citizenship, the main criterion for the application of the rate, the non-taxable minimum income, the tax reliefs and eligible expenses being the criterion of residence (Conclusions 2019). The Committee asked confirmation that contributions payable in relation to employment apply equally to migrants and nationals and requested that the next report provide more detail information in this respect (Conclusions 2019).

The report indicates that the law "On Personal Income Tax" does not provide for special arrangements for migrants. The same tax rates are applied to both residents and non-residents. Non-residents are liable to income tax on their Latvian-source income.

The report further indicates that personal income tax is paid by the following natural persons: (1) persons who, according to the Law "On Taxes and Fees" are domestic taxpayers (residents) and have earned income in the Republic of Latvia and/or abroad during the taxation period (calendar year); (2) persons who, according to the Law "On Taxes and Fees" are foreign taxpayers (non-residents) and have earned income in the Republic of Latvia during the taxation period.

The report also indicates that Latvian tax residents are those who: (i) have declared their place of residence in Latvia; (ii) reside in Latvia for 183 days or longer in any 12-month period beginning or ending in the tax year; or (iii) are citizens of Latvia employed abroad by the Latvian Government.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 19§5 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 6 - Family reunion

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee points out that no targeted questions were asked in relation to Article 19§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee considered that the situation in Latvia was not in conformity with Article 19§6 of the Charter on the grounds that family members of a migrant worker were not granted an independent right to remain after exercising their right to family reunion and that it had not been established that:

- a family member of a migrant worker may not be denied entry to Latvia for the purpose of family reunion for health reasons;
- the level of means required to bring in the family or certain family members is not so restrictive as to prevent any family reunion;
- the requirement of sufficient accommodation is not so restrictive as to prevent any family reunion.

In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to the previous conclusion of non-conformity.

Conditions governing family reunion

In its previous conclusion (Conclusions 2019), the Committee took note that a family member has the right to receive a permanent residence permit if he or she has acquired the official language. However, in the absence of a reply to its previous question as to whether a temporary residence period is linked to any language requirements, the Committee reiterated this question and considered that should the next report not provide comprehensive information in this respect, there would be nothing to show that the situation was in conformity with the Charter.

In reply, the report indicates that a language requirement is only for obtaining a permanent residence permit (level A2). For obtaining a temporary residence permit, it is not necessary to prove the knowledge of the language.

In its previous conclusion (Conclusions 2019), the Committee took note that a family reunion may be refused if a foreigner has a health disorder or disease that endangers the safety of the public or there is a reason to believe that the foreigner may cause a threat to public health. However, in the absence of a reply to its previous question as to which diseases might lead to refusal of entry for a family member pursuant to domestic legal provisions, the Committee concluded that it had not been demonstrated that the situation was in conformity with the Charter on this point.

In reply, the report indicates that foreigner with tuberculosis in an active phase is not allowed to enter Latvia, as this disease poses a serious threat to public health. According to the report, this restriction does not apply to persons requesting asylum.

In the previous conclusion (Conclusions 2019), in the absence of a reply to its question (conclusions 2015) as to what the necessary financial means are for the purposes of family reunion and as to whether the income derived from social benefits could be taken into account, the Committee concluded that it had not been established that the level of means required to

bring in the family or certain family members was not so restrictive as to prevent any family reunion.

In reply, the report indicates that according to Regulations of the Cabinet of Ministers No. 225 on "Regulations Regarding the Amount of Financial Means Necessary for a Foreigner and the Determination of the Existence of Financial Means", if a foreigner enters the Republic of Latvia, the existence of his/her financial means shall be certified by: the documents certifying the amount of work remuneration or income from commercial activities; a statement on the situation of the bank account during the last three months; travellers' cheques; a submission on the covering of the foreigner's residence expenditures, by a resident in the Republic of Latvia with a registration card or permanent residence card, a submission on the covering of the foreigner's residence expenditures certified in the presence of an official of the Office of Citizenship and Migration Affairs ("OCMA"), a statement of a legal person registered in the Republic of Latvia on the covering of residence expenditures of a foreigner; a notation in the invitation in which it is indicated that the inviter will cover the expenditures related to the entry and stay of a foreigner; documents certifying an educational or scientific scholarship, grant, or financial guarantees of pupil exchange, training or volunteering program.

The report also indicates that if a foreigner requests a long-stay visa, the Head of the OCMA may reduce the amount of necessary financial means due to reasons of a humanitarian nature (for example, illness of the foreigner or illness or death of his/her close relatives, or if the entering and stay of a foreigner is related to family reunion and there is no reason to assume that he/she will become a burden to the social assistance system).

Nevertheless, the report does not reply to the specific question asked previously by the Committee as to whether the income derived from social benefits could be taken into account when calculating the means of a migrant worker. The Committee recalls that migrant workers who have sufficient income to provide for the members of their families should not be automatically denied the right to family reunion because of the origin of such income, in so far as they are legally entitled to the benefits they may receive. In the absence of clarification in this respect, the Committee concludes that the situation is not in conformity with the Charter in this respect.

In the previous conclusion (Conclusions 2019), the Committee found that the previous report did not provide any information to prove that Latvia did not apply the requirements for sufficient and suitable accommodation to house family members in a blanket manner and exemptions could be made in respect of particular categories of cases and concluded that it had not been established that the situation was in conformity with the Charter on this point.

In reply, the report indicates that Latvia does not require to submit proof concerning suitable accommodation in the procedure for obtaining a residence permit.

In conclusions 2015, the Committee noted that a foreigner who has joined a foreign military service would be refused a residence permit and asked under what circumstances this ground for refusal would apply, and whether family members who have previously served in a foreign military service remain eligible for family reunion. In Conclusions 2019, the Committee noted that the previous report did not reply to this question. It considered that should the next report not provide the requested information, there would be nothing to show that the situation was in conformity with the Charter in this respect.

In reply, the report indicates that previous participation in the military service does not serve as a reason for refusal of a residence permit and the prohibition to obtain a residence permit concerns persons who currently participate in military operations. The report also indicates that each case is evaluated individually, and humanitarian considerations are also taken into account.

In conclusions 2015, the Committee considered that the situation in Latvia was not in conformity with the Charter on the ground that family members of a migrant worker were not granted an independent right to stay after exercising their right to family reunion. In

conclusions 2019, the Committee found that the situation had not changed and reiterated its conclusion of non-conformity in this respect.

In reply, the report states that after 5 years of residence with a temporary residence permit as a family member of migrant worker, every person is eligible to obtain an independent right of residence by obtaining a permanent residence permit. The Committee understands that the right to independent stay is granted to the family members of a migrant worker only after 5 years of residence and that no such right has been recognised before the expiry of 5 years residence. Therefore, the Committee concludes that the situation in Latvia is not in conformity with the Charter in this regard.

Conclusion

The Committee concludes that the situation in Latvia is not in conformity with Article 19§6 of the Charter on the grounds that:

- family members of a migrant worker are not granted an independent right to remain after exercising their right to family reunion;
- income derived from social benefits are not taken into account when calculating the means of a migrant worker for the purposes of family reunion.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 7 - Equality regarding legal proceedings

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee points out that no targeted questions were asked in relation to Article 19§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in Latvia to be in conformity with Article 19§7 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§7, and the previous conclusion found the situation in Latvia to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 19§7 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 8 - Guarantees concerning deportation

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee points out that no targeted questions were asked in relation to Article 19§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee, pending receipt of the information requested, deferred its conclusions. The assessment of the Committee in the current conclusion will therefore concern the information provided in response to its previous conclusion of deferral.

In the previous conclusion (Conclusions 2019), referring to its Statement of Interpretation on Article 19§8 (Conclusions 2011), the Committee requested that the next report exhaustively describes all grounds on which the expulsion of a foreigner may be ordered.

In reply, the report provides a detailed description of “illegal stay” in Latvia as a ground for expulsion of a foreigner. According to the report, under Article 1(61) of the Migration Law, illegal stay is such staying of a foreigner in the Republic of Latvia which does not conform to the provisions of Article 4 of Regulation (EU) No 2016/399 of the European Parliament and of the Council of 9 March 2016 on Union Code on the rules governing the movement of persons across borders.

The report moreover indicates that according to Article 4 of the Migration Law, a foreigner is entitled to enter and stay in the Republic of Latvia if they concurrently: 1) have a valid travel document. 2) have a valid visa, a residence permit issued in the Republic of Latvia, or a residence permit of a long-term resident of the European Union. 3) have a valid health insurance policy 4) do not have any other obstacles laid down in law regarding entry into the Republic of Latvia. 5) have the necessary financial means in order to stay in Latvia.

According to the report, in accordance with Article 46 of the Migration Law (Deportation), if the foreigner's stay in the Republic of Latvia is illegal, the head of the Office of Citizenship and Migration Affairs makes a decision on removal. The removal process is observed by the Ombudsman. According to Article 46(2) of the Migration Law, the Chief of the State Border Guard has the right to revoke the decision regarding the deportation of a third-country national if the circumstances, which were the basis for the taking of such decision, have changed or due to humanitarian reasons.

The Committee considers, on the basis of the information submitted in the report, that the residence permit may be revoked if the stay of the foreigner in Latvia is or becomes irregular. It also notes that according to Article 4 of the Migration Law, the foreigner's stay in Latvia becomes irregular, if they do not have a valid health insurance and do not have the necessary financial means to stay in Latvia.

The Committee has considered that the revocation of a residence permit was an administrative act which serves as a precursor of the expulsion of a migrant and that it must therefore conform to the same conditions as an expulsion order, namely the migrant worker is a threat to national security or offends against public interest or morality (see, for instance, Conclusions 2015, Slovenia, Article 19§8). Therefore, the possibility of revocation of a residence permit for reasons other than the fact that the migrant worker is a threat to national security or offends against public interest or morality is contrary to the Charter.

Conclusion

The Committee concludes that the situation in Latvia is not in conformity with Article 19§8 of the Charter on the grounds that migrant workers may be expelled in situations where their behaviour does not endanger national security or offend against public interest or morality.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 9 - Transfer of earnings and savings

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee points out that no targeted questions were asked in relation to Article 19§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in Latvia to be in conformity with Article 19§9 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§9, and the previous conclusion found the situation in Latvia to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 19§9 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 10 - Equal treatment for the self-employed

The Committee takes note of the information contained in the report submitted by Latvia.

On the basis of the information in the report the Committee notes that there continues to be no discrimination in law between migrant employees and self-employed migrants in respect of the rights guaranteed by Article 19.

However, in the case of Article 19§10, a finding of non-conformity in any of the other paragraphs of Article 19 ordinarily leads to a finding of non-conformity under that paragraph, because the same grounds for non-conformity also apply to self-employed workers. This is so where there is no discrimination or disequilibrium in treatment.

The Committee has found the situation in Latvia not to be in conformity with Articles 19§6 and 19§8 of the Charter. Accordingly, for the same reasons as stated in the conclusions on the abovementioned Articles, the Committee concludes that the situation in Latvia is not in conformity with Article 19§10 of the Charter.

Conclusion

The Committee concludes that the situation in Latvia is not in conformity with Article 19§10 of the Charter as the grounds of non-conformity under Articles 19§6 and 19§8 apply also to self-employed migrants.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 11 - Teaching language of host state

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee points out that no targeted questions were asked in relation to Article 19§11 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in Latvia to be in conformity with Article 19§11 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§11, and the previous conclusion found the situation in Latvia to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 19§11 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 12 - Teaching mother tongue of migrant

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee points out that no targeted questions were asked in relation to Article 19§12 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in Latvia to be in conformity with Article 19§12 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§12, and the previous conclusion found the situation in Latvia to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 19§12 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 1 - Participation in working life

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 27§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in Latvia to be in conformity with Article 27§1 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact in particular on the possibilities for and the consequences of remote work on the rights of workers with family responsibilities to equal opportunities and treatment.

In reply, the report summarises provisions of the “Law on the Management of the Spread of COVID-19 Infection”, the Order of the Cabinet of Ministers No. 655 of 2020 “Regarding Declaration of the Emergency Situation”, the Order of the Cabinet of Ministers No. 720 “Regarding Declaration of the Emergency Situation of 2022, Article 148 para. 6 of Labour Law, and the 2021 research on “Work-Life Balance of the Employed Population During the Emergency Situation of COVID-19 in Latvia”.

The above measures provided the employees with the possibility of remote work if the specific nature of their work allows it. If the nature of work demands that the duties are carried out on site, the protective equipment is ensured, as well as the organisation of work in compliance with the epidemiological safety measures. If an employee needed to be suspended from work due to failure to obtain the vaccination or recovery from infection certificate, the employer had the right to retain work remuneration, but the period of suspension could not exceed three months. Other epidemiological measures, such as screening and testing for an infection, home quarantine, and preclusion from gatherings of employees in places not related to the performance of duties, were applied as well. Following Article 148 para. 6 of Labour Law, the employee has the right to demand the restoration of the previous work regime if that is justified by an objective change of circumstances.

Lastly, according to the research performed in 2021 on the work-life balance of employees during the pandemic, all the employees experienced work-life balance difficulties during the COVID-19 emergency, due to the change in their housework responsibilities. It particularly affected women in the 18-44 age group and employees with minor children in their household.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 27§1 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 2 - Parental leave

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 27§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in Latvia to be in conformity with Article 27§2 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to parental leave.

In reply, the report summarised the April 2020 Amendments to the Law on Maternity and Sickness Insurance. According to these amendments, a person whose parental leave and benefits ended at the time of the COVID-19 pandemic (from 12th of March 2020 until 6th of April 2021), who was not able to return to work due to these exceptional circumstances, and who had no income from economic activity, was given a possibility to request the continuation of parental benefit (the amount previously granted, with the ceiling of 700€ per month) after the prescribed one and a half years of child's age.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 27§2 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 3 - Illegality of dismissal on the ground of family responsibilities

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that no targeted questions were asked for Article 27§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in Latvia to be in conformity with Article 27§3 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on

- whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic and
- whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.

In reply to the first question, the report states that the Covid-19 crisis had no impact on the prohibition of dismissal on the ground of family responsibilities.

In reply to the second question, the report states that there were no changes to the Labour Law that set a ceiling on compensation for unlawful dismissal on the ground of family responsibilities. The Government further states that according to Article 29 para. 8 of the Labour Law, if the prohibition of differential treatment and the prohibition against causing adverse consequences is violated, an employee has the right to request compensation for losses and for moral harm. In case of dispute, a court determines the compensation for moral harm. According to Article 126 para. 1 of the Labour Law, an employee illegally dismissed and subsequently reinstated, is entitled to the average earnings for the whole period of forced absence from work. The same compensation is paid in the case in which although there is a basis for the reinstatement to the previous position, the employment is terminated by the court’s judgment upon the employee’s request.

Conclusion

The Committee concludes that the situation in Latvia is in conformity with Article 27§3 of the Charter.

Article 31 - Right to housing
Paragraph 1 - Adequate housing

The Committee takes note of the information contained in the report submitted by Latvia.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Latvia was not in conformity with Article 31§1 of the Charter on the ground that the measures taken to improve the substandard housing conditions of Roma were insufficient (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity and the targeted questions.

Criteria for adequate housing

In a targeted question, the Committee asked for updated information on the adequacy of housing (e.g., number of substandard dwellings, overcrowding, water, heating, sanitary facilities, electricity), on the percentage of the population living in inadequate housing, including overcrowded housing, and on the practical measures taken to improve the situation.

In response to questions asked in Conclusions 2019, the report notes that national legislation does not contain standards with respect to the minimum size of the living area. The Committee recalls that, for the purpose of Article 31§1 of the Charter, the States Parties must define the notion of adequate housing in law, as involving a dwelling that among others is not overcrowded (i.e., with a size that is not suitable in light of the number of persons and the composition of the household in residence) (Conclusions 2003, France). The Committee is also mindful of the fact that the requirement to maintain statistics is particularly important in the case of the right to housing (*International Movement ATD Fourth World (ATD) v. France*, Complaint No. 33/2006, decision on the merits of 5 December 2007, §63).

The absence of indicators on the minimum size of the living area makes it impossible to ascertain the extent of housing overcrowding. The Committee further notes that other international organisations have highlighted the existence of broader data gaps in relation to housing adequacy in Latvia (for example OECD, "Policy Actions for Affordable Housing in Latvia", 2020, or European Social Policy Network, "Thematic Report on National strategies to fight homelessness and housing exclusion - Latvia", 2019). The Committee concludes that the situation in Latvia is not in conformity with of Article 31§1 of the Charter on the ground that there is no comprehensive definition of the notion of adequate housing under the national law.

As to housing adequacy, the report refers to the 2019 European Commission report on Latvia, which found that 15.2% of the population face very poor living conditions, significantly higher than the European Union average, which is 4.5%. The same source indicates that the proportion of dwellings with an indoor flushing toilet was 87.7% in 2021, an increase of 8.7% in ten years. At the beginning of 2021, 77.4% of dwellings had central heating, a 7.7% increase on 2011. 84.9% of homes had a bath or shower, a 6.6% increase on 2011. Water pipes were in in 93.1% of homes, or 4.6% more than in the previous population and housing census.

Several measures have been taken to improve housing standards. The Residential Rent Law was adopted in 2021, with the objective of ensuring a fair balance between the interests of tenants and landlords. Work is underway on drafting the Housing Affordability Guidelines 2022 - 2027, a policy planning document aimed at promoting the availability of quality housing for all population groups by investing in the improvement of the existing housing stock and the development of new housing stock. The report provides information about planned work on building affordable rental housing with European Structural and Investment Funds 2021 - 2027

and Recovery and Resilience Plan funding. The report further describes various grants and facilities provided by the Government, which can be used for upgrading existing housing stock, as well as an affordable housing project developed by the Ministry of Economics.

In response to a question asked in Conclusions 2019, the report clarifies that Article 6§2 of the Law on Administration of Residential Houses of 2009 also applies to constructions built before its enactment, in addition to new constructions.

As to overcrowding, the report refers to OECD findings from a 2020 report to the effect that more than a third of all households (34%) experienced overcrowding, the highest level in the OECD (OECD average overcrowding indicator – 11%). Latvia also experienced comparatively high levels of overcrowding among average and high-income households (40% and 27%, compared with OECD averages of 10% and 6% respectively).

The Committee further notes that the latest Eurostat data published in 2021 confirms that Latvia has the highest overcrowding rates in the European Union, standing at 41.3%, compared to a European Union average of 17%, in what appears to be a rising trend. The Committee concludes that the situation in Latvia is not in conformity with of Article 31§1 of the Charter on the ground of the large share of overcrowded dwellings in the country.

Responsibility for adequate housing

In its previous conclusion, the Committee asked for information about how the adequacy of the entire housing stock (whether rented or not, privately or publicly owned) was checked, whether regular inspections were carried out, whether the risk of exposure to lead and asbestos was also checked, whether decisions finding that a dwelling did not comply with the relevant regulations were binding and what follow-up was accordingly given.

In response, the report refers to various control procedures. Residential and non-residential buildings are checked for mechanical strength and stability. Municipal rental housing is checked for compliance with adequacy criteria. The Law in Administration of Residential Housing regulates the inspection, technical servicing and current repairs of group public buildings and multi-apartment residential buildings; such visits take place regularly, but not less than every ten years.

Legal protection

In its previous conclusion, the Committee asked for information about the type of cases concerning the right to adequate housing, which may be brought before the courts, and whether extra-judicial remedies were also available concerning this right, also in case of excessive waiting time for access to housing (Conclusions 2019, as well as Conclusions 2015). The Committee also asked for information on the existing case-law and the effectiveness of the appeal procedure. The report does not provide the requested information.

Due to the failure to provide requested information on the judicial and extra-judicial remedies available for claiming violations of the right to adequate housing, the Committee concludes that the situation in Latvia is not in conformity with Article 31§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Latvia of their reporting obligations under Article C of the Charter.

Measures in favour of vulnerable groups

In its previous conclusion, the Committee concluded that the situation in Latvia was not in conformity with Article 31§1 of the Charter on the ground that the measures taken to improve the substandard housing conditions of Roma were insufficient (Conclusions 2019). In a targeted question, the Committee asked for information on the measures taken to ensure adequate housing for vulnerable groups, including refugees, asylum seekers, Roma and Travellers, in particular during the Covid-19 crisis. As the report does not provide the requested information, the Committee reiterates its previous conclusion of non-conformity.

Conclusion

The Committee concludes that the situation in Latvia is not in conformity with Article 31§1 of the Charter on the following grounds:

- there is no comprehensive definition of the notion of adequate housing under the national law;
- the large share of overcrowded dwellings in the country;
- the measures taken to improve the substandard housing conditions of Roma are insufficient.

Due to the failure to provide the information listed below the Committee concludes that the situation in Latvia is not in conformity with Article 31§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Latvia of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- on the judicial and extra-judicial remedies available for claiming violations of the right to adequate housing.