

## — Latvia and the European Social Charter —

### Signatures, ratifications and accepted provisions

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

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

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

### The Charter in domestic law

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

### Table of accepted Provisions

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

### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted a [report concerning Latvia](#) in 2018.

The Committee considers that there are no obstacles to the immediate acceptance of Articles 12§§3-4, 19§3, 23 and 31§§2-3. Moreover, the acceptance of Article 19§2 is also possible.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

# Monitoring the implementation of the European Social Charter <sup>1</sup>

## I. Reporting system <sup>2</sup>

### Reports submitted by Latvia

Between 2004 and 2023, Latvia has submitted 10 reports on the application of the 1961 Charter and 9 reports on the application of the Revised Charter.

The [8<sup>th</sup> report](#), submitted on 30/12/2021, concerns the accepted provisions relating to thematic group 3 "Labour Rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29).

Conclusions with respect to these provisions have been published in March 2023.

The [9<sup>th</sup> report](#), which was submitted on 05/05/2023, covers the accepted provisions of the Social Charter relating to thematic group 4 "Health, social security and social protection", namely:

- 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 children and young persons to social, legal 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 opportunities and equal treatment (Article 27);
- the right to housing (Article 31).

Conclusions with respect to these provisions will be published in March 2024.

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

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

<sup>2</sup> Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

## Situations of non-conformity <sup>3</sup>

### Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2020

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

The restrictions imposed on non-EU nationals to become advocates are excessive, which constitutes a discrimination on grounds of nationality.

► *Article 1854 - Right to engage in a gainful occupation in the territory of other States Parties- Right of nationals to leave the country*

It has not been established that there is a legislative framework guaranteeing the right of nationals to leave the country without restriction.

► *Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex*

Sufficient measurable progress in respect of the obligation to promote the right to equal pay has not been achieved.

### Thematic Group 2 "Health, social security and social protection" - Conclusions 2021

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

It has not been established that measures to reduce the number of fatal accidents and occupational diseases are sufficient.

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

- The measures taken to reduce maternal mortality have been insufficient;
- Insufficient measures have been taken to effectively guarantee the right of access to healthcare.

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

The minimum levels of unemployment, old age and disability benefits are not adequate.

► *Article 1252 - Right to social security - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security*

It has not been established that Latvia maintains a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security.

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

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

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

- Access to social services by nationals of other States Parties is subject to a residence requirement that is excessively long;
- It has not been established that the fees for social services are not so high as to prevent effective access to these services.

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

There is no adequate overall and coordinated approach in place to combat poverty and social exclusion.

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<sup>3</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

### **Thematic Group 3 "Labour rights" - Conclusions 2022**

► *Article 4§4 – Right to a fair remuneration - Reasonable notice of termination of employment*

- A notice period of ten days, applicable to dismissals on grounds of inability to perform due to the worker's state of health and temporary incapacity, is manifestly unreasonable for workers with more than six months of service;
- A notice period of one month, applicable to dismissals on grounds of incompetence; reinstatement of another worker; staff reduction and liquidation, is manifestly unreasonable for workers with more than three years of service;
- A notice period of three days, in case of dismissal during the probationary period, is manifestly unreasonable.

► *Article 5 – Right to organise*

- Members of the armed forces and officials of State Security Institutions are prohibited from joining and forming organisations for the protection of their interests;
- A minimum of at least 25% of the employees of an undertaking are required to form a trade union in an undertaking, and 50 founding members are required to form a trade union outside an undertaking which constitutes an excessive restriction on the right to organise.

► *Article 6§4 - Right to bargain collectively – Collective action*

The police are denied the right to strike.

### **Thematic Group 4 "Children, families, migrants" - Conclusions 2019**

► *Article 7§5 - Right of children and young persons to protection – Fair pay*

The minimum wage paid to young workers is not fair.

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

- Equal treatment of nationals of other States Parties regarding the payment of family benefits is not ensured because the length of residence requirement is excessive;
- Family benefits are not of an adequate level for a significant number of families.

► *Article 17§1 - Right of children and young persons to social, legal and economic protection -assistance, education and training*

The maximum length of pre-trial detention is excessive.

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

- Family members of a migrant worker are not granted an independent right to remain after exercising their right to family reunion;
- It has 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.

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

The ground of non-conformity under Article 19§6 applies also to self-employed migrants.

► *Article 31§1 - Right to housing - Adequate housing*

The measures taken to improve the substandard housing conditions of Roma are insufficient.

**The Committee has been unable to assess compliance with the following provisions :**

**Thematic Group 1 "Employment, training and equal opportunities"**

- ▶Article 1§4 - Conclusions 2020
- ▶Article 10§3 - Conclusions 2020
- ▶Article 10§5 - Conclusions 2020
- ▶Article 15§1 - Conclusions 2020
- ▶Article 15§2 - Conclusions 2020
- ▶Article 15§3 - Conclusions 2020

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

- ▶Article 3§1 - Conclusions 2021
- ▶Article 3§2 - Conclusions 2021
- ▶Article 3§4 - Conclusions 2021
- ▶Article 11§2 - Conclusions 2021
- ▶Article 11§3 - Conclusions 2021
- ▶Article 14§2 - Conclusions 2021

**Thematic Group 3 "Labour rights"**

- ▶Article 2§1 - Conclusions 2022
- ▶Article 2§2 - Conclusions 2022
- ▶Article 2§5 - Conclusions 2022
- ▶Article 4§2 - Conclusions 2022
- ▶Article 4§3 - Conclusions 2022
- ▶Article 4§5 - Conclusions 2022
- ▶Article 21 - Conclusions 2022
- ▶Article 26§1 - Conclusions 2022
- ▶Article 26§2 - Conclusions 2022
- ▶Article 28 - Conclusions 2022

**Thematic Group 4 "Children, families, migrants"**

- ▶Article 7§0 - Conclusions 2019
- ▶Article 8§2 - Conclusions 2019
- ▶Article 17§2 - Conclusions 2019
- ▶Article 19§8 - Conclusions 2019

## **II. Examples of progress achieved in the implementation of rights under the Charter (non-exhaustive list)**

### **Thematic Group 1 "Employment, training and equal opportunities"**

▶The law on the Support of the Unemployed and Jobseekers which entered into force on 1 July 2002 stipulates a range of active measures from which unemployed persons may benefit.

▶Unemployment, and particularly long-term unemployment, has considerably decreased.

▶Measures have been taken to address the problem of unemployment among disabled people (subsidised work places for disabled implemented by the State Employment Agency and in the framework of the National Employment Plan).

▶A prohibition of discrimination in employment is prescribed by the Labour Law which came into force in 2004.

▶The duration of alternative service has been reduced to 12 months (same duration as for the military service).

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

▶On 1 January 2006, and in accordance with Community regulations, new statutory food hygiene rules came into force.

▶An anti-AIDS programme has been set up in 2003. It includes epidemiological monitoring, prevention, especially for major at-risk groups, and special care and treatment for persons with HIV/AIDS (2003-2007 programme).

▶Amendments to the law limiting cigarette and tobacco advertising were approved in 2005. These also introduced more restrictions on smoking in public places from 1 July 2008.

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

### **Thematic Group 3 "Labour rights"**

▶The police legislation enacted on 1<sup>st</sup> January 2006 authorizes police officers to form trade unions and to affiliate to them.

▶On 6 March 2014 the Parliament of Latvia adopted the new "Law on Trade Unions" which entered into force on 1 November 2014 and accordingly the previous "Law on Trade Unions" of 13 December 1990, was repealed.

### **Thematic Group 4 "Children, families, migrants"**

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