



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

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

Latvia

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I. BACKGROUND

1. Overview of the adjusted procedure on the non-accepted provisions of the European Social Charter

The European Social Charter is based on a ratification system, which enables States, subject to certain minimum requirements, to choose the provisions they are willing to accept as binding international legal obligations. This system is provided for by Article A of the revised European Social Charter (Article 20 of the 1961 Charter) and it allows states, at any time subsequent to ratification of the treaty, to notify the Secretary General of their acceptance of additional articles or paragraphs.

It is in the spirit of the Charter for States to progressively increase their commitments, tending towards acceptance of additional and eventually all provisions of the Charter where possible, as opposed to an *à la carte* stagnancy.¹

The procedure on examination of reports on non-accepted provisions is provided for by Article 22 of the European Social Charter of 1961 (ETS No. 35). According to this provision, the States Parties shall send to the Secretary General, at appropriate intervals as requested by the Committee of Ministers, reports relating to the provisions of Part II of the Charter which they did not accept at the time of their ratification or by subsequent notification. The Committee of Ministers shall determine from time to time in respect of which provisions such reports shall be requested and the form of the reports to be provided.

The Charter initially involved traditional reporting by States Parties. In 2002, following the Decision of the Committee of Ministers², it shifted to periodic reporting every five years on non-accepted provisions of the revised Charter.

Noting that the exercise was not yielding the expected results, considering the objective of strengthening the impact of the European Social Charter, the Committee of Ministers decided in December 2019 to invite “the ECSR to make full use of the opportunities for dialogue offered by Article 22 and to include in this exercise a dialogue with the member States that are not yet Party to the revised Charter, with a view to encouraging them to ratify it”.³

On this basis, in September 2022, the ECSR adopted a decision to henceforth implement the procedure on non-accepted provisions in respect of all State Parties to either Charter, in a reinforced manner. The procedure now provides for submission of written information by States Parties in accordance with a pre-established calendar, and additional bilateral meetings when it is deemed to represent an added value. The written information, submitted by the States Parties shall be made public upon its reception, and the national and international social partners, non-governmental organisations, national human rights institutions, equality bodies and other stakeholders are given the possibility to provide comments within three months after receipt of the written information.

In this context, the ECSR took the opportunity to underline that the objective of improving the implementation of social rights as a whole also entails a progressive strengthening of member

¹ The opening paragraph of Part I reads “The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised”, followed by the heading of all rights contemplated by the European Social Charter. Part III, Article A, provides that “each of the Parties undertakes [...] to consider Part I of the Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part”, followed by the rules on the choices available as regards provisions that Parties can declare to be bound by and which determine the modalities of monitoring under Part IV of the Charter. (See [CM\(2022\)196-final](#))

² [Committee of Ministers Decision of 11 December 2002](#)

³ [Committee of Ministers Decision of 11 December 2019](#)

States' commitments under the Charter. As implied by the Committee of Ministers in its decision of 15 March 2023, non-acceptance of provisions should be an exception, not the rule. Moreover, the binding scope of the accepted provisions relates to the modalities and extent of monitoring under the Charter, which does not detract from their nature as human rights. Consistent with the tenet that social rights are human rights and therefore universal, indivisible and interdependent, the ECSR emphasised that the ultimate goal is for States to commit to all the provisions of the Charter and that not accepting certain provisions should on no account be seen as a permanent state of affairs.

2. The situation of Latvia in the context of the non-accepted provisions of the European Social Charter

Latvia ratified the revised Charter on 26 March 2013, accepting 88 out of 98 paragraphs. It has currently not accepted the following 10 provisions: Article 4§1, Article 12§§ 3 and 4, Article 18§§ 2 and 3, Article 19§§ 2 and 3, Article 23, and Article 31§§ 2 and 3. Latvia has neither signed nor ratified the Additional Protocol providing for a system of collective complaints.

Previous examination

The procedure on non-accepted provisions was applied to Latvia for the first time in the context of a meeting between the ECSR and representatives of various ministries in Riga on 24 May 2018.

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

Current Examination

This second examination of the non-accepted provisions is based on the adjusted procedure for non-accepted provisions. In terms of this procedure, Latvia was invited on 18 January 2023 to submit written information before 30 June 2023. The requested written information was registered on 6 July 2023, and it was subsequently published on the CoE website.

In addition, at its 331st session (December 2022), the Committee decided to request a meeting with the Latvian authorities and the social partners on the situation in law and practice in respect of the non-accepted provisions.

The meeting was held on 21 - 22 September 2023, in Riga, hosted by the Ministry of Welfare of Latvia (the programme of the meeting is set out in Appendix I).

The ECSR delegation consisted of Aoife Nolan, President of the Committee, Tatiana Puiu, Vice-president and Kristine Dupate, General Rapporteur of the Committee. The Secretariat was represented by Niamh Casey, Head of the Reporting Division and Loreta Vioiu, Programme Manager. They presented certain aspects of the case law with regard to the non-accepted provisions, the collective complaints procedure and the recent reform of the Charter system. The Latvian authorities presented the situation in law and in practice relating to the non-accepted provisions. Among others, the authorities were represented by the following high-level officials: Reinis Uzulnieks, Parliamentary Secretary, Ministry of Welfare, Ingus Alliks, State Secretary, Ministry of Welfare and Diāna Jakaite, Deputy State Secretary, Ministry of Welfare. The meeting was moderated by Velga Lazdiņa-Zaka, International Cooperation and EU Policy Department, Ministry of Welfare, and representative of the Latvian Government

in the Governmental Committee of the European Social Charter and the European Code of Social Security. (the list of participants appears in Appendix II)

This second examination focused on the following non-accepted provisions of the Charter:

- The right to a fair remuneration - decent remuneration (Article 4§1)
- The right to social security - development of the social security system (Article 12§3)
- The right to social security - social security of persons moving between states (Article 12§4)
- The right to engage in a gainful occupation in the territory of other Parties - simplifying existing formalities and reducing dues and taxes (Article 18§2)
- The right to engage in a gainful occupation in the territory of other Parties - liberalise regulations governing the employment of foreign workers (Article 18§3)
- The right of migrant workers and their families to protection and assistance - departure, journey and reception (Article 19§2)
- The right of migrant workers and their families to protection and assistance - co-operation between social services of emigration and immigration states (Article 19§3)
- The right of elderly persons to social protection (Article 23)
- The right to housing - reduction of homelessness (Article 31§2)
- The right to housing - affordable housing (Article 31§3)

The Free Trade Union Confederation of Latvia (LBAS) submitted comments on 16 October 2023 stating: “The ratification of unratified articles of the Charter, as well as the collective complaints mechanism, is important to give a signal to the citizens of Latvia and the international community that Latvia is moving towards social convergence, perceives the realisation of fundamental rights as the political priority and is ready to take the necessary steps and invest resources in improving the welfare of its citizens and realising social rights in practice.”

After examining the written information provided by Latvia and the results of the subsequent meetings with the authorities and social partners in Riga on 21-22 September 2023, and considering the comments provided by the Free Trade Union Confederation of Latvia, the ECSR is of view of that a favourable evaluation can be given with respect to a possible immediate acceptance of the following provisions: Article 12§§3 and 4, Article 18§§2 and 3, Article 19§§2 and 3 and there are no major obstacles to the acceptance of Article 23 and Article 4§1, which can be accepted in 2024. As regards Article 31§§2 and 3, the Committee noted the significant progress of the legal and policy framework and wishes to encourage Latvia to continue its efforts in removing the remaining obstacles and to make possible its acceptance in the near future.

The ECSR wishes to point out that acceptance of the provisions of the Charter provisions, especially those provisions which are considered particularly difficult to realise, such as, for example, Article 4§1 or Articles 31§§ 2 and 3, does not always have to be based on the full legal conformity of the situation at the time of acceptance, but instead acceptance may be the subject of a political decision and could be used to signal the aspiration of the State Party to realise the rights in question, given their crucial importance.

Furthermore, the ECSR invites Latvia to consider accepting the collective complaints procedure by making the declaration foreseen by Article D§2 of the revised Charter. The ECSR underlines that the collective complaints procedure is a good governance tool intimately linked to core democratic values and the rule of law. Full-fledged participation of the social partners and civil society, including the possibility for them to seek legal remedies for real or perceived injustices, is a defining characteristic of any functioning democracy. The ECSR further considers that it is the duty of a democratic state governed by the rule of law to embrace

the good governance tools available to it in order to access the best possible information to inspire its decision-making.

The Committee remains at the disposal of the Government for continued and enhanced dialogue⁴ on the Charter provisions and the relevant case law and invites Latvia to undertake further commitments under the Charter as soon as possible so as to consolidate the paramount role of the Charter in achieving social and economic progress and ultimately a greater unity among the Council of Europe member States by guaranteeing and promoting common social human rights standards.

A table showing the provisions of the revised Charter accepted by Latvia appears in Appendix III.

The next examination of the provisions not yet accepted by Latvia will take place in 2028.

II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS

Article 4§1 – *The right to a fair remuneration*

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

1. to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living.

Situation in Latvia

The Government indicates that according to Article 107 of the Constitution, any employed person has the right to receive, for the work performed, a proportional remuneration that shall not be lower than the minimum wage established by the State.

Furthermore, it indicates that Article 7 of the Labour Law prescribes the right to work, the right to safe and healthy working conditions, the right to fair remuneration and the right to non-discrimination. Article 60 of the same law provides for equal remuneration for men and women for the same kind of work or work of equal value, as well as the legal remedy of the employee in court in case the employer refuses to abide by the provision of this article.

The Government informs that in accordance with Article 61 of the Labour Law, the minimum wage shall not be less than the minimum level determined by the State. It also indicates that the Cabinet of Ministers determines the amount of minimum monthly wage for the regular working time as well as the minimum hourly wage. According to the same article, the minimum wage determined by general agreements “shall have the same legal consequences within the scope of the employment relationship as a minimum wage determined by the State.”

The Government indicates that the amount of the minimum monthly wage is reviewed regularly, once a year, through a procedure that encompasses consultations with the social partners within the National Tripartite Cooperation Council and the Latvian Association of Local and Regional Governments. Nevertheless, based on the state of the economy, the

⁴ In the light of the latest Charter system reform, States Parties to the Charter can benefit from enhanced dialogue with the Charter’s monitoring bodies - constructively and in a spirit of cooperation - as a tool to reach a common understanding of problematic issues that may permit to identify possible solutions to such issues which are suitable for and acceptable to the State Party concerned. Enhanced dialogue may also serve as a means of enabling technical assistance. ([CM\(2022\)114 final](#) - Implementation of the Report on Improving the European Social Charter system)

Cabinet of Ministers can decide to maintain the minimum monthly wage at the same level, which means that in practice the increase of the amount of the minimum monthly wage is not always regular.

Following the adoption of the [Directive \(EU\) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union](#), which has to be transposed into the national legislation by 15 November 2024, the Government informs that it reviews the regulatory framework governing the determination of the minimum monthly wage.

The Government points out that extraordinary amendments to the Labour Law were made in 2022, establishing the minimum monthly gross wage at 620 € as of 1 January 2023 and at 700 € as of 1 January 2024.

Furthermore, the Government gives information on the general agreements governing work remuneration issues concluded in the railway sector, construction sector and glass fibre industry in 2019.

The Government states that it is not possible to accept this article at this stage due to the impossibility of making predictions about compliance under the current inflation pressure and considering the envisaged tax reforms in the country (see for detailed information "[The 2nd National Report on the Non-Accepted Provisions of the Revised European Social Charter provided by Latvia](#)").

Opinion of the Committee

Committee case law (DIGEST)

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

The concept of “decent standard of living” goes beyond merely material basic necessities such as food, clothing and housing, and includes resources necessary to participate in cultural, educational and social activities.⁵

“Remuneration” relates to the compensation – either monetary or in kind – paid by an employer to a worker for time worked or work done. It covers, where applicable, special bonuses and gratuities. On the other hand, social transfers (e.g. social security allowances or benefits) are taken into account only when they have a direct link to the wage.

To be considered fair within the meaning of Article 4§1, the minimum wage paid in the labour market must not fall below 60% of the net average national wage.⁶ The assessment is based on net amounts, i.e. after deduction of taxes and social security contributions.⁷ Where net figures are difficult to establish, it is for the State Party concerned to provide estimates of this amount.⁸

⁵ [Conclusions 2010 - Statement of interpretation - Article 4§1](#)

⁶ [Conclusions XIV-2 - Statement of interpretation - Article 4§1](#)

⁷ Ibid.

⁸ [Conclusions XVI-2 - Denmark - Article 4§1](#)

When a statutory national minimum wage exists, its net value for a full-time worker is used as a basis for comparison with the net average full-time wage, but otherwise regard is had to the lowest wage determined by collective agreement or the lowest wage actually paid.⁹ This may be the lowest wage in a representative sector, for example, the manufacturing industry.¹⁰ If the lowest wage in a given State Party does not satisfy the 60% threshold, but does not fall very far below (in practice between 50% and 60%), the government in question will be invited to provide detailed evidence that the lowest wage is sufficient to give the worker a decent living standard even if it is below the established threshold.¹¹ In particular, consideration will be given to the costs of having health care, education, transport, etc.

In extreme cases, for instance where the lowest wage is less than half the average wage the situation is held to be in breach of Charter independently of such evidence.¹²

It should be noted that providing for a lower minimum wage to younger workers who are under 25 years old is not contrary to the Charter if, and only if it furthers a legitimate aim of employment policy and is proportionate to achieve that aim.¹³ The Committee has considered a reduction of the minimum wage below the poverty level and applied to all workers under the age of 25 to be disproportionate.¹⁴

Current examination

As regards the situation in Latvia, the Committee notes the progress made since the previous reporting period with the increase of the amount introduction of the minimum wage standard and consequently moving towards the compliance of minimum income standard in relation to the increase of national the average wage. In light of the information provided and the requirements of this Charter provision, the Committee considers that there are no obstacles to the acceptance of Article 4§1 in the near future.

Article 12§3 *The right to social security*

With a view to ensuring the effective exercise of the right to social security, the Parties undertake:

3. to endeavour to raise progressively the system of social security to a higher level.

Situation in Latvia

The Government indicated in the written information submitted in July 2023 and in the subsequent discussions held in Riga on 21 September 2023, that several developments occurred in the social security system as of 2021, as follows.

From 2021, with the entry into force of the minimum income provision, a new relative method of calculating the minimum income is used. This method involves calculating several minimum income thresholds as a percentage of the median income. The new minimum income thresholds set from 1 July 2023 will be reviewed annual basis, in January, starting in 2024, an improvement over the previous provision that required review at least every three years.

⁹ [Conclusions XIV-2 - Statement of interpretation - Article 4§1](#)

¹⁰ Ibid.

¹¹ [Conclusions XXI-3 - Denmark - Article 4§1](#)

¹² [Conclusions XIV-2 - Statement of interpretation - Article 4§1](#)

¹³ [General Federation of employees of the national electric power corporation \(GENOP-DEI\) / Confederation of Greek Civil Servants Trade Unions \(ADEDY\) v. Greece, Collective Complaint No. 66/2011, decision on the merits of 23 May 2012, §§ 60, 68](#)

¹⁴ Ibid.

The Law on Social Security stipulates that the minimum income threshold be fixed at a minimum of 20% of the median income. The Government points out that the legal framework provides for the establishment of a methodologically justified minimum income level corresponding to the socio-economic situation, in conformity with the judgements of the Constitutional Court which required that the minimum income thresholds be linked to a specific socio-economic indicator. Consequently, the minimum amount of social security must reach at least 50% of the median income, and if it falls below 40%, the protection level for old-age pensioners is inadequate.

The Government indicates that differentiated minimum income thresholds are set and applied to recipients of state social security benefits, recipients of minimum old age and disability pensions and recipients of municipal social assistance benefits. It indicates that five laws governing social protection have been amended. It also provides details of the calculation basis for old age and disability pensions, as well as the minimum income thresholds under the municipal social assistance and housing benefits.

The Government points out that the law provides that the minimum income thresholds are not revised if the median minimum income decreases in the reference year.

The Government also informs that there have been developments in the social security system to balance its sustainability in a challenging environment (COVID-19, Russian aggression in Ukraine and civilian crises, slight downturn in the economy) and that the social insurance budget has been to 9% of GDP in 2022, slightly higher than the pre-pandemic levels.

The Government indicates that as of 1 July 2021, a minimum mandatory national social insurance contributions object of a minimum wage (500 € in 2021 and 2022, 620 € in 2023) has been introduced for employees and self-employed persons. In case an individual earns less from all national social insurance contributions taxable income sources, the employer is responsible for making the contributions on the employees' behalf.

The self-employed person whose contribution per calendar year was made from income lower than 12 minimum monthly salaries, must make the mandatory minimum contributions to pension insurance in the amount of 10% of the difference between the income and the minimum object of mandatory contributions. Therefore, these people are socially insured at least at a minimum level in case of social risk. At the same time, there are also some groups of people who are exempt from making mandatory minimum contributions (such as pensioners, disabled people, and students).

From 2021, the special regime for patent fee payers and royalty beneficiaries has been discontinued (from 2022 for some specific exceptions). These people can now register their businesses under the alternative regime or use the general tax and contribution regime.

Regarding the unemployment benefit, the Government indicates that its minimum amount is gradually increasing with the implementation of the minimum mandatory national social insurance contributions object but considers it may still be inadequate for some of the beneficiaries. In addition, the duration of unemployment benefits has been reduced from 9 to 8 months in 2020.

Regarding other changes, the Government informs that they aim at maintaining the work injury insurance, increasing the period of insurance record to qualify for the old age pension to 20 years and parental benefits resulting from the transposition of EU Directive 2019/1158.

The Government indicates that despite the changes implemented as of 2021 in terms of expanding the scope and the level of protection, it considers that its amount is still inadequate compared to the standard of Article 12 and expresses reserves in undertaking additional

commitments. (see for detailed information "[The 2nd National Report on the Non-Accepted Provisions of the Revised European Social Charter provided by Latvia](#)")

Opinion of the Committee

Committee case law (DIGEST)

Article 12§3 requires States Parties to improve their social security system. A situation of progress may consequently be in conformity with Article 12§3, even if the requirements of Article 12§1 and 12§2 have not been met or if these provisions have not been accepted by the state in question.¹⁵

The expansion of schemes, protection against new risks, or an increase(s) in the level of benefits are all examples of improvement.¹⁶ A partly restrictive development in the social security system (which can also be described as a 'restriction' or 'limitation' to 'rights in the area of social security') is not automatically in violation of Article 12§3.¹⁷ It should be assessed under Article G of the Revised Charter.¹⁸ The assessment of the situation is based on the following criteria:

- the nature of the changes (field of application, conditions for granting allowances, amounts of allowance, etc.);¹⁹
- the reasons given for the changes (the aims pursued) and the framework of social and economic policy in which they arise;²⁰
- the extent of the changes introduced (categories and numbers of people concerned, levels of allowances before and after alteration);²¹
- the necessity of the reform;²²
- the existence of measures of social assistance for those who find themselves in a situation of need as a result of the changes made (this information can be submitted under Article 13);²³
- the results obtained by such changes.²⁴

Even if specific restrictive measures are, as such, in conformity with the Charter, their cumulative effect could amount to a violation of Article 12§3 of the Charter.²⁵ Measures taken in order to consolidate public finances may be considered as a necessary means to ensure the maintenance and sustainability of the social security system. In view of the close relationship between the economy and social rights, the pursuit of economic goals is not incompatible with Article 12§3.²⁶ However, with regard to such consolidation measures, any such measures should not undermine the core framework of a national social security system or deny individuals the opportunity to enjoy the protection it offers against serious social and

¹⁵ [Conclusions 2009, Statement of Interpretation on Article 12§3](#)

¹⁶ [Conclusions 2013, Georgia](#)

¹⁷ See, e.g., [Federation of employed pensioners of Greece \(\(IKA –ETAM\) v. Greece](#), Complaint No. 76/2012 decision on the merits of 7 December 2012, §70

¹⁸ See, e.g., [Federation of employed pensioners of Greece \(\(IKA –ETAM\) v. Greece](#), Complaint No. 76/2012 decision on the merits of 7 December 2012, §72

¹⁹ [Conclusions XVI-1 \(2002\), Statement of Interpretation on Article 12§1, 12§2, 12§3](#)

²⁰ [Conclusions XVI-1 \(2002\), Statement of Interpretation on Article 12§1, 12§2, 12§3](#)

²¹ [Conclusions XVI-1 \(2002\), Statement of Interpretation on Article 12§1, 12§2, 12§3](#)

²² [Panhellenic Federation of pensioners of the public electricity corporation \(POS-DEI\) v. Greece](#), Complaint No. 79/2012, decision on the merits, 7 December 2012, §67, citing General Introduction to Conclusions XIV-1, p. 11

²³ [Conclusions XVI-1 \(2002\), Statement of Interpretation on Article 12§1, 12§2, 12§3](#)

²⁴ [Conclusions XVI-1 \(2002\), Statement of Interpretation on Article 12§1, 12§2, 12§3](#)

²⁵ [Federation of employed pensioners of Greece \(\(IKA –ETAM\) v. Greece](#), Complaint No. 76/2012, decision on the merits of 7 December 2012, §§ 78-83

²⁶ [Federation of employed pensioners of Greece \(\(IKA –ETAM\) v. Greece](#), Complaint No. 76/2012, decision on the merits of 7 December 2012, § 71

economic risk.²⁷ Therefore, any changes to a social security system must maintain in place a sufficiently extensive system of compulsory social security and refrain from excluding entire categories of worker from the social protection offered by this system.²⁸ They should not transform the social security system into a basic social assistance system.²⁹ Financial consolidation measures which fail to respect these limits constitute retrogressive steps which cannot be deemed to be in conformity with Article 12§3.³⁰

Current examination

The Committee recalls that in its 2021 Conclusions it found Latvia in breach of the Charter under Article 12§1 on the grounds that the minimum levels of unemployment, old age and disability benefits are not adequate, but in the circumstances, Article 12§3 prompts the country to make efforts to progressively raise its social security system in order to reach the level required by Article 12§1, which appears to be the case. The Committee notes that Latvia has introduced several measures aimed at enhancing its social security system, including the implementation of a minimum income provision linked to a percentage of the median income, setting the minimum social security at 20% of the median income (with the aim to reach at least 50%), and differentiating minimum income thresholds for various categories of recipients. The introduction of a minimum mandatory national social insurance contribution for employees and self-employed individuals also contributes to social security enhancement.

In light of the information provided and considering the requirements of the Charter in terms of this provision, the Committee acknowledges Latvia's reported progress in the social security system as of 2021. This progress aligns with the essence of Article 12§3, showcasing efforts to enhance and expand social security provisions. Furthermore, the Committee recalls that in 2018, Latvia had indicated that, in its views, there were no obstacles to immediate acceptance. In light of these developments, the Committee reiterates its invitation to Latvia to ratify Article 12§3 of the Charter.

Article 12§4 *The right to social security*

With a view to ensuring the effective exercise of the right to social security, the Parties undertake:

to take steps, by the conclusion of appropriate bilateral and multilateral agreements or by other means, and subject to the conditions laid down in such agreements, in order to ensure:

- a. equal treatment with their own nationals of the nationals of other Parties in respect of social security rights, including the retention of benefits arising out of social security legislation, whatever movements the persons protected may undertake between the territories of the Parties;**
- b. the granting, maintenance and resumption of social security rights by such means as the accumulation of insurance or employment periods completed under the legislation of each of the Parties.**

²⁷ [Federation of employed pensioners of Greece \(\(IKA –ETAM\) v. Greece](#), Complaint No. 76/2012, decision on the merits of 7 December 2012, § 47

²⁸ [General Federation of employees of the national electric power corporation \(GENOP-DEI\) / Confederation of Greek Civil Servants Trade Unions \(ADEDY\) v. Greece](#), Complaint No. 66/2011, decision on 23 May 2012, §47

²⁹ [Finnish Society of Social Rights v. Finland](#), Complaint No.88/2012, decision on the merits of 9 September 2014, §85

³⁰ [General Federation of employees of the national electric power corporation \(GENOP-DEI\) / Confederation of Greek Civil Servants Trade Unions \(ADEDY\) v. Greece](#), Complaint No. 66/2011, decision on 23 May 2012, §47.

Situation in Latvia

With regard to the right to social security benefits of persons moving between states, the Government indicates that according to the national law, pensions are not terminated for pensioners moving abroad, and access to insurance benefits is guaranteed. In addition, the Government is considering the worldwide export of old-age pensions benefitting the nationals of the contracting parties.

With regards to the developments in respect of bilateral agreements, the Government states that a new bilateral agreement with Guernsey was concluded, and one with Moldova is under preparation.

It also states that EU law on equal treatment and social security coordination regulations are applied by Latvia, including European Union agreements with the United Kingdom.

The Government indicates that additional social security rights have been granted to third-country nationals who have been working in the EU Member States through the transposition of EU Directives into national law, such as, for example, the rights of seasonal workers and highly qualified workers, equal treatment for certain categories of migrant workers – third country nationals.

The Government indicates that nationals of non-EU Contracting Parties of the Charter still do not enjoy full equal treatment, and do not have the possibility to accumulate periods of insurance or retain benefits, therefore, according to its assessment, Latvia does not comply with Article 12§4. It also indicates that the binding provisions of the Charter are used in court proceedings (see for further details "[The 2nd National Report on the Non-Accepted Provisions of the Revised European Social Charter provided by Latvia](#)").

Opinion of the Committee

Committee case law (DIGEST)

Article 12§4 stipulates the right to social security benefits of persons moving between the territories of states parties.

Personal scope of Article 12§4

In defining the personal scope of Article 12§4, reference must be made to paragraph 1 of the Appendix to the Charter, which reads: "Without prejudice to Article 12§4, the persons covered by Articles 1 to 17 include foreigners only insofar as they are nationals of other States Parties lawfully resident or working regularly within the territory of the State Party concerned". It follows from the Appendix to the Charter that Article 12§4 applies to nationals of other States Parties who no longer reside on the territory concerned but who did reside or worked regularly there in the past and acquired social security rights. The scope of Article 12§4 extends to refugees and stateless persons.³¹ Self-employed workers are also covered.³² Finally, the principle of reciprocity does not apply to Article 12§4.³³

Material scope of Article 12§4a

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

³¹ [Conclusions XIV-1 \(1998\), Turkey](#)

³² [Conclusions XIV-1 \(1998\), Turkey](#)

³³ [Conclusions XIII-4 \(1996\), Statement of Interpretation on Article 12§4](#)

Right to equal treatment

The guarantee of equal treatment within the meaning of Article 12§4 requires States Parties remove all forms of discrimination from their social security legislation against foreigners in so far as they are nationals of other States.³⁴ Both direct and indirect discrimination are covered. National legislation cannot reserve a social security benefit to nationals only, or impose extra or more restrictive conditions on foreigners.³⁵ Nor may national legislation stipulate eligibility criteria for social security benefits which, although they apply without reference to nationality, are harder for foreigners to comply with than nationals, and therefore affect them to a greater degree.³⁶ However, legislation may require the completion of a period of residence for non-contributory benefits.³⁷ In this respect, Article 12§4 requires that any such prescribed period of residence is reasonable.³⁸ A period of five years is considered to be too long.³⁹ As regards child benefit, a condition that the child concerned resides on the territory of the paying state may be compatible with Article 12§4.⁴⁰ The question of whether the residence of a child in the territory is required before child benefits will be paid is examined exclusively under Article 12§4, rather than under Article 16.⁴¹ However since not all countries apply such a system, states applying the 'child residence requirement' are under the obligation, in order to secure equal treatment within the meaning of Article 12§4, to conclude within a reasonable period of time bilateral or multilateral agreements with those states which apply a different entitlement principle.⁴² Equality of treatment does not necessarily mean that family allowances should be paid at the same amount when the children for whom it is granted are not residents of the same country as the recipient. The level of benefit may in this case be reduced where the cost of living in the child's country of residence is significantly lower, but the reduction must be proportional to the differences of the cost of living in the countries concerned.⁴³

Right to retention of accrued rights

Invalidity benefit, old age benefit, survivor's benefit and occupational accident or disease benefit acquired under the legislation of one state according to the eligibility criteria laid down under national legislation are maintained irrespective of whether the beneficiary moves between the territories.⁴⁴ Due to the particular nature of unemployment benefit, which is a short-term benefit closely linked to trends in the labour market, Article 12§4 does not require it to be exported.⁴⁵ In order to ensure the exportability of benefits, States may choose between bilateral agreements or any other means such as unilateral, legislative or administrative measures.⁴⁶

Material scope of Article 12§4b

Right to maintenance of accruing rights

There should be no disadvantage in terms of accrual of rights for a person who changes their country of employment in instances in which they have not completed the period of employment or insurance necessary under national legislation to confer entitlement and determine the amount of certain benefits. Implementation of the right to maintenance of accruing rights requires, where necessary, the accumulation of employment or insurance periods completed in another territory. In the case of long-term benefits, the pro-rata approach

³⁴ Conclusions XIII-4 (1996), Statement of Interpretation on Article 12§4

³⁵ Ibid.

³⁶ Ibid.

³⁷ [Conclusions 2004, Lithuania](#)

³⁸ Ibid

³⁹ Ibid

⁴⁰ [Conclusions 2006, Italy](#)

⁴¹ [Conclusions XVI-1 \(2002\), Statement of Interpretation on Articles 12§4 and 16](#)

⁴² [Conclusions 2006, Italy](#)

⁴³ Conclusions XIII-4 (1996), Statement of Interpretation on Article 12

⁴⁴ [Conclusions XVI-1 \(2002\), Belgium](#); see also [Conclusions XIV-1 \(1998\), Finland](#)

⁴⁵ [Conclusions XIV-1 \(1998\), Norway](#)

⁴⁶ Conclusions XIII-4 (1996), Statement of Interpretation on Article 12

should also be employed.⁴⁷ States may choose between the following means in order to ensure maintenance of accruing rights: multilateral convention, bilateral agreement or, unilateral, legislative or administrative measures.⁴⁸ States that have ratified the European Convention on Social Security are presumed to have made sufficient efforts to guarantee the retention of accruing rights.⁴⁹

Current examination

The Committee notes that, with regard to Article 12§4, Latvia has made significant progress by concluding a number of bilateral agreements, giving consideration to worldwide export of pensions and transposing the relevant EU Directives on equal treatment and social security coordination regulations into national law. In light of the information provided, the requirements of this provision, and its previous recommendation in 2018, the Committee reiterates that there are no obstacles to the acceptance of Article 12§4 and continues to recommend immediate acceptance.

Article 18§2 The right to engage in a gainful occupation in the territory of other Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

2. to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers.

Situation in Latvia

The Government informs that the following EU Directives are transposed and applied by national law:

- EU Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State;
- EU Directive 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC;
- EU Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

In the meeting held in Riga on 21 September, the Government provided detailed data on the number of permanent and temporary residents and non-citizens in the total population, on the number of first-time issued temporary residence permits in the period 2011 – 2023, including a breakdown by reason of stay and citizenship, reflecting a two-to-three-fold increase after Russian aggression against Ukraine. Detailed data on the number persons granted the right to employment and the breakdown by economic activity was also provided.

The Government explained that the migration policy regarding employment is based on principles of protection of the internal market, but there is no quota system and there are no restrictions regarding employees with low qualifications and the occupation shall correspond to the obtained education and/or professional experience (exception – seasonal workers, low-qualified labour force and self-employed persons). It informed that there is a one-stop agency

⁴⁷ [Conclusions 2009, Finland](#)

⁴⁸ Ibid.

⁴⁹ [Conclusions 2006, Italy](#)

for obtaining a right to employment and visa/ residence permit and the principle of equal rights applies.

The Government has indicated that a simplified procedure applies, without the registration of a vacancy, in the case of the enterprise agreement, highly-qualified employees (the EU Blue Card), intra-corporate transferees, sportsmen/ coaches, teachers and university professors, artists, composers, truck drivers (if they do not require a residence permit), people who implement international agreements or consult state/municipal institutions of Latvia and people who work in special economic areas.

Opinion of the Committee

Committee case law (DIGEST)

With regard to the formalities to be completed, conformity with Article 18§2 presupposes the possibility of completing such formalities in the country of destination as well as in the country of origin and obtaining the residence and work permits at the same time and through a single application.⁵⁰ It also implies that the documents required (residence/work permits) will be delivered within a reasonable time.⁵¹ An average time of two months for the granting of both work/residence visa for employees as well as self-employed is in compliance with Article 18§2.⁵²

Situations where work permits and residence permits are issued under two separate procedures, and foreign nationals are not allowed to submit their applications from within the country, thereby lengthening the time taken to obtain residence permits, are not in conformity with Article 18§2 of the Charter.⁵³

States Parties are under an obligation to reduce or abolish chancery dues and other charges paid either by foreign workers or by their employers.⁵⁴ In order to comply with such an obligation, States must, first of all, not set an excessively high level for the dues and charges in question that is a level likely to prevent or discourage foreign workers from seeking to engage in a gainful occupation, and employers from seeking to employ foreign workers.⁵⁵

The Committee considers, however, that increases in chancery dues or other charges can be in conformity with Article 18§2 of the Charter as long as they are made for a good reason (for example in order to cover increased processing costs or inflation) and they are not excessive.⁵⁶

Current examination

The Committee notes several positive developments in line with the requirements of Article 18§2 of the revised Charter. In particular, it notes that Latvia have implemented various EU Directives aimed at facilitating the entry and residence of third-country nationals for work purposes and has established a single application procedure for residence and work permits, particularly for certain categories like highly qualified employees, intra-corporate transferees, sportsmen/coaches, among others. It also notes that the existence of a one-stop agency for obtaining employment rights, visas, and residence permits adheres to the principle of simplifying formalities, as mentioned in Article 18§2. In addition, the Committee observes that

⁵⁰ [Conclusions 2016, Armenia](#); [Conclusions XVII-2 \(2005\), Finland](#)

⁵¹ [Conclusions XVII-2 \(2005\), Portugal](#)

⁵² [ibid.](#)

⁵³ [Conclusions XXII-1 \(2020\), Iceland](#); see also [Conclusions 2020, Ukraine](#)

⁵⁴ [Conclusions 2012, Statement of Interpretation on Article 18§2](#)

⁵⁵ [ibid.](#)

⁵⁶ [Conclusions XXII-1 \(2020\), Iceland](#)

Latvia has a policy of reducing or abolishing chancery dues and charges payable by foreign workers or their employers.

In light of the information provided during the meeting in Riga, the Committee considers that there are no obstacles to the immediate acceptance of Article 18§2 of the Charter.

Article 18§3 The right to engage in a gainful occupation in the territory of other Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

3. to liberalise, individually or collectively, regulations governing the employment of foreign workers.

Situation in Latvia

The Government indicates that currently, the national regulatory acts of Latvia comply with both the international obligations assumed by Latvia and the requirements of the European Union in the field of migration.

Several issues related to the migration of workers have been regulated at the European Union level, providing for fast, simplified and migration-oriented procedures, which have been transposed into the Latvian regulatory framework (for example, the right of seasonal workers and highly qualified workers to enter and work in the European Union member states; the right of employees to enter and work in European Union member states in connection with transfer within the company; involvement of individuals in voluntary work programs).

At the same time, the Immigration Law provides for several mechanisms promoting the migration of workers, for example, a foreigner has the right to receive a long-term visa if the issuance of the visa is related to employment in the Republic of Latvia or stay in the Republic of Latvia, performing remote work at an employer registered in another member state of the Organization for Economic Cooperation and Development or also as a self-employed person registered in a member state of the Organization for Economic Cooperation and Development. *See other aspects pertaining to Article 18§3 reported on pages 14-15 (under Article 18§2).*

Opinion of the Committee

Committee case law (DIGEST)

Under Article 18§3, States are required to liberalise gradually the regulations governing the employment of foreign workers. The Committee developed assessment standards in the following areas: access to the national labour market; the right to engage in employment; and rights after loss of employment.

States Parties may make foreign nationals' access to employment on their territory subject to possession of a work permit but they cannot ban nationals of States Parties in general from occupying jobs for reasons other than those set out in Article G of the Charter.⁵⁷ A person who has been legally resident for a given length of time on the territory of another Party should be able to enjoy the same rights as national of that country.⁵⁸ The restrictions initially imposed with regard to access to employment must therefore be gradually lifted.⁵⁹

⁵⁷ [Conclusions 2012, Ireland](#)

⁵⁸ [Ibid.](#)

⁵⁹ [Ibid.](#)

In order not to be in contradiction with Article 18 of the Charter, the implementation of policies limiting access of third-country nationals to the national labour market, should neither lead to a complete exclusion of nationals of non-EU (or non-EEA) States Parties to the Charter from the national labour market, nor substantially limit the possibility for them of acceding the national labour market.⁶⁰ Such a situation, deriving from the implementation of “priority rules” of the kind just mentioned, would not be in conformity with Article 18§3, since the State in question would not comply with its obligation to progressively liberalise regulations governing the access to the national labour market with respect to foreign workers of a number of States Parties to the Charter.⁶¹

Both the granting and the cancellation of work and temporary residence permits may well be interlinked, in as much as they pursue the same goal, namely, to enable a foreigner to engage in a gainful occupation.⁶²

In cases where a work permit is revoked before the date of expiry, either because the employment contract is prematurely terminated, or because the worker no longer meets the conditions under which the work permit was granted, it would be contrary to the Charter to automatically deprive such worker of the possibility to continue to reside in the State Party concerned and to seek another job and a new work permit, unless there are exceptional circumstances which would authorise expulsion of the foreign worker concerned, in the meaning of Article 19§8.⁶³

The loss of employment should not lead to the cancellation of the residence permit, as this would require the worker to leave the country as soon as possible.⁶⁴ The validity of the residence permit should in fact be extended to give them enough time to find a new job.⁶⁵

Early termination of the employment relationship of a foreign national for professional misconduct resulting in the automatic withdrawal of that person’s residence permit with no possibility of seeking new employment is also contrary to Article 18§3 of the Charter.⁶⁶

Current examination

The Committee notes that Latvia's reported policies on the employment of foreign workers appear to accommodate various categories of workers, including highly qualified employees, intra-corporate transferees, seasonal workers, and individuals engaged in specific professions or under international agreements, and seem to be aligned with the notion of gradually liberalising regulations governing the employment of foreign workers, allowing access to employment based on different categories or qualifications. The Committee also notes that the interlinking of work and temporary residence permits aligns with the goal of enabling foreigners to engage in gainful occupation, which is in line with the principles outlined in its case law.

In light of the information provided during the meeting in Riga, the Committee considers that there are no obstacles to the immediate acceptance of Articles 18§3 of the Charter.

⁶⁰ [Conclusions 2012, Statement of Interpretation on Article 18§1 and 18§3](#)

⁶¹ [Ibid.](#)

⁶² [Conclusions 2012, Statement of interpretation on Article 18§3](#)

⁶³ [Conclusions 2012, Statement of interpretation on Article 18§3](#)

⁶⁴ [Conclusions XXII-1 \(1991\), Germany](#)

⁶⁵ [Ibid.](#), citing [Conclusions XVII-2 \(2005\), Finland](#)

⁶⁶ [Conclusions 2020, The Netherlands](#)

Article 19§2 The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey.

Situation in Latvia

The Government indicates that the situation in Latvia has not changed since the previous report.

The Government indicates that the legislation framework responding to the requirements of this provision includes the Law on the Rights of Patients, the Health Care Financing Law, the Social Insurance Act and the Law on Social Services and Social Assistance.

The Government indicates that Latvian legislation ensures equal healthcare rights for all, prohibiting discrimination based on various factors. Emergency medical aid is provided to citizens, permanent residents, stateless individuals, refugees, and those covered by health insurance.

Migrant workers seeking entry into Latvia have two distinct pathways.

The first avenue is available to individuals arriving from countries whose citizens either do not require a visa or already possess a residence permit in another member state of the European Union, the European Economic Area, or Switzerland. In such cases, prospective migrants can enter the Republic of Latvia and submit the necessary documents to the territorial office of the Office of Citizenship and Migration. Following this process, they can receive a temporary residence permit in accordance with the Immigration Act and Regulation No. 564 of 21 June 2010 on residence permits.

The second pathway is designated for migrant workers originating from countries where their citizens necessitate a visa for entry into Latvia. In such instances, requisite documents must be submitted to the diplomatic or consular representation of the Republic of Latvia in the foreign country of origin. Subsequently, these documents are forwarded to the Office of Citizenship and Migration to facilitate the application process.

The Government indicates that the existing procedures for document submission have been noted to create complications for migrant workers. Furthermore, it indicates that the eligibility for social services and assistance is limited to specific categories of residents, excluding a many temporary residents from such benefits.

The laws on social services specify entitlements for citizens, permanent residents, and certain EU citizens based on residency duration or employment. The right to social services and assistance extends to family members and individuals granted alternative status.

The Government indicates that the Latvian regulations are aligned with international obligations and EU directives on migration, incorporating fast-track procedures for seasonal workers and highly qualified individuals. For example, the Directives related to the right of seasonal workers and highly qualified workers to enter and work in the European Union member states, the right of employees to enter and work in European Union member states in connection with transfer within the company, respective involvement of individuals in voluntary work programs have been transposed into the Latvian regulatory framework.

Furthermore, the Government informs that at the same time, the Immigration Law provides for several mechanisms promoting the migration of workers, for example, a foreigner has the right to receive a long-term visa if the issuance of the visa is related to employment in the Republic of Latvia or stay in the Republic of Latvia, performing remote work at an employer registered in another member state of the Organization for Economic Cooperation and Development or also as a self-employed person registered in a member state of the Organization for Economic Cooperation and Development.

Persons who legally live and work in Latvia (migrant workers) and their family members, incl. due to Russia's war in Ukraine, the citizens of Ukraine living in Latvia, have the same rights to receive state-funded health care services as the permanent residents of Latvia, receiving a wide range of health care services paid from the State budget.

At the same time, housing and support measures are available at the Asylum Seekers Center in Mucenieki for asylum seekers - both employed and unemployed - who cannot or have not found housing. The hygiene requirements for the accommodation center for asylum seekers are defined in Regulations of the Cabinet of Ministers No. 489, adopted on 26 July 2016, "Internal Rules of Procedure of the Accommodation Centre for Asylum Seekers". At the same time at the aforementioned Asylum Seekers Accommodation Centre it is also possible to receive preventive health care.

The order in which the asylum seeker's health condition is checked and sanitary treatment is carried out, as well as their results are recorded, is regulated in Regulations of the Cabinet of Ministers No. 686, adopted on 21 November 2017, "Procedures for Performing Health Examination and Sanitary Treatment of an Asylum Seeker, and also for Registering the Results Thereof".

The Government indicates reserves in accepting Article 19.2 related to the following aspects: temporary residents, including migrant workers and their families, don't have access to state-guaranteed healthcare or social assistance, except for those with alternative status; different conditions for logging documents required from migrant workers, and the fact that the Ministry of Interior has not established the need for additional systematic facilitation regarding the reception, departure and journey of working migrants (see for detailed information "[The 2nd National Report on the Non-Accepted Provisions of the Revised European Social Charter provided by Latvia](#)" - 2023 and [First report on the non-accepted provisions of the European Social Charter by Latvia](#) - 2018).

Opinion of the Committee

Committee case law (DIGEST)

Article 19§2 requires that States Parties adopt special measures for the benefit of migrant workers to facilitate their departure, journey and reception.⁶⁷ 'Reception' means the period of weeks which follows immediately from their arrival, during which migrant workers and their families most often find themselves in situations of particular difficulty.⁶⁸ Special measures must include not only assistance with regard to placement and integration in the workplace, but also assistance in overcoming problems, such as short-term accommodation, illness, shortage of money and adequate health measures.⁶⁹

⁶⁷ [Conclusions III \(1973\), Cyprus](#)

⁶⁸ [Conclusions IV \(1975\), Statement of interpretation on Article 19§2](#)

⁶⁹ [Conclusions IV \(1975\), Germany](#)

The obligation to “provide within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey” relates to migrant workers and their families travelling either collectively or under the public or private arrangements for collective recruitment.⁷⁰ The Committee considers that this aspect of Article 19§2 does not apply to forms of individual migration for which the State is not responsible.⁷¹ However, in that case, the need for reception facilities is all the greater.⁷²

In assessing States Parties’ compliance with Article 19§2, the Committee takes into consideration the following information:

- specific steps are taken in the period following the arrival of any new migrants to assist them;
- the assistance, financial or otherwise, available to all migrants in emergency situations, in particular in response to their needs of food, clothing and shelter;
- limits or restrictions on the access of working migrants to state welfare provision;
- the rules govern the access to healthcare for all migrants, irrespectively of their status, in particular in emergency.⁷³

Current examination

In view of these requirements and taking into account the information provided, the Committee recalls that previously, in 2018, it considered that the interpretation by the Latvian authorities of the scope of Article 19§2 is too broad. The Committee also notes that the conditions of departure, travelling and reception of EU citizens and third-country nationals are governed not only by the Charter but also by EU legislation which is mandatory in Latvia.

The Committee considers that the situation in the country is in accordance with the requirements of Article 19§2 and reiterates that there are no obstacles to the immediate acceptance of this provision.

Article 19§3 The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries.

Situation in Latvia

The Government indicates that it facilitates information exchange and coordination among service providers for citizens of the EU/EEA and the Swiss Confederation. This includes collaboration between employment services in the EURES network, national contact points for posted workers, and social security institutions. Additionally, bilateral cooperation agreements have been established in the realm of social security, although current geopolitical conditions limit some aspects of this cooperation.

While formal cooperation between social service providers may not exist in all cases, Latvia remains committed to leveraging international mechanisms, especially concerning minors. The country is open to utilizing international cooperation platforms, such as the INGO "International Social Service," when addressing social issues that involve contacting the state or municipality in the migrant's country of origin or emigration.

⁷⁰ [Conclusions IV \(1975\), Statement of interpretation on Article 19§2](#)

⁷¹ [Conclusions IV \(1975\), Statement of interpretation on Article 19§2](#)

⁷² [ibid.](#)

⁷³ [Conclusions 2019, Armenia](#)

Municipalities in Latvia offer social services and assistance primarily to permanent residence permit holders. However, laws and regulations don't restrict municipalities from extending social support to other foreign individuals, including those with temporary residence permits (see for detailed information "[The 2nd National Report on the Non-Accepted Provisions of the Revised European Social Charter provided by Latvia](#)" - 2023 and [First report on the non-accepted provisions of the European Social Charter by Latvia](#) - 2018).

Opinion of the Committee

Committee case law (DIGEST)

The scope of Article 19§3 extends to migrant workers immigrating as well as migrant workers emigrating to the territory of any other State. Contacts and information exchanges should be established between public and/or private social services in emigration and immigration countries, with a view to facilitating the life of emigrants and their families, their adjustment to the new environment and their relations with members of their families who remain in their country of origin.⁷⁴ Formal arrangements are not always necessary, especially if there is little migratory movement in a given country.⁷⁵ In such cases, the provision of practical co-operation on a need basis may be sufficient.⁷⁶

Common situations in which such co-operation would be useful include where the migrant worker, who has left their family in the home country, fails to send money back or needs to be contacted for family reasons, or where the worker has returned to their country but needs to claim unpaid wages or benefits or must deal with various issues in the country in which they were employed.⁷⁷

In order to assess States Parties' compliance with Article 19§3, the Committee takes into consideration the following information:

- the form and nature of contacts and information exchanges established by social services in emigration and immigration countries;
- measures taken to establish such contacts and to promote the cooperation between social services in other countries;
- international agreements or networks, and specific examples of cooperation (whether formal or informal) which exist between the social services of the country and other origin and destination countries;
- whether the cooperation extends beyond social security alone (for example in family matters);
- examples of cooperation at a local level.⁷⁸

Current examination

With regard to Article 19§3, the Committee notes the measures already in place to promote cooperation between social services, including the establishment of information exchanges and coordination between service providers in immigration countries for EU/EEA citizens, and the use of international mechanisms, including the International Social Service, to address social issues, especially for minors.

⁷⁴ [Conclusions XIV-1 \(1998\), Belgium](#)

⁷⁵ [Conclusions 2019, Albania](#)

⁷⁶ [Ibid.](#)

⁷⁷ [Conclusions XV-1 \(2000\), Finland](#)

⁷⁸ [Conclusions 2019, Albania](#)

In view of these requirements and taking into account the information provided, the Committee recalls that previously, in 2018, it considered that the interpretation by the Latvian authorities of the scope of Article 19§3 is too broad. The Committee considers that the situation in the country is in conformity with the requirements of Article 19§3 and reiterates that there are no obstacles to the immediate acceptance of this provision.

Article 23 *The right of elderly persons to social protection*

With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

– to enable elderly persons to remain full members of society for as long as possible, by means of:

a. adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;

b. provision of information about services and facilities available for elderly persons and their opportunities to make use of them;

– to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:

a. provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;

b. the health care and the services necessitated by their state;

– to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.

Situation in Latvia

The Government indicates the legislation, policies and practices in place for the protection of elderly persons as follows.

The Strategy for Social Protection and Labour Market Policy 2021-2027 adopted in September 2021, covers deinstitutionalisation issues, provision of social service for people leaving institutions, and partly, some accessibility issues for persons with disabilities. It provides for the creation of a modern and accessible system of social services and the development of community-based or family-friendly services, promoting individual participation in education and the labour market, with the ultimate goal of improving citizens' ability to live an independent life.

In addition, a social work methodology to address inequality, poverty and loneliness of elderly people was developed and piloted at the municipal level, accompanied by a practical training course for social workers.

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

Latvian laws and regulations on old-age pensions are as follows:

- Law on State Pensions;
- Regulations of the Cabinet of Ministers "On insurance periods, on calculating old-age pensions and payout timeframes, on the European Union pension scheme, on state social insurance benefit amounts, and on old-age pension payments if you move abroad".

Compared to the previous reporting period, the Government indicates the following developments.

All pensions are reviewed annually, usually on 1 October. The pension or part of it (which does not exceed 50% of the average wage subject to insurance contributions in the State: 470 € in 2021, 534 € in 2022, the amount of the full pension is indexed for politically repressed persons, Chernobyl NPP nuclear clean-up participants, persons with disability group I), is indexed to the actual consumer price index and 50% of the percentage of the real increase in the social insurance contribution wage sum.

A higher percentage of the real increase in the social insurance contribution wage sum applies to old-age pensions, including minimum old-age pensions, with a long insurance period:

- 60% - if the insurance period is between 30 and 39, as well as those pensions awarded for work in hazardous and difficult conditions or particularly hazardous and difficult conditions;
- 70% - if the insurance period is between 40 and 44;
- 80% - if the insurance period is 45 years or more.

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

The amount of the pension depends on the person's length of social insurance contribution, the amount of social insurance contributions made and the person's age.

Following the 2021 minimum income reform, the minimum old age pension from 1 July 2023, its calculation base is set at 157 € (25% of median income), respectively 188 € (30% of median income) for persons with disabilities from childhood. The amount of the minimum old-age pension is calculated by taking into account each year of insurance records, applying a coefficient of 1.1 to the base of the minimum old-age pension and increasing the amount by 2% of the base for each subsequent year exceeding the mandatory minimum insurance period for granting the old age pension (currently - 15 years).

The old-age pension is paid monthly. Personal income tax is withheld from the old-age pension. The tax exemption threshold is € 6000 per year (500 € per month).

In addition, the Government provides detailed information on other allowances and family benefits, their method of calculation and their current amount.

As regards the survivor's allowance, the Government indicates that the amendments to the State Pension Law applicable from 2019, provide that in the event of the death of the pension recipient, the surviving spouse, who is also the pension beneficiary, will receive 50% of the deceased spouse's pension for 12 months, including the insurance premium granted to him/her until 31 December 1995.

Regarding funeral benefits, the Government indicates no change in the method of calculation, but an increase in its amount compared to the previous reporting period as a result of the increase in state social security benefits.

In terms of minimum resources benefits - state social security benefits, the Government indicates that the allowance has increased from 64,03 € per month in 2017 to 125 € per month in 2023.

Regarding the provision of housing adapted to the needs of the elderly, the Government informs that it is available to a limited extent, only for elderly with disabilities, and in some municipalities for people with dementia.

With regard to health care, the Government indicates that the Law on the Patients' Rights, the Law on Medical Treatment and the Law on Health Care Financing require that services are provided in a non-discriminatory manner and be respectful and qualitative.

Health care services paid by the state under compulsory state health insurance are provided to wide groups of the population, including the socially insured persons, children, the unemployed, persons with disabilities, people receiving old-age pensions, people receiving services in a long-term social care and social rehabilitation institutions, as well as other population groups specified in the Health Care Financing Law.

According to the same law, everyone the right to emergency medical assistance is guaranteed to all citizens of Latvia, non-citizens of Latvia, foreigners with a permanent residence permit in Latvia, stateless persons (who have been granted stateless status), detainees, refugees or persons granted alternative status and asylum seekers. They have the right to receive state-paid medical assistance minimum, including emergency medical assistance, childbirth assistance, including care for pregnant women, as well as postnatal care for a woman who has recently given birth and for the new-born, health care provided by a general practitioner and the medical practitioners employed at his/her practice (including preventive examinations and vaccination), state organised cancer screening measures, laboratory tests and other diagnostic examinations, drugs and medical devices, as well as other health care services determined by the Regulations of the Cabinet of Ministers No. 555, adopted on 28 August 2018, "Procedures for the Organisation and Payment of Health Care Services".

In terms of housing, the Government indicates that the housing needs of the elderly are addressed at the national and municipal levels.

Housing benefit is granted to cover expenses related to the use of housing for people who cannot otherwise afford it. Low-income household status is not required to receive housing benefits. The amount of the housing benefit is calculated as the difference between the sum of the thresholds of the guaranteed minimum income (hereinafter - GMI) for the household and the actual expenses and the total income of the household. From 1 January 2021 to 30 June 2023 the GMI threshold is set at 109 € for the first or single person in the household and 76 € for the other persons in the household. In accordance with the provisions of the Law on Measures to Reduce the Extreme Increase in Energy Prices, when calculating the amount of the housing allowance, for the period 1 October 2022 - 31 May 2023, a coefficient of 3 is applied to the sum of GMI thresholds for a household, which provides the opportunity to receive housing allowance for a larger number of households with higher income.

As a permanent legal norm, from 1 June 2023, when calculating the housing benefit, the municipalities apply the following coefficients to the sum of the guaranteed minimum income thresholds:

- 1) for a person of retirement age living alone or a person living alone with a disability - a coefficient of 2.5;
- 2) for a household with only persons of retirement age or persons with disabilities, a coefficient of 2;
- 3) for a household with persons of retirement age or persons with disabilities and children, a coefficient of 2;
- 4) for other households - a coefficient of 1.5.

From 1 July 2023, the minimum income thresholds for providing social assistance are determined as a percentage, rounded up to a whole number in €, from the median of the minimum income per one equivalent consumer per month published on the website of the Central Statistics Office (hereinafter - median income).

The amounts of the minimum income thresholds for the household are calculated by applying the following coefficients to the relevant income threshold:

- 1) for the first or single person in the household - coefficient 1;
- 2) for other persons in the household - a coefficient of 0.7.

From 1 July 2023, the GMI threshold is 20% of the median income, amounting to 125 € for the first or only person in the household, and 87.50 € for each subsequent person in the household.

At the local level, according to the Law on Social Services and Social Assistance and the Regulation of the Cabinet of Ministers no. 338 “Requirements for Social Service Providers” adopted in 2017, municipalities provide shelter, night shelter and other social assistance and social services.

According to the Government, the possibility to make decisions about living conditions in the institution belongs only to elderly people whose old-age pension exceeds 1000 € per month, which allows them to choose an appropriate service provider.

(see for detailed information "[The 2nd National Report on the Non-Accepted Provisions of the Revised European Social Charter provided by Latvia](#)")

Opinion of the Committee

Committee case law (DIGEST)

Article 23 requires States Parties to combat age discrimination in a range of areas beyond employment, namely in access to goods, facilities and services.⁷⁹ Pervasive age discrimination persists in many areas of society throughout Europe, including healthcare, education, services such as insurance and banking products, participation in policy making/civil dialogue, allocation of resources and facilities.⁸⁰ Therefore an adequate legal framework is a fundamental measure to combat age discrimination in these areas.⁸¹

Article 23 requires the States Parties to make sure that they have appropriate legislation to, firstly, combat age discrimination outside employment and to, secondly, provide for a procedure of assisted decision making.⁸²

Legislation allowing practices leading to a part of the older population being denied access to informal care allowances or other alternative support constitutes a violation of Article 23.⁸³ Older persons at times may have reduced capacity-making powers or no such powers or capacity at all.⁸⁴ Therefore, there should be a national legal framework related to assisted decision making for older persons guaranteeing their right to make decisions for themselves.⁸⁵ This means that older persons cannot be assumed to be incapable of making their own decision just because they have a particular medical condition or disability, or lack legal capacity.⁸⁶

⁷⁹ [Conclusions 2009, Andorra](#)

⁸⁰ [Ibid.](#)

⁸¹ [Ibid.](#)

⁸² [Ibid.](#)

⁸³ [Conclusions 2003, France](#)

⁸⁴ [Ibid.](#)

⁸⁵ [Conclusions 2013, Statement of Interpretation on Article 23 – assisted decision-making](#)

⁸⁶ [Ibid.](#)

An older person's capacity to make a particular decision should be established in relation to the nature of the decision, its purpose and the state of health of the elderly person at the time of making it.⁸⁷

Older persons may need assistance to express their will and preferences, therefore all possible ways of communicating, including words, pictures and signs, should be used before concluding that they cannot make the particular decision on their own.⁸⁸

In this connection, the national legal framework must provide appropriate safeguards to prevent the arbitrary deprivation of autonomous decision making by older persons, including in instances of reduced decision-making capacity.⁸⁹ It must be ensured that any person acting on behalf of older persons interferes to the least possible degree with their wishes and rights.⁹⁰

Article 23 also requires States Parties to take appropriate measures against the abuse of older persons.⁹¹ Abuse can take various forms: physical, psychological or emotional, sexual, financial or simply reflect intentional or unintentional neglect.⁹² States Parties must therefore take measures to evaluate the extent of the problem, to raise awareness on the need to eradicate abuse and neglect of older persons, and to adopt legislative or other measures.⁹³

- **to enable elderly persons to remain full members of society for as long as possible, by means of:**
 - a. adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;**

The primary focus of the right to adequate resources is on pensions. Pensions and other state benefits must be sufficient in order to allow older persons to lead a 'decent life' and play an active part in public, social and cultural life.⁹⁴

However when assessing the adequacy of resources of older persons under Article 23, all social protection measures guaranteed to older persons and aimed at maintaining an income level allowing them to lead a decent life and participate actively in public, social and cultural life are taken into account.⁹⁵ In particular, pensions, contributory or non-contributory, and other complementary cash benefits available to older persons are examined.⁹⁶ These resources are then compared with the median equivalised income.⁹⁷ The Committee also takes into consideration relevant indicators relating to at-risk-of-poverty rates for persons aged 65 and over.⁹⁸

- b. provision of information about services and facilities available for elderly persons and their opportunities to make use of them;**

Although Article 23 only refers to the provision of information about services and facilities, paragraph 1b presupposes the existence of services and facilities.⁹⁹ Therefore, it is not only information relating to the provision of information about these services and facilities that is

⁸⁷ [Conclusions 2013, Statement of Interpretation on Article 23 – assisted decision-making](#)

⁸⁸ [Ibid.](#)

⁸⁹ [Ibid.](#)

⁹⁰ [Ibid.](#)

⁹¹ [Conclusions 2009, Andorra](#)

⁹² [Ibid.](#)

⁹³ [Ibid.](#)

⁹⁴ [Conclusions 2013, Statement of Interpretation on Article 23 – adequate resources for the older persons](#)

⁹⁵ [Ibid.](#)

⁹⁶ [Ibid.](#)

⁹⁷ [Ibid.](#)

⁹⁸ [Ibid.](#)

⁹⁹ [Conclusions 2003, France](#)

examined but also the services and facilities themselves.¹⁰⁰ In doing so, the Committee examines the existence, extent and cost of home help services; community-based services; specialised day care provision for persons with dementia and related illnesses; and services such as information, training and respite care for families caring for elderly persons, in particular, highly dependent persons; as well as cultural leisure and educational facilities available to older persons.¹⁰¹

Furthermore, States Parties must have a system for monitoring the quality of services and a procedure for complaining about the standard of services.¹⁰²

Insufficient regulation of fees for service housing and service housing with 24-hour assistance may amount to a violation of Article 23.¹⁰³

- **to enable elderly persons to choose their lifestyle freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:**
 - a. **provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;**

The needs of older persons must be taken into account in national or local housing policies.¹⁰⁴ The supply of adequate housing for older persons must be sufficient.¹⁰⁵ Policies should help older persons to remain in their own homes for as long as possible through the provision of sheltered/supported housing and assistance for the adaptation of homes.¹⁰⁶ The improvement of housing conditions of older persons requires considerable public funding as the average older person usually cannot afford the costs of modernisation of their apartment or purchasing a new apartment of a higher standard.¹⁰⁷ Improvement of housing conditions by moving elsewhere is often not a viable option as it may uproot the older person from their “natural” environment.¹⁰⁸

b. the health care and the services necessitated by their state;

In the context of the right to adequate health care for older persons Article 23 requires that health care programmes and services (in particular primary health care services including domiciliary nursing/health care services) specifically aimed at the elderly must exist, together with guidelines on healthcare for older persons.¹⁰⁹

In addition, there should be mental health programmes for any psychological problems in respect of older persons, and adequate palliative care services.¹¹⁰

- **to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in their institution.**

¹⁰⁰ [Conclusions 2003, France](#)

¹⁰¹ [Ibid.](#)

¹⁰² [Conclusions 2009, Andorra](#)

¹⁰³ [The Central Association of Carers in Finland v. Finland, Complaint No 71/2011](#), decision on the merits of 4 December 2012, §53

¹⁰⁴ [Conclusions 2003, France](#)

¹⁰⁵ [Ibid.](#)

¹⁰⁶ [Conclusions 2013, Andorra; International Federation of Associations of the Elderly \(FIAPA\) v. France](#), Complaint No. 145/2017, decision on the merits of 25 May 2019, §45

¹⁰⁷ [Conclusions 2009, Andorra](#)

¹⁰⁸ [Conclusions 2017, Bosnia and Herzegovina](#)

¹⁰⁹ [Conclusions 2003, France; Conclusions 2017, Ukraine](#)

¹¹⁰ [Conclusions 2003, France](#)

The final part of Article 23 deals with the rights of older persons living in institutions. In this context, it provides that the following rights must be guaranteed: the right to appropriate care and adequate services, the right to privacy, the right to personal dignity, the right to participate in decisions concerning the living conditions in the institution, the protection of property, the right to maintain personal contact with persons close to the older person, and the right to complain about treatment and care in institutions.¹¹¹

There should be a sufficient supply of institutional facilities for older persons (public or private), care in such institutions should be affordable and assistance must be available to cover the cost. All institutions should be licensed, and subject to an independent inspection body.¹¹²

Older persons of foreign origin in institutional care who unable to communicate in the national language must benefit from measures ensuring that they can express themselves, communicate and be consulted in an appropriate manner.¹¹³

Older persons and their organisations must be consulted on policies and measures that concern them directly, including on ad hoc measures taken with regard to the current crisis.¹¹⁴ Planning for the recovery after the pandemic must take into account the views and specific needs of older persons and be firmly based on the evidence and experience gathered in the pandemic so far.¹¹⁵

Issues such as the requirements of staff qualifications, staff training and the wage levels of staff, compulsory placement, social and cultural amenities and the use of physical restraints and sedatives are also examined under this provision.¹¹⁶

As regards acceptance of Article 23 of the Charter, the situation in practice is of particular importance in order to assess the extent to which the effective exercise of the right of elderly persons to social protection is ensured.

Current examination

The Committee notes the developments in Latvia since the previous reporting, in particular the increase of the minimum amount of the old-age pension and other social assistance benefits. The Committee underlines the growing importance of this provision, especially in the context of an ageing population, and recalls that Article 23 has at its centre the dignity and the provision of a decent life for older persons. In addition, the Committee recalls that the rights of elderly people as set out in Article 23, are not provided for by any other international standard.

In view of these requirements, the Committee considers that Latvia is in a position to accept this provision, taking into account a number of measures which are already in place or being

¹¹¹ [Conclusions 2017, Malta](#); [Conclusions 2017 Portugal](#)

¹¹² [Conclusions 2005, Slovenia](#); [Conclusions XX-2 \(2013\), Czech Republic](#)

¹¹³ [Conclusions 2005, Slovenia](#)

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ [Conclusions 2005, Slovenia](#); [Conclusions 2003, France](#)

developed, as well as steps taken to improve the situation of elderly persons, including the organisation of the care system.

Article 31§2 - *The right to housing*

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

2. to prevent and reduce homelessness with a view to its gradual elimination.

Situation in Latvia

The Government indicates that the Law on Assistance in Solving Apartment Matters defines a number of groups of people who must be primarily provided with residential space, such as people evicted from rented residential premises or from owned residential property if recovery proceedings are applied against it. Municipalities have the obligation to provide assistance to the population in solving housing problems, as well as to promote the creation, maintenance and modernisation of the housing stock.

In addition to the measures reported in the previous cycle, which are still in place, there have been some developments.

In 2021, a new Law on Residential Tenancy came into force.

A Strategy on Housing Affordability is in its final stages of preparation and will address inter alia the lack of affordable quality housing. The Strategy envisages the development of a new Law on Assistance in Solving Apartment Matters to replace the existing one and to revise/ extend the beneficiary groups to municipal rental apartments and the short-term housing service.

In addition, a programme to support the construction of affordable residential rental houses of adequate conditions is already under implementation.

As a member state of the European Union, Latvia benefits from the EU Cohesion Policy Programme 2021 -2027, which aims to promote the socio-economic integration of socially excluded communities, migrants and disadvantaged groups through integrated measures, including housing and social services. In accordance with this, the Ministry of Economics is developing a support programme with a specific support measure “Renovation of social housing or construction of new social housing”.

The Government indicates that, despite progress, OECD research data shows that less than 2% of the housing stock is dedicated to social housing, which is moreover in poor condition and further indicates that 15,2% of the population faces very poor housing conditions.

The Government indicates that the Strategy for Social Protection and Labour Market Policy 2021 -2027 and the Law on Social Services and Social Assistance provide housing benefits and shelter services.

With regard to the accessibility of the housing environment for people with disabilities, the Ministry of Social Assistance implements measures to provide support for the adaptation of housing for people with disabilities with movement impairments aimed at adults aged up to 63 years (inclusive) with the group of disabilities I or II, as well as children with disabilities from 15 to 17 years old (inclusive) (see for further details [“The 2nd National Report on the Non-Accepted Provisions of the Revised European Social Charter provided by Latvia”](#)).

Opinion of the Committee

Committee case law (DIGEST)

Article 31§2 requires States Parties to gradually reduce homelessness with a view to its elimination.¹¹⁷ Reducing homelessness implies the introduction of measures such as provision of immediate shelter and care for the homeless and measures to help such people overcome their difficulties and prevent a return to homelessness.¹¹⁸

Homeless persons are those persons who legally do not have at their disposal a dwelling or other form of adequate housing in the terms of Article 31§1.¹¹⁹

States Parties must take action to prevent categories of vulnerable people from becoming homeless. This requires States Parties to introduce a housing policy for all disadvantaged groups of people to ensure access to social housing and housing allowances. (cf. Article 31§3).¹²⁰

Though State authorities enjoy a wide margin of discretion in measures to be taken concerning town planning, they must strike a balance between the general interest and the fundamental rights of the individuals, in particular the right to housing and its corollary of ensuring individuals do not become homeless.¹²¹

Forced eviction can be understood to cover situations involving deprivation of housing which a person occupied due to insolvency or wrongful occupation.¹²² States Parties must set up procedural safeguards to limit the risk of eviction.¹²³

Illegal occupation of a site or dwelling may justify the eviction of the illegal occupants.¹²⁴ However, the criteria of illegal occupation must not be unduly wide, and evictions should be governed by rules of procedure sufficiently protective of the rights of the persons concerned and should be carried out according to these rules.¹²⁵

Legal protection for persons threatened by eviction must include, in particular, an obligation to consult the parties affected in order to find alternative solutions to eviction and the obligation to fix a reasonable notice period before eviction.¹²⁶ A notice period of one month in case of eviction due to insolvency or wrongful occupation is not reasonable.¹²⁷

When evictions do take place, they must be carried out under conditions that respect the dignity of the persons concerned.¹²⁸ The law must prohibit evictions carried out at night or during the winter period.¹²⁹ When an eviction is justified by the public interest, authorities must adopt measures to re-house or financially assist the persons concerned.¹³⁰ Domestic law must

¹¹⁷ [Conclusions 2003, Sweden](#)

¹¹⁸ [Ibid.](#)

¹¹⁹ [Conclusions 2003, Italy](#); Conference of European Churches (CEC) v. the Netherlands, Complaint No. 90/2013, decision on the merits of 1 July 2014, §135

¹²⁰ [Conclusions 2003, Sweden](#); [Conclusions 2005, Lithuania](#); Conference of European Churches (CEC) v. the Netherlands, Complaint No. 90/2013, decision on the merits of 1 July 2014, §136

¹²¹ [Conclusions 2007, Italy](#)

¹²² [Conclusions 2003, Sweden](#); [Conclusions 2019, Ukraine](#)

¹²³ [Conclusions 2005, Lithuania](#)

¹²⁴ [European Roma Rights Centre \(ERRC\) v. Greece](#), Complaint No. 15/2003, decision on the merits of 8 December 2004, §51

¹²⁵ [Ibid.](#)

¹²⁶ [Conclusions 2003, Sweden](#)

¹²⁷ [Conclusions 2019, Ukraine](#)

¹²⁸ [Conclusions 2003, Sweden](#)

¹²⁹ [Ibid.](#)

¹³⁰ [Ibid.](#)

provide legal remedies and offer legal aid to those who are in need of seeking redress from the courts. Compensation for illegal evictions must also be provided.¹³¹

According to Article 31§2, homeless persons must be offered shelter as an emergency solution.¹³² To ensure that the dignity of the persons sheltered is respected, shelters must meet health, safety and hygiene standards and, in particular, be equipped with basic amenities such as access to clean water and heating and sufficient lighting.¹³³ Another basic requirement is the security of the immediate surroundings.¹³⁴

Nevertheless, temporary housing need not be subject to the same requirements of privacy, family life and suitability as are required from more permanent forms of standard housing, once the minimum requirements are met.¹³⁵

States Parties shall foresee sufficient places in emergency shelters¹³⁶ and the conditions in the shelters should be such as to enable living in keeping with human dignity.¹³⁷

The temporary supply of shelter, however adequate, cannot be considered satisfactory.¹³⁸ Individuals who are homeless should be provided with adequate housing within a reasonable period.¹³⁹ In addition, measures should be taken to help such people overcome their difficulties and to prevent them from returning to a situation of homelessness.¹⁴⁰

The right to shelter should be adequately guaranteed for migrants, including unaccompanied migrant children, and asylum-seekers.¹⁴¹ States Parties are required to provide adequate shelter to children unlawfully present in their territory for as long as they are within their jurisdiction.¹⁴² As the scope of Articles 31§2 and 17 overlap to a large extent, the Committee assesses the issue of the right to a shelter of unaccompanied foreign minors under the scope of Article 31§2 when States Parties have accepted both provisions.¹⁴³

The housing of people in reception camps and temporary shelters which do not satisfy the standards of human dignity is in violation of the aforementioned requirements.¹⁴⁴ States should develop detailed guidelines on standards of reception facilities, assuring adequate space and privacy for children and their families.¹⁴⁵

The exceptional nature of the situation resulting from an increasing influx of migrants and refugees and the difficulties for a State in managing the situation at its borders cannot absolve

¹³¹ [Ibid.](#)

¹³² [Defence for Children International \(DCI\) v. the Netherlands](#), Complaint No. 47/2008, decision on the merits of 20 October 2009, §46

¹³³ [Ibid.](#)

¹³⁴ [Ibid.](#)

¹³⁵ [Ibid.](#)

¹³⁶ [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007, §107

¹³⁷ [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007, §§ 108-109

¹³⁸ [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007, §106

¹³⁹ [Ibid.](#)

¹⁴⁰ [Conclusions 2003, Italy](#)

¹⁴¹ [Conclusions 2019, Greece](#)

¹⁴² [International Commission of Jurists \(ICJ\) and European Council for Refugees and Exiles \(ECRE\) v. Greece](#), Complaint No. 173/2018, decision on the merits of 26 January 2021, §117

¹⁴³ [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, §173

¹⁴⁴ [Defence for Children International \(DCI\) v. the Netherlands](#), Complaint No. 47/2008, decision on the merits of 20 October 2009, §62

¹⁴⁵ [International Commission of Jurists \(ICJ\) and European Council for Refugees and Exiles \(ECRE\) v. Greece](#), Complaint No. 173/2018, decision on the merits of 26 January 2021, §121

that State of its obligations under Article 31§2 of the Charter to provide shelter to migrant and refugee children, in view of their specific needs and extreme vulnerability, or otherwise limit or dilute its responsibility under the Charter.¹⁴⁶

The Committee considers that eviction from shelters without the provision of alternative accommodation must be prohibited.¹⁴⁷ Eviction from shelter of persons irregularly present within the territory of a State Party should be prohibited as it would place the persons concerned, particularly children, in a situation of extreme helplessness, which is contrary to the respect for their human dignity.¹⁴⁸

States Parties are not obliged to provide alternative accommodation in the form of permanent housing within the meaning of Article 31§1 for migrants in an irregular situation.¹⁴⁹

Current examination

In light of the information provided, the Committee notes that Latvia is actively working to prevent and reduce homelessness. In particular, the Committee notes that the Law on Assistance in Solving Apartment Matters prioritises certain groups for residential spaces, indicating efforts to provide shelter, particularly to those evicted from rented spaces or residential property. The Committee also considers that the provision of legal remedies and assistance through the Legal Aid Administration aligns with the requirement to offer legal assistance to individuals facing eviction or housing-related legal issues. In addition, the Committee notes the measures and the proactive approach to addressing housing affordability issues, a fundamental aspect of reducing homelessness.

Considering the above requirements, the Committee encourages Latvia to continue its efforts to remove the remaining obstacles by extending support to vulnerable groups, addressing regional disparities in housing availability, increasing social housing provisions, and enhancing housing assistance for migrants in order to be in a position to accept this provision in the near future.

Article 31§3 - *The right to housing*

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

3. to make the price of housing accessible to those without adequate resources.

Situation in Latvia

The Government indicates that the Ministry of Welfare implements measures to ensure accessibility to the housing environment for people with disabilities with the support of the European Union Recovery and Resilience Facility. The aim of the measure is to provide support for the adaptation of housing for persons with disabilities with movement impairments by improving employment opportunities and access to services, thereby promoting human rights and quality of life.

¹⁴⁶ [International Commission of Jurists \(ICJ\) and European Council for Refugees and Exiles \(ECRE\) v. Greece](#), Complaint No. 173/2018, decision on the merits of 26 January 2021, §133

¹⁴⁷ [Conclusions 2015, Statement of Interpretation on Article 31§2](#)

¹⁴⁸ [European Federation of National Organisations working with the Homeless \(FEANTSA\) v. the Netherlands](#), Complaint No. 86/2012, decision on the merits of 2 July 2014, §110

¹⁴⁹ [European Federation of National Organisations working with the Homeless \(FEANTSA\) v. the Netherlands](#), Complaint No. 86/2012, decision on the merits of 2 July 2014, §60

The target group of the measure are adults up to the age of 63 (inclusive) with disability group I or II, who have movement impairments, as well as children with disabilities from 15 to 17 years of age (inclusive) who have movement impairments.

It is an autonomous function of a municipality to provide assistance to the population in solving housing problems, as well as to promote the creation, maintenance and modernization of the housing stock.

However, on 20 July 2022, Order of the Cabinet of Ministers No 537 “On State aid to municipalities to provide residents with quality and affordable rental housing” was approved. The order specifies the establishment of the State capital company Housing Fund Institution, after assessing existing possibilities, drafting of a Housing Fund Law, subject to specific conditions and next steps regarding funding, etc.

The aim of the draft law is to ensure the effective functioning of the Housing Fund institution by implementing the construction of rental housing in the regions.

It will offer environmentally friendly housing, mainly for rent at a reasonably low rent and 5% for new housing for sale.

The Government indicates that there are many activities and plans being developed to address housing issues, however these need to materialise before further commitments can be made.

Opinion of the Committee

Committee case law (DIGEST)

Under Article 31§3, States Parties are required to take measures to ensure an adequate supply of affordable housing to persons with limited resources.¹⁵⁰

Housing is affordable if the household can afford to pay initial costs (deposit, advance rent), current rent and/or other housing-related costs (e.g. utility, maintenance and management charges) on a long-term basis while still being able to maintain a minimum standard of living, according to the standards defined by the society in which the household is located.¹⁵¹ In order to establish that measures are being taken to make the price of housing accessible to those without adequate resources, States Parties to the Charter must show that the affordability ratio of the poorest applicants for housing is compatible with their level of income.¹⁵²

States Parties must:

- adopt appropriate measures for the provision of housing, in particular social housing.¹⁵³ Social housing should target, in particular, the most disadvantaged;¹⁵⁴

¹⁵⁰ [Conclusions 2003, Sweden](#)

¹⁵¹ [ibid.](#)

¹⁵² [FEANTSA v. Slovenia, Complaint No. 53/2008](#), decision on the merits of 8 September 2009, §72.

¹⁵³ [Conclusions 2003, Sweden](#)

¹⁵⁴ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 98-100

- adopt measures to ensure that waiting periods for the allocation of housing are not excessive;¹⁵⁵ judicial or other remedies must be available when waiting periods are excessive;¹⁵⁶

All the rights thus provided must be guaranteed without discrimination, in particular as in respect of Roma or Travellers wishing to live in mobile homes.¹⁵⁷

Housing benefits

Under Article 31§3, States Parties are required to adopt comprehensive housing benefit systems to protect low-income and disadvantaged sections of the population.¹⁵⁸ Housing benefit is an individual right: all qualifying households must receive it in practice; legal remedies must be available in case of refusal.¹⁵⁹

The right to affordable housing must not be subject to any kind of discrimination on any grounds mentioned by Article E of the Charter.¹⁶⁰

Current examination

The Committee takes note of the number of measures taken at the legislative and policy levels to provide access to adequate and affordable housing and the right to shelter, and the progress made in the implementation of these measures. The Committee notes that adapting housing for people with disabilities demonstrate a focused effort to enhance the accessibility of housing for a vulnerable group.

In light of the information provided by the Government and the requirements of this provision, the Committee encourages Latvia to pursue its efforts to make possible the acceptance of Article 31§3 in the near future.

III. EXCHANGE OF VIEWS ON THE COLLECTIVE COMPLAINTS PROCEDURE

Aoife Nolan, the President of the European Committee of Social Rights, provided an overview of the collective complaints procedure and its features after the most recent reform of the European Social Charter system, including aspects of admissibility, organisations allowed to lodge collective complaints, examination on merits, immediate measures, decisions and follow-up by the Committee of Ministers.

She pointed out that the Collective Complaints procedure is a good governance tool. It involves the application of the normative provisions of the Charter to concrete situations. It enables both the Committee and states to address systemic issues. In terms of the procedure, the Committee assesses what a State has to do or to prevent in order to guarantee the application of rights of the Charter in specific situations. Therefore this procedure gives an opportunity to States Parties to bring the situation into conformity and to prevent possible further violations of the Charter.

The collective complaints procedure is also important because it opens the Charter to the social partners and civil society, and to those who are directly concerned with the implementation of the Charter and who are the best guardians of these rights.

¹⁵⁵ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §131

¹⁵⁶ Ibid.

¹⁵⁷ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 149-155; Conclusions 2019, France

¹⁵⁸ [Conclusions 2003, Sweden](#); [Conclusions 2019, Greece](#)

¹⁵⁹ [Conclusions 2003, Sweden](#)

¹⁶⁰ [Conclusions 2019, Turkey](#)

Furthermore, accepting the procedure results in a reduced reporting burden for States under the Charter.

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

IV. BILATERAL MEETINGS

On the occasion of its visit to Riga on 21-22 September, the Committee held bilateral meetings with relevant stakeholders, including with Mr. Reinis Uzulnieks, Parliamentary Secretary, Ministry of Welfare, Mr. Ingus Alliks, State Secretary, Ministry of Welfare and with Mr. Juris Jansons, Ombudsman of the Republic of Latvia.

The Committee took the opportunity to flag with the respective officials the possibility of further enhanced dialogue to provide further support and clarifications on the Committee's jurisprudence and to help Latvia progress in undertaking new commitments under the Charter.

APPENDIX I



European
Social
Charter

Charte
sociale
européenne



COUNCIL OF EUROPE

CONSEIL DE L'EUROPE



Ministry of Welfare
Republic of Latvia



Presidency of Latvia
Council of Europe
MAY – NOVEMBER 2023

Présidence de la Lettonie
Conseil de l'Europe
MAI – NOVEMBRE 2023

EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX

PROGRAMME

European Social Charter in Latvia

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

2nd Meeting on the non-accepted provisions of the European Social Charter

21 September 2023

Venue: EU House, Aspāzijas bulvāris 28, Rīga, LV-1050, Latvia

Working languages: English and Latvian

*Moderator: Velga Lazdiņa-Zaka, International Cooperation and EU Policy
Department, Ministry of Welfare*

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

9.30 - 9.45

Opening of the réunion

- *Diāna Jakaite, Deputy State Secretary, Ministry of Welfare*
- *Aoife Nolan, President of the European Committee of Social Rights*

9.45 - 10.15

The reform of the Charter system, the reporting procedure and the procedure under Article 22 (non-accepted provisions) of the European Social Charter of 1961 (ETS No. 35).

- *Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights*
- *Loreta Vioiu, Programme Manager, Department of Social Rights*

Questions and answers

10.15 - 10.50

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

Situation in law and in practice in Latvia, prospects for ratification

- *Ilze Zvīdriņa, Labour Market Policy Department, Ministry of Welfare*

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

- *Kristine Dupate, General rapporteur, European Committee of Social Rights*

Discussion

10.50 - 12.00

Coffee break

11.00 - 12.00

Bilateral meeting with Mr. Ingus Alliks, State Secretary, Ministry of Welfare

- *Glass room (Stikla zāli ([apraksts šeit](#)))*

12.00 - 12.30

Article 12 The right to social security

§3 (Development of the social security system) and §4 (Social security of persons moving between states)

Situation in law and in practice in Latvia, prospects for ratification

- *Daina Fromholde, Social Insurance Department, Ministry of Welfare*
- *Laura Boltāne, Cross-sectoral Policy Division, Ministry of Health*

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

- *Kristine Dupate, General rapporteur, European Committee of Social Rights*

Discussion

12.30 - 13.30 **Lunch break**

13.30 - 14.00 **Article 19 The right of migrant workers and their families to protection and assistance**

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

Situation in law and in practice in Latvia, prospects for ratification

- *Ilze Zvīdriņa, Labour Market Policy Department, Ministry of Welfare*
- *Laura Boltāne, Cross-sectoral Policy Division, Ministry of Health*

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

- *Kristine Dupate, General rapporteur, European Committee of Social Rights*

Discussion

14.00 - 14.30 **Article 23 The right of elderly persons to social protection**

Situation in law and in practice in Latvia, prospects for ratification

- *Sandra Stabiņa, Social Insurance Department, Ministry of Welfare*
- *Aldis Dūdiņš, Social Services and Disability Policy Department, Ministry of Welfare*
- *Agnese Jurjāne, Social Work and Social Assistance Policy Department, Ministry of Welfare*
- *Laura Boltāne, Cross-sectoral Policy Division, Ministry of Health*

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

- *Tatiana Puiu, Vice-president of the European Committee of Social Rights*

Discussion

14.30 - 15.00 **Article 31 The right to housing**

§2 (Reduction of homelessness) and §3 (Affordable housing)

Situation in law and in practice in Latvia, prospects for ratification

- *Mārtiņš Auders, Baiba Cīrule, Housing Policy Department, Ministry of Economics*
- *Agnese Jurjāne, Social Work and Social Assistance Policy Department, Ministry of Welfare*

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

- *Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights*

Discussion

15.00 - 15.30 Article 18 The right to engage in a gainful occupation in the territory of other Parties

§ 2 (Simplifying existing formalities and reducing dues and taxes) and §3 (Liberalise regulations governing the employment of foreign workers)

Situation in law and in practice in Latvian, prospects for ratification

- *Marta Zvaune, Office of Citizenship and Migration Affairs*

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

- *Kristine Dupate, General rapporteur, European Committee of Social Rights*
- *Niamh Casey, Head of Reporting Procedure Division, Social Rights Department*

15.30 - 16.00 The collective complaints procedure

- *Aoife Nolan, President of the European Committee of Social Rights*

Situation in law and in practice in Latvia, prospects for ratification

- *Velga Lazdiņa-Zaka, International Cooperation and EU Policy Department, Ministry of Welfare*

Discussion

16.00 - 16.15 Conclusions and follow-up of the meeting

- *Aoife Nolan, President of the European Committee of Social Rights*
- *Reinis Uzulnieks, Parliamentary Secretary, Ministry of Welfare*

16.30 - 17.30 Bilateral meeting with Mr. Reinis Uzulnieks, Parliamentary Secretary, Ministry of Welfare

- *Glass room (Stikla zāli ([aparaksts šeit](#)))*

22 September 2023

**13.30 – 14.30 Bilateral meeting with Ombudsman of the Republic of Latvia
Council of Europe Delegation**

Ms. Aoife Nolan, President of the European Committee of Social Rights

Ms. Tatiana Puiu, Vice-President of the European Committee of Social Rights

Ms. Kristine Dupate, General Rapporteur of the European Committee of Social Rights

Ms. Niamh Casey, Head of Reporting Division, Department of Social Rights, Council of Europe

Ms. Loreta Vioiu, Programme Manager, Department of Social Rights, Council of Europe

Ms. Catherine Gheribi, Assistant to Head of Department, Department of Social Rights, Council of Europe

APPENDIX II

LIST OF PARTICIPANTS

2nd Meeting on the non-accepted provisions of the European Social Charter

21 September 2023

Venue: EU House, Aspāzijas bulvāris 28, Rīga, LV-1050, Latvia

Institutions

1. Mārtiņš Auders, Head of the Department of Housing Policy, Ministry of Economics of the Republic of Latvia
2. Baiba Cīrule, Senior Officer of the Department of Housing Policy, Ministry of Economics of the Republic of Latvia
3. Marta Zvaune, Head of the Legal Division, the Office of Citizenship and Migration Affairs of the Republic of Latvia
4. Laura Boltāne, The Ministry of Health of the Republic of Latvia
5. Raivis Bremšmits, Head of Regional Development Planning Division, the Ministry of Environmental Protection and Regional Development of the Republic of Latvia
6. Maija Kamoliņa, the Ministry of Environmental Protection and Regional Development of the Republic of Latvia
7. Māris Pūķis, Senior Advisor, Association of Local Governments of Latvia
8. Natalja Preisa, European law and policies expert, Free Trade Union Confederation of Latvia

Ministry of Welfare

1. Reinis Uzulnieks – Parliamentary Secretary of the Ministry of Welfare of the Republic of Latvia
2. Ingus Alliks – State Secretary of the Ministry of Welfare of the Republic of Latvia
3. Diāna Jakaite – Deputy State Secretary of the Ministry of Welfare of the Republic of Latvia
4. Ilze Zvidriņa – Deputy director of the Labour Market Policy Department, Ministry of Welfare of the Republic of Latvia
5. Svetlana Djačkova – Senior Expert of the Labour Market Policy Department, Ministry of Welfare of the Republic of Latvia
6. Evija Kūla – Deputy Director of the Social Policy Planning and Development Department, Ministry of Welfare of the Republic of Latvia
7. Līga Klemere- Senior Expert of the Labor Relations and Labor Protection Policy Department, Ministry of Welfare of the Republic of Latvia
8. Sigita Rozentāle – Deputy Director of the Social Services and Disability Policy Department, Ministry of Welfare of the Republic of Latvia
9. Sandra Stabiņa – Director of the Social Insurance Department, Ministry of Welfare of the Republic of Latvia

10. Daina Fromholde – Senior Expert of the Social Insurance Department, Ministry of Welfare of the Republic of Latvia
11. Ineta Tāre - Director of the International Cooperation and EU Policy Department, Ministry of Welfare of the Republic of Latvia
12. Ina Elksne – Deputy Director of the International Cooperation and EU Policy Department, Ministry of Welfare of the Republic of Latvia
13. Egita Dzene - Legal Adviser of International Cooperation and EU Policy Department, Ministry of Welfare of the Republic of Latvia
14. Velga Lazdiņa-Zaka – Senior Expert of International Cooperation and EU Policy Department, Ministry of Welfare of the Republic of Latvia
15. Nauris Kozuliņš - Senior Expert of International Cooperation and EU Policy Department, Ministry of Welfare of the Republic of Latvia

Council of Europe

1. Ms. Aoife Nolan, President of the European Committee of Social Rights, Council of Europe
2. Ms. Tatiana Puiu, Vice-President of the European Committee of Social Rights, Council of Europe
3. Ms. Kristine Dupate, General Rapporteur of the European Committee of Social Rights, Council of Europe
4. Ms. Niamh Casey, Head of Reporting Division, Department of Social Rights, Council of Europe
5. Ms. Loreta Vioiu, Programme Manager, Department of Social Rights, Council of Europe
6. Ms. Catherine Gheribi, Assistant to Head of Department, Department of Social Rights, Council of Europe

APPENDIX III

— 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 ¹⁶¹

I. Reporting system ¹⁶²

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 [8th 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 [9th 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.

¹⁶¹ 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](#).

¹⁶² 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 ¹⁶³

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.

¹⁶³ 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 1st 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.

APPENDIX IV

**Reykjavík Summit of the Council of Europe:
United around our values
Reykjavík Declaration
(Extract)**

(Final outcome document adopted by the 4th Summit of Heads of State and Government of the Council of Europe in Reykjavík, Iceland, 16 17 May 2023)

[...]

24. Social justice is crucial for democratic stability and security and in this regard we reaffirm our full commitment to the protection and implementation of social rights as guaranteed by the European Social Charter system. We will consider the organisation of a High-Level Conference on the European Social Charter, as a step to take further commitments under the Charter where possible.

[...]