

– Latvia and the European Social Charter –

Ratifications

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

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

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										

Gray = accepted provisions

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)".

Reports *

Between 2004 and 2013 Latvia submitted 9 reports on the application of the Social Charter.

The 9th report, submitted on 31 October 2013, covers the accepted provisions related to Thematic Group 3 "Labour rights" (Articles 5 and 6 of the European Social Charter having as reference period 1 January 2008 – 31 December 2011 before Latvia ratified the Revised European Social Charter). The conclusions in respect of these provisions were published in January 2015.

The 10th report, submitted on 12 December 2014, concerns the accepted provisions relating to Thematic Group 4 "Children, families, migrants", 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 in respect of these provisions will be published in January 2016.

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

The situation of Latvia with respect to application of the Charter

Examples of progress achieved in the implementation of social rights under the Social Charter¹

Employment

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

Health

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

Migrants

- ▶ Amendments to the Immigration Law had been adopted on 6 April 2006 in order to lighten the procedure for a non-national in view of requesting a temporary residence permit. From now on, 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

Cases of non-conformity

Thematic Group 1 "Employment, training and equal opportunities

▶ *Article 1§1 - Right to work - Policy of full employment*

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

[\(Conclusions XX-1 \(2012\)\)](#)

▶ *Article 1§2 - Right to work Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*

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

[\(Conclusions XX-1 \(2012\)\)](#)

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

▶ *Article 11§1 – Right to protection of health – Removal of the causes of ill-health*

Insufficient efforts have been undertaken to reduce the prevailing high maternal mortality rate.

[\(Conclusions XX-2 \(2013\)\)](#)

¹ The European Committee on Social Rights rules on the conformity of national situations with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. It adopts conclusions in the framework of the reporting procedure and decisions under the collective complaints procedure (Article 2 of the Rules of the Committee).

► *Article 13§1 – Right to social and medical assistance – Adequate assistance for every person in need*

The level of social assistance benefits is manifestly inadequate and the granting of social assistance benefits to foreign nationals is subject to an excessive length of residence

[\(Conclusions XX-2 \(2013\)\)](#)

► *Article 13§3 – Right to social and medical assistance – Prevention, abolition or alleviation of need*

The granting of help and personal advice services to non-nationals is subject to an excessive length of residence requirement of at least 5 years of continuous residence in Latvia.

[\(Conclusions XX-2 \(2013\)\)](#)

► *Article 14§1 – Right to benefit from social services – Promotion or provision of social services*

Access to social services by nationals of other States Parties is not equally guaranteed due to an excessive length of residence requirement (5 years).

[\(Conclusions XX-2 \(2013\)\)](#)

Thematic Group 3 “Labour rights”

► *Article 5 – Right to organise*

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

(Conclusions XX-3 (2014))

► *Article 6§2 - Right to bargain collectively - Negotiation procedures*

The voluntary negotiations are not sufficiently promoted in practice.

(Conclusions XX-3 (2014))

Thematic Group 4 “Children, families, migrants”

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

1. Measures implemented to address the problem of domestic violence have not been sufficient;

2. The level of family benefits is inadequate;

3. Equal treatment of nationals of other States parties regarding the payment of family benefits is not ensured because the length of residence requirement is excessive.

[\(Conclusions XIX-4 \(2011\)\)](#)

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

Thematic Group 1 “Employment, training and equal opportunities”

(Report to be submitted before 31 October 2015)

No deferrals

Thematic Group 2 “Health, social security and social protection”

(Report to be submitted before 31 October 2016)

No deferrals

Thematic Group 3 “Labour rights”

(Report to be submitted before 31 October 2013)

No deferrals

Thematic Group 4 “Children, families, migrants”

(Report to be submitted before 31 October 2014)

► Article 8§1 - Conclusions 2011