

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Latvia

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1 Measures taken by government/public authorities

As of 5 May, Latvia had conducted 66 150 Covid-19 tests, 896 persons were infected (of those 348 had recovered) and 17 persons have died.¹ State funded covid-19 testing was expanded to kindergarten staff and international commercial transport service providers (without any symptoms). Family doctors can now assign a range of patients for state funded testing, employers or heads of institutions or family doctors can assign for free testing staff of social care homes and shelters for homeless, clients of social care homes and shelters for homeless, postal service workers, wholesale and retail sale staff, news journalists, TV camera crews, photo journalists, staff of Food and Veterinary Service, and active military service members of the National Armed Forces (with symptoms).²

1.1 Emergency laws/states of emergency, including enforcement actions

On 3 April the Saeima (parliament) amended Article 5 (3) of the Law on the State of Emergency to allow for an unlimited number of extensions of emergency situation by the government for up to three months. Previously the government could extend it once. The amendment came into force on 18 April 2020.³

State of emergency, initially declared on 14 March throughout the national territory until 12 April, was extended until 12 May 2020 to restrict the spread of COVID-19 during the validity of emergency situation.⁴

On 16 April 2020, the Secretary-General of the United Nations received from the Government of Latvia a notification dated 15 April 2020, made under article 4 (3) of the International Covenant on Civil and Political Rights, regarding the extension on 7 April 2020 of the state of emergency in the entire territory of Latvia until 12 May 2020.⁵ The Secretary-General had already received from the Government of Latvia a notification dated 16 March 2020, made under article 4 (3) of the above

¹ Veselības ministrija (2020). Aktualitātes par Covid-19, 05.05.2020, at https://www.vem.gov.lv/images/userfiles/5.maija_kopsavilkums.pdf

² Lvportals.lv (2020). Explanations: State Funded lab tests. (*Skaidrojumi: Valsts apmaksātās laboratoriskās pārbaudes*), with updates until 1 May 2020, at <https://lvportals.lv/skaidrojumi/314368-valsts-apsmaksas-laboratoriskas-parbaudes-2020>

³ Latvia, Saeima (2020). Amendment to the Law “On Emergency Situation and State of Exception, (*Grozījums likumā “Par ārkārtējo situāciju un izņēmuma stāvokli”*), 03.04.2020 (in force from 18.04.2020), <https://likumi.lv/ta/id/313734-grozijums-likuma-par-arkartejo-situaciju-un-iznemuma-stavokli->

⁴ Latvia, Ministru kabinets (2020). Order of the Cabinet of Ministers Nr 161 (*Ministru kabineta rīkojums Nr. 161*) Amendments to the Order Nr. 103 of 12 March 2020 of the Cabinet of Ministers “On Declaring the State of Emergency” (*Grozījumi Ministru kabineta 2020. gada 12. marta rīkojumā Nr. 103 "Par ārkārtējās situācijas izsludināšanu"*), Article 1, at <https://likumi.lv/ta/id/313819-grozijumi-ministru-kabineta-2020-gada-12-marta-rikojuma-nr-103-par-arkartejas-situacijas-izsludinasanu->

⁵ See C.N.135.2020.TREATIES-IV.4 of 21 April 2020 for the text of the notification. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en#EndDec

Covenant, regarding the declaration of a state of emergency in the entire territory of Latvia from 13 March 2020 to 14 April 2020 by order No. 103 of the Cabinet of Ministers of 12 March 2020.⁶

1.2 Measures affecting the general population

1.2.1 Social distancing

- *Stay at home orders and physical distancing when outside the house*

On 26 March, the Minister of Transport issued an order on Social Distancing and Precautionary Measures in the Public Transport, limiting the number of tickets to be sold to 50% of the seats in the bus, seating arrangements in the buses to ensure 2-metre distance between passengers, measures for drivers, passengers, and public transport companies.⁷

The number of passengers must be monitored, and vehicles with sufficient capacity must be assigned for servicing the routes. The driver must be distanced from passengers. Seats not to be taken must be visually marked or otherwise demarcated. Passengers are encouraged to use remote ticket purchasing services. Information must be provided to passengers regarding the precautionary measures in vehicles, on websites, and at stops, bus stations, train stations etc. Daily processing of the surfaces in the interior and cab of a vehicle with disinfectants must be ensured. The driver must be provided with rubber gloves, and a hand sanitiser. Companies must take into account the conditions of the order in planning journeys along routes, the possibility to fully or partially waive the application of fare relief must be assessed. Passengers are encouraged to use public transport only in important cases (to travel to work, shop, pharmacy or other visits), and at a time when the public transport is used by fewer passengers. Those passengers who correspond to the group subject to the risk of infection must use the public transport only in case of absolute necessity, and outside the peak periods - from 10:00 o'clock until 15:00 o'clock; public transport should not be used for travelling short distances. 2-metre distance must be observed (except for members of one household).

Any private gatherings, except for funerals and baptising in emergency cases, if 2 metre distance and other epidemiological safety measures are observed, have been banned since 7 April 2020.⁸

On 25 March the government order on emergency situation was supplemented by social distancing requirements for tattoo, piercing and beauty salon service providers. On 12 April, Health Ministry issued an order detailing requirements for such service providers. They must not provide services if the client must observe self-isolation, mandatory quarantine or has respiratory infection symptoms, services must be provided by appointment only, workplace must be arranged to observe a 2-metre distance, if not possible, fewer clients are to be served at the same time; service providers and clients must observe hygiene requirements – to assess the suitability of providing service if the client has chronic illness (e.g. diabetes, chronic lung disease, heart-coronary disease) or client is over 60 years old; hygiene requirements at the workplace, recommendations concerning the type of face mask to

⁶ See C.N.135.2020.TREATIES-IV.4 of 21 April 2020 for the text of the notification. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en#EndDec)

⁷ Latvia, Minister of Transport (*Satiksmes ministrs*) (2020). Order No 01-03/79, 26.03.2020 (in force 27.03. 2020), <https://likumi.lv/ta/en/en/id/313517>

⁸ Latvia, Ministru kabinets (2020). Order of the Cabinet of Ministers Nr 161 (*Ministru kabineta rīkojums Nr. 161*) Amendments to the Order Nr. 103 of 12 March 2020 of the Cabinet of Ministers “On Declaring the State of Emergency” (*Grozījumi Ministru kabineta 2020. gada 12. marta rīkojumā Nr. 103 "Par ārkārtējās situācijas izsludināšanu"*), subpoint 4.5.5, at <https://likumi.lv/ta/id/313819-grozijumi-ministru-kabineta-2020-gada-12-marta-rikojuma-nr-103-par-arkartejas-situacijas-izsludinasanu->

be used by the service provider, storing of the details about the client until the end of the state of emergency.

- *Enforcement and penalties*

Penalties have been significantly increased for a number of administrative offences. On 3 April 2020, the government amended the Administrative Offences Code increasing fines for the violation of the epidemiological safety requirements (Art.42), and for violating the restrictions or prohibitions specified during an emergency situation or state of exception (Article 176.²). A fine from EUR 10 to EUR 2 000 in the case of natural persons, from EUR 140 up to EUR 5 000 in the case of legal persons.

New administrative offences have been introduced in relation to the pandemic. For failure to provide information in relation to the spread of an infectious disease during an emergency situation (Article 176.³) that the person has contracted the relevant infectious disease, has been in contact with an infected person or has been in a place of outbreak of the infectious disease, if such information is requested from the person – a fine in the amount from ten up to EUR 2000 shall be imposed. The amendments came into force on 5 April 2020. Health Inspectorate will be responsible institution for imposing fines.⁹

Rank-and-file police officers have the right during the state of emergency to impose on-spot fines. Along with the State Police, municipal police have also been granted the right to impose fines during the state of emergency.¹⁰

According to the Minister of Interior, by 22 April the State Police had conducted 45 545 preventive checks and opened 718 administrative cases. Fines have been imposed in 550 cases, and the average fine is EUR 54. The majority of cases concern violations concerning quarantine. During the Easter holidays, the police fined a Covid-19 patient EUR 2 000 for flouting quarantine on two separate occasions (EUR 4 000 in total).¹¹

1.2.2 Education

Focus on:

- *Ensuring continuity of education for children from socioeconomically disadvantaged backgrounds, including measures to ensure distance learning for this group*

Governments regulations No. 183 on “The Regulations concerning the time of state exams in school year 2019/2020” were amended to suspend state exams for Grade 9 pupils, except for Latvian language exam in minority schools.¹² Centralised exams for Grade 12 will take place as planned.

⁹ Latvia, Administrative Offences Code (*Administratīvo pārkāpumu kodekss*), <https://likumi.lv/ta/id/89648>

¹⁰ Lvportals.lv. (2020). Explanation: the Parliament Supports More Stringent Fines for the Violation of Restrictions during the State of Emergency (*Saeima atbalsta bargākus sodus par ārkārtējās situācijas neievērošanu*), 3 April, at <https://lvportals.lv/skaidrojumi/314891-saeima-atbalsta-bargakus-sodus-par-arkartejas-situacijas-ierobezojumu-neieverosanu-2020>

¹¹ LSM.LV (2020). 550 people fined for flouting emergency regulations, 23 April, at <https://eng.lsm.lv/article/society/society/550-people-fined-in-latvia-for-flouting-emergency-regulations.a357109/>

¹² Governments regulations Nr 183 on “The Regulations concerning the time of state exams in school year 2019/2020” (*Noteikumi par valsts pārbaudes darbu norises laiku 2019./2020. mācību gadā*), at <https://likumi.lv/ta/id/306563-noteikumi-par-valsts-parbaudes-darbu-norises-laiku-2019-2020-nbspmacibu-gada>

Amendments to the Order No. 103 of 12 March 2020 of the Cabinet of Ministers “On Declaring the State of Emergency” on 7 April stipulate that children with disabilities are to be provided state funded assistant services in the amount specified by the Minister of Education. (4.3.¹ 3).¹³

To facilitate access to remote schooling and acquisition of qualitative content and provide greater support to parents, particularly at elementary school stage, during working days from 9.00-13.40 lessons are broadcast in a new and educational TV channel “Your class.” The channel will operate from 6 April until 29 May and will be broadcast on two free TV channels, and also available online www.tavaklase.lv¹⁴

State funding has been allocated to municipalities for the provision of free meals to children in Grade 1-4 coming from needy, poor families and families with many children that reside in the specific administrative area. Should any funding remain unspent, it may also be used for children in Grades 5-9 coming from needy, poor families and families with many children. (4.3.³ 1., 4.3.³ 2).¹⁵ There are municipalities that have found ways to provide free meals to all children in Grades 1-9, some to all up to Grades 12.¹⁶

According to the Association of Latvian Municipalities, the number of children attending kindergartens have increased. From 30 March until 3 April 6,63% of 89 734 children were attending kindergartens, while from 20 April until 24 April, the attendance had increased to 11,51%. It is anticipated that the government may lift restrictions on kindergarten attendance of children whereby parents have to confirm in writing that they have not been abroad, have not been in contact with Covid-19 patients and have no other opportunities to organise childcare.¹⁷

1.2.3 Work

Focus on:

- *People in precarious work*

Measures related to ‘essential workers’ and those already returning to work, e.g. what is identified as an ‘essential’ function, physical distancing measures in the workplace, relaxing restrictions on working hours, additional financial support

¹³ Cabinet of Ministers (2020). Amendments to the Order No 103 “On Declaring Emergency Situation” of 12 March of the Cabinet of Ministers (*Grozījumi Ministru kabineta 2020. gada 12. marta rīkojumā Nr. 103 "Par ārkārtējās situācijas izsludināšanu"*)

<https://likumi.lv/ta/id/313929-grozijumi-ministru-kabineta-2020-gada-12-marta-rikojuma-nr-103-par-arkartejas-situacijas-izsludinasanu->

¹⁴ Lvportals.lv (2020). Explanations: Education in Higher Educational Establishments, Schools and Kindergartens (*Skaidrojumi: Izglītība augstskolās, skolās un bērnudārzos*), at <https://lvportals.lv/skaidrojumi/314370-izglitiba-augstskolas-skolas-un-bernudarzos-2020>

¹⁵ Cabinet of Ministers (2020). Amendments to the Order No 103 “On Declaring Emergency Situation” of 12 March of the Cabinet of Ministers (*Grozījumi Ministru kabineta 2020. gada 12. marta rīkojumā Nr. 103 "Par ārkārtējās situācijas izsludināšanu"*)

<https://likumi.lv/ta/id/313929-grozijumi-ministru-kabineta-2020-gada-12-marta-rikojuma-nr-103-par-arkartejas-situacijas-izsludinasanu->

¹⁶ Smiltenes novada domes Vēstis (2020). Municipality has begun providing free lunches to children from Grades 1-9 during the state of emergency (*Pašvaldība uzsākusi brīvpusdienu piegādi 1.-9.klašu skolēniem ārkārtējās situācijas laikā*), 17.04. Nr. 4 (969); Latvijas Pašvaldību savienība (2020). Infologs. Nr.19, pp.27-33, at https://www.lps.lv/uploads/magazine_module/InfoLogs%202020%2019_4fKVce2JI1.pdf?fbclid=IwAR2Z53BCJitN-w4Gr6enc_tZukxDHqVWZYiMh0BnU_UDVHa8EZZUqZP2sk

¹⁷ LETA (2020). Number of children increasing in kindergartens (*Bērnudārzos palielinās bērnu skaits*), 5 May. (available to subscribers only).

Article 4.13. of the Cabinet Order No. 103 “Regarding declaration of the emergency situation” allows for the increase of the number of overtime working hours for persons employed in the state and municipality medical treatment institutions as well as for persons employed in State Emergency Medical Service, for civil servants and employees of the Ministry of Health, the Centre for Disease Prevention and Control, the State Revenue Service, the National Health Service, the department of the Ministry of Defence, the department of the Ministry of Education and Science, the department of the Ministry of the Interior, and the Ministry of Foreign Affairs.

The same right to increase the number of hours of overtime is applied to the employees of municipal police, Orphan’s and Custody Court and municipality social services (Article 4.13²) and for employees of ports and capital companies controlled by ports (Article 4.13⁴).

Article 4.45. of the Cabinet Order No. 103 “Regarding declaration of the emergency situation” includes the changes of the working and rest time of the driver of a vehicle. The allowed driving period is increased up to 11 hours (before – 9 hours), weekly allowed driving period increased up to 60 hours (before -56 hours), total driving period for consecutive weeks is increased up to 96 hours (before – 90), the mandatory break of at least 45 minutes can be made after five and a half hours of driving (before – four and a half of driving) and the regular weekly rest of 45 hours may be reduced to 24 hours without requesting compensation for it.¹⁸

In March 2020, the amount of additional financial support for selected staff of state institutions (ministries and institutions under the supervision of the ministries) has varied from 5% until 50 %.¹⁹ E.g. 126 employees (for consular assistance) of the Ministry of Foreign Affairs received in average 25% in addition to salary, and 88 employees of the Centre for Disease Prevention and Control of the Ministry of Health – 5%-30%, etc. All institutions of the Ministry of Welfare received financial support for. Ministry of Justice received the 30 % in addition the salary of 2 employees and seven employees State Chancellery received 30-50% in addition to their salaries in March, etc. In April 82 employees of the Centre for Disease Prevention and Control of the Ministry of Health received 5%-20% in addition to salary. Additional remuneration is also available for employees of the National Health Service, the State Emergency Medical Service working with Covid-19, as well as medical personnel in hospitals.²⁰ Ministry of Transport and Ministry of Education and Science covered the expenses for the overtime work hours for their employees.

Cabinet order No. 181 “The allocation of financial resources from the state budget program “Funds for Unforeseen Events” provided EUR 2 590 703 for the needs of the institutions under the supervision of the Ministry of Interior (according to the annotation - State Police, State Border Guard, State

¹⁸Latvia, Cabinet Order No. 103 “Regarding declaration of the emergency situation” (*Ministru kabineta rīkojums Nr. 103 “Par ārkārtējās situācijas izsludināšanu”*), 12 March, 2020. <https://likumi.lv/ta/en/en/id/313191-regarding-declaration-of-the-emergency-situation>

¹⁹ Public broadcasting of Latvia (Latvijas Sabiedriskie Mediji) (2020), Additional financial support in public administration: mid-level staff and support staff are most often valued for their work in a crisis (Piemaksas valsts pārvaldē: par darbu krīzē visbiežāk novērtēti vidēja līmeņa darbinieki un atbalsta funkciju veicēji) <https://www.lsm.lv/raksts/zinas/latvija/piemaksas-valsts-parvalde-par-darbu-krize-visbiezak-noverteti-videja-limena-darbinieki-un-atbalsta-funkciju-veiceji.a357431/>

²⁰ Order No 67 of the Health Minister (Veselības ministra rīkojums Nr. 67). On granting additional pay to health care personnel of responsible institutions and other employees during the state of emergency (*Par piemaksu piešķiršanu atbildīgo institūciju ārstniecības personām un pārējiem nodarbinātajiem ārkārtējās situācijas laikā*), 31.03.2020, at <https://likumi.lv/ta/id/313589-par-piemaksu-pieskirsanu-atbildigo-instituciju-arstniecibas-personam-un-parejiem-nodarbinatajiem-arkartejas-situacijas> .

Security Service) for the additional financial support of persons that are directly involved in the prevention of Covid-19.²¹

Latvian Association of Municipalities have called for state support to social workers and staff of social care homes during Covid-19 pandemic.²²

On April 17, Riga City Council decided to increase the amount of the salary up to 20 % for personnel that is involved in the limitation of the spread of Covid-19 and up to 60 % of the salary for personal who directly works and provides services to persons infected with Covid-10 or persons that are considered as contact persons.²³ The capital Riga has seen the highest prevalence with covid-19.

A new idle time benefit (*dīkstāves pabalsts*) was introduced to be paid directly to employees who have been stood down as a result of COVID-19, and is covered by the state, but will not exceed EUR 700. The Minister of Economics (*Ekonomikas ministrija*) estimated that around to 150,000 employees will be eligible for such benefits.²⁴

Stringent criteria (13) introduced for the receipt of benefit for idle time, many refusals by the State Revenue Service to pay-out the benefit, small amounts received due to limited past tax payments have led to widespread public criticism.²⁵ At the same time, the number of companies applying for the idleness benefit have been lower than expected. One of the criticisms concern criteria that employees have to be idle 100% of their time, a company should have no tax debts (many hotels, restaurants, etc. have incurred debts before the start of the tourist season), etc.

According to the State Revenue Service, the main reason for refusal of the benefit is the past monthly tax payments below EUR 200 (48% of cases), the decrease in company turnover during Covid-19 pandemic has not been such to qualify for the benefit (24% of cases), businesses have had debts over 1000 EUR and no payment schedule has been negotiated (19% of cases), not all annual declarations have been submitted (6%).²⁶ Nevertheless, public criticism led to the re-examination of some of the criteria to qualify for the receipt of the idleness benefit.

²¹ Latvia, Cabinet Order No. 181 The allocation of financial resources from the state budget program “Funds for Unforeseen Events (Ministru kabineta rīkojums Nr. 181 *Par finanšu līdzekļu piešķiršanu no valsts budžeta programmas “Līdzekļi neparedzētiem gadījumiem*), 16 April, 2020. <https://likumi.lv/ta/id/314061-par-finansu-lidzeklu-pieskirsanu-no-valsts-budzeta-programmas-lidzekli-neparedzetiem-gadijumiem>

Latvia, Annotation to the Cabinet Order No. 181 The allocation of financial resources from the state budget program “Funds for Unforeseen Events” project (*Anotācija Ministru kabineta rīkojuma Nr. 181 Par finanšu līdzekļu piešķiršanu no valsts budžeta programmas “Līdzekļi neparedzētiem gadījumiem” projektam*) http://tap.mk.gov.lv/doc/2020_04/LManot_090420_165not.644.docx

²² LETA (2020). Municipalities proposing to provide additional financial support to social workers during covid-19 crises, 5 May (available to subscribers only).

²³ Informative webpage of Riga City Council (Rīgas domes informatīvais portāls), The employees of the Riga social work of Riga municipality will received the additional financial support for work during the crisis (*Rīgas pašvaldības sociālās jomas darbinieki saņems piemaksas par darbu krīzes laikā*) <https://www.riga.lv/lv/news/rigas-pasvaldibas-socialas-jomas-darbinieki-sanems-piemaksas-par-darbu-krizes-laika?19267>

²⁴ Delfi.Tv (2020), Up to 150 000 people may be eligible for stand-off benefits; cheating will not be possibly to control, Reirs acknowledges (*Dīkstāves pabalsti varētu pienākties līdz 150 000 cilvēku; krāpšanos izkontrolēt nevarēs, atzīst Reirs*) (interview with Minister of Economics), 20 March 2020.

²⁵ LA.LV (2020). Dīkstāves pabalsta brāķis, 23.04, <https://www.la.lv/dikstaves-pabalsta-brakis>

²⁶ State Revenue Service (*Valsts ieņēmumu dienests*) (2020). State Revenue Service has paid 6,6 million euros in idleness benefits during the month (*VID mēneša laikā izmaksājis dīkstāves pabalstus 6,6 miljonu eiro apmērā*), 28 April, <https://www.vid.gov.lv/lv/vid-menesa-laika-izmaksajis-dikstaves-pabalstus-66-miljonu-eiro-apmera-0>

From 25 March until 30 April, the State Revenue Service had paid out EUR 7 992 731 in idleness benefits. Of those 7 505 110 were paid to 26 401 employees after the requests of 4 976 companies. EUR 487 621 have been paid after the requests of 1 726 self-employed persons. 3 392 companies and 1 532 self-employed persons have been refused benefits as they have not corresponded to the criteria set in the government regulations.²⁷

Those who have been refused idleness benefit by the State Revenue Service will receive idleness support benefit (*dīkstāves palīdzības pabalsts*) that will be paid by the State Social Security Agency (*Valsts sociālās apdrošināšanas aģentūra*). The amount of the benefit will be EUR 180, and additional EUR 50 will be paid for each child up to the age of 24 if the child is in parental care. The benefit will be calculated by the number of work-days in idleness. There will be no social payments made to the state budget, hence the person will not be socially insured.²⁸

At the same time, idle time benefits have been expanded to include self-employed persons. On 31 March the government approved Cabinet of Ministers No. 179 Regulations Regarding the Allowance for Idle Time for the Self-employed Persons Affected by the Spread of COVID-19, providing an order under which self-employed persons and micro-enterprise tax payers are able to apply and receive idleness benefits. On 7 April, the government supported to expand the range of self-employed persons with copyright owners and people who receive royalties. On 23 April the government supported to expand the range of idleness benefit recipients with self-employed persons who are employed part-time and are paid no more than EUR 430 a month, as well as self-employed employers and retirement pension recipients.²⁹

A monthly crises benefit (*krīzes pabalsts*) in the amount of EUR 80 can be paid to person in crises or each family member if the family (a person) in connection with the emergency situation has no income (vacation without pay, service providers who have lost income, those who have been refused idleness benefit, cannot fulfil work duties due to restrictions imposed during the emergency situation, etc.), the family has incurred additional costs due to self-isolation, quarantine. 50% of the amount is covered by the state, while 50% by the municipality. The provisions came into force on 7 April.³⁰

On 3 April a new administrative offence was introduced in the Administrative Offences Code in relation to allowance for idle time. For providing false information to the State Revenue Service to receive the allowance for idle time (Violation of the Requirements for the Receipt of the Allowance for Idle Time 159.¹¹ – a fine up to EUR 1500 shall be imposed on natural persons or a member of a

²⁷ State Revenues Service (*Valsts ieņēmumu dienests*) (2020). Nearly 8 million paid by the State Revenue Service in Idleness Benefits until the end of April (*Līdz aprīļa beigām VID izmaksājis dīkstāves pabalstus teju 8 miljonu apmērā*), 06.05, at <https://www.vid.gov.lv/lv/lidz-aprila-beigam-vid-izmaksajis-dikstaves-pabalstus-teju-8-miljonu-eiro-apmera-0>

²⁸ LVportāls (2020). Skaidrojumi: Dīkstāves palīdzības pabalsts – kādos gadījumos maksās līdz 180 eiro, 30 April, at <https://lvportals.lv/skaidrojumi/315646-dikstaves-palidzibas-pabalsts-kados-gadijumos-maksas-lidz-180-eiro-2020>; <https://likumi.lv/ta/id/314353-noteikumi-par-dikstaves-palidzibas-pabalstu-darba-nemejiem-un-pasnodarbinatajam-personam-kuras-skarusi-covid-19-izplatiba>

²⁹ Cabinet of Ministers Regulations Nr. 179 Regulations Regarding the Allowance for Idle Time for the Self-employed Persons Affected by the Spread of COVID-19 (*Ministru kabineta noteikumi Nr 179 Par dīkstāves pabalstu nodrošinātām personām, kuras skārusi covid-19 izplatība*), 31.03 with updates until 23.04.2020) at <https://likumi.lv/ta/id/313680-noteikumi-par-dikstaves-pabalstu-pasnodarbinatam-personam-kuras-skarusi-covid-19-izplatiba>

³⁰ LVportāls (2020). Explanation: Idle Time Benefit or Crises Benefit and 50 euro per child (*Skaidrojumi: Dīkstāves vai krīzes pabalsts un 50 eiro bērnam*), 23.04, <https://lvportals.lv/skaidrojumi/315379-dikstaves-vai-krizes-pabalsts-un-50-eiro-bernam-2020>

board with or without deprivation of the board member's right to hold specific positions in commercial companies.³¹

1.2.4 Access to justice

Focus on:

- *Restrictions to court proceedings (e.g. adjournment of proceedings, written procedures, extension of deadlines, determination of what constitutes 'urgent cases')*
- *Use of alternatives to detention*

The law "On the operation of state authorities during the emergency situation related to the Spread of COVID-19" (entry into the force April 5, 2020) contains the regulation of the main restrictions to the court proceedings.³² Article 4(1) states that court hearings are held orally in courts in the cases which are related to a significant infringement of the rights of a person and to objective urgency. Article 4(2) states that if it is possible to ensure the procedural rights of the parties and in accordance with the court there is no need hold the court hearing orally, the court shall examine civil cases in the written procedure.

Article 4(3) provides for a wider number of criminal cases in the appeal procedures that can be examined in writing if there is no complaint or objection from the public prosecutor or person whose rights are infringed. Administrative offence cases are examined in the written procedure (Article 5(2)).

The explanatory report of the law provides more explanation and guidelines for courts regarding the organisation of the cases. E.g. each case must be assessed individually on whether to change the form of the court hearing or to postpone to a later date after the end of the emergency situation and the need to evaluate the proportionality between the fast resolution of the conflict in writing on the one hand and the postponing of the date of the court hearing on the other hand.

Article 6 regulates the right for a person directing proceedings (investigator, prosecutor) to suspend criminal proceedings if two conditions are fulfilled. First, all procedural actions which are possible without a suspect or accused have been performed. Second, there are circumstances that prevent the suspect or the accused from participating in the criminal proceedings due to the emergency situation.

Even though Article 4 does not regulate the procedure on how the parties can use their rights in terms of familiarization with the materials of the case, the annotation explains the obligation (upon the request) of the court to send the materials of the case to the parties, so that there is an opportunity to express the opinion and submit additional statements.³³ During the emergency situation the online

³² Latvia, On the operation of state authorities during the emergency situation related to spread of COVID-10 (*Par valsts institūciju darbību ārkārtējās situācijas laikā saistībā ar Covid-19 izplatību*), 5 April, 2020. <https://likumi.lv/ta/id/313730-par-valsts-instituciju-darbibu-arkartejas-situacijas-laika-saistiba-ar-covid-19-izplatibu>

³³ Latvia, Annotation to the law project "On the operation of state authorities during the emergency situation related to spread of COVID-19" (Anotācija likumprojektam "Par valsts institūciju darbību ārkārtējās situācijas laikā saistībā ar Covid-19 izplatību") <http://titania.saeima.lv/LIVS13/SaeimaLIVS13.nsf/0/A575309CA41C2AB9C225853D003E833E?OpenDocument#Bhttp://titania.saeima.lv/LIVS13/SaeimaLIVS13.nsf/0/A575309CA41C2AB9C225853D003E833E?OpenDocument#B>

tool *manas.tiesas.lv* provides the opportunity for person to check the progress of the case and to see the materials online.³⁴

The available information shows that the courts are conducting court hearings via video conference tool (Microsoft Teams). On April 9 the first court hearing via Microsoft Teams was conducted in the case of the Administrative court. Statistical data by April 17 show that in criminal cases every third case is taking place via video conference tool.³⁵ On April 24, the Administrative court in Liepāja held a court hearing remotely about the rights of the child.³⁶ Constitutional Court also held the first court hearing via video conference on April 23.³⁷

For public information purposes all legal acts connected to the state emergency situation are available in three languages – Latvian, English and Russian.³⁸

Implementation of probation programmes has been suspended, and in some cases – community service has been suspended. From 12 March until 12 April 2020 the State Probation Service began working with 900 new clients, compared to 1134 during the same period in 2019.³⁹

As reported in the first Covid-19 report on Latvia, decisions on early parole have been suspended. short term-imprisonment from 15 days to 3 months (new prison entries) has been suspended.⁴⁰ There have been no initiatives concerning alternatives to detention.

1.2.5 Freedom of movement

Focus on:

- *Closure of borders/restrictions on movement within the EU and categories of people allowed to enter the Member State (including EU citizens, legally-residing third country nationals and their families, asylum applicants)*
- *Special provisions for cross-border commuters (especially health and care workers) or other workers from neighbouring non-EU countries*

³⁴ Latvian court e-services: <https://manas.tiesas.lv/eTiesas/>

³⁵ Latvian Courts (Latvijas tiesas). Bordāns: The number of video conferences in the courts of first instance has increased sixfold (*Bordāns: pirmās instances tiesās videokonferenču skaits ir pieaudzis sešas reizes*) <https://tiesas.lv/aktualitates/bordans-pirmas-instances-tiesas-videokonferencu-skaits-ir-pieaudzis-sesas-reizes-9554>

³⁶ Latvian Courts (Latvijas tiesas). The administrative cases are starting to be heard remotely at the Liepāja court house (*Administratīvās lietas attālinātā režīmā sāk skatīt arī Liepājas tiesu namā*). <https://tiesas.lv/aktualitates/administrativas-lietas-attalinata-rezima-sak-skatit-ari-liepajas-tiesu-nama-9563>

³⁷ Satversmes tiesa (Constitutiona Court). I. Ziemele shares the experience of the continuity of the work of the Constitutional Court during the Covid-19 crisis. (*I. Ziemele dalās pieredzē par Satversmes tiesas darba nepārtrauktību Covid-19 krīzes laikā*). <http://www.satv.tiesa.gov.lv/press-release/i-ziemele-dalas-pieredze-par-satversmes-tiesas-darba-nepartrauktibu-covid-19-krizes-laika/>

³⁸ The legal acts of the Republic of Latvia (.Latvijas Republikas tiesību akti). Covid-19: legal acts in Russian (*Covid-19: правовые акты на русском языке*). <https://likumi.lv/p/ru/covid-19>

³⁹ LVportals.LV (2020). How Judicial System is Dealing With Crises? Experience and Conclusions II (*Kā tieslietu sistēma tiek galā ar krīzi? Pieredze un secinājumi*), <https://lvportals.lv/viedokli/315704-ka-tieslietu-sistema-tiek-gala-ar-krizi-pieredze-un-secinajumi-ii-2020>

⁴⁰ Cabinet of Ministers (*Ministru kabinets*) (2020), Order No.103 On the Declaration of the Emergency Situation (*Rīkojums No 103 Par ārkārtējās situācijas izsludināšanu*), 13 March 2020 with amendments until 19 March 2020 <https://likumi.lv/ta/id/313191-par-arkartejas-situacijas-izsludinasanu>

Article 4.17 of the Cabinet Order No.103 Regarding Declaration of the Emergency Situation (Adopted 12 March 2020), as amended on 23 April 2020 remains the central legal norm regarding the basic limitations of the freedom of movement in COVID pandemic period of time in the Republic of Latvia.⁴¹

No particular groups of persons, based on disability, gender or age grounds, are subjects of stricter limitations in the sense of freedom of cross-border movement. Only the health conditions and humanitarian grounds are considered as the relevant aspects for different treatment of persons, who applied for return to country of origin.

Prohibitions imposed from 17 March 2020 on the movement of persons and vehicles via border crossing points of the external border of the European Union at airports, ports, railways, and motorways, as well as at border crossing points which are provided for the local border traffic (except for carriage of freight) remain in force.

The Minister for Foreign Affairs or the Chief of the State Border Guard is entitled to make exceptions in relation to the movement of persons and vehicles. This requirement shall not apply to employees of the providers of transport services and carriage of passengers services and to the crews of passenger, freight, technical voyages who arrive in the Republic of Latvia or exit it upon fulfilling work duties, and also to the passengers (except for the passengers who arrive with private and business flights (not more than five passengers) (Sub-paragraph 4.16) and seamen (Sub-paragraph 4.16 of this Order in order for them to be able to return to Latvia or to reach their working place on a ship, and also to foreigners whose arrival in Latvia for fulfilling the obligations of merchants has been confirmed by the Investment and Development Agency of Latvia”.

The amendments now exclude from the scope of the regulation the passengers who arrive with private and business flights (not more than five passengers) referred to in Sub-paragraph 4.16, i.e. those with private and business flights (no more than 5 passengers) will be able to make repatriation flights or flights for the continuity of the business activities purpose without the Minister's of Transport special permission.⁴²

Article 4.18.³ of the same Cabinet Order No.103 (as amended on 7 April 2020) provides for the permission for the nationals of European Union as well as the persons who are permanently residing in these countries to cross the territory of the Republic of Latvia once at the border crossing points referred to in Sub-paragraph 4.17 of this Order in order to return to their country of domicile.⁴³

On 6 April 2020, a group of 18 Bulgarian citizens who were not allowed to transit into Lithuania were put in a quarantine [for 14 days] by the decision of the Health Minister at a former boarding school premises in Latvia. They were travelling south via Latvia from Finland and Estonia but were refused permission to enter Lithuania by border guards as one person had tested positive for Covid-19. They

⁴¹Cabinet of Ministers (2020). Amendments to the Order No 103 “On Declaring Emergency Situation” of 12 March of the Cabinet of Ministers (*Grozījumi Ministru kabineta 2020. gada 12. marta rīkojumā Nr. 103 "Par ārkārtējās situācijas izsludināšanu"*): <https://likumi.lv/ta/id/314421-par-ministru-kabineta-2020-gada-21-aprila-rikojumu-nr-202-un-2020-gada-23-aprila-rikojumu-nr-218-ar-kuriem-grozits-2020-gada-12...>)

⁴² TVNET (2020). Turpmāk satiksmes ministra atļauja nebūs vajadzīga privātajiem un biznesa lidojumiem (<https://www.tvnet.lv/6957206/turpmak-satiksmes-ministra-atlauja-nebus-vajadziga-privatajiem-un-biznesa-lidojumiem>)

⁴³ Cabinet of Ministers (2020). Amendments to the Order No 103 “On Declaring Emergency Situation” of 12 March of the Cabinet of Ministers (*Grozījumi Ministru kabineta 2020. gada 12. marta rīkojumā Nr. 103 "Par ārkārtējās situācijas izsludināšanu"*), at <https://likumi.lv/ta/id/313819-grozijumi-ministru-kabineta-2020-gada-12-marta-rikojuma-nr-103-par-arkartejas-situacijas-izsludinasanu->)

were prohibited from leaving the territory, were monitored by the police and medics, and food was also delivered.⁴⁴

Article 4.19.¹ of the same Cabinet Order No.103 (as amended on 9 April 2020) imposes an obligation “prior to return to the Republic of Latvia the person shall certify in writing that upon arrival in the Republic of Latvia he or she will comply with the special precautionary measures in accordance with Sub-paragraph 4.12.1 of this Order, including will ensure self-isolation.” The relevant carrier shall be responsible for the handing over of a filled-in certification of the person to the State Border Guard. The certification shall also, upon request of the competent institutions, be presented when crossing the State border. The State Border Guard shall transfer the filled-in certifications to the State Police (Article 4.19.²).⁴⁵

Article 4.21 of the same Cabinet Order (as amended on 16 April 2020) restricts the issuing of the short-term and long-term visas by the diplomatic and consular missions of Latvia in foreign countries for entering Latvia while the emergency situation is in force, “except for the visas for the persons referred to in Sub-paragraph 4.17 of this Order (foreigners whose arrival in Latvia for fulfilling the obligations of merchants has been confirmed by the Investment and Development Agency of Latvia) and the persons referred to in Sub-paragraph 4.20 of this Order”. The exception refers also to foreign diplomats who are working in Latvia, as well as persons who arrive in Latvia due to humanitarian considerations and for the provision of national interests (Article 4.20).⁴⁶

No other restrictions have been imposed regarding the freedom of movement in the reference time. It is important to note that Latvia’s internal borders have remained open albeit with border closures in place both in Estonia and Lithuania.

The state authorities have not imposed any special restrictions regarding the right to request asylum.⁴⁷ Neither the State Border Guard⁴⁸ nor the Office of Citizenship and Migration Affairs⁴⁹ have issued information regarding the changes in practice concerning asylum procedure. The representative of the Latvian Centre for Human Rights, the UNHCR designated NGO responsible “Border Monitoring and Legal Counselling for Asylum Seekers in Latvia”⁵⁰, conducted a monitoring visit to the border control point on the Latvian-Russian border on 15 April 2020 to verify in practise that no unjustified restrictions on entry to territory *de iure* have been imposed.

⁴⁴ LSM.LV (2020). Trapped Bulgarian Travellers Will Go into Quarantine in Latvia, 6 April, at <https://eng.lsm.lv/article/society/health/trapped-bulgarian-travellers-will-go-into-quarantine-in-latvia.a354830/>; Ministry of Health (2020). Bulgarian nationals quarantined in Latvia, 6 April http://www.vm.gov.lv/lv/aktualitates/6263_bulgarijas_valstspiederigajiem_nosaka_karantinu_latvija

⁴⁵ Cabinet of Ministers (2020). Amendments to the Order No 103 “On Declaring Emergency Situation” of 12 March of the Cabinet of Ministers (*Grozījumi Ministru kabineta 2020. gada 12. marta rīkojumā Nr. 103 "Par ārkārtējās situācijas izsludināšanu"*), at <https://likumi.lv/ta/id/313929-grozijumi-ministru-kabineta-2020-gada-12-marta-rikojuma-nr-103-par-arkartejas-situacijas-izsludinasanu->

⁴⁶ Cabinet of Ministers (2020). Amendments to the Order No 103 “On Declaring Emergency Situation” of 12 March of the Cabinet of Ministers (*Grozījumi Ministru kabineta 2020. gada 12. marta rīkojumā Nr. 103 "Par ārkārtējās situācijas izsludināšanu"*), at <https://likumi.lv/ta/id/314059-grozijumi-ministru-kabineta-2020-gada-12-marta-rikojuma-nr-103-par-arkartejas-situacijas-izsludinasanu->

⁴⁷ Asylum Law (<https://likumi.lv/ta/id/278986-patveruma-likums>), the Law on State Border of the Republic of Latvia (<https://likumi.lv/doc.php?id=201364>), Cabinet Regulation No.697 on the Regime at the State Border Crossing Points (<https://likumi.lv/ta/id/214402-robezskersosanas-vietas-rezima-noteikumi>)

⁴⁸ See the webpage of the State Border Guard (*Valsts robežsardze*), at <http://www.rs.gov.lv/>,

⁴⁹ Office of the Citizenship and Migrations Affairs (*Pilsonības un migrācijas lietu pārvalde*), at (<https://www.pmlp.gov.lv/en/>)

⁵⁰ UNHCR <https://www.unhcr.org/neu/lv/tiesiska-palidziba>

1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- *persons with disabilities,*
- *homeless people,*
- *older people (which should include older persons in institutions)*
- *detainees*
- *or another group not listed that have immigrated in your country as facing particular challenges - before selection, this should be discussed with FRA.*

Social care homes/old people's homes

Restrictions on the contacts with the outside world remain in place in social care homes and old people's homes. The number of covid-19 infections in social care homes has been relatively small, but it has generally increased. By 18 April there were four patients and 13 staff in seven social care homes who were Covid-19 positive.⁵¹ Two patients in two social care homes in Vidzeme Region in Northern Latvia were diagnosed with Covid-19 in the end of April.⁵² Some care homes have reported health care staff shortages as a result of self-isolation requirements.⁵³

Shelters for homeless

A shelter for homeless men run by an evangelical Christian organisation "Zilais krusts" (Blue Cross) was quarantined for two weeks as 27 of 138 individuals accommodated there became infected with Covid-19, two were hospitalised⁵⁴ and one died. In Latvia, it has been the largest concentration of persons with Covid-19 infection. In shelter for homeless in the city of Liepāja homeless are recommended to leave the shelter only twice a week – Tuesdays and Thursdays during 10-14. Restrictions do not concern those going to work or doctor.⁵⁵

Prisons

According to the interviewed Director of Prison Administration there have been no Covid-19 infections among prisoners in Latvia. Prison staff temperatures are checked upon entering the prison on daily basis, and staff with temperature are sent home. Each new arrival in prison is placed in a 14 day quarantine. Not all prisons have benefitted from centralised supplies of individual protective equipment, however, one of the prisons has begun making face masks for prison staff.

Restrictions on short and long visits with families and others remain in place throughout the prison system. Some educational institutions continue remote teaching, while some have suspended the teaching process. Meetings of prisoners with persons leading criminal proceedings (police investigators prosecutors, etc.), defence counsels and probation staff are organised in short-term meetings rooms with glass partitions. Prisoners are allowed to remain in exercise yards for a longer

⁵¹ Delfi.LV (2020). Kopš pandēmijas sākumā Covid-19 saslimšana apstiprināta septiņos sociālās aprūpes centros, 18.04, at <https://www.delfi.lv/news/national/politics/kops-pandemijas-sakuma-covid-19-saslimšana-apstiprinata-septinos-socialas-aprupes-centros.d?id=52067587>

⁵² LSM.LV (2020). Covid-19 skāris divus sociālās aprūpes centrus Vidzemē, 01.05.2020, <https://www.lsm.lv/raksts/zinas/latvija/covid-19-skaris-divus-socialas-aprupes-centrus-vidzeme.a358217/>

⁵³ Apollo.lv (2020). Covid-19 skāris Rūjienas novada sociālās aprūpes centru Lodē, 23.04, at <https://www.apollo.lv/6957227/covid-19-skaris-rujienas-novada-socialas-aprupes-centru-lode>

⁵⁴ Ministry of Health (*Veselības ministrija*). Order nr 65 of 30.03.2020 "On Imposing of the Quarantine Regime" Veselības ministrijas 30.03.2020. rīkojumu Nr.65 "Par karantīnas režīma noteikšanu".

⁵⁵ Irliepaja.lv (2020). Night Shelter has Introduced Restrictions (*Nakts patversme ieviesusi ierobežojumus*) Covid-19, 31 March. <https://irliepaja.lv/liepajnieki/nakts-patversme-ieviesusi-ierobezojumus-covid-19-d/>

period of time. Psychological distress, the unknown future are cited as key concerns among prisoners.⁵⁶

2 Users' data - privacy and data protection

2.1 Arrangements between public authorities and other actors to allow collection, sharing and processing of user data

As of 30 April there are no specific apps allowing to track persons diagnosed with COVID-19 or persons who were in contact with these persons. However, such app is under development. For the purposes of epidemiological investigation, the State Police can request electronic communication companies for telephone number and location of the persons diagnosed with COVID-19 or identified as a contact person. This data is handed over to the Centre for Disease Prevention and Control (*Slimību profilakses un kontroles centrs*) who keeps the records.⁵⁷ The Centre can hand over the data to the Health Inspectorate (*Veselības inspekcija*), State Police, and municipal police or grant access to the mentioned institutions for the purpose of control measures of epidemiological safety, including checks of whether those infected or quarantined observe self-isolation.⁵⁸

Several ICT, science sector and state institutions are working on a mobile app which could help limit the spread of the virus. Plans are underway to make it possible to download the app on a voluntary basis. As foreseen, it would be possible to inform everyone who is using the app about their contact with a person diagnosed with COVID-19 if the contact was at the distance of 2-4 metres and for more than 15 minutes without revealing the location coordinates., The app might be available in the mid-May.⁵⁹

2.2 Legal framework enabling collection, processing, sharing and storage of user data

On 3 April, the Saeima (parliament) approved the Law on the Operation of State Authorities during the Emergency Situation Related to the Spread of COVID-19 (*Par valsts institūciju darbību ārkārtējās situācijas laikā saistībā ar Covid-19 izplatību*).⁶⁰ Among other provisions it stipulates that electronic communications companies, upon the request from the State Police (*Valsts policija*), are obliged to provide the telephone number and the location of a person who has been diagnosed with COVID-19 or identified as a contact person. The State Police makes such a request upon the request of the Centre

⁵⁶ LVportals.LV (2020). How Judicial System is Dealing With Crises? Experience and Conclusions II (*Kā tieslietu sistēma tiek gala ar krīzi? Pieredze un secinājumi*), <https://lvportals.lv/viedokli/315704-ka-tieslietu-sistema-tiek-gala-ar-krizi-pieredze-un-secinajumi-ii-2020>

⁵⁷ Saeima, [Law on the Operation of State Authorities During the Emergency Situation Related to the Spread of COVID-19 \(Par valsts institūciju darbību ārkārtējās situācijas laikā saistībā ar Covid-19 izplatību\)](#), Section 33, 3 April 2020.

⁵⁸ Cabinet of Ministers, [Order No. 103 On announcement of an emergency \(Par ārkārtējas situācijas izsludināšanu\)](#), Point 4.12.3, 12 March 2020

⁵⁹ Centre for Disease Prevention and Control (*Slimību profilakses un kontroles centrs*), [Latvijas IKT industrija izstrādās lietotni cīņai ar COVID-19](#), Press release, 28 April 2020

⁶⁰ Saeima, [Law on the Operation of State Authorities During the Emergency Situation Related to the Spread of COVID-19 \(Par valsts institūciju darbību ārkārtējās situācijas laikā saistībā ar Covid-19 izplatību\)](#), Section 33, 3 April 2020.

for Disease Prevention and Control (*Slimību profilakses un kontroles centrs*) and hands over the received data for conducting an epidemiological investigation. There are no specific provisions regarding data retention, deletion, security etc. The Centre for Disease Prevention and Control is processing data in accordance with general data processing regulation, e.g. GDPR, Personal Data Procession Law (*Fizisko personu datu apstrādes likums*)⁶¹, Epidemiological Security Law (*Epidemioloģiskās drošības likums*).⁶²

2.3 Privacy and data protection concerns and possible solutions

The app will be operated by the Centre for Disease Prevention and Control. It is planned that the app will use Bluetooth to connect to other devices using the same app at the distance of two metres. The app will encrypt the data exchange, so the contacts will be anonymised. A person diagnosed with COVID-19 will be issued a code to enter in the app. The app will use the code for the identification of devices who were in contact with the person. The data will be stored in the app for 14 days, then automatically deleted.⁶³ In relation to the elaboration of such apps, the President of Latvia Egils Levits and Executive Vice-President of the European Commission Valdis Dombrovskis stressed that such mobile apps will have to correspond to EU regulation on data protection and could be used on a voluntary basis only.⁶⁴ State Data Inspectorate supervises the observation of data protection during the elaboration of the app. According to the Inspectorate, the protection of personal data aims to protect the dissemination of unwarranted and disproportionate information about persons, but it should not be an obstacle to an effective fight against infectious disease, including the spread of Covid-19.⁶⁵

2.4 Any other privacy and data protection concerns

On 25 March the government order on emergency situation was supplemented by social distancing requirements for tattoo, piercing and beauty salon service providers. On 12 April, Health Ministry issued an order detailing requirements for such service providers. Beauty salon service providers have also been mandated, prior to appointment, inform the client that his/her contact information will need to be kept to be able to follow the chain of contacts in case of infection. The information shall include client's name, surname, phone number, whether the person has no respiratory symptoms, whether he/she corresponds to one of the groups of persons that is required to self-isolate or in home quarantine. The documented information has to be kept until the end of emergency situation. Service has to be refused if the client refuses to comply with the request.

⁶¹ Saeima, [Personal Data Procession Law \(*Fizisko personu datu apstrādes likums*\)](#), 5 July 2018

⁶² Saeima, [Epidemiological Security Law \(*Epidemioloģiskās drošības likums*\)](#), 13 January 1998

⁶³ News agency LETA (2020), [Datu uzraugi sola pārliecināties par lietotnes "Apturi Covid" atbilstību tiesībām uz privātumu](#), 1 May 2020

⁶⁴ The President of Latvia (Latvija valsts prezidents), [Valsts prezidents ar EK izpildviceprezidentu V. Dombrovski pārrunā ES izejas stratēģiju no COVID-19 izraisītās krīzes](#), Press release, 20 April 2020

⁶⁵ News agency LETA (2020), [Datu uzraugi sola pārliecināties par lietotnes "Apturi Covid" atbilstību tiesībām uz privātumu](#), 1 May 2020