

Disclaimer: This document was commissioned under contract by the European Union Agency for Fundamental Rights (FRA) as background material for the project 'FRA Fundamental Rights Report 2021'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

| | |
|--|----|
| Franet country study: policy and legal highlights 2020 | 4 |
| Chapter 1. Equality and non-discrimination..... | 5 |
| Chapter 2. Racism, xenophobia and related intolerance | 10 |
| Chapter 3. Roma equality and inclusion | 13 |
| Chapter 4. Asylum, visas, migration, borders and integration | 15 |
| Chapter 5. Information society, privacy and data protection | 21 |
| Chapter 6. Rights of the child | 28 |
| Chapter 7. Access to justice including crime victims | 34 |
| Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities..... | 39 |

Policy and legal highlights 2020

LATVIA

| Franet country study: policy and legal highlights 2020 | |
|---|--|
| Issues in the fundamental rights institutional landscape | Parliamentary Human Rights and Public Affairs Commission has drafted amendments to the Ombudsman Law , which foresee that the Ombudsman can serve two terms (currently no restrictions). 10 MPs (instead of five) will be able to nominate the Ombudsman. Professional requirements for the candidate have also been raised. |
| EU Charter of Fundamental Rights | No development in 2020. |
| Equality and non-discrimination | On 12 November, the Constitutional Court recognised the right of same sex couple to parental leave . The applicant, a woman, who is in a same-sex relationship and has lived in a joint household for more than 10 years, wanted to exercise the right to a 10-day period of parental leave after the birth of a child in the family. However, the provisions of the Labour Law limit such right to the father of the child. The Court found the provision not in line with the Constitution and declared it invalid from 1 July 2022. |
| Racism, xenophobia & Roma integration | Latvia continued the implementation of Latvia's Roma platform IV as a support mechanism for the coordination and implementation of Latvian Roma integration policy at state, regional and local level. |
| Asylum & migration | Legal stay was extended for TCN. If it had expired during the emergency, requirements were also eased for permanent residence permit holders . |
| Data protection and digital society | On 4 February 2020, the government approved an information report "Developing Artificial Intelligence Solutions" . The report will serve as a background for the Latvian Artificial Intelligence Strategy. |
| Rights of the child | On 12 May 2020, the NGO Centre "Dardedze" published "Guidelines on Action in Conditions of Consequences Created by the Emergency Situation with victims of violence and perpetrators of violence in connection with COVID-19." |

| | |
|--|--|
| Access to justice, including victims of crime | <p>On 3 August 2020, the Constitutional Court initiated a case with respect to the compliance of the Istanbul Convention with the Constitution (<i>Satversme</i>). The case was initiated based on an application by twenty-one members of parliament from the predominantly Development/For! (<i>Attīstība/Par!</i>) and New Unity (<i>Jaunā vienotība</i>) parties who support the ratification of the Istanbul Convention. The MPs have used arguments of the opponents to the ratification of the convention to test their compliance with the Constitution.</p> |
| Convention on the Rights of Persons with Disability | <p>On 3 July 2020, the Cabinet of Ministers (<i>Ministru kabinets</i>) approved a report on the implementation of the UN Convention on the Rights of Persons with Disabilities. The study provides an assessment of 47 UN Recommendations, of which 32 have been assessed as partially or fully implemented, 12 recommendations were at the beginning of their implementation and 3 recommendations have not been implemented yet.</p> |

Chapter 1. Equality and non-discrimination

1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

In April 2020, a collective petition on the “Registration of Same Sex Partnership”, signed by 10 392 citizens, was submitted to Parliament. Parliament is obliged to examine collective petitions submitted by 10,000 citizens.¹ On 22 July, the parliamentary Mandate, Ethics and Petitions Committee decided with seven votes in favour and four against to continue reviewing the petition by inviting legal expert opinions. On 30 September, the same commission decided not to forward the petition for review to Parliament.² On 29 October, the majority of MPs

¹ Manabalss.lv (2020). *Viendzimuma partneru reģistrēšana*, at <https://manabalss.lv/viendzimumu-partneru-registresana/show>

² LR Saeima. (2020). Mandate, Ethics and Petitions Commission (*Mandātu, ētikas un iesniegumu komisija*). Collective Petitions. Nr.61, at <http://mandati.saeima.lv/kolekt%C4%ABvie-iesniegumi>

supported the view of the commission and voted against further review of the petition in the parliament.³

On 1 October, a new collective petition “On the Protection of All Families” was started on the petition portal www.manabalss.lv. The petition calls for the adoption of a range of amendments to ensure the legal and social protection of unmarried couples, both heterosexual and same sex partnerships. By 6 December, 15759 citizens had signed the petition.⁴ There have been a number of other legislative attempts in recent years to legalise the registration of same sex partnerships, including by adopting a gender-neutral co-habitation law. Nevertheless, all have been turned down due to lack of sufficient political support.⁵ According to a public opinion survey⁶ released in early October 2020, 62,3% of the respondents support the adoption of Unmarried Couple’s Law. However, the survey did not specifically ask about their attitudes towards same sex partnerships.

On 6 October 2020, the Constitutional Court heard the case regarding the conformity of Section 155(1) of the Labour Law⁷ with the first sentence of Section 110 of the Constitution, according to which the state protects and supports marriage – the union between man and woman, family, parents and children’s rights. The applicant, who is in a same-sex relationship and has lived in a joint household for more than 10 years, wanted to exercise the right to a 10-day period of parental leave after the birth of a child in the family. However, the provisions of the Labour Law limit such rights to the father of the child, rather than the partner of the child’s biological mother, although, in this particular case, she is one of the parents of the new-born child. In the applicant’s view, the legislature has not established a system of social and economic protection for same-sex families and their children. The proceedings were initiated on 16 December 2019.⁸ (For the outcome of the case, see Annex on Case Law).

³ LR Saeima (2020). Parliamentary debate about the petition and the outcome of voting, at 29 October, https://titania.saeima.lv/LIVS13/saeimalivs_imp.nsf/0/A892369C38C20F3DC22586230049F9A1?OpenDocument

⁴ Manabalss.lv (2020). On the Legal Protection of All Families (*Par visu ģimeņu tiesisko aizsardzību*), <https://manabalss.lv/par-visu-gimenu-tiesisko-aizsardzibu/show>

⁵ Latvia, draft law ‘Unmarried Couple’s Law’ (*Dzīvesbiedru likums*), 18 June 2019.

⁶ The survey asked two questions – whether the respondents supported Unmarried Couple’s Law and whether they know people living in unregistered partnerships. 1051 persons aged between 15 and 75 participated in the survey.

⁷ Labour Law, 20.06.2001, <http://likumi.lv/doc.php?id=26019>.

⁸ Constitutional Court (*Satversmes tiesa*) (2019), A case initiated with respect to a norm that determines the amount of the state fee for the partner of the estate-leaver for registering the ownership rights in the Land Register, [https://www.satv.tiesa.gov.lv/en/cases/?search\[number\]=2020-34-03](https://www.satv.tiesa.gov.lv/en/cases/?search[number]=2020-34-03)

On 7 July 2020, the Constitutional Court initiated the case "On Compliance of Para 13 of the Cabinet Regulation of 27 October 2009 No. 1250 "Regulation Regarding State Fee for Registering Ownership Rights and Pledge Rights in the Land Register" with Article 91 (non-discrimination), Article 105 and Article 110 of the *Satversme* of the Republic of Latvia".⁹ The case was initiated based on the Ombudsman's application. The applicant, in the framework of an inspection case, has identified shortcomings in Para 13 of the Regulation No. 1250, which sets the amount of the state fee to testamentary or contractual heirs for the corroboration of their right to property. The Ombudsman holds that the legislator, in adopting the contested norm, has not ensured legal protection to families, consisting of same-sex partners. The amount of the state fee for the testamentary or contractual heirs is significantly higher compared to, for example, a spouse. The state fee when inheriting immovable property for persons who are not spouses or 1st to 4th degree relative of the deceased, is 60 times higher than for spouses or direct relatives. This rate of the state fee applies to both same-sex partners and partners of different sexes, who have not registered their relationship by concluding a marriage. However, same-sex partners, who wish to register their relationship but cannot do so, are not in similar, and according to certain criteria comparable, circumstances with partners of different sexes, who have the possibility to conclude a marriage. Therefore, the rate of the state fee should be different. It is maintained that, with respect to same-sex partners, the contested norm is incompatible with the principle of prohibition of discrimination, included in Article 91 of the *Satversme*, in interconnection with Article 105 and Article 110 of the *Satversme*. In October 2018, the Ombudsperson issued an extensive opinion in the case following an individual complaint alleging discrimination on grounds of sexual orientation.¹⁰

In 2019, Latvian Ombudsman submitted several claims to the Constitutional Court that concern persons with disability and pensioners, who are among the poorest members of the Latvian society. Claims contest the compatibility of GMI, the amount of minimum old age pension¹¹, state social security benefit payable to

⁹ Constitutional Court (*Satversmes tiesa*) (2020), <https://www.satv.tiesa.gov.lv/press-release/ierosinata-lieta-par-normu-kas-mantojuma-atstajeja-partnerim-nosaka-valsts-nodevas-apmeru-par-nekustama-ipasuma-tiesibu-nostiprinasanu-zemesgramata/?fbclid=IwAR2K9gEXiB3uCmgKEnTLnCYyKJz2zoyTtHsbtMxiQAxHN8JHoh528uz14Sk>

¹⁰ Ombudsman (2018), Opinion in a verification case No. 2018- 38-26G, 29 October 2018

¹¹ Ombudsman (2019). Ombudsman submits a Complaint to Constitutional Court on Incompliance of the Amount of Minimum Old Age Pension with the Constitution, at

unemployed persons with disability and seniors (with no right to old age pension)¹² with the Constitution. In 2020, the Constitutional Court delivered judgments in a number of cases (see Annex) – under UNCRPD). In response to the Constitutional Court judgements, the government adopted amendments to the Law on Social Security, Law on State Social Benefits that will lead to significant recalculation of minimum income levels (income level of poor household, GMI level, state social support benefit and state minimum pensions (old age, disability, loss of care taker), minimum income levels will be re-evaluated no fewer than once in three years). The recalculation of minimum income levels will affect 140 000 persons with low or very low income.¹³

2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.

In 2020, the Ombudsman published a survey "On the prevalence of discrimination in employment. Comparative report 2011 and 2020".¹⁴ Compared to the previous survey considerably fewer persons are prepared to provide information about ethnic origin (16% in 2020, 36% in 2011), family status (16% in 2020, 39% in 2011), health status or disability (24% in 2020, 65% in 2011), sexual orientation (1% in 2020, 8% in 2011). As to perceived grounds of discrimination, respondents consider age (58%) as the most widespread ground of discrimination followed by health state (36%), gender (33%), ethnic origin (31%), language proficiency (26%), sexual orientation (13%), race (9%), and skin colour (9%). Russian speakers stress ethnic origin and language proficiency more frequently than other

<http://www.tiesibsargs.lv/news/lv/tiesibsargs-iesniedz-satversmes-tiesa-pieteikumu-par-minimalas-vecuma-pensijas-apmera-neatbilstibu-satversmei>

¹³ LVportals.LV Government Accepts Draft Law that are Connected to the Implementation of Constitutional Court judgements (*Valdība akceptē likumprojektus, kas saistīti ar Satversnes tiesas spriedumu izpildi*), 30 September, at <https://lvportals.lv/dienaskartiba/320442-valdiba-akcepte-likumprojektus-kas-saistiti-ar-satversmes-tiesas-spriedumu-izpildi-2020>

¹⁴ Ombudsman (*Tiesībsargs*) (2020). *Diskriminācija izplatība nodarbinātības vidē Latvijā. Salīdzinošais pētījums*, 2011. un 2020.gadā, in Latvian at http://www.tiesibsargs.lv/uploads/content/diskriminacija_darba_vidē_2020_petijuma_rezultati_1594374193.pdf [Methodology of the survey: CAWI \(online survey\), employers over 15 years of age, sample -1018 respondents, fieldwork: 18-30 March 2020, conducted by Norstat Latvia, Dentsu Data Labs.](#)

respondents do. In case of discrimination, the majority of respondents would turn to State Labour Inspectorate – from 30% in 2011 to 47% in 2020, to institution/organisation/ from 10% in 2011 to 25% in 2020, to trade union – from 7% in 2011 to 18% in 2020, to Ombudsman’s Office (equality body) from 6% in 2011 to 11% 2020. In 2011, 33% would not turn anywhere, in 2020 – 12%.

Covid-19

In May, the government supported 10 covid-19 research related projects, which are to be completed by the end of 2020. Most of those projects have established international cooperation and several of them are included in the international consortiums by providing important input into the researches in the European Union. One of the projects supported by the state research programme “Reducing Covid-19 consequences” includes support for research project “Impact of covid-19 pandemic on health care system and public health in Latvia: strengthening of the preparedness of the health care”, which focuses on the impact of covid-19 epidemic on health and access to health care by different groups of inhabitants: children, persons of reproductive age, senior citizens and persons with chronic illnesses. Special emphasis will be placed on mental health issues. Work within the project takes place in five strands; how covid-19 impacted Latvia’s health care system and public health in general, what impact it had on people’s mental¹⁵, sexual and reproductive health¹⁶, how pandemic affected persons over 50, and what impact it had on the quality of life of children and access to care, including chronically ill children. The project will lead to recommendations and examples of good practise to the Ministry of Health and other organisations.

Although the results of research have not been published yet, some preliminary results have been made available in the media.¹⁷ During spring covid-19 pandemic 75% senior citizens (over 50) had avoided direct contacts with persons, 20% indicated that the pandemic has affected their mental health. Digital technologies are accessible to 50% of respondents. However, only fifth of them used them to receive health services. Although people have felt restrictions during the pandemic, they did not consider them essential. According to interviews, older people tend to resign to fate. “Their life experience, war and post-war years, the

¹⁵ RSU (2020). Impact of Covid-19 epidemic on health care system and public health in Latvia, at <https://www.rsu.lv/projekts/covid-19-epidemijas-ietekme-uz-veselibas-aprupes-sistemu-un-sabiedribas-veselibu-latvija>

¹⁶ RSU (2020). RSU joins research on the impact of Covid-19 restrictions on sexual and reproductive health, 30 July, at <https://www.rsu.lv/aktualitates/rsu-iesaistas-petijuma-par-covid-19-ierobejojumu-ietekmi-uz-seksualo-un-reproduktivo-veselibu>

¹⁷ RUS (2020). How pandemic impacts public health, 7 August at <https://www.rsu.lv/aktualitates/ka-epidemija-ietekme-sabiedribas-veselibu>; LSM.LV (2020). Each covid-19 restriction must be scientifically based, 23 October <https://www.lsm.lv/raksts/dzive--stils/tehnologijas-un-zinatne/jebkuram-covid-19-ierobejojumam-jabut-zinatniski-pamatotam-saruna-ar-profesori-olsenu.a378967/>; LETA (2020). Research: Covid-19 pandemic made 10% of residents afraid of death, 22 October, at <https://nra.lv/latvija/327862-petijums-covid-19-pandemija-10-iedzivotaju-likusi-baidities-no-naves.htm>

times of Cold war and different life tests provide a different perspective to the crises created by covid-19 than to younger people.”¹⁸ In April and May, the [Health Inspectorate \(Veselības inspekcija\) assessed 184 social care homes](#) concerning their preparedness for covid-19 pandemic. Although a full report will be released in 2021, the Inspectorate has concluded that organising covid-19 screening or regular testing is a problem in many facilities. At the same time, many centres do not want to organise testing, as it is an additional burden for overburdened care home staff. 2/3 of the centres have no possibility to isolate infected clients.

During the second wave of covid-19 pandemic in 2020, of 4000 clients in social care homes, more than 10% (or 474) have been infected with covid-19.¹⁹

Chapter 2. Racism, xenophobia and related intolerance

1. Legal and policy developments relating to the application of the Racial Equality Directive

There have been no legal and policy developments specifically relating to the application of the Racial Equality Directive until 6 October 2020.

The Latvian National Development Plan (LNDP) for 2021-2027, which is the main policy planning document, lists six main priority directions for the development of Latvian society, including “Consolidation [of Society]” [393,] which should lead to improved communication and co-operation among different groups in society, by reducing tensions and unfounded stereotypes. LNDP concludes that one of the main risks to [society] consolidation is risk of manipulation: influence of the individuals by stereotypes which lead to discrimination.[397] The LNDP highlights the need for raising public awareness concerning diversity as a resource, strengthening intergroup and intercultural communication skills and intensity, diversity management as well as reducing discrimination [item 408]. Subjective experience with discrimination is listed as a measurable indicator. Action Direction “Consolidation” highlights (point 131) high intolerance against diversity as surveys indicate that only 1/5 of the Latvian society are of the opinion that they would

¹⁸ RSU (2020). Researchers have assessed the impact of covid-19 on older people, 6 October, <https://www.rsu.lv/aktualitates/petnieki-apzinajusi-covid-19-ietekmi-uz-gados-vecakiem-iedzivotajiem>

¹⁹ LSM.LV (2021). Covid-19 Social Care Homes Preparing Lists of Persons to Be Vaccinated, 5 January, at <https://skaties.lv/zinas/latvija/sabiedriba/covid-19-socialas-aprupes-centros-gatavo-vaccinejamo-cilveku-sarakstus/>

have no problems in living next to neighbours, work or be friends with representatives of social groups subject to discrimination.²⁰

On 23 July, the draft project of Framework Document on Consolidated and Civically Engaged Society 2021-2027 (*Saliedētas un pilsoniski aktīvas sabiedrības attīstības pamatnostādnes 2021. – 2027.gadam*) was announced at the Meeting of State Secretaries (*Valsts sekretāru sanāksme*). The Framework plans to promote the strengthening of national identity and sense of belonging, raising inclusive participation and level of civic knowledge, strengthening of qualitative and secure democratic participation and information space, facilitate public participation of foreign citizens living in Latvia, as well as reduce attitudes based on negative stereotypes against different groups in society. There are three actions direction planned – strengthening of national identity, development of civic society and integration.²¹ Action Plan to the draft project should elaborate in detail activities foreseen to counter discrimination and promote tolerance. However, it is not available yet.

2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime

There have been no specific measures related to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime during the period under review.

²⁰ *Latvijas Nacionālais attīstības plans 2021.-2027.gadam*, at https://www.pkc.gov.lv/sites/default/files/inline-files/20200204_NAP_2021_2027_gala_redakcija_projekts_.pdf

²¹ Latvia, Ministry of Culture (2020). Draft project of Framework Document on Consolidated and Civically Engaged Society 2021-2027 (*Saliedētas un pilsoniski aktīvas sabiedrības attīstības pamatnostādnes 2021. – 2027.gadam*), at <http://tap.mk.gov.lv/lv/mk/tap/?pid=40490048>

Chapter 3. Roma equality and inclusion

1. Measures and developments addressing Roma/Travellers

In March 2020, the Ministry of Culture updated the Guidelines for Roma mediators' work in order to provide Roma mediation services at the municipal level during the lockdown related to the COVID-19 pandemic situation in the country. The Guidelines include the regular provision of information to Roma families on necessary measures to prevent spreading COVID-19 virus, as well as provision of support to ensure better access of Roma children to the distance online learning process in a cooperation with schools.²²

The Ministry of Culture (employs Roma staff as part of Latvian Roma platform IV and V" project) and NGO Centre for Education Initiatives (*Izglītības iniciatīvu centrs*) have issued the Guidelines. From 2017 until July 2020, there were five Roma mediators, since October 2020 there are four Roma mediators working within the EU funded project. Within the project, Roma mediators are expected to work four hours three times per week. Municipalities also contribute to some costs. Municipalities may also pay for other tasks carried out by the mediators.²³

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

There have been no policy and legal measures adopted directly or indirectly addressing Roma inclusion.

To improve mutual dialogue and co-operation, four meetings (during the period 22.05-21.07.2020) took place among the Ministry of Culture and relevant specialists in other ministries on the development of Roma integration policy in education, social protection and labour market, youth participation and health

²² Information provided by the representative of the Ministry of Culture to the Latvian Centre for Human Rights by e-mail on 30 September 2020.

²³ Latvia, Ministry of Culture (*Kultūras ministrija*), Support to Roma mediators (*Atbalsts romu mediatoriem*), at <https://www.km.gov.lv/lv/integracija-un-sabiedriba/romi/projekti-un-pasakumi/latvijas-romu-platforma-v/atbalsts-romu-mediatoriem#gsc.tab=0>

care. The meetings took place within the “Latvian Roma platform IV” project.²⁴ The aim of the meetings is to foster co-operation with co-responsible ministries - Ministry of Education and Science, Ministry of Welfare, Health Ministry and Youth International Programme Agency to develop and implement sustainable Roma integration policy, including urging other ministries to include specific Roma integration measures in their framework policy planning documents.

Ministry of Education and Science in their draft project on Education and Skills Development Fundamental Principles 2021-2027 under task 3.12. “To provide access to inclusive education at all levels of education” have included information that support for Roma children and their involvement in education is one of the priorities of inclusive education. The aim is to decrease the number of Roma children who do not acquire basic education, as well as decrease the number of Roma children who study in special schools according to special education programmes. The Ministry of Welfare, in their draft project on Social Protection and Labour Market Policy Framework 2001-2027 (*Sociālās aizsardzības un darba tirgus politikas pamatnostādņu 2021.-2027. gadam projekts*), plan to include Roma as one of the groups subject to the risks of social exclusion, by indicating in the text (including Roma), but do not plan any special measures targeting Roma. Health Ministry plans to include Roma as one of groups subject to territorial, poverty and social exclusion in their Public Health Framework Principles 2021-2027 (*Sabiedrības veselības pamatnostādņu 2021.-2027.gadam projekts*). Work meetings took place online without the presence of local council representatives and Members of Parliament. The government has not approved the above draft projects. The relevant ministries planned to inform about Roma integration and inclusion issues in their framework documents during the meeting of the Consultative Council of the Roma Integration Policy Implementation in autumn 2020.

²⁴ Ministry of Culture (*Kultūras ministrija*) (2020). Working Meeting on Roma Integration Policy Development in the Fields of Education, Social Protection, Labour Market, Health Care and Promoting Youth Participation, at <https://km.gov.lv/lv/integracija-un-sabiedriba/romi/projekti-un-pasakumi/latvijas-romu-platforma-iv/darba-tiksanas-par-romu-integracijas-politikas-attistibu-izglitibas-socialas-aizsardzibas-un-darba-tirgus-veselibas-aprupes-un-jauniesu-lidzdalibas-veicinasanas-joma#gsc.tab=0>

Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

In Latvia, the state of emergency was declared from 14 March until 9 June 2020.²⁵ It was again declared from 9 November until 9 December²⁶ and further extended until 11 January.

| EUMS/ Republic of North Macedoni a, Republic of Serbia | Category of TCN | Brief description of the measure | Legal source (legislatio n or case law as relevant) with hyperlink | Comments |
|---|--|---|---|-----------------|
| | Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to | | | |

²⁵ Latvia, Cabinet of Ministers (*Ministru kabinets*). On Declaring a State of Emergency (*Par ārkārtas situācijas izsludināšanu*), at <https://www.mk.gov.lv/lv/aktualitates/par-arkartejas-situacijas-izsludinasanu>

²⁶ Latvia, Cabinet of Ministers (*Ministru kabinets*). On Declaring a State of Emergency from 9 November (*No 9.novembra Latvijā tiek izsludināta ārkārtējā situācija*), 6 November, at <https://www.mk.gov.lv/lv/aktualitates/no-9-novembra-latvija-tiek-izsludinata-arkarteja-situacija>

| | | | | |
|--|--|---|--|---|
| | which the measure applies | | | |
| | Holders of visas issued based on the Visa Code No. 810/2009 (as last amended by Regulation (EU) No. 2019/1155) (Schengen visas) | If the term for legal stay has expired during the emergency, the person is entitled to continue to stay up to two months after revocation of the emergency. The person continues to retain the right to employment, if such has been specified. (The provision is no longer valid as of 22 December). | Section 32 (1) of the Law on the Management of the spread of Covid-19 infection (<i>Covid-19 infekcijas izplatības pārvaldības likums</i>), 5 June 2020. | The commentary of the Law on the Management of the spread of Covid-10 infection is available, but the analysis on the effect of such measure has not been assessed. |
| | Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation (Regulation (EU) 2018/1806) | If the term for legal stay has expired during the emergency, the person is entitled to continue their stay up to two months after revocation of the emergency. | Section 32 (1) of the Law on the Management of the spread of Covid-19 infection (<i>Covid-19 infekcijas izplatības pārvaldības likums</i>), 5 June 2020. | The commentary of the Law on the Management of the spread of Covid-10 infection is available, but the analysis on the effect of such |

| | | | | |
|--|--|--|--|---|
| | | <p>The person continue to retain the right to employment, if such has been specified. (The provision is no longer valid as of 22 December).</p> | <p>Section 32 (1) was amended on 18 December and no longer includes the above version.</p> <p>Amendments to the Law on the Management of the spread of Covid-19 infection (Grozījumi Covid-19 infekcijas izplatības pārvaldības likumā), 18 December 2020.</p> | <p>measure has not been assessed.</p> |
| | <p>Holders of long-term visas issued by the EUMS (under Regulation (EU) No. 265/2010 and beyond, under national law)</p> | <p>If the term for legal stay has expired during the emergency, person is entitled to continue their stay up to two months after revocation of the</p> | <p>Section 32 (1) of the Law on the Management of the spread of Covid-19 infection (Covid-19 infekcijas izplatības pārvaldības</p> | <p>The commentary of the Law on the Management of the spread of Covid-10 infection is available, but the analysis on the effect</p> |

| | | | | |
|--|---|---|---|--|
| | | <p>emergency. The person continue to retain the right to employment, if such has been specified. (the provision is no longer valid as of 22 December)</p> | <p>likums), 5 June 2020.</p> <p>Section 32 (1) was amended on 18 December and no longer includes the above version.</p> <p>Amendments to the Law on the Management of the spread of Covid-19 infection (Grozījumi Covid-19 infekcijas izplatības pārvaldības likumā), 18 December 2020.</p> | <p>of such measure has not been assessed.</p> |
| | <p>Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by Regulation (EU) 2017/1954)</p> | <p>If the term for legal stay has expired during the emergency, the person is entitled to continue their stay up to two months after revocation of</p> | <p>Sections 32 (1), 32(4) and 32(4¹) of the Law on the Management of the spread of Covid-19 infection (Covid-19 infekcijas</p> | <p>The commentary of the Law on the Management of the spread of Covid-10 infection is available, but the analysis on</p> |

| | | | | |
|--|--|---|--|--|
| | | <p>the emergency. The person continue to retain the right to employment, if such has been specified.</p> <p>When examining the application of the foreigner for issuance or registration of a residence permit or the matter of annulling the foreigner's residence permit, the requirement for the existence of sufficient financial means (prescribed by the Immigration law) are not applicable.</p> <p>With amendments of 18 December, there is also no</p> | <p>izplatības pārvaldības likums), 5 June 2020.</p> <p>Section 32 (1) was amended on 18 December and no longer includes the above version.</p> <p>Amendments to the Law on the Management of the spread of Covid-19 infection (Grozījumi Covid-19 infekcijas izplatības pārvaldības likumā), 18 December 2020.</p> | <p>the effect of such measure has not been assessed.</p> |
|--|--|---|--|--|

| | | | | |
|--|--|--|--|--|
| | | <p>requirement to conduct active entrepreneurial activity in 2020 (including the payment of a specified amount of taxes). However, this exemption does not concern foreigners who have submitted documents for the receipt of initial residence permit after 10 June 2020.</p> <p>When examining the matter of granting of permanent residence permit, absence from Latvia from 12.03.2020 until 31.12.2020 is considered justified.</p> | <p>Sections of 34 (1-3) and 35(1-2) of the Immigration law (Imigrācijas likums), 1 May 2003.</p> | |
|--|--|--|--|--|

| | | | | |
|--|--|---|--|--|
| | | When registering or annulling the permanent residence permit, absence from Latvia from 12.03.2020 until 30.06.2021 is considered justified. | | |
| | Holders of local border traffic permit under Regulation (EC) No. 1931/2006 | NA | | |
| | Any other category of TCN not listed above. | NA | | |

Notes:

TCN = third-country nationals

EUMS = EU Member State

Chapter 5. Information society, privacy and data protection

1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

There have been no legal and political initiatives that have been implemented to support access to and use of, personal data until 31 December 2020.

Various opinions have been published by state and non-state actors in connection with covid-19 pandemic, e.g. on mobile [covid-app](#), [personal data processing during the covid-19 pandemic](#).

Mobile app "Stop Covid" (*Apturi Covid*) was launched on 29 May. The Centre for Disease Prevention and Control elaborated the app in cooperation with medics, scientists, State data Inspectorate and private ICT companies. The app uses Bluetooth to detect anonymously nearby smartphones (within 2 metres proximity, present for longer than 15 minutes) that also have this app installed. This information is only kept on user's device, and automatically deleted after 14 days. The download of the app is voluntary.²⁷ The State Data Inspectorate stressed that the legitimate aim for data processing is epidemiological safety for the protection of public health against COVID-19, including faster detection of COVID-19 cases and taking precautionary measures. Neither the app users, nor the SPKC, have access to the above information, it is stored only in an encrypted form on user's device. SPKC receives user's contact phone only when the user's device has been in contact with the sick person, as a potential case of COVID-19 contact. The app has been downloaded by around 300 000 persons²⁸ by 24 December 2020.²⁹

The Data State Inspectorate issued guidelines for service providers which underline that they can inform persons (those infected with covid-19 and their contact persons) about their duties (to inform in line with legal acts), but not require written confirmation whether they have been abroad or infected with covid-19. DSI also prepared a sample information sheet.³⁰

In December, [Data State Inspectorate imposed a fine EUR 6250](#) on an employer who had informed employees by sending an e-mail about an

²⁷ www.apuricovid.lv/

²⁸ In 2020, the Latvian population is 1,8 million.

²⁹ LSM.LV (2020). App "Stop Covid" Helps Identify Infected Contact Persons Every Day , 24 December, at <https://www.lsm.lv/raksts/zinas/latvija/lietotne-apturi-covid-palidz-atrast-inficeto-kontaktpersonas-katru-dienu.a386662/>

³⁰ Data State Inspectorate (*Datu valsts inspekcija*) (2020). Service Providers can Inform about Duties but not Require Written Confirmation, at <https://www.dvi.gov.lv/lv/zinas/pakalpojumu-sniedzēju-var-informēt-personas-par-pienākumiem-nevis-pieprasīt-rakstisku-apliecinājumu/>

employee (name, surname, health state) about the diagnosis of infectious disease³¹ the employee had contracted. The enterprise has appealed the fine.

2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

| MS | Actor* | Type** | Description | Are Ethical concerns mentioned? (yes/no) | Are Human Rights issues mentioned? (yes/no) | Reference |
|----|------------|--------|---|---|--|---|
| LV | government | report | On 4 February 2020, the government approved an information report "Developing Artificial Intelligence Solutions". The report prepared by the Ministry of Environmental Protection and Regional Development (<i>Vides aizsardzības un reģionālās attīstības</i> | Yes, it is stated that in the process of introduction of AI solutions it is imp | Yes, it is stated that in the process of introduction of AI solutions it is important to | Cabinet of Ministers (<i>Ministru kabinets</i>), Par mākslīga intelekta risinājumu attīstību , 4 February 2020. |

³¹ The infectious disease has not been specified.

| | | | | | |
|--|--|--|---|---|--|
| | | | <p><i>ministrija</i>) will serve as a background for the Latvian Artificial Intelligence Strategy. It proposes an action plan for the introduction of AI solutions in different areas such as public governance, taxes and economy, welfare and employment, security and justice, transportation, education, e-health, environment and agriculture.</p> | <p>ortant to follow European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment, taking into account fundamental rights, including non-discrimination principle.</p> | |
|--|--|--|---|---|--|

| | | | | | | |
|----------------|-----|-------------------------------|---|------------|--|--|
| | | | | rthy AI | | |
| L V | NGO | Ot her pro jec ts | An online study course "AI", based on the Finnish course on AI Elements was adapted in Latvian and launched on 6 May 2020. The free course (25-30 hours) is available both in Latvian and English, and is expected to attract 20 000 individuals in Latvia. On 5 November a leading radio personality, Mayors of Riga and Cēsis, high school students and online participants registered for the course and completed the first task. The event was organised to encourage online registration and participation in the course. ³² | | | IT Education Foundation Start (IT) https://kursi.startit.lv/courses/17 https://likta.lv/bemaksas-apmacibas-par-maksligo-intelektu/ |
| | | | | | | |
| | | | | | | |

³² Nordic Council of Ministers Office in Latvia (2020). The First Date with Artificial Intelligence, 5 November, at <https://www.norden.lv/en/whats-new/events/maksligais-intelekts-aicina-tevi-uz-pirmo-randinu>

Several large-scale regional and national conferences took place in late autumn that also addressed the issues of AI and big data.³³ A special thematic journal on data protection issues "[Data as Technological Era Resource: Use and Protection](#)" was launched on 6 October by the legal journal "Lawyer's Voice" (*Jurista vārds*) of the official government gazette. The edition includes opinions of judges, academics, data protection specialists and legal practitioners, e.g. impact of modern technologies on privacy, information security in digitalised era: challenges and solutions, how to tax international digital entrepreneurship, stop Covid-19 with or without digital technologies: privacy and data protection once again, contact tracing in combatting covid-19, artificial intelligence in health care: challenges and prospects, ECJ judgement in Schrems II case: impact on data transfer to the US, the protection of work object created by AI, processing of specific category of personal data by internet search engines, the possibilities of AI technologies in resolving the privacy of data, etc.³⁴

*For the actors, please pick from the following suggestions:

Government/ Parliamentary

DPA

NGO/Other Non Profit

Academia

Domestic Courts

Business

Independent State Institution

Other

** for the type, please pick from the following suggestions:

National Draft Acts / Adopted Acts

report/study

³³ RIGACOMM. (2020). Business technology fair and conferences, 15-16 October, at <https://rigacomm.com/en/>

³⁴ Latvia, *Jurista vārds* (2020). Dati kā tehnoloģiju laikmeta resursi: izmantošana un aizsardzība, 6 October, <https://juristavards.lv/zurnals.php>

other projects

Chapter 6. Rights of the child

1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

| | |
|---|---|
| Measures to address the specific vulnerabilities of children living in poverty | <p><i>e.g. income support to single-headed families or dependant on number of children in the household; meals for children provided for free; free access to health services; suspension of evictions in households with children; support for distance learning (e.g. provision of computers/tablets, or access to internet)</i></p> <p>During the state of emergency declared in Latvia from 16 March until 9 June, state funding was allocated to municipalities for the provision of free meals to children in Grades 1-4 coming from needy, poor families and families with many children that reside in the specific administrative area. Any unspent funding could be 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).³⁵ There were municipalities that provided free meals to all children in Grades 1-9, some to all up to Grades 12.³⁶ Warm meals were brought directly to the house, food packages, gift cards for the purchase of food products in specific shops were also made available.</p> <p>A second state of emergency was declared from 9 November 2020 until 9 December and further extended until 11 January 2021. Kindergartens remained opened, on spot learning for Grades 1-6 continued, while Grades 7-12 switched to distance learning.</p> |
|---|---|

³⁵ 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>

³⁶ Smiltēnes 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-w4Gr6enlc_tZukxDHqVWZYiMh0BnU_UDVHa8EZZUqZP2sk

[Data on support for distance learning, such as the provision of computers/tablets, or access to internet](#) include all children who were in need of those measures without specifying children living in poverty. Based on a school survey conducted in March 2020, the Ministry of Education identified 5388 students in Grades 1-12 who had no access to a computer (including a tablet) or no access to a smartphone with internet access. Eventually, the number was brought down to 5266. Grades 1-5 received tablets, Grades 6-12 – smart devices. Municipalities provided an additional 2 015 learning devices, an additional 139 devices were purchased, and 144 devices were received as gifts.

[420 schools were to receive an additional 6500 – 7000 personal computers by the end of 2020.](#)

According to the [survey conducted by the Association of Latvian Municipalities](#) in 562 municipal general educational institutions from 5 November – 11 December, 18% or 36 347 schoolchildren require laptops, 4% or 8140 schoolchildren require tablets for effective distance learning. The Association has called for a state funded programme for the provision of computers, computer tablets to schoolchildren, teachers and schools. Among schoolchildren, priority is to be given to children from poor families and families with many children.³⁷

There are three universal benefits related to children paid by the state to all families irrespective of their income level or social status, while municipalities provide for a range of benefits (GMI, housing benefit, support in a crisis, etc.). There are no comprehensive data collected at national level about the types of benefits paid by the municipalities that would also be targeting children in poverty. There are insufficient data collected about families with many children and single parent families in Latvia. In a comprehensive report "Does the National Social Inclusion Policy achieve its targets on poverty reduction?" by the

³⁷ Association of Latvian Municipalities (2020). The Provision of Educational Institutions, Teacher and School Children with the Information and Communication Technologies, at https://www.lps.lv/uploads/docs_module/LPS_PK_IKT_PP_pdf.pdf

| | |
|-----------------------------------|--|
| | <p>State Audit Office (SAO), where it audits the benefits provided by the state and municipalities, the SAO has called upon the Cabinet of Ministers to “examine the opportunity of developing social policy based on income test and/or specific social problems and needs by abandoning the universal support system. In this way, finding resources for the introduction of new types of support and reduction of the risk of poverty in the country would be possible by supporting those who need it most purposefully.”³⁸</p> <p>Covid-19</p> <p>Status of poor family and family in need was automatically extended for the period of state of emergency for those that it had expired and all state/municipal benefits were retained during the state of emergency (12 March-9 June 2020) and one month after the state of emergency was lifted.</p> <p>Persons who received idle-time benefits and idle time support benefits (those who could not claim idle time benefits) also received supplementary payment for EUR 50 for each child up to 24 years of age.</p> <p>A monthly crises benefit in the amount of EUR 80 was also paid to a 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. The State covers 50% of the amount, while the municipality 50%.³⁹</p> |
| <p>Measures to protect</p> | <p><i>e.g. set up of new helplines or strengthening of existing ones through training or increased number of staff; campaigning on issues related to violence and COVID 19;</i></p> |

³⁸ Latvia, State Audit Office (*Valsts kontrole*) (2020). Does the National Social Inclusion Policy achieve its targets on poverty reduction? (*Vai valstī īstenotā sociālās iekļaušanas politika sasniedz tai izvirzītos mērķus nabadzības mazināšanas jomā?*,)p.43-47, 24 May, <https://www.lrvk.gov.lv/lv/revizijas/revizijas/noslegtas-revizijas/vai-valsti-istenota-socialas-ieklausanas-politika-sasniedz-tai-izvirzitos-merkus-nabadzibas-mazinasanas-joma>

³⁹ LVportāls (2020). *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>

| | |
|--------------------------------------|--|
| <p>children from violence</p> | <p><i>revision of standard operating procedures for health and social workers to ensure identification and referral of victims of violence during Covid 19; social services identify alternative methods if home visits become impossible; internet safety support to families.</i></p> <p>On 12 May 2020, the NGO Centre “Dardedze” published “Guidelines on Action in Conditions of Consequences Created by the Emergency Situation with victims of violence and perpetrators of violence in connection with COVID-19.” (<i>Vadlīnijas rīcībai ārkārtējās situācijas radīto seku apstākļos darbam ar vardarbībā cietušām un vardarbību veikušām personām saistībā ar COVID-19</i>) for social workers. They address such issues as identifying and preventing violence against children in new and existing cases when, due to the conditions of pandemic, there is limited access to the child, family risk assessment by phone or other device, action algorithms according to risk assessment level and direct or indirect contact of the family with covid-19 patients and contact persons. Guidelines also include work with adult victims of violence during the pandemic and perpetrators of violence, effective inter-institutional co-operation, personal protection measures of staff and clients, recommendations to municipal social work policy makers, Q &A. The guidelines have been published within the Ministry of Welfare run project and are endorsed by the Ministry.</p> <p>On 1 October, the State Children’s Rights Inspectorate began information awareness campaign in electronic mass media about the risks of grooming on the internet. The campaign includes social ads, three short films for teachers, parents and specialists on risks of grooming on how to talk about grooming with children, and posters.</p> <p>From 16-22 November, the State Inspection of Children’s Rights Protection (<i>Valsts bērnu tiesību aizsardzības inspekcija</i>) organised an informative action “Stop the Silence!” to raise public awareness about sexual violence against children to encourage child victims, family members, to contact the specialists of the Hotline.⁴⁰ The hotline also encouraged children to call on special days on</p> |
|--------------------------------------|--|

⁴⁰ Latvia, VBTI (2020). *Akcijas “Pārtrauc klusēšanu!” laikā aicina ziņot par seksuālo vardarbību pret bērniem*, 12 November, <http://www.bti.gov.lv/lat/aktualitates/?doc=5849>

| | |
|--|--|
| | <p>issues related to mental health, posted video by influencers about their painful experience and need for immediate help during crises, 11-17 May it organised an action for single parents to provide emotional support. The support hotline for Children and Teenagers continuously operated 24/7.</p> |
|--|--|

2. Legal and policy measures or initiatives developed about criminal proceedings

| | |
|-----------------------------------|--|
| <p>Legislative changes</p> | <p><i>e.g. reform of the criminal code</i></p> <p>There have been no legislative measures or initiatives developed about criminal proceedings until 6 October 2020.</p> <p>The Criminal Procedure Code, Law on the Procedures for Holding the Detained Persons, Law on the Procedures for Holding under Arrest transposing Directive 2016/800 on procedural safeguards for children were amended in September 2018.⁴¹</p> <p>On 17 December 2020, the parliament amended the Criminal Law. The amendments spell out in a new version chapter VII of the Criminal Law "On Specific Features of the Criminal Liability of Juvenile". Section 64 (3) underlines the re-socialisation of a juvenile as the primary aim of punishment. Section 65 foresees the main types of punishment (imprisonment, probation supervision, community service, fine). The amendments exclude fine as a punishment and introduce probation supervision as a new punishment. The following additional types of punishment are explicitly listed: probation supervision, restriction of rights, and extradition from Latvia. Section 65 (5) foresees the use of imprisonment together with additional punishment - probation supervision. Suspended imprisonment is no longer foreseen for juveniles by the Criminal Law, and will be substituted by probation supervision. A new Section 66.¹ spells out the application of probation supervision: the court can impose probation supervision from three to six years for the commission of</p> |
|-----------------------------------|--|

⁴¹ See p. 16-18 FRR2019_SubmissionLV.

| | |
|---|--|
| | <p>a serious crime, which carries the punishment of imprisonment exceeding five years, and for the commission of an especially serious crime. The court may decide, following the proposal of agency executing punishment, to place a juvenile, who has been imposed probation supervision by court or prosecutor, in a social correctional facility for a period of up to three years, but no less than one year. Fine shall be imposed only in the cases of juveniles with income. (Section 66.⁴) Sanctions for specific offences have accordingly been revised. The amendments are expected to come into force on 1 January 2022.⁴²</p> <p>The purpose of the amendments is to decrease the number of cases when juveniles are held criminally liable, and facilitate a more successful re-integration of juvenile offenders in society and labour market. The explanatory report also highlights that the juvenile criminal justice reform is based on the principles of restorative justice.⁴³</p> |
| <p>Policy developments</p> | <p><i>e.g. guidance or training for law enforcement officers on the treatment of child suspects; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection</i></p> <p>There have been no new policy developments concerning specifically child suspects by 31 December 2020.</p> |
| <p>Other measures or initiatives</p> | <p><i>E.g. relevant activities to promote alternatives to detention; community involvement or general initiatives related to the dissemination and information in relation to the entering into force of the Directive.</i></p> <p>There have been no significant other measures or initiatives by 31 December 2020.</p> |

⁴² Latvia, Amendments to the Criminal Law (*Grozījumi Krimināllikumā*) (Nr.357/Lp13), at <https://titania.saeima.lv/LIVS13/SaeimaLIVS13.nsf/0/5E0C011D68B7A60CC225864C00430EFD?OpenDocument>

⁴³ Latvia, Initial Impact Evaluation Assessment (*Likumprojekta "Grozījumi Krimināllikumā" sākotnējās ietekmes novērtējuma ziņojums*), at <http://titania.saeima.lv/LIVS13/saeimalivs13.nsf/0/DE025229C1591133C225842700427684?OpenDocument#b>

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

There have been no legislative or policy developments concerning Victims' Rights Directive in Latvia in 2020.

2. Violence against women

After strong public criticism in spring 2020, the Ministry of Interior finalised a standardised risk assessment form to be filled in by the police in domestic violence cases, which was approved by the government on 28 July. The form will be forwarded to the municipal social service within one day.⁴⁴ There was no clear and uniform practise how municipal and State police officers responded when arriving at the place of residence, where domestic violence is alleged to have taken place, and the person is in need of protection and assessment has to be taken whether there are grounds for police decision on protection. There was also no uniform approach about the cooperation of involved institutions (municipal social service, orphan (child custody) court, court).⁴⁵

The state and municipal police officers can impose police civil protection order up to 8 days (Law on Police, Section 12.1). Police decision on separation can be taken only upon written submission by the victim. The police can impose various obligations to the offender. (Criminal Procedure Section 250.⁴⁷) The victim can, with police assistance or by own initiative request the court to impose a temporary protection order. There are [specific forms to be filled in by the victim/police for temporary](#)

⁴⁴ Re: Baltica (2020). *Superčammas gadu nespēj vienoties par anketu, kas palīdz novērst vardarbību ģimenē*,

⁴⁵ Latvia, Cabinet of Ministers (*Ministru kabinets*) (2020). Draft project "Amendments to the Cabinet of Ministers Regulations No 161 of 25 March 2014 "On the Procedure of the Prevention Threat of Violence and Securing Temporary Protection against Violence" (*Noteikumu projekts "Grozījumi Ministru kabineta 2014.gada 25.marta noteikumos Nr.161 "Kārtība, kādā novērš vardarbības draudus un nodrošina pagaidu aizsardzību pret vardarbību"*), at <http://tap.mk.gov.lv/lv/mk/tap/?pid=40485762&mode=mk&date=2020-07-28>

[protection order, police decision on temporary protection order, request to court for protection order.](#)

From 2017 until 31 January 2019, the State Police was involved in a multi-agency project, which was aimed at developing, testing and implementing multi-agency, victim friendly, and institutionally standardised cooperation model in cases of violence against woman. Guidelines on the Use of Risk Assessment (Assessment Form) Instrument were developed during the project.⁴⁶ The risk assessment form was piloted in Tukums County and involved all relevant stakeholders. The aim of the pilot was to prevent domestic violence, reduce homicides because of domestic violence, harmonise the response of services to such acts, exchange information and receive timely information about potential threats. Police carried risk-assessment forms where they recorded information on spot. The form was then forwarded to municipality social service, which assessed what interventions were necessary. The risk assessment form was taken over by several municipalities on voluntary basis. However, the use of the risk assessment form was not made mandatory for the entire police force. In May 2019, the Ministry of Interior began work to finalise the risk assessment form, however failed to complete the work within a year.

On 3 August 2020, the Constitutional Court initiated a case with respect to the compliance of the Istanbul Convention with the Constitution (*Satversme*). The case was initiated because of an application by twenty-one members of parliament from the predominantly Development/For! (*Attīstība/Par!*) and New Unity (*Jaunā vienotība*) parties who support the ratification of the Istanbul Convention. The MPs have used the arguments of the opponents to the ratification of the convention. The applicant notes that Para 1 of Article 12 of the Istanbul Convention, in connection with Para 3 of its Article 4, imposes the obligation upon the State to take the necessary measures to promote changes in the mentality and attitude of the society and would prohibit discrimination with respect to persons who do not self-identify with their biological sex but self-identify with another sex (gender). The applicant holds that the contested norms are incompatible with the family and Christian values that form the constitutional identity of the State of Latvia and are included in the *Satversme*, with the right to freedom of

⁴⁶ Ministry of Welfare (*Labklājības Ministrija*) (2017). RISKU NOVĒRTĒŠANAS INSTRUMENTA (RISKU IZVĒRTĒŠANAS VEIDLAPAS) IZMANTOŠANAS VADLĪNIJAS

http://www.lm.gov.lv/upload/projekts/vadlinijas_fin.pdf

thought and conscience (Article 99), as well as with the protection of the traditional family (Article 110). The applicant also notes to possible incompatibility of Para 4 of Article 4 of the Istanbul Convention with the principle of prohibition of discrimination, included in Article 91 of the *Satversme*. i.e., the special measures for prevention of violence, envisaged in the contested norm, could cause differential treatment based on sex. The applicant is of the opinion that Article 14 of the Istanbul Convention imposes an obligation upon the State to include in programmes of educations issues pertaining to persons, who do not self-identify with their biological sex, for example, transpersons and transsexual persons. This regulation is said to be incompatible with Article 112 of the *Satversme*, which comprises the right of the child's parent to ensure to their children education that complies with their religious conviction and philosophical views.⁴⁷

On 1 October the *Saeima* (Parliament) approved an amendment to the Civil Procedure Law (*Civilprocesa likums*) introduced by an MP in the third reading that will allow the submission of a request for temporary protection to court in the individual's place of residence.⁴⁸ The amendment follows in response to a tragic case investigated by *Re:Baltica* of a woman, who had fled her violent husband and found refuge outside her place of residence in the capital Riga and had duly submitted three requests for temporary protection to a Riga court, which did not accept it as the domestic violence had taken place outside Riga. When the victim turned to Krāslava Court (eastern Latvia) for the fourth time, the victim's husband killed one of their grown-up daughters and took his own life.⁴⁹ Until recently, the request could only be submitted to the court were domestic violence had taken place. The tragic event took place during the emergency declared because of the covid-19 pandemic.

⁴⁷ Latvia, Constitutional Court (*Satversmes tiesa*) (2020). A case initiative with respect to the Compliance of the Istanbul Convention with the *Satversme*, 5 August, at <http://www.satv.tiesa.gov.lv/en/press-release/a-case-initiated-with-respect-to-the-compliance-of-the-istanbul-convention-with-the-satversme/>

⁴⁸ Latvia, *Saeima* (2020). Amendments to the Civil Procedure Law (*Grozījumi Civilprocesa likumā*), September 30, Article 250.56, <https://titania.saeima.lv/LIVS13/SaeimaLIVS13.nsf/0/2C5D58939570E359C22585E6004157F1?OpenDocument>

⁴⁹ *Re:Baltica* (2020). From now on Requests for Temporary Protection Can Be Submitted in Any Place, 1 October, at <https://rebaltica.lv/2020/10/turpmak-pieteikumu-par-pagaidu-aizsardzibu-vares-iesniegt-jebkura-vieta/>

In March 2020, the Baltic Centre for Investigative Journalism, Re:Baltica, began new series of investigations online probing the topic of domestic violence in Latvia. The series of articles looks at how widespread the problem is and whether suitable measures are in place to protect vulnerable victims of domestic violence and hand out appropriate punishments to perpetrators. A piece titled *The Woman With The Cut Off Ear* relates a longstanding pattern of violence and intimidation that has had tragic consequences for one family. Another investigation, *First I'll Stab That Cripple, Then You, And Then I'll Hang Myself* examines the little-known phenomenon of women who have killed their partners after enduring lengthy domestic violence.⁵⁰ In autumn Re:Baltica and Latvian public media (LTV, Latvian Radio, public media internet portal LSM.LV) began a joint series of articles, broadcasts "Vicious Circle. Domestic Violence"⁵¹ (e.g. proving cases of emotional violence, when there is not enough money to flee domestic violence, community service or prison, is it possible to "re-educate" offenders (four experiences), whether punishment stops violence – how to effectively combat domestic violence, church – can one receive consolation, how to act when witnessing domestic violence in another family, state lacks money to rehabilitate offenders, violence against seniors, one is not born a perpetrator, proving physical violence in the family – family doctors are often an obstacle, etc.) to address different aspects of domestic violence. This is the first time Latvian public media have joined forces to raise awareness on domestic violence. The awareness raising campaign run by Radio 5 will culminate in a fund-raising marathon from 17-23 December aimed at assisting victims of domestic violence to address immediate needs (temporary shelter, medical support, food, etc. other costs not provided immediately or by state/municipalities). Due to covid-19 pandemic, in spring 2020, police calls in domestic disputes increased by 35% (32 cases per day as compared to 21 case per day in 2019).⁵²

Fund-raising event is part of Serious Request multi-day event hosted by radio stations a week before Christmas. It was begun in 2004 by Dutch public pop music radio station, and in Europe Serious Request projects have been adopted in Sweden, Austria, Portugal, Switzerland, Belgium and Latvia. EUR 402065 were raised during the event. The organisers of the event submitted 14 proposals to government authorities to improve responses to domestic violence, which include the development of a network of crises flats in Latvia and provision anonymous shelter in high risk situations,

⁵⁰ LSM.LV (2020). Re:Baltica Reports on disturbing patterns of domestic violence, 11 March, at <https://eng.lsm.lv/article/society/society/rebaltica-reports-on-disturbing-patterns-of-domestic-violence.a351465/>; Re:Baltica, at <https://en.rebaltica.lv/2020/03/first-ill-stab-that-cripple-then-you-and-then-ill-hang-myself/>

⁵¹ LSM.LV (2020). Domestic Violence, at <https://www.lsm.lv/temas/vardarbiiba-gjimene/>

⁵² Dod.Pieci.LV (2020). <https://dod.pieci.lv/par-projektu>

development a special support programme to senior people suffering from domestic violence, mandatory probationary supervision to offenders, attendance of behavioural correctional courses and social rehabilitation, elaboration of guidelines for doctors to handle victims of domestic violence, etc.⁵³

⁵³ LSM.LV (2020). Charity Marathon "Give Five" organisers Submit 14 Proposals to Officials to Reduce Domestic Violence, 23 December, at <https://www.lsm.lv/raksts/zinas/latvija/labdaribas-maratona-dod-pieci-rikotaji-nosuta-amatpersonam-14-priekslikumus-lai-mazinatu-vardarbibu-gimene.a386640/>

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

1. CRPD policy & legal developments

On 5 May, the government raised the amount from [EUR 711 to EUR 1000](#) concerning the costs of providing reasonable accommodation for employers hiring unemployed persons with disabilities that can be reimbursed.⁵⁴

2. CRPD monitoring at national level

On 3 July 2020, the Cabinet of Ministers (*Ministru kabinets*) approved [a report on the implementation of the UN Convention on the Rights of Persons with Disabilities](#).⁵⁵ The study aims to assess the progress of the implementation of the UN Convention on the Rights of Persons with Disabilities, providing an overview of the impact of national policies on the implementation of equal rights and opportunities for persons with disabilities and identify necessary further actions for effective and sustainable disability policy. The main tasks of the study were (1) to analyse the degree of achievement of the goals and planned results set in the Guidelines for the Implementation of the UN Convention on the Rights of Persons with Disabilities for 2014-2020 from 01.01.2014 until 31.12.2019; (2) to analyse the progress of the implementation of the UN Recommendations for the period from 01.09.2017 until 31.12.2019. The study concludes that the situation of persons with disabilities has improved in the field of disability expertise, inclusive education, environmental accessibility and access to information, in the field of social services, with the expansion of support

⁵⁴ Latvia, Cabinet of Ministers Regulations No 262 on Amendments to the Cabinet of Ministers Regulations No 75 of 25 January 2011 "Regulations on Organising, Financing Procedure of Active Employment Measures and Preventive Measures to Reduce Unemployment and Principles of Selection of Those Implementing Measures", 17 May, at <https://likumi.lv/ta/id/314488-grozijumi-ministru-kabineta-2011-gada-25-janvara-noteikumos-nr-75-noteikumi-par-aktivo-nodarbinatibas-pasakumu-un-preventivo-be...>

⁵⁵ Latvia, Cabinet of Ministers (*Ministru kabinets*) (2020). Report "Assessment of the implementation of the UN Convention on the Rights of Persons with Disabilities, <http://petijumi.mk.gov.lv/node/3249>

services, incl. community-based services. The most significant problems are related to the field of employment, the high level of poverty of people with disabilities, the risk of financial sustainability of community-based services, the lack and quality of human resources of service providers. The study provides an assessment of 47 UN Recommendations, of which 32 or 68% have been assessed as partially or fully implemented, 12 recommendations have been started to implement, three recommendations have not been started to implement.

In spring, the Health Inspectorate published [maps with hospitals with environmental accessibility](#) for persons with functional impairments, ambulatory health care facilities, family doctors' private practises, dental clinics with environmental accessibility.

There have been no changes developments/changes relating to the structures established under Article 33 of the Convention.

Annex 1 – Promising Practices

| | |
|----------------------|---|
| Thematic area | EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body. |
| | No promising practice has been identified for this thematic area. |

| | |
|----------------------|---|
| Thematic area | RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances. |
| | No promising practice has been identified for this thematic area. |

| | |
|--|---|
| Thematic area | <p>ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.</p> |
| Title (original language) | Latvijas romu platforma IV |
| Title (EN) | Latvian Roma platform IV |
| Organisation (original language) | Kultūras ministrija |
| Organisation (EN) | Ministry of Culture |
| Government / Civil society | government |
| Funding body | European Commission grant for support of National Roma Platforms |
| Reference (incl. url, where available) | https://www.km.gov.lv/lv/integracija-un-sabiedriba/romi/projekti-un-pasakumi/latvijas-romu-platforma-iv#gsc.tab=0 |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | Mid 2019 – mid 2020 |
| Type of initiative | National Roma integration platform |
| Main target group | Roma |
| Indicate level of implementation: Local/Regional/National | National |

| | |
|---|--|
| Brief description (max. 1000 chars) | Exchange of Roma integration practices between different Latvian regions, as well as Baltic States, capacity building seminars for Roma women and youth |
| Highlight any element of the actions that is transferable (max. 500 chars) | Development of the platform as a support mechanism for the coordination and implementation of Latvian Roma integration policy at state, regional and local level |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | It is already the fourth year of Roma platform, the project activities strengthen the cooperation of professionals, educators, civil servants working for the integration of Roma on a national and local level and empower Roma promoting their civil participation and inclusion |
| Give reasons why you consider the practice as having concrete measurable impact | 122 representatives of state administration, including 73 municipality specialists, representatives of 49 ministry and their subordinate institutions, Members of Parliament, 90 Roma representatives, including Roma mediators, 17 representatives of non-Roma NGOs, 15 EU MS experts and Roma, 50 other individuals interested in Roma issues (total 340 persons). Explicit inclusion of Roma specific activities in Ministry policy documents |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | Experience and model of the platform for dialogue and cooperation can be adjusted in other Member States for the integration of Roma, particularly in countries with smaller Roma populations |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | Projects foresees the direct involvement of Roma as a project assistant and external experts, and Regional Roma mediators network; activities are implemented in cooperation with Roma NGOS and NGOs working with Roma. |
| Explain, if applicable, how the practice provides for review and assessment. | An external expert evaluates project. The report includes the results of the project, challenges, initiatives and priorities for the next Latvian Roma platform and Roma integration policy. |

| | |
|--|---|
| Thematic area | INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020. |
| Title (original language) | Women4IT |
| Title (EN) | Women4IT (YOUNG-ICT WOMEN: Innovative Solutions to increase the numbers of vulnerable girls and young women into digital agenda) (Project No. 2017-1-094) |
| Organisation (original language) | LIKTA (Latvijas Informāciju un komunikāciju tehnoloģijas asociācija) |
| Organisation (EN) | Latvian Information and Communication Technology Association (lead organisation) |
| Government / Civil society | Civil society |
| Funding body | EEA Grants and the Norway Grants Fund for Youth Employment |
| Reference (incl. url, where available) | https://women4it.eu/about-us/ ; https://likta.lv/en/project-women4it/ |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 2018-2021 |
| Type of initiative | Multi-national |
| Main target group | Young women 15-29 years |
| Indicate level of implementation: Local/Regional/National | International/national (Latvia, Belgium, Greece, Ireland, Lithuania, Malta, Norway, Romania and Spain) |

| | |
|--|---|
| <p>Brief description (max. 1000 chars)</p> | <p>The Women4IT project aims to increase the employability of young women (15-29 years) in digital technologies. The project will assess the digital skills of 1000 women in 7 countries, provide digital skills training and personalized career guidance to minimum 700, based on the need and support of employers and reach 10.000 youth by digital career awareness activities.</p> |
| <p>Highlight any element of the actions that is transferable (max. 500 chars)</p> | <p>National participatory platforms, two research projects (e.g., innovative solutions to promote the employment of young women in digital jobs), identification of eight digital job profiles for future labour markets (1st year), online platform for profiling (tool translated in 7 languages) for the assessment of digital competences for the specific profiles of digital profession (2nd year).</p> |
| <p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p> | <p>It will address the ICT gap in Europe</p> |
| <p>Give reasons why you consider the practice as having concrete measurable impact</p> | <p>The project will increase the employability of minimum 700 young women in the labour market, 350 employers will be introduced to innovative solutions</p> |
| <p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p> | <p>The tools created by the project can be used by relevant IT associations in other EU MS</p> |
| <p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p> | |

| | |
|--|--|
| Explain, if applicable, how the practice provides for review and assessment. | |
|--|--|

| | |
|----------------------|--|
| Thematic area | RIGHTS OF THE CHILD Please provide one example of a promising practice relating to the topics addressed in this chapter. |
| | No promising practice has been identified for this thematic area. |

| | |
|----------------------|---|
| Thematic area | ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice relating to the topics addressed in this chapter. |
| | No promising practice has been identified for this thematic area. |

| | |
|----------------------------------|---|
| Thematic area | DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities. |
| Title (original language) | Pasniedz roku |
| Title (EN) | Give a hand |
| Organisation (original language) | Resursu centrs cilvēkiem ar garīgiem traucējumiem „Zelda” |

| | |
|--|---|
| Organisation (EN) | Resource Centre for people with mental disability "Zelda" |
| Government / Civil society | Civil society |
| Funding body | Integration, Culture and Sports Department of the Riga City Council, Society Integration programme |
| Reference (incl. url, where available) | zelda.org.lv/uncategorized/resursu-centrs-zelda-isteno-projektu-pasniedz-roku/ |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 17 February – 15 November 2020 |
| Type of initiative | Project aimed at provision of legal aid to persons with mental disability |
| Main target group | Persons with mental disability and their family members |
| Indicate level of implementation: Local/Regional/National | Local |
| Brief description (max. 1000 chars) | The aim of the project is to ensure equal access to legal protection of persons with mental disabilities living in Riga in accordance with the UN CRPD and Latvian legislation. In the framework of the project, "Zelda" has provided free legal assistance to persons with mental disabilities, their relatives and support persons and conducted a two-day seminar "Police communication with persons with mental disability" for Riga municipal police officers. |
| Highlight any element of the actions that is transferable (max. 500 chars) | Training helps police officers to be better prepared to deal with people with mental disabilities, thereby to better ensure the protection of the rights of these persons. The training programme included such themes as reasonable accommodation in policing, use of plain language, improving communication skills with persons with mental disabilities, and responding to disability hate crimes. |

| | |
|---|--|
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The practice helps civil society develop own capacity in the provision of legal aid to persons with mental disability and builds the capacity of police officers on how to communicate with such persons to ensure effective protection of their rights. |
| Give reasons why you consider the practice as having concrete measurable impact | Persons with mental disability are an especially vulnerable group, thus, the availability of legal aid helps these persons protect their rights. 72 persons received legal aid during the project. The most topical issues were related to the restrictions of capacity to act and termination or revision of such restrictions (Article 12 of CRPD), respect to privacy (Article 22), respect for home and the family (Article 23), right to health (Article 25), and freedom from exploitation, violence and abuse (Article 16). |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | The practice facilitates the integration of persons with mental disabilities and protection of their legal interests. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | |
| Explain, if applicable, how the practice provides for review and assessment. | Evaluation report about the provision of legal aid was prepared. |

Annex 2 – Case Law

| | |
|--|---|
| Thematic area | EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report. |
| Decision date | 12 November 2020 |
| Reference details | The Constitutional Court of the Republic of Latvia (www.satv.tiesa.gov.lv). Judgement in the case 2019-33-01: https://www.satv.tiesa.gov.lv/wp-content/uploads/2019/12/2019-33-01_Spriedums-3.pdf |
| Key facts of the case (max. 500 chars) | <p>On 16 December 2019, the Constitutional Court initiated the case “On compliance of Section 155(1) of the Labour Law with the first sentence of Article 110 of the Constitution of the Republic of Latvia”.</p> <p>The case was initiated based on an application by a private individual (hereinafter – the Applicant). According to the Applicant, she and her female partner have been in a relationship and shared a common household for more than 10 years and should therefore be regarded as a family within the meaning of the first sentence of Article 110 of the Constitution. A child was born to this family following a joint decision by the two respective individuals, after which the Applicant wished to exercise the right to a leave of 10 calendar days, as provided for by Section 155(1) of the Labour Law. However, the above provision only grants this right to a child’s father, but not to the female partner of a child’s biological mother, even though in the given situation she is one of the new-born child’s parents.</p> <p>The Applicant holds that by adopting, inter alia, the contested provision, the legislator has not created a system for the social and economic protection of the family that would include individuals like the Applicant. The system that was established in the state is historically meant to ensure only social protection of opposite-sex partners and their children.</p> <p>Therefore, the contested provision allegedly infringes on the Applicant’s fundamental rights as enshrined in the first sentence of Article 110 of the Constitution.”</p> <p>(https://www.satv.tiesa.gov.lv/en/press-release/case-initiated-with-regard-to-a-provision-</p> |

| | |
|---|--|
| | that-does-not-provide-for-the-right-of-a-childs-birth-mothers-female-partner-to-a-leave-after-the-birth-of-the-child/) |
| <p>Main reasoning/argumentation (max. 500 chars)</p> | <p>Bearing in mind the state's obligation to provide the leave for the father of a child (the contested legal norm is the <u>Section 155(1) of the Labour Law</u>): "The father of a child is entitled to a leave of 10 calendar days. Leave to the father of a child shall be granted immediately after the birth of the child, but not later than within two months from the birth of the child", the Court firstly revealed the aim of such leave. Then the Court reiterated the legal essence of Article 110 of the Constitution as the provision of a higher legal force (<u>Article 110 of the Constitution of the Republic of Latvia</u>: "The State shall protect and support marriage – a union between a man and a woman, the family, the rights of parents and rights of the child. The State shall provide special support to disabled children, children left without parental care or who have suffered from violence.") The Court pointed out that the marriage and the family are two legally separated subjects, and the protection under the family concept is much broader. After the analysis of the family concept, the Court linked equal protection for all families with the concept of the dignity of every human being. According to the Court, the state shall provide legal protection for the family institute, so the family members could enjoy their social and economic rights. The legal regulation of the family relations shall be based on objective and justified criteria. In providing such regulation, the state shall take into account the general principles of law, other legal norms of the Constitution, international and EU law, and as it is mentioned in preamble of the Constitution, the regulation should be aimed at strengthening a cohesive society. Existing protection mechanisms for the same sex partners under the particular procedural norms could not be considered as the regulation of their family relations. Within the same sex families, the legal protection and the social and economic protection measures are provided only for mother and her child, but not for her same sex partner and their children as the unified family. Therefore, the contested legal norm is not in line with the first sentence of Article 110 of the Constitution.</p> |
| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>The family legal concept, interpreted in conjunction with the human dignity principle that shall be equal for all society members, therefore protection thereof for all independently of the sex factor should be provided. The state shall protect also the same sex families, since the discrimination on the ground of sex is prohibited and the best interests of a child to grow up in a family environment shall be taken into consideration.</p> |

| | |
|---|--|
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | <p>The contested legal norm contradicts the Article 110 of the Constitution and shall be invalid from 1 June 2022. Until then the legislator shall make the appropriate legal mechanism for protection of the same sex families.</p> <p>The contested legal norm is not in force for the Applicant since the birth of her partner`s second child, i.e., since her human rights have been violated.</p> |
| Key quotation in original language and translated into English with reference details (max. 500 chars) | <p>Sabiedrību veido ne vien tādas personas, kas pēc savas dabas veido ciešas personiskas un ģimeniskas attiecības ar pretējā dzimuma pārstāvjiem, bet arī tādas personas, kas pēc savas dabas veido šādas attiecības ar sava dzimuma pārstāvjiem. Atbilstoši cilvēka cieņas principam valstij vienādā mērā jārespektē arī tie sabiedrības locekļi, kuri pēc savas dabas veido personiskas attiecības ar sava dzimuma pārstāvjiem, kā arī jārespektē tas, ka uz šo attiecību pamata var izveidoties ģimene. (12.2.paragrāfs, 26.lpp.).</p> <p>The society is formed not only by those, who according to their nature make personal and family relationship with the representatives of opposite sex, but also those, who according to their nature make such relationships with the representatives of same sex. In accordance with the human dignity principle, the state shall equally respect those society members, who according to their nature make the personal relationship with the same sex representatives, and respect that, based on such relationships, a family could be established. (Par.12.2, p.26).</p> |

| | |
|----------------------|--|
| Thematic area | RACISM, XENOPHOBIA AND RELATED INTOLERANCE. Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally. |
| | No case law has been identified for this thematic area. |

| | |
|----------------------|--|
| Thematic area | ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers. |
|----------------------|--|

| | |
|--|---|
| | No case law has been identified for this thematic area. |
|--|---|

| | |
|----------------------|--|
| Thematic area | INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems. |
| | No case law has been identified for this thematic area. |

| | |
|----------------------|--|
| Thematic area | RIGHTS OF THE CHILD Please provide the most relevant high court decision relating to the topics addressed in this chapter. |
| | No case law has been identified for this thematic area. |

| | |
|--|---|
| Thematic area | ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decision relating to the topics addressed in this chapter. |
| Decision date | On 3 August 2020, the Constitutional Court initiated a case with respect to the compliance of the Istanbul Convention with the Constitution (<i>Satversme</i>). The case was initiated based on an application by twenty-one members of parliament from the predominantly Development/For! (<i>Attīstība/Par!</i>) and New Unity (<i>Jaunā vienotība</i>) parties who support the ratification of the Istanbul Convention. The MPs have used the arguments of the opponents to the ratification of the convention to test their compliance with the Constitution. |
| Reference details | |
| Key facts of the case (max. 500 chars) | |
| Main reasoning/argumentation (max. 500 chars) | |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars) | |

| | |
|---|--|
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | |
| Key quotation in original language and translated into English with reference details (max. 500 chars) | |

| | |
|--|--|
| Thematic area | Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning. |
| Decision date | 9 July 2020 |
| Reference details | The Constitutional Court of the Republic of Latvia. Judgement in the case 2019-27-03 of 9 July 2020. Accessible: https://www.satv.tiesa.gov.lv/cases/?search%5Bnumber%5D=2019-27-03 |
| Key facts of the case (max. 500 chars) | In 2002, the Law on State Social Allowances was adopted. The Law provided, inter alia, that state social security benefit is one of the regularly disbursed state social allowances. Article 13.1 of the Law provided criteria for the state security benefit. Bases on that Law the Cabinet Regulation No.1605 were adopted in 22 December 2009, providing the legal order for the payments of the state social security benefit. In its initial version the regulation No.1605 stated that the state social security benefit for the persons with disability from birth should be bigger than for others, who comply with the criteria listed in the Law (45 and 75 lats per month accordingly). In 2013 the sums were recalculated from LVL (lats) to EUR (euros) (64.03 and 106.72 euros per month accordingly). Later on, after amendments which came in force on 1 January 2020, the Cabinet Regulations provided that the state |

| | |
|---|---|
| | <p>social security benefit is 64.03 euros per month, except for persons with disability, for whom such benefit would be 80 euros per month and for persons with disability from birth – 122.69 euros per month. In addition the Regulation introduced the rate for different disability groups (1.3 for the I disability group and 1.2 – for the II group). According to Paragraph 3 of the Regulation the amount of the state social security benefit should be recalculated by the Cabinet of Ministers after the initiative of the Minister of Welfare depending on the capacity of the state budget, taking into account the economic situation in the state and the index of the average factual consumption price.</p> |
| <p>Main reasoning/argumentation (max. 500 chars)</p> | <p>The applicant – the Ombudsman of the Republic of Latvia – claimed that the Paragraph 2 of the Cabinet Regulation No.1605 is not in line with the Article 1, 91 (the second sentence – non-discrimination) and 109 of Satversme. The Ombudsman stressed out that more than 90% of all the beneficiaries of the state social allowances are persons with disability, and the majority of those are persons who got disability in childhood. The Ombudsman considered the provided state social security benefit as insufficient, thus the state violated the constitution, human dignity and the principle of the socially responsible state in particular. Beneficiaries of the state social allowances are people belonging to the group of risk. The state budget shortage could not be considered as a justified reason for lacking the ability to provide protection of the basic needs of people of the groups of risk (persons with disability in particular).</p> <p>Applying wide range of the international sources of law (the International Covenant on Civil and Political Rights, EU Charter of Fundamental Rights, Convention on the Rights of Persons with Disabilities and others) the Constitutional Court decided to examine the case with due regard to the Article 91 in conjunction with Article 1 and 109 of the Constitution of the Republic of Latvia (<i>Satversme</i>). With the reference to the statistics provided by the Ministry of Welfare the Court pointed out that in January 2020 the state social security benefit has been provided for 19 707 persons with disabilities, of whom only 5 421 persons were employed. Therefore, the majority of those persons with disability, who received the state social security benefit were unemployed, i.e., persons with no income. The Court also analysed the legal term “basic needs”, reiterating its own case-law: for the person to be able to live a life which complies with human dignity, he or she should be provided a possibility to get him-/ or herself food, clothing, housing and medical support, and also there should be the possibility for the person to participate in the social, political and cultural life. For those persons with disability who have no social insurance, the right to</p> |

| | |
|---|--|
| | <p>social security is guaranteed in one of 2 possible ways: the state social security benefit or by getting placed into the state financed premises and receiving protection of basic needs there. The Court concluded that the employed and unemployed persons with disability, as the beneficiaries of the state social security benefit, are persons in different rather than in similar circumstances. The Cabinet, adopting the legal norm in question, took no consideration on such differences in treatment, providing a similar approach to persons with disability with no due regard to the fact, if he or she is employed. Such approach is unreasonable (no legitimate and justified ground to provide similar approach in different circumstances in this case), therefore the legal norm breaches Article 91 in conjunction with Article 1 and 109 of Satversme.</p> |
| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>The Court analysed the concept of state social security and particular benefit. Attention has been paid to the purpose of state social security benefits (amicus curiae institutions provided different opinions about the particular purpose of the state social security benefit, i.e., whether it is to compensate the income or to provide additional opportunity to cover basic needs only).</p> <p>The Court also analysed the legal term “basic needs”, reiterating its own case-law: for the person to be able to live a life which complies with human dignity, he or she should be provided the possibility to get him-/ or herself food, clothing, housing and medical support, and also there should be the possibility for the person to participate in the social, political and cultural life. For those persons with disability who have no social insurance, the right to social security is guaranteed in one of 2 possible ways: the state social security benefit or being placed into the state financed premises and receiving protection of basic needs there. The Court concluded that the employed and unemployed persons with disability, as the beneficiaries of the state social security benefit, are persons in different rather than in similar circumstances. The Cabinet, adopting the legal norm in question, took no consideration on such differences in treatment, providing the similar approach to persons with disability with no due regard to the fact, if he or she is employed.</p> |
| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>Since the judgement of the Constitutional Court of the Republic of Latvia has the force of law and shall be implemented directly, the state now shall reconsider the concept of state social security and particular social benefits, providing higher protection of basic needs of persons with disability.</p> |

| | |
|--|--|
| <p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p> | <p>“Ministru kabinets, nosakot valsts sociālā nodrošinājuma pabalsta apmēru, gadiem ilgi ir noteicis pabalsta apmēru atkarībā no valsts budžeta iespējām, neizvērtējot ekonomisko situāciju valstī un neņemot vērā Centrālās statistikas pārvaldes noteikto vidējo faktisko patēriņa cenu indeksu, kā tas paredzēts Noteikumu Nr. 1605 3. punktā” (paragrāfs 26.3, 46.lpp.).</p> <p>“In determining the amount of the state social security benefit, The Cabinet of Ministers for years has been calculating such amount based on the state budget capacity with no due consideration regarding the state economic situation and not taking into account the average actual consumption price index provided by the Central Statistical Bureau of Latvia as it stems from the Paragraph 3 of the Cabinet Regulation No.1605.” (Paragraph 26.3 of the judgement, p.46).</p> |
|--|--|