

Franet National contribution to the Fundamental Rights Report 2022

LATVIA

Contractor's name: Latvian Centre for Human Rights

Latvian Centre for Human Rights

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Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	<p>Latvia finally ratifies UN OPCAT</p> <p>On 11 November 2021, the parliament adopted the Law on the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thus ratifying the instrument. The Ombudsman's Office will be the designated National Preventive Mechanism. On 10 December Latvia acceded to OPCAT.</p>
EU Charter of Fundamental Rights	No developments in 2021.
Equality and non-discrimination	<p>Social hatred motive added to aggravating circumstances</p> <p>In July, the parliament amended the Criminal Law to add social hatred motive to aggravating circumstances (Article 48 (14)), which includes “age, disability, gender and other features”. The amendment came into force on 5 August. There was not sufficient political support to name sexual orientation explicitly.</p>
Racism, xenophobia & Roma integration	<p>Working group proposes interventions to tackle hate crimes and hate speech</p> <p>A working group at the Ministry of Interior has proposed improvements in the data register to mark a hate motive, the specialisation of police officers in the investigation of hate crimes, establishing of internet police, inclusion of training on hate crimes into priority training list of 2021/2022; introducing administrative liability for certain hate speech cases, establishing the post of prevention inspector. If implemented these would be the most serious measures in decades in combatting hate crimes and hate speech in Latvia.</p>
Asylum & migration	<p>No cases of revocation of refugee or alternative status in 2021</p> <p>According to the Office of Citizenship and Migration Affairs, there have been no cases of revocation of refugee or alternative status in Latvia in 2021. 6 persons lost Latvian citizenship for other reasons specified in the law.</p>
Data protection and digital society	<p>Fines for illegal actions with personal data</p> <p>Amendments to the Personal Data Processing Law (<i>Fizisko personu datu apstrādes likums</i>) came into force on 4 June. The amendments stipulate fines up to EUR 1000 for illegal actions with personal data in accordance with GDPR Article 83 (4),(5) and (6) committed by state officials</p>
Rights of the child	<p>One-off benefit – EUR 500 per each child - payable to parents to mitigate the consequences of covid-19</p> <p>On 18 February 2021, the Latvian parliament approved the payment of a one-off benefit – EUR 500 per each child - to parents raising children – payable from 1</p>

	<p>March 2021 until the end of the emergency situation declared to in relation to the spread of covid-19. These also include children in institutions, prisons, refugees. In December, families of children who have received alternative (subsidiary) status were also added.</p> <p>Child neglect recognised as a form of violence</p> <p>On 11 November 2021, the parliament amended the Children’s Rights Law, recognizing child neglect as a form of violence. Parents will also be mandated to co-operate with social care services and attend offered programs in cases when violence against a child has been detected.</p>
<p>Access to justice, including victims of crime</p>	<p>Constitutional Court finds provisions of Istanbul Convention in line with the Constitution (Satversme)</p> <p>The Constitutional Court ruled that the Convention’s provision concerning the implementation of special measures to protect women from violence complies with the Constitution. However, there have been no further steps made by the government or Parliament for ratification of the Convention. Latvia signed the Istanbul Convention in 2016.</p>
<p>Convention on the Rights of Persons with Disability</p>	<p>Research “Analysis about self-assessment about environmental accessibility in state and municipal institutions”</p> <p>Research commissioned by the Ministry of Welfare shows that only 8% of public buildings are accessible to persons with functional disabilities, 26% are partially accessible, while 67% are not accessible.</p>

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

In response to a tragic incident involving a gay man¹ in summer 2021, Members of Parliament from the New Unity (*Jaunā vienotība*) and For/Development Party (*Attīstība/Par*) submitted separate draft amendments to the Criminal Law that would explicitly include sexual orientation among protected characteristics in cases of incitement to hatred and hate crimes in Article 150 (incitement to social hatred) and among aggravating circumstances in Article 48 (1) 14) of the Criminal Law. Proposed amendments also included deleting “substantial damage” which needs to be proven in cases of incitement to hatred against persons on the grounds of “age, disability, gender and other features”.² In turn, the Ministry of Justice proposed adding the motive of social hatred to the list of aggravating circumstances.³ Article 150 of the Criminal Law (Incitement to Social Hatred) criminalises hate speech and hate crimes on grounds of age, disability, gender and other features. Thus far, several cases of homophobic hate speech have been prosecuted under “other features.”

Although there was not sufficient political support to include sexual orientation explicitly among hate motives, on 6 July 2021, the parliament adopted an amendment, which adds the motive of “social hatred” to aggravating

¹ The man who was working with Emergency Medical Service set himself to fire on 23 April in the town of Tukums and died of injuries on 28 April. His partner also received burns. The initial information indicated that they had allegedly received homophobic messages, including threats, on their mobile phones on several occasions. In December 2020 they had reported it to the State Police, which decided not to open criminal proceedings. Other incidents were not reported to the police. The case was investigated as “compelling somebody to commit suicide” and the investigation did not confirm that it was due to homophobic reasons. The incident caused shockwaves and debates in the Latvian society about homophobic crimes/speech in Latvia, with public condemnations from the State President and the Prime Minister.

According to the [State Police statement](#) on 2 November 2021, after thorough investigation, the criminal case was closed as no criminal offence was found to have been committed that could be a homophobic attack or any other manifestation of intolerance or the person had been driven to commit suicide.

² Proposal by MP A.Judins to [draft law “Amendments to the Criminal Law” \(likumprojekta “Grozījumi Krimināllikumā” \(Nr.971/Lp13\)\)](#)

³ Proposal by the Ministry of Justice to the [draft law “Amendments to the Criminal Law” likumprojekta “Grozījumi Krimināllikumā” \(Nr.971/Lp13\)\)](#)

circumstances (Article 48 (1) 14), which includes “age, disability, gender and other features”. The amendment came into force on 5 August.⁴

On June 7 2021, the Supreme Court Senate Department of Administrative Cases (*Latvijas Republikas Senāta Administratīvo lietu departaments*) submitted a petition to the Constitutional Court (*Satversmes tiesa*) and stayed proceedings in the case where two same sex persons want to seek the recognition and registration of their family relations.⁵ In 2015, the Registry Office (*Iedzīvotāju reģistrs*) refused to register same sex marriage of the claimants. Both Administrative District Court (*Administratīvā rajona tiesa*) and Administrative Regional Court (*Administratīvā apgabaltiesa*) upheld the refusal, agreeing that same sex marriage is a legal policy issue to be decided by the legislator. Article 35 para 2 of the Civil Law (*Civillikums*)⁶ prohibits marriage between same sex persons. The Law on Civil Status Act Registration (*Civilstāvokļa aktu reģistrācijas likums*)⁷ does not foresee any other type of civil status act that would allow the family relations of plaintiffs as same sex couple. The Constitutional Court has already recognised that the first sentence of Section 110 of the Constitution⁸ imposes an obligation on the legislator to ensure legal protection of a family of a same sex couple, or to determine the legal framework for family relations. The legal framework for family relations includes the legal framework for personal and property relations between family members, which must also provide persons with a legal option to strengthen their family relationship and be recognised as a family by the State. The obligation to provide family protection for same sex couple also stems from the principle of human dignity, which requires recognition of the values of all people. According to the Senate’s view, one element of that obligation is that the state must ensure the registration of same-sex couples’ family relationships in a single national register. Taking into account the definition of the civil status document specified in Section 2 of the Law on Civil Status Act Registration, the legal strengthening of the same sex couple’s family is, by its nature, a civil status document which is therefore to be registered as such. However, the legislator has not fulfilled this obligation. The Senate concluded that Section 3 para 1 and 3 of the Law on Civil Status Act Registration, insofar as it does not foresee a type of civil status act that would allow the registration of relations of a same-sex couple, does not comply with Section 1 (principle of human dignity) of the Constitution and Section 110, first sentence. The case was examined in a closed hearing.

⁴ Latvia, Saeima (2021), [Amendments to the Criminal Law \(*Grozījumi Krimināllikumā*\)](#), 5 August 2021

⁵ Senate (Supreme court) of the Republic of Latvia, Department of Administrative Cases, (*Latvijas Republikas Senāta Administratīvo lietu departaments*), judgement No. SKA-[B]/2021.

⁶ Latvia, Saeima (1992). [Civil Law \(*Civillikums*\)](#), 1 September 1992.

⁷ Latvia, Saeima (2013). [Law on Civil Status Act Registration \(*Civilstāvokļa aktu reģistrācijas likums*\)](#), 1 January 2013.

⁸ Latvia, Saeima (1922). The Constitution of the Republic of Latvia (*Latvijas Republikas Satversme*), 7 November 1922.

On 7 July, Constitutional Court dismissed the petition⁹, citing the following reasons: the application by the Supreme Court Senate did not provide legal arguments why the conclusions drawn by the Constitutional Court in an earlier case about the legislator's margin of appreciation in determining the forms and content of the legal framework of same sex partner family relations cannot be applicable in the given case. The application did not provide legal arguments why legal protection of same sex partner family relations should be secured specifically by the registration in the civil status act register and, hence why the norms of the Civil Status Act Registration Law do not comply with the Constitution.

In December the Supreme Court Department of Administrative Cases¹⁰ sent the case concerning the registration of same sex family relations back for review to administrative regional court. It concluded that until the legislator has determined the relevant legal framework, courts can, with their decisions, establish whether the relations between specific persons can be recognised as family relations in the meaning of Article 110 of the Constitution, and such decisions will substitute for the registration carried out by the state.

There have been no legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality.

On 28 September the government approved a draft law "On Entry and Stay of Union citizens and their family members in the Republic of Latvia" (*Savienības pilsoņu un viņu ģimenes locekļu ieceļošanas un uzturēšanās Latvijas Republikā likums*). The draft law determines the basis for entry and stay, restrictions of entry and stay, annulment of documents issued to citizens or bans on entry. Previously many provisions of the draft law were included in Cabinet of Ministers regulations Nr. 675 of 30 August 2011 On the Procedure of Entry and Stay of Union Citizens and their Family Members in the Republic of Latvia (*Par kārtību, kādā Savienības pilsoņi un viņu ģimenes locekļi ieceļo un uzturas Latvija Republikā*).¹¹ The explanatory report of the draft law does not highlight specific equality issues. It notes that the EC has indicated deficiencies concerning hierarchy of legal norms by suggesting to include those in the laws than government regulations. The draft law will be supplemented by a chapter on administrative liability concerning the entry and stay of Union citizens and their family members by determining sanctions analogues to the extent possibly to those foreseen in case of Latvian citizens for similar administrative offences. In 2018, the Ministry of Interior was

⁹ Collegium of the Constitutional Court of the Republic of Latvia (LR Satversmes tiesas Kolēģija), Decision to Refuse to Initiate Proceedings, 7 July.

¹⁰ Leta (2021). [Kamēr valsts nav noregulējusi viendzimuma pāru attiecību reģistrācijas jautājumu, to varētu darīt ar tiesas spriedumiem](#), 10 December. (available to subscribers only)

¹¹ Latvia, [Cabinet of Ministers. Regulations Nr. 675 On the Procedure of Entry and Stay of Union Citizens and their Family Members in the Republic of Latvia \(Par kārtību, kādā Savienības pilsoņi un viņu ģimenes locekļi ieceļo un uzturas Latvija Republikā\)](#), 30 August 2011.

tasked with revising the Immigration Law and it was decided to draft a separate law concerning Union citizens.¹²

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

There has been no research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against the LGBTI people in Latvia in 2021.

In October the NGOs Ascendum and Association of LGBT and their Friends "Mozaīka" launched the first volume of the journal "[Hidden Life. 1927-1949 Diaries of a Homosexual](#)" (*Slēptā dzīve. Homoseksuāļa dienasgrāmatas 1927 - 1949*) by Kaspars Aleksandrs Irbe. He began writing the diary in 1927 until his death in 1996, his observations are a unique material which portrays wider historical, cultural, social and political events, including LGBT+ community life, through personal events and daily entries during interwar period. The association Ascendum plans to publish two more volumes of the journals of Kaspars Aleksandrs Irbe, covering the period from 1948 to the author's death in 1996. Being a gay man, Irbe kept his diaries secret. His memories allow the reader to get a glimpse into the poorly documented life of the Latvian LGBT+ community during the Soviet years.

¹² Latvia, Cabinet of Ministers (2021). [Draft law "On Entry and Stay of Union citizens and their family members in the Republic of Latvia" \(Savienības pilsoņu un viņu ģimenes locekļu iecelšanas un uzturēšanās Latvijas Republikā likums\)](#), 28 September.

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

There has been no research, studies, or surveys on experiences of ethnic discrimination, racism and hate crimes in Latvia in 2021.

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

On 6 July, a working group consisting of the representatives of the Office of the Minister of Interior, State Police, State Police College, Information Centre of the Ministry of Interior and State Security Service was set up upon the initiative of M. Golubeva, the Minister of Interior, who took up the office on 3 June 2021, to assess the problems related to hate crimes, obstacles in the identification and investigation of hate crimes, and necessary activities concerning law enforcement. The working group was tasked to collect data about hate crimes in Latvia during the last five years, as well as compile information about training programmes and courses dedicated to the problems of hate crime, and projects on hate crimes implemented in the area of law enforcement during the last five years. The working group was tasked to prepare a report until 9 August about the necessary activities to improve the situation in short and long term period.¹³

The working group analysed 121 complaint submitted to the police during the last five years. Of those 80% concerned written posts on social media platforms and internet fora, 44% were on grounds of sexual orientation, 39% - on national and ethnic grounds, 15% - due to affiliation with a certain social group. In hate speech cases, criminal proceedings were refused in 71% of cases as it was established that there was no direct intent, no essential damage¹⁴, it has not taken place in Latvia or it was impossible to identify the person behind the post. 5 % of cases were forwarded to the State Security Service (*Valsts drošības dienests*). The working group also concluded that it is not possible to flag an offence linked to hate crime in current incident register. During 2015-2020 there have been no

¹³ Ministry of Interior (*Iekšlietu ministrija*) (2021). [A working group has been set up in the Ministry of Interior dedicated to the problems of hate crimes](#), 2 July 2021.

¹⁴ As opposed to racist/religious/ethnic hate speech (Article 78), incitement to hatred cases on grounds of age, disability, gender and other features (Article 150) require that essential damage has been inflicted.

cases when aggravating circumstance “crime has been committed due to racist, ethnic, national, religious motive” (Article 48 (1) 14) has been applied.

The working group has identified a number of areas requiring intervention¹⁵, which include: Data register: in registering incidents in the Uniform Incident Journal (*Vienotais notikumu žurnāls*) to indicate that it may contain features of a hate crime/speech; Specialisation: the specialisation of police officers in the identification and investigation of hate crimes, Establishing internet police, Training: including hate crime identification and investigation training into priority training list of 2021/2022; Introducing Administrative Liability for hate speech cases if substantial harm is not caused, providing the right of law enforcement officers to request personal data from electronic communication providers, if administrative proceedings are connected with manifestation of hatred. The report also foresees the creating of a post of a prevention inspector by the end of 2022. The prevention inspector could, inter alia, hold preventive talks in hate speech cases and with those persons who issue threats.¹⁶ Some activities are planned to be addressed in short-term, and some in medium and long term. The report also plans to initiate discussions on merging Article 78 (incitement to racial, ethnic, national, religious hatred) with Article 150 (age, disability, gender and other features) and the jurisdiction of these crimes.¹⁷ The report is not publicly available.

On 30 November, 2021 5 MPs submitted an amendment to the Administrative Punishment Law for Offences in administration, public order and use of the state language (*Grozījums Administratīvo sodu likumā par pārkāpumiem pārvaldes, sabiedriskās kārtības un valsts valodas lietošanas jomā*)¹⁸ concerning administrative liability for aggressive conduct against other persons. The draft amendments have been elaborated to enable effective reaction against a person’s aggressive conduct against other persons if manifested by way of threats, harassment (stalking) as well as repeat unwelcome communication with the person. The amendment envisages supplementing the law with a new Article 11.¹ “On aggression directed against a person” for aggression against a person disturbing his/her peace and is connected with:

¹⁵ Report to the Minister of Interior. Unpublished. On file with the Latvian Centre for Human Rights.

¹⁶ OSCE/ODIHR, the World Jewish Congress, European Commission (2021). Online event: Raising Awareness and Building Effective Communication between National Security Institutions and the Jewish Community in Latvia, 17 September 2021. Presentation “National Legislation, Police Guidelines, official data collection & recording mechanisms and flagging hate crimes” by A.Rinkevics, Head of Prevention Management Unit of the Central Public Order Police Department of the State Police.

¹⁷ Criminal offences under Article 78 are investigated by the State Security Service and Article 150 are investigated by the State Police.

¹⁸ Proposal [by 5 MPs to Administrative Punishment Law for Offences in administration, public order and use of the state language \(*Grozījums Administratīvo sodu likumā par pārkāpumiem pārvaldes, sabiedriskās kārtības un valsts valodas lietošanas jomā*\)](#), 30 November 2021.

- Threats to inflict damage to person's or his/her relatives' health or sexual inviolability, if there is a reason to fear that the threats may materialise;
- Threats to material interests if there is a reason to believe that the threats may materialize
- Persons stalking which manifests as persons monitoring and unwanted, intrusive and disturbing communication with the person.

The envisaged punishment is a fine from 14 to 100 fine units (from EUR 70-500). Administrative punishment will be imposed by establishing facts of aggressive conduct irrespective whether it has taken place in directly or indirectly communicating with the person.

The Ministry of Interior has also proposed own amendments¹⁹ which foresee administrative liability for public order disturbance on the internet that would be punishable by fine from 40 to 150 fine units (from EUR 200 to 750). It also proposes adding new articles "Violation of Prohibition of Discrimination" (11.²) envisaging administrative liability for violation of discrimination due to racial, national, ethnic or religious affiliation or violation of any other type of prohibition of discrimination and "Incitement to Social Hostility and Hatred" (11.³) for activities directed at causing hatred or hostility on grounds of gender, age, disability or any other features. Both offences would carry fines from 50 to 110 monetary units (from EUR 250 to 550).

Although the law already envisages administrative liability for disturbing public order or petty hooliganism, police have pointed to difficulties in enforcing the provision in cases when there is aggressive conduct against a person without the presence of other persons, aggression and threats are made against persons via social networks, threats to commit damage have been made against the person or their relatives, however they are not so concrete that there is a reason to evaluate those as threats to take someone's life or inflict serious damage to one's health.

The amendments have been drafted in response to manifestations of aggression, cyberstalking, threats and intolerance against representatives of certain professions (health workers, journalists, etc), different groups of the public during covid-19 pandemic.

Although the amendments by MPs have conceptually been supported in the first reading, the parliamentary Legal Commission pointed to problems requiring further discussions, e.g. risks to decriminalize liability for threats to commit murder and inflict grave bodily injuries as foreseen by the Criminal Law, use of the concept of aggression as seen understood in

¹⁹ Proposals by the Ministry of Interior concerning amendments to [Administrative Punishment Law for Offences in administration, public order and use of the state language \(Grozījums Administratīvo sodu likumā par pārkāpumiem pārvaldes, sabiedriskās kārtības un valsts valodas lietošanas jomā\)](#), 5 January 2021.

international law, how provisions foreseen in the proposed amendments will be applied in practice vis-à-vis those in the Criminal Law, etc.²⁰

Article 21 of the Administrative Liability Law²¹, which entered into force on 1 July 2020 provides for aggravating circumstances which may aggravate liability for an administrative offence, including when the “committing of an offence has been motivated by hatred against distinctive features of a person, such as race, religious beliefs, nationality or other clearly obvious distinctive features of the person.” Specific offences are to be found in different sectoral laws which have been adopted at different pace.

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	Plāna romu stratēģiskā ietvara pasākumu īstenošanai 2021.-2023.gadam projekts Draft project “Plan for the implementation of Roma Strategic Framework 2021-2023”
Please add a hyperlink if the strategy is publicly available.	www.km.gov.lv/lv/media/17411/download
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	No There was no separate Roma inclusion strategy, Roma inclusion measures were included in various other policy documents. The Plan lists Roma specific support activities within various policy documents
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	Partially
Was Roma civil society involved in the development of the strategy? Please provide examples?	Yes (Activity 27) Co-operation with teachers. Educational activities in Roma history and art museum to acquaint pupils, teachers with Roma history, in developing co-operation with NGO “Roma Cultural Centre”,

²⁰ LVportals.lv (2021). [Plāno noteikt administratīvo atbildību par agresīvu uzvedību pret citiem](#), 21 December.

²¹ Latvia, Saeima (2018). [Administrative Liability Law \(Administratīvās atbildības likums\)](#), 25 August.

	including within the programme "Latvian school bag"
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	Yes (Activities 23-25) A rights literacy course for Roma community representatives, in co-operation with Roma consultants, mediators, Roma teacher assistants Research and report on Roma rights situation in Latvia, and recommendations to the parliament, government and municipalities
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	No It mentions EU structural funds as one of the sources of funding, but does not specify which

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

There have been no other legal and policy developments or measures directly or indirectly addressing Roma inclusion in 2021.

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

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
LATVIA	0 ²²	0	0	N/A

Information received from the Office of Citizenship and Migration Affairs (*Pilsonības un migrācijas lietu pārvalde*) does not include data on revocation, but on loss of citizenship in 2021. 5 persons lost refugee status due to Article 55 (1) 3 – a person loses refugee status if he/she has received the citizenship of Latvia or another country and enjoys the protection of the new country's citizenship. One person lost alternative (subsidiary) status due to Article 57 (1) – the person loses alternative status if conditions due to which it was granted no longer exist or have changed to the extent that this person no longer requires the protection of the Republic of Latvia.

²² E-mail by the Office of Citizenship and Migration Affairs (*Pilsonības un migrācijas lietu pārvalde*) to the Latvian Centre for Human Rights on 1 December 2021.

4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
LATVIA	Ombudsman Law (<i>Tiesībsarga likums</i>), Section 13 (3)	Ombudsman (<i>Tiesībsargs</i>)	Y ²³	Summary of the visit on 6 September 2021 www.tiesibsargs.lv/news/lv/par-tiesibsarga-biroja-darbinieku-viziti-uz-	1	N

²³ In 2016, the Ministry of Justice set up a working group to draft a report to advance the ratification of UN OPCAT. In its report, the working group proposed the ratification of OPCAT and the designation of Ombudsman's Office as a National Preventive Mechanism. ²³ On 9 May, 2017, the government conceptually supported accession to OPCAT and decided to designate the Ombudsman's Office as an NPM. In 2017, the government allocated funding to the Office to carry out the functions of the NPM - EUR 145 149 for 2018, EUR 150 221 for 2019, and EUR 144 776 for 2020 respectively. According to the Ombudsman, on 1 March 2018, the Prevention Department with five posts was set up, and in 2020, it had three lawyers and a social worker. On 11 November 2021, [the parliament](#) adopted the Law on the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thus ratifying the instrument. The Ombudsman's Office will be the National Preventive Mechanism. On 10 December Latvia acceded to OPCAT, which came into force for Latvia on 9 January 2022. Latvia was one of the few EU MS that had not ratified OPCAT. The OPCAT for Latvia entered into force on 9 January 2022.

				latvijas- baltkrievijas- robezu		
LATVIA	Memorandum of Understanding between the UNHCR and State Border Guard ²⁴	LATVIAN CENTRE FOR HUMAN RIGHTS (NGO)	N	N ²⁵	14 ²⁶	N

²⁴ State Border Guard (*Valsts robežsardze*). UNHCR Representation for the Nordic and Baltic Countries (Memorandum of understanding for mutual cooperation to support access of asylum seekers to Latvian territory and asylum procedure (*Saprašanās memorands par savstarpējo sadarbību, lai atbalstītu patvēruma meklētāju pieejamību Latvijas teritorijai un patvēruma procedūrai*), signed on 12 January 2011. The Memorandum is on file with the LCHR.

²⁵ Monitoring reports are shared with the State Border Guard and UNHCR.

²⁶ Until 8 December 2021. These include international airport "Riga", BCPs, Daugavpils Detention Centre for Foreigners, asylum seekers' camp Mucenieki (including the Mucenieki Detention Facility for Foreigners), Daugavpils Regional Headquarters of the State Border Guard. On 10 August 2021, the Latvian government declared a state of emergency in four border counties with Belarus, LCHR has not been granted access to border crossing points.

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

Amendments to the Personal Data Processing Law (*Fizisko personu datu apstrādes likums*) came into force on 4 June. The amendments stipulate fines up to EUR 1000 for illegal actions with personal data in accordance with GDPR Article 83 (4),(5) and (6) committed by state officials.²⁷

During 2021, the Data State Inspectorate (*Datu valsts inspekcija*) conducted several seminars and issued informative materials to different target groups clarifying personal data processing related to Covid-19 and vaccination status. A seminar for employers was organised in September about the rights to process employee data related to Covid-19, several articles were published for the educational establishments about pupils' data processing related to Covid-19 during online and onsite education process.²⁸

The Data State Inspectorate also issued an explanation concerning a new service - covid-19 certificate with certificate owner's unique QR code printed on plastic cards and protection of such information by service providers in line with GDPR.²⁹

²⁷ Latvia, Saeima (2018), [Personal Data Processing Law \(*Fizisko personu datu apstrādes likums*\)](#), 21 June 2018.

²⁸ Information available on the website of the [State Data Inspectorate \(*Valsts datu inpekcija*\)](#)

²⁹ Information available on the website of the [State Data Inspectorate \(*Valsts datu inspekcija*\)](#)

5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government	Adopted policy document	Guidelines for digital transformation 2021-2027. The guidelines set out a single framework for digital development policy for public administration, the economic sector and society. It aims to equip inhabitants with the necessary skills in different areas corresponding with the needs of the digital transformation; to provide the appropriate digital environment for entrepreneurs; and create more open ecosystem within the public administration for digital solutions. The guidelines include promotion of usage of AI and Big Data and training of relevant specialists.	No	Latvia, Cabinet of Ministers (<i>Ministru kabinets</i>) (2021) , Order No. 490 on Digital Transformation Guidelines 2021-2027 (Par Digitālās transformācijas pamatnostādņēm 2021.-2027. Gadam) , 7 July 2021.
Academic	project	The Faculty of Law of the University of Latvia takes part in an international research project “Critical Understanding of Predictive Policing”. The aim of project is to investigate how institutional and social values, digital affordances, and organisational politics are conceived and embedded in data-driven police innovations, and experienced and practised by police officers and developers of	Yes	University of Latvia (<i>Latvijas Univesitāte</i>), LU JF uzsāk dalību starptautiskā pētniecības projektā par policijas darba digitalizācijas sociālajiem un tiesiskajiem izaicinājumiem , Press release, 8 February 2021

		<p>digital police infrastructure in Denmark, Estonia, Latvia, Norway, Sweden and the UK. The project will take an interdisciplinary approach, combining Science and Technology Studies (STS), Critical Criminology, and Critical Big Data Studies to identify and explore the effects and impact of data-driven police technologies on society and end-users.</p> <p>Project's implementation period: January 2021-2023</p>		
Academic	programme	<p>The Liepaja technology cluster launched a free-of-charge course: Programme of Artificial Intelligence talents (<i>Mākslīgā intelekta talantu programma</i>)</p> <p>The aim of the programme is to prepare new specialists in the field of AI. 14 young people, aged 18-23, have been enrolled in the programme which will continue for nine months.</p>	no	<p>News portal Lsm.lv (2021), Liepājā izveidots kurss darbam ar mākslīgo intelektu, 4 October 2021</p>

Chapter 6. Rights of the child

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

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>On 18 February 2021, the Latvian parliament approved the payment of a one-off benefit – EUR 500 per each child - to parents raising children – payable from 1 March 2021 until the end of the emergency situation declared in relation to the spread of Covid-19 (6 April 2021). The benefit is payable to person(s) eligible for child care benefit until one year of age, family state benefit or supplement to the family state benefit for a disabled child in accordance with the Law on State Social Allowances (<i>Valsts Sociālu pabalstu likums</i>) (Section 62) or who has the right to receive maternity benefit due to the birth of a child and the child is born until the emergency situation (Section 62,63, 63.¹). On 7 April 2021, the law was amended to include children at a long-term social care and social rehabilitation institution, social correctional education institution or prison, the benefit then is granted to the child's parent, guardian or foster family, or the head of the long-term social care and social rehabilitation institution. (Section 63.¹). A long-term social care and social rehabilitation institution shall find out the child's opinion and use the granted aid based on the needs of the child. (Section 65.⁵) The planned support included 364 097 children and cost 182 million.</p> <p>On 16 December 2021, the parliament approved that the one-off benefit – EUR 500³⁰ is also payable to the parent, guardian of the child who has been granted alternative (subsidiary) status from 1 March until 7 April 2021 (Article 63.¹) The benefit is envisaged to mitigate the consequences of covid-19 in the family. According to the Office of Citizenship and Migration Affairs, 187 persons can claim the benefit. The benefit will be paid by State Social Insurance Agency (<i>Valsts sociālā nodrošinājuma aģentūra</i>) upon the submission by the relevant person, parent, guardian, foster</p>
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³⁰ Latvia, Saeima (2021). [Amendments to the Law on the Suppression of Consequences of the Spread of COVID-19 Infection](#) (Grozījumi Covid-19 infekcijas izplatības seku pārvarēšanas likumā), 17 December 2021

	<p>family or head of the child care institution. The amendment was adopted following the advocacy by the Ombudsman and NGOs³¹. With the initial amendments of the Law on the Suppression of Consequences of the Spread of Covid-19 Infection on 17 February 2021 refugee families were included among the recipients of the benefit (Article 62, 63).³²</p> <p>Persons who received idle-time benefits also received supplementary payment in the amount of EUR 50 for each child up to 24 years of age until 30 June 2021.</p> <p>A supplement of EUR 50 per child is also payable to persons who receive crises benefit (who have lost means to satisfy their basic needs).</p> <p>As in previous years, in school year 2021/2022, the Riga City Council is financing free lunch for all Grade 5-12 pupils, while free lunch for Grade 1-4 pupils is financed both by the state and the municipality. In the resort town of Jurmala, free lunch is provided to children in all grades. In the town of Rezekne, free lunch is provided to children in Grade 1-7 from low-income families and families with many children. A range of municipalities provide for a meal benefit which covers full or partial (50%) costs of school lunches. Municipalities may also cover 100% of meal costs for children from needy and low-income families.</p> <p>Upon the start of school year, several municipalities provide support to low income families to purchase items necessary for school, e.g. Riga Municipality provides EUR 50, Liepāja municipality EUR 20, etc. Several municipalities provide support to first-graders (EUR 20-60).³³</p>
Measures to protect children from violence	On 16 September 2021, the parliament amended the Law on Social Services and social support (<i>Sociālo pakalpojumu</i>

³¹ Ombudsman (2021). [Tiesībsargs: Nav pielaujama ilgstoši nevienlīdzīga attieksme pret mazaizsargātajām sabiedrības grupām](#), 15 November 2021, Press release

³² Latvia, Saeima (2021). [Amendments of the Law on the Suppression of Consequences of the Spread of Covid-19 Infection](#) (*Grozījumi Covid-19 infekcijas izplatības seku pārvarēšanas likumā*), 24 February 2021.

³³ LVportals.LV (2021). [Pašvaldību atbalsts skolēnu vecākiem 1. septembrī un mācību gadā](#), 2 September 2021.

	<p><i>un sociālās palīdzības likums</i>) in the first reading which envisages the right to receive state funded social rehabilitation services for children asylum seekers who have been recognized as having special needs, and children who have been recognized as vulnerable in return procedure by the involved institutions. (Article 3 (7)).³⁴</p> <p>On 11 November 2021, the parliament amended the Law on the Protection of the Children's Rights (<i>Bērnu tiesību aizsardzības likums</i>), recognizing child neglect as a form of violence. Child neglect will be defined as lengthy and systematic neglect of the child that harms or may harm child's development or causes physical or psychoemotional suffering to the child. The notion of "neglect", "parental neglect" was crossed out from the law in 2020 as an overly broad concept. The Law will be supplemented with three notions: neglect (Article 13¹), abandonment (Article 13²), failure to fulfil childcare duties (Article 13³).³⁵ The law was also supplemented by mandating parents to co-operate with social services and make use of the offered family support and assistance programmes if violence or other children's rights violations against a child has been detected. In case of refusal to co-operate the social service shall notify the orphan [child custody] court. (Article 24 (7)).</p>
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6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	There have been no legal developments or measures relating to criminal proceedings in 2021.
Policy developments	On April 8 2021, the Cabinet of Ministers tasked the Ministry of Interior, in co-operation with other ministries and Latvian Association of Local Governments (<i>Latvijas Pašvaldību asociācija</i>), to draft the Plan of Action

³⁴ Latvia, Saeima (2021). [Amendments to the Law on Social Services and Social Support \(*Grozījumi Sociālo pakalpojumu un sociālās palīdzības likumā*\)](#), 7 October 2021

³⁵ Latvia, Saeima (2021). [Amendments to the Law on the Protection of the Children's Rights \(*Grozījumi Bērnu tiesību aizsardzības likumā*\)](#), 24 November 2021.

	on the Prevention of Child Crime and Protection of Children from Crime for 2022-2024 by 31 December 2021. ³⁶
Other measures or initiatives	

Chapter 7. Access to justice

7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

On 16 September 2021, the parliament amended the Law on Social Services and Social Support (*Sociālo pakalpojumu un sociālās palīdzības likums*) in the first reading which extends state funded social rehabilitation services also to adult victims of violence who are asylum seekers, third country nationals or stateless persons who have no legal grounds to reside in Latvia and who have been detained (until their return), to those in whose case alternatives to detention have been applied, and foreigners in whose case the return decision has been suspended or who have been given time to return voluntarily. According to the explanatory report, amendments are needed to ensure that adult victims of violence, foreigners without temporary residence permits who are allowed to stay in Latvia for several months, have access to state funded rehabilitation services. During the state of emergency due to covid-19 pandemic several groups of persons were identified who could not receive state support despite the fact that their need for such services was established. This was initially resolved with legal provisions governing the emergency situation.³⁷ The amendments still require two readings in the parliament before their final adoption.

7.2 Measures addressing violence against women

On 25 March 2021 amendments were adopted to the Article 250⁴⁷ of the Civil Procedure Law (*Civilprocesa likums*) that supplement the list of temporary civil protection orders with a new order whereby the court can order the perpetrator of violence to attend a course to minimise violent behaviour. According to Article

³⁶ Latvia, Cabinet of Ministers (*Ministru kabinets*) (2021). [Meeting Protocol No 32, TA- 567, Point 38](#), 8 April 2021 .

³⁷ Latvia, Saeima (2021). [Amendments to the Law on Social Services and Social Support \(*Grozījumi Sociālo pakalpojumu un sociālās palīdzības likumā*\)](#), 16 September 2021.

250.^{54A}, the judge/court can also oblige the perpetrator to partially or fully cover the costs of the programme. The costs can be reduced by 10% if the perpetrator starts the programme during a six months period, while full costs are to be borne by the perpetrator if the programme is started after six months. The new order can be imposed by courts from 1 July 2021. The perpetrator is to contact the course provider within 10 days and complete it within a year. The perpetrator is also issued a warning that in case of failure to attend the course, he/she will be held liable in accordance with the Criminal Law. The measures have been adopted with the purpose of preventing and minimising violent behaviour.³⁸ Cabinet of Ministers Regulations Nr 790 "On the Procedure of Providing Social Rehabilitation Services for Adult Victims of Violence and Perpetrators of Violence" were supplemented by a new chapter detailing the receipt, payment, completion, ceasing of the course if ordered by a judge. The changes expand the target group that can receive the service.³⁹ Until the amendments the course could be attended by a motivated client on voluntary basis.

From 1 July until end of December 2021, 60 persons have been mandated by courts to attend the course.⁴⁰

On 16 December 2021, the parliament amended the Law on Police in the 2nd reading providing⁴¹ for the right of the police officer to decide on the separation of the perpetrator from the [potential] victim without a victim's written application. Police decision on separation will include risk assessment of the threat of violence, including information that shows that the threat of violence is imminent. Currently the decision on separation can only be taken if there is a victim's written application.

In 2021, the Council of Europe published "Roadmap for establishing specialist support services for victims of violence against women and domestic violence in Latvia in line with the Council of Europe standards".⁴² A significant challenge identified in interviews with key stakeholders in Latvia was a widespread lack of gendered understanding on violence against women and domestic violence, presence of the phenomenon of "victim blaming" as one of the main reasons victims of VAW and DV are reluctant to seek help. The report highlights the

³⁸ Latvia, Saeima (2021). [Amendments to the Civil Procedure Law \(Grozījumi Civilprocesa likumā\)](#), 20 April 2021

³⁹ Latvia, Cabinet of Ministers (Ministru kabinets) (2021). [Amendments to the Cabinet of Ministers Regulations No 790 On the Procedure of Providing Social Rehabilitation Services \(Sociālās rehabilitācijas pakalpojumu sniegšanas kārtība no vardarbības cietušām un vardarbību veikušām pilngadīgām personām\)](#), 1 July 2021.

⁴⁰ Lsm.lv (2021). [Pusgada laikā obligāti kursi vardarbīgas uzvedības mazināšanai noteikti 60 varmākām](#), 30 December 2021.

⁴¹ Latvia, Saeima (2021). [Amendments to the Law on Police \(Grozījumi likumā "Par policiju\)](#), 16 December.

⁴² Council of Europe (2021). [Roadmap for establishing specialist support services for victims of violence against women and domestic violence in Latvian in line with the Council of Europe standards](#), p.39

absence of a co-ordinated response, with agencies communicating and cooperating to meet the needs of victims. Official statistics and administrated data include registered and reported cases of VAW and DV in Latvia, however, these data sources represent much lower prevalence than disclosed data compiled in more comprehensive surveys such as the EU-wide survey carried out by the EU FRA (2014). The report notes that the prevalence of violence against women is high in Latvia, and there appear to be still high levels of tolerance. The report notes a positive trend towards changes in attitudes. In 2016, 31% of the Latvian population believed that domestic violence is a private affair that should be handled within the confines of the family (Eurobarometer, 2016), but in 2018 only 19% of the population shared this belief (SKDS, 2018). The report looks at existing support services and offers specific recommendations concerning national helpline, shelters, advice, advocacy and counselling services, sexual assault centres and rape crises centres that these might be developed in order to meet the Council of Europe minimum standards.

“_Research on the experience of violence and conduct during the first state of emergency in spring 2020” was published in 2021 together with the report stress levels and types of stress. Data were collected in July 2020. Of the 1701 respondents, 542 had experience violence (around 1/3). Of those the majority 538 (99,3%) had experienced emotional violence, 38 (7,0%) physical and 30 (5,5%) sexual violence. In the given sample, there were no major changes in the experience of violence before and during the state of emergency. Violence had taken place in partnerships were it had already been present before the pandemic, there was no significant new experience of violence by couples. The research concludes that generalisations cannot be made for entire population as other sources, such as NGOs, police reported an increase in domestic violence.⁴³

In November 2021, a digital platform and collection [“Physical Evidence Evidence”](#) was launched. The museum collection includes everyday objects, witnesses of domestic violence, that women can send anonymously together with their story of domestic violence. These are objects that have not been accepted by the police or the court as credible evidence. The purpose of the platform is to create safe environment for victims to share their personal stories. The platform has room sections, e.g. kitchen, bathroom, bedroom, where violence has occurred, section on “new acquisitions”. The exhibition was started in September 2020 during the International new theatre festival “Homo Novus” by two authors and artists. During the exhibition a 24 hour reading marathon of personal testimonies took place with

⁴³ University of Latvia (Latvijas Universitāte), Riga Stradiņš University (Rīgas Stradiņa Universitāte) (2021), [Research on the experience of violence and conduct during the first state of emergency in spring 2020](#), 15 March 2021. Using KANTAR CAWI online interview methodology. The response rate was low (12,1%). Data were collected from 2608 respondents, of whom only those who were in a partnership (1701). were included in the data base. 56% were women, 44% - men.

the participation of women survivors of domestic violence and their supporters. Each woman was reading the story of another to create a space of solidarity, safety and trust. The marathon was open to the public and streamed on internet radio. The platform also has a section on where to seek help. In 2021, the museum attended similar exhibitions in Warsaw, Poland and Tallinn, Estonia.

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

8.1 CRPD policy & legal developments

On 17 August, the government approved the Action Plan for the Promotion of Equal Opportunities of Persons with Disability 2021-2023 (*Plāns personu ar invaliditāti vienlīdzīgu iespēju veicināšanai 2021.-2023.gadam*).⁴⁴ The Plan envisages a range of measures in five areas: the improvement of the disability determination system – revise the disability determination system by linking the disability status with the assessment of functional abilities; development of a support system targeted to the needs of persons with functional restrictions, strengthening of inclusive employment, provision of environmental accessibility and accessibility of services, reducing public stereotypes and prejudice about persons with disability.

8.2 CRPD monitoring at national level

In 2021 research “Analysis about self-assessment about environmental accessibility in state and municipal institutions” commissioned by the Ministry of Welfare (*Labklājības ministrija*) was published.⁴⁵ In analysing environmental accessibility to public buildings, only 8% of public buildings are accessible to persons with functional disabilities, 26% are partially accessible, while 67% are not accessible. Environmental accessibility is provided in some aspect in the majority of public buildings, most frequently in the buildings under the supervision of the Health Ministry (*Veselības ministrija*) (36%), followed by municipal health care institutions (28%), institutions under the supervision of the Ministry of

⁴⁴ Latvia, Cabinet of Ministers (Ministru kabinets)(2021). [Action Plan for the Promotion of Equal Opportunities of Persons with Disability 2021-2023](#) (*Plāns personu ar invaliditāti vienlīdzīgu iespēju veicināšanai 2021.-2023.gadam*), 17 August 2021.

⁴⁵ Ministry of Welfare (*Labklājības ministrija*) (2021). [Analīze par vides pieejamības pašnovērtējumu valsts un pašvaldību iestādēs](#), 31 March 2021

Culture (*Kultūras ministrija*) (25%) and Ministry of Defence (*Aizsardzības ministrija*) (25%). The research also concludes that, although more attention is paid to environmental accessibility for persons with functional disabilities, the solutions of environmental and information accessibility must be well thought-through and balanced, based on the principles of human dignity, personal autonomy, including personal freedom of choice, non-discrimination, full and effective participation and integration in the society, etc.

In 2021 campaign was started [People with Disabilities] "Do Things Differently – Get Things Done!" to draw attention to the employment opportunities of people with disabilities. The campaign is supported by EU funds.⁴⁶ A special website summarises stories of work experience, useful links and advice for people with disabilities who want to work, as well as employers who want to employ these people.⁴⁷

⁴⁶ Latvia, Cabinet of ministers (*Ministru kabinets*) (2021). [Par Plānu pieejamas vides veidošanai Latvijā 2019.-2021. gadam](#), 12 March 2019.

⁴⁷ Ministry of Welfare (*Labklājības ministrija*) (2021). About the project [People with a disability have various restrictions, but this does not affect their value on the labour market](#).

Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	<p style="text-align: center;"><i><u>No promising practice has been identified for this thematic area.</u></i></p>

Thematic area	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	<p>No promising practice has been identified for this thematic area.</p>

Thematic area	<p style="text-align: center;">ROMA EQUALITY AND INCLUSION</p> <p style="text-align: center;">Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</p>
Title (original language)	<p>No promising practice has been identified for this thematic area.</p>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.
Title (original language)	No promising practice has been identified for this thematic area.

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice related to the topics addressed in the chapter.
Title (original language)	No promising practice has been identified for this thematic area.

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	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 example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.
Title (original language)	No promising practice has been identified for this thematic area.

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	8 April 2021
Reference details	Case No 2020-34-03 " On the compliance of paragraph 12 of the Cabinet of Ministers Regulation No 1250 of 27 October 2009 'Regulation regarding state fee for registering ownership rights and pledge rights in the Land Register' with Articles 91, 105, and 110 of the Constitution of the Republic of Latvia "

<p>Key facts of the case</p> <p>(max. 500 chars)</p>	<p>On 7 July 2020, the Constitutional Court initiated a case concerning inheritance rights involving a same sex couple (“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).⁴⁸ The case was initiated on the basis of the Ombudsman’s application following an individual complaint. The case concerns state fee, which in case of inheritance of immovable property 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 both to same-sex partners and partners of opposite 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 opposite sex, who have the possibility to conclude a marriage.⁴⁹</p>
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⁴⁸ Constitutional Court (Satversmes tiesa) (2020), Decision on Initiating a Case , 20 July, at https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2020/07/2020-34-03_Lemums_ierosinasana.pdf#search=

⁴⁹ Ombudsman (2018), [Opinion in a verification case No. 2018- 38-26G](#), 29 October 2018

<p style="text-align: center;">Main reasoning/argumentation</p> <p style="text-align: center;">(max. 500 chars)</p>	<p>The Constitutional Court noted that, according to the legal framework currently in force, the State does not “see”, in the legal sense, the actual same-sex couple families, because they have not been given the possibility to legally register their family relationships. Thus, same-sex partners are not, in the legal sense, considered as a family and can only organise legal relations between themselves as individuals between whom there are no family ties. Since there is so far no legal regulation of family relationships of same-sex partners which would allow to legally register a same-sex couple family relationship, it is currently not possible also to identify such a family to ensure its social and economic protection and support. Thus, the system of protection and support of a family currently in place in the state, which <i>inter alia</i> includes the contested provision, does not protect same-sex couple families either legally or economically and socially.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>With a reference to the findings contained in the Constitutional Court judgment of 12 November 2020 in Case No 2019-33-01 “On the compliance of Section 155(1) of the Labour Law with the first sentence of Article 110 of the Constitution of the Republic of Latvia” (hereinafter – case No 2019-33-01), the Constitutional Court noted that the first sentence of Article 110 of the Constitution enshrines the obligation of the State to protect each and every family, including same-sex couple families.</p> <p>Two obligations of the legislator follow from the first sentence of Article 110 of the Constitution: 1) to ensure legal protection of a family; 2) to ensure social and economic protection and support of a family. The legislator has no discretion to choose whether at all legal protection, as well as economic and social protection and support, is to be ensured to same-sex couple families.</p> <p>However, the Constitutional Court acknowledged that the legislator has a certain discretion in determining the form and content of the legal framework for family relationships and choosing the methods, mechanisms, and measures by which the social and economic protection and support of a family is ensured.</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court concluded that the contested provision, insofar as it applies to the estate-leaver’s surviving same-sex partner who lived with the estate-leaver as a family, is incompatible with the first sentence of Article 110 of the Constitution. The provision has been declared null and void since 1 June 2022.</p> <p>In an earlier ruling in November 2020, the Constitutional Court allowed the time for the Saeima (parliament) to adopt an appropriate legal framework for family relations between same sex partners and to put in place social and economic protection and support for same-sex family. A Ministry of Justice working group has been established to address the issue</p>

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Ģimenes attiecību tiesiskajam regulējumam un ģimenes ekonomiskās un sociālās aizsardzības un atbalsta pasākumu tiesiskajam regulējumam jāveido vienota un saskanīga tiesiskā regulējuma sistēma. Tādēļ Ministru kabinetam ir jāgādā, lai pēc viendzimuma partneru ģimenes attiecību tiesiskā regulējuma stāšanās spēkā Ministru kabineta noteikumos ietvertais ģimenes ekonomiskās un sociālās aizsardzības un atbalsta tiesiskais regulējums būtu saskanīgs ar jauno ģimenes attiecību tiesisko regulējumu, kā arī atbilstošs vispārējiem tiesību principiem un citām Satversmes normām, starptautiskajām un Eiropas Savienības tiesībām. [15]</p> <p>The Constitutional Court noted that the legal framework for family relationships and the legal regulation of measures for economic and social protection and support of a family must constitute a single and coherent legal regulatory system. That is why the Cabinet of Ministers must look to it that, after the coming into effect of the legal framework of same-sex couple family relationships, the provisions of the Cabinet of Ministers regulation regarding the economic and social protection and support of a family are consistent with the new legal framework of family relationships, as well as with the general principles of law and other provisions of the Constitution, with international and EU law. [15]</p>
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<p>Thematic area</p>	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.</p>
<p>Decision date</p>	<p><u>No case law has been identified for this thematic area.</u></p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	<i><u>No case law has been identified for this thematic area.</u></i>

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
Decision date	<i><u>No case law has been identified for this thematic area.</u></i>

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. data protection, and/or artificial intelligence systems.
Decision date	<i><u>No case law has been identified for this thematic area.</u></i>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>

Thematic area	ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	4 June 2021
Reference details	Constitutional Court of the Republic of Latvia, case No. 2020-39-02
Key facts of the case (max. 500 chars)	Applicants – 21 MPs – asked the Constitutional Court to evaluate compliance of Articles 3(c), 4 (3) and 12(1) of the Council of Europe Convention on preventing and combating violence against women and domestic violence with the Preamble and Article 1 (Latvia is independent democratic republic), as well as Articles 91 (prohibition of discrimination), 99 (right to freedom of thought) and 110 (State shall protect and support marriage - a union between a man and a woman),112 (right to education) of the Constitution of Latvia.
Main reasoning/argumentation (max. 500 chars)	The applicants (who in general support the ratification of the Convention) challenged the court with arguments used by the opponents of the ratification, such as that Convention does not comply with the Constitution, because it demands a change in the thinking and attitude towards people who do not identify themselves with the gender assigned at birth, forces to introduce same-sex marriage, discriminates men compared to women.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Constitutional Court argued that it is an obligation of the state to present information about violence and the factors that cause it to reasonable and educated individuals, and thus to prevent such violence, including gender-based violence. The court also argued that obligations of the Istanbul Convention to Member States to secure in a non-discriminatory manner the eradication of such prejudices, customs, traditions and other practices which are based on the idea of the inferiority of women, does not in itself affect the state's obligation to ensure protection for families. The Court concluded that gender-based violence is still present in Latvia, and it mostly affects women. In this situation, the implementation of special measures in respect of women is necessary, and it is aimed at achieving actual equality between men and women.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court ruled that the Convention's provision concerning the implementation of special measures to protect women from violence complies with the Constitution. However, there have been no further steps made by the government or Parliament for ratification of the Convention.</p>
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<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Satversmes tiesa vērš uzmanību arī uz to, ka Stambulas konvencijas piemērošanas joma aptver tikai vardarbības pret sievietēm un vardarbības ģimenē izskaušanu un apstrīdētais regulējums neuzspiež nekādu īpašu laulības vai ģimenes formu pieņemšanu vai ieviešanu. Līdzīgu viedokli pauž arī Eiropas Padomes komisija „Demokrātija caur tiesībām” (sk.: Opinion on the constitutional implications of the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence).</p> <p>The Constitutional Court also draws attention to the fact that the scope of application of the Convention covers only the elimination of violence against women and domestic violence and the impugned regulation does not impose the adoption or introduction of any special forms of marriage or family. A similar view is expressed by the Council of Europe's Commission for Democracy through Law (see: Opinion on the constitutional implications of ratification of the Council of Europe Convention on the Prevention and Combating of Women and Domestic Violence).</p> <p>Satversmes tiesa ir atzinusi, ka vienlīdzības princips ir vērsts uz vienotas tiesiskās kārtības pastāvēšanu. Tā uzdevums ir nodrošināt, lai tiktu īstenota tāda tiesiskas valsts prasība kā likuma aptveroša ietekme uz visām personām un lai likums tiktu piemērots bez jebkādam privilēģijām (sk. Satversmes tiesas 2019. gada 7. novembra sprieduma lietā Nr. 2018-25-01 16. punktu). Savukārt diskriminācijas aizlieguma princips papildina, precizē un palīdz piemērot vienlīdzības principu konkrētās situācijās.</p> <p>The Constitutional Court has acknowledged that the principle of equality is aimed at the existence of a unified legal order. Its task is to ensure that such a requirement of a state under the rule of law as the comprehensive effect of the law on all persons is implemented and that the law is applied without any privileges (see: Judgment of 7 November 2019 by the Constitutional Court in Case No. 2018-25-01, para 16). In turn, the principle of non-discrimination complements, clarifies and helps to apply the principle of equality in specific situations.</p>
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Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	<i><u>No case law has been identified for this thematic area.</u></i>