

Standing and operational space of non-governmental organisations (NGOs) in contributing to respecting and promoting fundamental rights in EU Member States

Latvia 2017

Contractor: Latvian Centre for Human Rights

Author: Latvian Centre for Human Rights

Reviewed by: Anhelita Kamenska

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1 Regulatory environment for the work of non-governmental organisations

Title of legislation and reference	Topic (please make reference to categories A-F see guidelines)	Effect on civil society (positive or negative) Please include reference to source of information
1. Amendments to the Associations and Foundations Law (<i>Grozījumi biedrību un nodibinājumu likumā</i>) https://www.vestnesis.lv/ta/id/232642-grozijumi-biedribu-un-nodibinajumu-likuma	C – Freedom of association On 16 June 2011, the Saeima (parliament) amended Section 10 on public activities of associations and foundations, stipulating that submitting a claim to an institution or a court by an association or a foundation in defending the rights or lawful interests of persons who are not entitled to stay in Latvia shall not be considered as support for illegally staying in the country.	The aim of the provision is to protect associations and foundations from criminal liability foreseen by Section 285 of the Criminal Law for ensuring the possibility of residing illegally in the Republic of Latvia. ¹ The effect should be positive.
2. Amendments to the Cabinet of Ministers Regulations No 808 of 3 October 2006 "Regulations on Annual Reports of	C – Freedom of association On 2 December 2014, amendments to Regulation No. 808 of the	The reason for the amendments was lack of transparency of financial operations of associations and foundations, which became a topical issue due to the activities of non-

¹ Latvia, Ministry of Welfare (*Labklajības ministrija*), Anotation to the amendments to the Associations and Foundations Law (*Biedrību un nodibinājumu likums*), available in Latvian at:

<http://titania.saeima.lv/LIVS10/SaeimaLIVS10.nsf/webSasaiste?OpenView&restrictcategory=251/Lp10>.

<p><i>associations, foundations and trade unions”</i> <i>(Grozījumi Ministru kabineta 2006.gada 3.oktobra noteikumos Nr.808 „Noteikumi par biedrību, nodibinājumu un arodbiedrību gada pārskatiem”),</i> 2 December 2014 https://likumi.lv/ta/id/270684-grozijumi-ministru-kabineta-2006-gada-3-oktobra-noteikumos-nr-808-noteikumi-par-biedrifu-nodibinajumu-un-arodbiedrifu-gada-pars</p>	<p>Cabinet of Ministers (<i>Ministru kabinets</i>) were adopted concerning new procedure on the submission of annual reports by associations and foundations. The aim of the new procedure is to obtain a more detailed view on the use of received donations and gifts, prescribing stricter requirements for the reporting of donations and gifts, provision of information on the used donations and gifts, as well as funds received from the EU and EEA. The amendments became effective on 1 January 2015. The amendments are applicable to the annual reports of associations and foundations for 2015</p>	<p>governmental organisations (NGOs) that have come to the attention of security institutions, including NGOs that allegedly conduct anti-state operations.²</p> <p>The amendments were elaborated to strengthen the transparency and availability of information provided by NGOs and prevent money laundering.³</p> <p>According to the Latvian Civic Alliance, administrative work in preparing annual reports may have increased for those NGOs that receive donations from many individuals (e.g. Ziedot.lv, SOS Children’s Village, cultural associations, etc.) as they are required to report every donor and how the donation was</p>
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² Civic Alliance – Latvia (*Latvijas Pilsoniskā alianse*) (2015), The Review of the NGO Sector in Latvia, 2015, available at:
http://www.nvo.lv/site/attachments/29/04/2016/NVO_PARSKATS_EN_20.04-2.pdf.

³ Latvia, Ministry of Finance (*Finanšu Ministrija*) (2014), Explanatory Report to Draft Amendments to the Regulations of the Cabinet of Ministers No 808 of 3 October 2006 “Regulations on Annual Reports of associations, foundations and trade unions” (*Ministru kabineta noteikumu projekta „Grozījumi Ministru kabineta 2006.gada 3.oktobra noteikumos Nr.808 „Noteikumi par biedrību, nodibinājumu un arodbiedrību gada pārskatiem” sākotnējās ietekmes novērtējuma ziņojums (anotācija)*), 2 December 2014, available in Latvian at:
<http://tap.mk.gov.lv/lv/mk/tap/?pid=40320091&mode=mk&date=2014-12-02>.

	and the next reporting years.	used, even if the donation was € 1. ⁴
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On 15 September 2016, draft amendments to the Associations and Foundations Law regulating the suspension of public activities of an association or a foundation due to national security reasons were adopted in the second reading by the Saeima (parliament).⁵

Amendments were drafted in view of potential national security and public safety threats following Russia's annexation of the Crimea and the escalation of conflict in Eastern Ukraine in 2014 and increasing terrorist threats. There has been a growing concern about "[t]he funds channeled by the Russian Federation through registered NGOs and unregistered associations in Latvia under the guise of cultural activities and information campaigns allegedly to influence public perceptions about democratic values, Latvia's membership in the EU and NATO, and perpetuate ethnic divisions."⁶

The public operation of an association or a foundation may be suspended for two months if an NGO directs its activities against the independence of the Republic of Latvia or its territorial integrity, expresses or disseminates proposals for violent change of state structure, calls to disobey laws, propagates violence, national and racial hatred, overt Nazi, fascist or communist ideology, conducts war propaganda, or glorifies or calls to commit crimes. The amendments are similar to the provisions of the Law on Meetings, Street Marches and Pickets. If it is established that the aims or public activities of an NGO are among those listed in the law, a prosecutor (based on the assessment of a state security institution or the prosecutor's own initiative) will have the right to turn to a general jurisdiction court (civil procedure) to ask for the suspension of the specific

⁴ Information provided by a representative of Civic Alliance – Latvia to the LCHR by e-mail on 11 April 2017.

⁵ Latvia, Ministry of Justice (*Tieslietu ministrija*), Draft amendments to the Associations and Foundations Law (*Likumprojekts "Grozījumi biedrību un nodibinājumu likumā"*), 22 March 2016, available in Latvian at:

<http://titania.saeima.lv/LIVS12/saeimalivs12.nsf/0/F669DEA5ABA5709FC2257FA10028E51E?OpenDocument>.

⁶ Latvia, Ministry of Justice (*Tieslietu ministrija*), Initial Impact Assessment of "Ammendments to the Law on Associations and Foundations" (explanatory report) (*Likumprojekta „Grozījumi Biedrību un nodibinājumu likumā” sākotnējās ietekmes novērtējuma ziņojums (anotācija)*), available in Latvian at:
<http://titania.saeima.lv/LIVS12/saeimalivs12.nsf/0/F669DEA5ABA5709FC2257FA10028E51E?OpenDocument>; Civic Alliance – Latvia, an umbrella NGO, Latvian government representative before international institutions, selected NGOs participated in the working group.

public activity. The court will be authorised to suspend the specific public activity for two months. The amendments also specify the conditions concerning the termination of the operation of an NGO, namely, if their activities threaten national security, public safety or order, if they disregard the court's decision concerning the suspension of the public activity or fails to fulfill additional requirements imposed. The amendments are still to be approved in the final reading.

2 EU Member State government funding for non-governmental organisations – trends and developments 2011-2016

2.1 Overall amount of government funding

In December 2015, the Latvian government supported the establishment of an NGO fund financed by the state. The aim of the fund is to support associations and foundations to promote participation and cooperation in public life, improve living standards, and strengthen democracy in Latvia.⁷ One of the specific priorities of the NGO fund for 2016 was to strengthen democratic values and human rights and promote civic participation. € 400,000 was made available to fund 66 NGO projects. The maximum funding for one project was € 15,000. In total, 66 projects were funded.⁸ There are plans to allocate similar funding in the coming years.

In 2016, the grant had three main strands: NGO capacity strengthening aimed at facilitating participation and activities promoting democracy with a maximum amount of € 10,000 per project (35 projects supported); support to NGO civil society activities aimed at the strengthening of democratic values and observation of human rights, promoting civic participation, strengthening human security and improving living standards, promoting social responsibility – with a maximum amount of € 5,000 per project (22 projects supported); strengthening NGO advocacy aimed at ensuring NGO participation in public administration at national and local level with a maximum amount of € 6,000 per project (9 projects

⁷ Latvia, Cabinet of Ministers (*Ministru kabinets*) (2015), On Concept Report "About Establishment of the State Funded Foundation for Non-governmental Organisations" (*Par konceptuālo ziņojumu "Par valsts finansēta nevalstisko organizāciju fonda izveidi*"), 16 December 2015, available in Latvian at:
https://likumi.lv/body_print.php?id=278602&version_date=16.12.2015&grozijumi=0&pielikumi=0&saturs=0&piezimes=0&large_font=0.

⁸ Latvia, Society Integration Foundation, Information about awarded projects available in Latvian at:
http://www.sif.gov.lv/index.php?option=com_content&view=article&id=9913&Itemid=127&lang=lv.

supported). The projects are predominantly aimed at capacity building of NGOs (drafting strategies, participating in working groups, advocacy, provision of legal aid to different target groups, training of volunteers, awareness raising on civic participation among youth, NGO staff capacity building etc.) and not service provision. There are plans to allocate similar funding every year. € 380,000 has been earmarked for 2017.⁹

In 2013, the government resumed the “NGO co-funding programme” which was closed in 2008 due to economic crisis. The aim of the “NGO co-funding programme” is to assist Latvian NGOs to meet co-funding requirements in international projects funded by the EU and other foreign or international donors which are aimed at society integration and civil society development. The available state funding for the programme was € 131,830 in 2014, € 113,830 in 2015, and € 113,830 in 2016. In total, 27 projects have been supported. The maximum funding per project in 2016 was € 25,000. For instance, a human rights NGO – Latvian Centre for Human Rights – received co-funding grants of € 24,219 for two EU funded projects: combatting hate crimes, and training and raising awareness on human rights and migration among teachers, students and social workers.¹⁰

In 2014, the Ministry of Culture (*Kultūras ministrija*) made public funding available in 2014, 2015 and 2016 for 243 projects (the maximum funding for one project is € 3,000)¹¹ aimed at supporting civil society, intercultural dialogue and ethnic minorities, including Roma.¹²

⁹ Latvia, Society Integration Foundation, Information about “NGO fund” programme 2017, available in Latvian at:

http://www.sif.gov.lv/index.php?option=com_content&view=article&id=10094&Itemid=155&lang=lv.

¹⁰ Latvia, Society Integration foundation, information about “NGO co-funding programme”, available in Latvian at:

http://www.sif.gov.lv/index.php?option=com_content&view=category&id=389&Itemid=30&lang=lv.

¹¹ Latvia, Ministry of Culture (*Kultūras ministrija*), Information about NGO support projects, availale in Latvian at: <https://www.km.gov.lv/lv/integracija-un-sabiedriba/pilsoniska-iesaistisanas/nvo-atbalsts>.

¹² Civic Alliance – Latvia (*Latvijas Pilsoniskā alianse*) (2015), The Review of the NGO Sector in Latvia. 2015, available at:

http://www.nvo.lv/site/attachments/29/04/2016/NVO_PARSKATS_EN_20.04-2.pdf.

Funding is also available for NGOs in some municipalities. For instance, Riga¹³ and Jurmala¹⁴ municipalities annually grant funding for NGO projects in the amount of up to € 7,000 aimed at society integration (including civic participation initiatives, promotion of social integration, and elimination of intolerance and discrimination).

2.2 Distribution of government funding

As the national NGO fund has only been operational for one year, it is difficult to ascertain trends in the distribution of government funding. In 2016, NGO projects concerning reproductive rights, non-discrimination on grounds of religion, rights of persons with intellectual and mental disabilities, and effective anti-trafficking measures were among those supported.

2.3 Restrictions (or other changes) on NGO funding from other sources

In Latvia, there are no restrictions on NGO funding from other sources and there are no foreign funding rules existing or under discussion. However, since the annexation of the Crimea and the conflict in Eastern Ukraine, the Security Police¹⁵ has paid special attention to the activities of individuals and NGOs (particularly those linked to some political parties) receiving funding from different Russian Federation government foundations, such as Foundation for Supporting and Protecting the Rights of Compatriots Living Abroad, the Russian World, and the Alexander Gorchakov Foundation for Support of Public Democracy. There have been several investigative reports concerning the channeling of Russia's money to NGOs in the Baltic States.¹⁶

¹³ Latvia, Education, Culture and Sports Department of the Riga City Council (*Rīgas Domes Izglītības, kultūras un sporta departaments*), Information about society integration project grants available in Latvian at: <http://www.iksd.riga.lv/public/31601.html>.

¹⁴ Latvia, Jurmala City Council, Information about society integration projects available in Latvian at:
https://www.jurmala.lv/lv/sabiedriba/sabiedribas_integracija/sabiedribas_integracijas_projekti/20099-sabiebribas-integracijas-pasakumu-istenosana.

¹⁵ Latvia, Security Police (*Drošības policija*), Annual Reports 2014 and 2015, available at: <http://www.dp.gov.lv/en/>.

¹⁶ Re:Baltica, Jemberga, S., Salu, M. and Černiauskas Š. (2015), Kremlin's Millions, available at: <https://en.rebaltica.lv/2015/08/kremlins-millions/>; The Jamestown Foundation (2015), Moscow Massively Funding Pro-Russian NGOs in the Baltic States, available at: <https://jamestown.org/moscow-massively-funding-pro-russian-ngos-in-baltic-countries/>.

3 Access to the decision-making process for non-governmental organisations working on fundamental rights

Title of legislation/policy	Reference	Short summary (max 500 characters)
Amendments to the Regulations of the Cabinet of Ministers No. 171 "Procedures by which Institutions Publish Information on the Internet", 30 April 2013	Latvia, the Cabinet of Ministers (<i>Ministru kabinets</i>), Amendments to the Regulation of the Cabinet of Ministers No. 171 as of 6 March 2007 "Procedures by which Institutions Publish Information on the Internet"(<i>Grozījumi Ministru kabineta 2007. gada 6. marta noteikumos Nr. 171 Kārtība, kādā iestādes ievieto informāciju internetā</i> "), 20 April 2013, available in Latvian at: https://likumi.lv/body_print.php?id=256825&version_date=01.07.2013&grozijumi=0&pielikumi=0&saturs=0&piezimes=0&large_font=0	Amendments require institutions (including municipalities) to include a "Public participation" section on their websites. The section has to include information about the institution's co-operation with NGOs, the most important working groups and advisory councils, the elaboration of planning documents and draft legal provisions where public participation is anticipated, planned public discussions and those that have taken place, and participation possibilities.
Amendments to the Regulations of the Cabinet of Ministers No. 970 "Procedures for Public Participation in the Development Planning Process", 20 April 2013	Cabinet of Ministers (<i>Ministru kabinets</i>), Amendments to the Regulations of the Cabinet of Ministers No. 970 as of 25 August 2009 "Procedures for Public Participation in the Development Planning Process"(<i>Grozījumi Ministru kabineta 2009. gada 25.augusta</i>)	Amendments provide for mandatory public participation in the elaboration of legal provisions, which substantially change effective regulations or foresee new policy initiatives. Public participation should be announced 14 days prior to the submission of the draft law to the

	<p><i>noteikumos Nr. 970 "Sabiedrības līdzdalības kārtība attīstības plānošanas procesā"),</i> 20 April 2013, available in Latvian at: https://likumi.lv/ta/id/256710-grozijumi-ministru-kabineta-2009-gada-25-augusta-noteikumos-nr-970-sabiedrības-līdzdalības-kārtība-attīstības-plānošanas-procesa-</p>	relevant decision-making body. Public representatives have the right to submit their opinion in writing about the development planning document during its elaboration process.
Concept Report "About Establishment of the State Funded Foundation for Non-governmental Organisations" (<i>Par konceptuālo ziņojumu "Par valsts finansēta nevalstisko organizāciju fonda izveidi"</i>), 16 December 2015	Latvia Concept Report "About Establishment of the State Funded Foundation for Non-governmental Organisations" (<i>Par konceptuālo ziņojumu "Par valsts finansēta nevalstisko organizāciju fonda izveidi"</i>), 16 December 2015, available in Latvian at: https://likumi.lv/body_print.php?id=278602&version_date=16.12.2015&grozijumi=0&pielikumi=0&saturs=0&piezimes=0&large_font=0	The report envisages the establishment of an NGO fund, earmarking of funding, and designation of a responsible ministry and agency to administer the fund. The fund is aimed at ensuring financial sustainability of NGOs, in order to, inter alia, facilitate their participation at all levels of public administration.

4 Further information

On 18 December 2015, the Saeima adopted draft amendments to the Law on State Social Insurance requiring employers to pay mandatory social insurance contributions for part-time employees whose wage is lower than the minimum wage in the amount not lower than the social insurance contribution from minimum wage.¹⁷ The amendments had to become effective on 1 January 2017. However, following concerns voiced by NGOs arguing that the requirements would place serious burden on non-profit organisations, the relevant provisions were excluded from the law.¹⁸ Many NGOs are able to employ only part-time staff.

In 2012, the State Revenue Service (*Valsts ienēmumu dienests*) fined the Valmiera Regional Foundation (*Valmieras novada fonds*) for employing an accountant who worked for an NGO on voluntary basis, as it considered that the foundation was avoiding taxes.¹⁹ The Valmiera Regional Foundation appealed the decision arguing that the State Revenue Service did not take into account the provision of the Law on Associations and Foundations, which allows engaging any kind of volunteers. The court cancelled the fine.²⁰ Following, the discussions raised after the case, the government elaborated the Law on Voluntary Work which became effective on 1 January 2016.²¹

¹⁷ Saeima, Amendments to the Law on State Social Insurance (*Grozījumi likumā Par valsts sociālo apdrošināšanu*), 30 November 2015, available in Latvian at:
<https://likumi.lv/ta/id/278632-grozijumi-likuma-par-valsts-socialo-apdrosinasanu->.

¹⁸ Saeima, Amendments to the Law on State Social Insurance (*Grozījumi likumā Par valsts sociālo apdrošināšanu*), 20 Decmber 2016, available in Latvian at:
<https://likumi.lv/ta/id/287774-grozijumi-likuma-par-valsts-socialo-apdrosinasanu->.

¹⁹ Valmiera Regional Foundation (*Valmieras novada fonds*), Open letter on State Revenue Service's imposed fine for voluntary work in charity organisations (*Atklātā vēstule. Valsts ienēmumu dienests soda par brīvprātīgo darbu labdarības organizācijā*), available in Latvian at: <http://www.vnf.lv/lv/zinas/atklata-vestule.-valsts-ienemumu-dienests-soda-par-brivpratigo-darbu-labdaribas-organizacija-735/>.

²⁰ News agency LETA, *Arī apelācijas sūdzības tiesa brīvprātīgā grāmatveža nodarbināšanas lietā noraida VID prasību par soda piemērošanu Valmieras novada fondam*, 28 April 2013, available to subscribers only.

²¹ Latvia, Law on Voluntary Work (*Brīvprātīga darba likums*), available in Latvian at:
<https://likumi.lv/ta/id/275061-brivpratiga-darba-likums>.