



**International Covenant on
Civil and Political Rights**

Distr.: General
10 July 2024

Original: English
English, French and Spanish only

Human Rights Committee

**Fourth periodic report submitted by Latvia under article 40
of the Covenant, due in 2020^{*}, ^{**}**

[Date received: 7 June 2024]

* The present document is being issued without formal editing.
** The annexes to the present document may be accessed from the web page of the Committee.



Fourth periodic report of the Republic of Latvia on the implementation of 1966 United Nations International Covenant on Civil and Political Rights for the period from 1 January 2014 to 31 December 2019

Introduction

1. The fourth periodic report of Latvia ('Report') on the implementation of the UN 1966 International Covenant on Civil and Political Rights ('the Covenant') provides information regarding the measures adopted by Latvia to implement the recommendations of the UN Human Rights Committee ('the Committee') (CCPR/C/LVA/CO/3) primarily between 1 January 2014 and 31 December 2019. The Report was prepared according to the UN General Assembly Resolution No. 68/268 and the consolidated guidelines for the preparation of national reports.

2. The information included in the Report was compiled by the Ministry of Foreign Affairs in cooperation with the Ministry of Defence ('MoD'), the Ministry of the Interior ('MoI'), the Ministry of Education and Science ('MoES'), the Ministry of Culture ('MoC'), the Ministry of Welfare ('MoW'), the Ministry of Justice ('MoJ'), the Ministry of Health ('MoH'), the Prosecutor General's Office ('PGO') and the Office of the Ombudsperson of Latvia.

Article 1

3. Latvia informs that no changes to the information on the implementation of Article 1 of the Covenant have been made in the reporting period (CCPR/C/LVA/2002/2, paras.7–10).

Article 2

Recommendation No. 7

4. Latvia draws the Committee's attention to the information provided in its Common Core Document regarding the restoration of Latvia's independence and creation of the status of non-citizen (HRI/CORE/LVA/2017, paras. 200–201). Latvia recalls that there is no direct causation between the legal status of persons in Latvia and their ethnic origin or native language. The native language of a person is not a criterion for acquiring citizenship. Consequently, the restrictions introduced in Latvia on holding certain offices, and other restrictions for persons who are not citizens of Latvia, are not related to the native language of the person, but to his/her legal connection or status in Latvia. Restrictions for persons who are not citizens of Latvia on holding certain positions are based on them lacking a legal connection with Latvia, not language proficiency. Any person in Latvia, including persons whose native language is not Latvian, can freely exercise their Covenant rights to the extent it ensures the rights of the public to receive and disseminate information in the State language.

5. The Latvian language is the only State language in Latvia, which requires Latvia to ensure that each person can use this language on a daily basis, receive and disseminate information privately and in public, *e.g.* in communication with State institutions. Therefore, to ensure the rights of every person to express his/her opinion and engage in democratic processes in the State language, Latvia has the right to demand knowledge of the State language in every sphere of life from persons employed in areas of public interests (for example, consumer rights, patient rights, *etc.*).

6. In 2018, Article 32 of the *Labour Law* was amended prohibiting the indication of a requirement of proficiency in a foreign language as a requirement in job advertisements unless such proficiency is objectively required for performing professional duties. In 2018, the State Labour Inspectorate ('SLI') received 11 applications, in 2019 – 20 applications on alleged breaches of this requirement. In 21 case administrative offence proceedings were terminated, in 10 cases the information included in the complaints was confirmed and 3 oral

reprimands were made. In another 7 cases, the “Consult first” principle was applied. In 2014–2017, the SLI did not receive applications on alleged breaches concerning language requirements at workplaces.

Recommendation No. 5

7. The Office of the Ombudsperson as the Latvian national human rights institution operates pursuant to the *UN Paris Principles*. In 2020, the Office of the Ombudsperson repeatedly received “A” accreditation status in the Sub-Committee on Accreditation of the Global Alliance of the National Human Rights Institutions. In the reporting period, the support to the Office of the Ombudsperson has increased from the State and from the public. The funding allocated to the Office of the Ombudsperson increases every year. Since 2018, when the number of staff members of the Office of the Ombudsperson was increased, the Office has 51 employees (Table 1, Annex 1).

8. The Ombudsperson has several functions to protect human rights of citizens (Table 2, Annex 1). In 2014–2019, the Constitutional Court (‘CC’) has declared rulings in at least 10 cases brought by the Ombudsperson, including cases on conformity of environmental noise threshold values with the rights of persons to health and benevolent environment, on working hours of medical personnel, on the procedure of application of real-estate tax, and disclosure of personal data of maintenance debtors.

9. The Office of the Ombudsperson conducts annual researches on civil and political rights, social, economic and cultural rights, rights of children and persons with disabilities, and on the practical implementation of the prohibition of discrimination (Table 3, Annex 1), and examines applications on alleged violations of those rights (in detail, Tables 4–5, Annex 1). In 2019, the Ombudsperson organised 3 lectures for State Administration human resources specialists on discrimination in employment (emotional abuse, mobbing and bossing). In 2014–2019, the Ombudsperson prepared several opinions on breaches of the prohibition of discrimination and created a website with information about forms, grounds of discrimination, and areas in which the prohibition applies, *etc.*¹ The Prevention Division has been established, the responsibilities of which include regular and preventive visits at institutions, where the freedom of persons is or may be restricted, such visits being aimed at the prevention of torture, cruel and degrading treatment.

Recommendation No. 7

10. The naturalization conditions and procedure in Latvia are regulated by the *Citizenship Law* and the *Cabinet of Ministers’ (‘Government’ or ‘CoM’) Regulations No. 1001*. The Office of Citizenship and Migration Affairs (‘OCMA’) continues to promote naturalization, making it more accessible to socially vulnerable groups. The OCMA informs each person that they have the right to challenge and appeal any refusal by the OCMA to naturalize. To promote the acquisition of citizenship and reduce the number of non-citizens and stateless persons in Latvia, the OCMA implements various support measures (Tables 6–7, Annex 1).

11. In 2019, the *Law on the Termination of Granting the Status of a Non-citizen to Children* entered into force, terminating the granting of the non-citizen’s status to children born after 1 January 2020 in Latvia. Latvian non-citizens’ children born after 1 January 2020 are recognised as citizens of Latvia regardless of their birth place, unless a child is or has been a citizen of another State. A child may acquire Latvian citizenship, if both of his/her parents are non-citizens; one of the parents is a non-citizen and the other is a stateless person or is unknown; or according to a mutual agreement between parents, if one of the parents is a non-citizen and the other a citizen of another State (statistical data on naturalization in Tables 8–10, Annex 1).

¹ <https://www.tiesibsargs.lv/theme/diskriminacija/>.

Article 3

Recommendation No. 6

12. The status of women in Latvia is considered favourable. The World Economic Forum has established the *Global Gender Gap Index*, assessing gender equality in economics, politics, education, and healthcare. Latvia has never ranked below the 20th position (2017) among 135 countries in the world, taking 11th position in 2019 in this *Index*.² The UN *Gender Inequality Index* measures the national reproductive health system, the decision-making, and labour market from the perspective of gender equality. In 2016, Latvia was 44th among 187 countries, whereas in 2019 – 39th among 189 countries in this *Index*.³ In 2018, a study on equal treatment of women in the regulatory framework ranked Latvia in 10th position,⁴ whereas, in 2021, the World Bank in its study *Women, business, and rights 2021* announced Latvia as the leading country in ensuring equal economic opportunities for women. This study refers to the regulatory framework concerning women's rights in business.

13. In absolute numbers, women in Latvia earned approximately 13.1% less than men; however, the pay-gap cannot be explained by discrimination, as women are paid less for different reasons. The majority of women are employed in sectors, where the average remuneration is low: accommodation, catering and household service companies, art and entertainment, trade, healthcare and social care. Moreover, usually women work part-time or freelance to balance work with raising children. The financial and insurance sector is an exception, where the average pay is the highest and 65.6% of employees are women; but the pay-gap is the largest: 32%. In State administration, where the number of employees of both genders is similar, women's pay is by 0.1% lower. Pay-gap in other sectors can be explained only by analysing, in more detail, occupations of both genders employed in the specific sector, comparing professional duties, level of responsibility and other factors that affect salaries. The data on 2019 show that the average gross hourly salary of women was by 21.2% lower than that of men (Tables 1–3, Annex 2).

14. Latvia has achieved positive results in terms of involvement of women in decision-making process, especially in economics. According to *Lursoft* data, at least one shareholder is a woman in ~1/3 (32.5%) out of almost 186,000 companies registered in Latvia (2020). In 2020, the most popular business sectors, in which companies were registered by women, were accounting and auditing; tax consulting; leasing and management of real estate; hairdressing and beauty services; retail sale in non-specialised stores, mostly food; mixed agriculture. Women mostly manage micro and small enterprises; however, women have also established and run companies with turnover of tens of millions of euros. Women continue to run companies after reaching 70 years of age. Most Latvian State officials (35.66%) are aged between 50 and 69, and 38.15% in this age group are female officials. According to *Lursoft* data, 6.32% of all female officials have reached 70 years of age. In 2018, the difference between hourly salary rate of women and men in the private sector was at its lowest (10.7%), whereas in 2019, it reached 19.5% (Tables 4–12, Charts 1–2, Annex 2). Compared to 2018, the difference between remuneration of women and men in the public sector grew by 8.8 percentage points, and in the private sector by 6.3 percentage points. Compared to 2017, in 2018, the difference between remuneration of women and men fell in all age groups. The smallest difference between hourly earnings of women and men was observed in the 55–64 age group (9.9%), whereas the biggest difference – in the 35–44 age group (16.9%) and 25–34 age group (16.5%) (Table 13, Annex 2). Although there are almost twice as many male entrepreneurs, the representation of women in the business sector has increased (Table 14, Annex 2).

Changes to the regulatory framework

15. Latvia draws the Committee's attention to the information included in its Common Core Document (HRI/CORE/LVA/2017, paras. 226–232). In addition, the regulatory framework aimed at harmonisation of work and family life was improved in 2014–2019. In

² http://www3.weforum.org/docs/WEF_GGGR_2020.pdf.

³ <http://hdr.undp.org/en/data>.

⁴ <http://www.cfr.org/legal-barriers/country-rankings/>.

2014, amendments regarding the payment of parental benefits came into effect, creating more favourable circumstances for working parents, allowing them to receive partial parental benefits (30%) during parental leave, thus successfully combining work and childcare. In 2017, the *Law on Maternity and Sickness Insurance* was amended so that right to a parental benefit is granted also to a person, who is unemployed on the day of granting the benefit, but was employed, when the maternity leave started. One of the parents adopting a child under the age of 3 from foster case is granted the right to the benefit. If a person has adopted a child under the age of 3, the person as one of the child's parents may request a 10 calendar days leave. The tax policy, income and living standard of the employed plays a significant role in the motivation of people to enter the labour market; therefore, since 2016 an extensive tax reform is implemented, aiming to reduce the workforce tax burden, increasing income of employees with low income and families with children. Since 2016, a solidarity tax is introduced, which applies to socially insured persons: employees and self-employed persons, whose annual income exceeds the maximum amount of the mandatory state social insurance contributions. Although there are significant positive changes in the regulatory framework, women take the parental leave more often.

Policy planning documents

16. In 2014–2019, the *Inclusive Employment Guidelines 2015–2020* and *Family State Policy Guidelines 2011–2017* were adopted to prevent discrimination, ensure social integration, develop an inclusive and balanced labour market to create an environment that facilitates employment. The measures included in these documents aim to address segregation and lack of balanced representation of women and men in various sectors of the labour market that affect gender pay-gap. To determine further measures for implementation of the gender equality policy, CoM approved *The Plan for Ensuring Equal Opportunities for Women and Men 2018–2020*. *The Plan for Ensuring Equal Opportunities for Women and Men 2018–2020* includes 5 directions of action (Table 15, Annex 2). In 2021, the CoM renewed this plan for the period of 2021–2023.

17. *Inclusive Employment Guidelines 2015–2020* facilitate equal opportunities of all persons in the labour market, regardless of age, gender or disability, and improve employment opportunities for different groups of residents, e.g. young people, women, older residents. This policy aims to reduce gender pay-gap.

18. In 2019, the CoM approved the first Latvian National Action Plan for the implementation of objectives of the UN Security Council Resolution No. 1325 on women, peace and security in Latvia for 2020–2025 establishing 3 main tasks: public awareness-raising, especially among the young, about gender equality and eradication of gender-based violence; training of the defence and internal affairs sector, including establishment of the position of gender equality consultant; furthering the Latvian experience and knowledge.

19. In 2016–2017, the Latvian Judicial Training Centre's ('Centre') training programmes examined subjects on non-discrimination under the *Labour Law: Gender-Based Discrimination in Employment; Discrimination in Employment. Discrimination of Persons with Disabilities*. In 2015, the Centre organised seminars on gender equality and discrimination.

Article 4

20. On 12 March 2020, due to the spread of COVID-19, the CoM announced an emergency situation in Latvia introducing several restrictions, which necessitated a derogation from the implementation of certain obligations under the Covenant. This emergency situation was later extended, lifted, and once again declared and lifted. Therefore, from 16 March 2020 to 6 April 2021 and from 21 October 2021 to 15 November 2021, Latvia informed the UN Secretary General about derogation from separate obligations assumed under the provisions of the Covenant and consequently about the withdrawal of abovementioned derogations (Table 1, Annex 3). Latvia sent similar declarations to the Secretary General of the Council of Europe. The domestic legal framework allows Latvia to exercise its derogation only while the emergency situation is in force.

21. As to the *Law on Emergency Situation and State of Exception*, Latvia refers to the information provided in its second and third periodic reports and notes that no major changes have been made to the *Law*. Due to the spread of COVID-19, Latvia amended the *Law on Emergency Situation and State of Exception* allowing the Government to extend the emergency situation more than once.

Article 5

22. Latvia refers to the information provided in its second periodic report (paras. 84–86, CCPR/C/LVA/2002/2) and informs that no changes have been made in this regard.

Article 6

Deaths in the armed forces

23. According to *CoM Regulations No. 605*, all deaths in the armed forces are investigated, and the information obtained during investigations is collected. A committee comprised of at least 3 officials conducts the investigation, thus excluding the possibility of a one person's subjective assessment. The MoD may verify the investigation findings. In 2014–2019, 15 military deaths were recorded, one of which occurred in the line of duty (Table 1, Annex 4).

Recommendation No. 10 (Deaths in psychiatric institutions)

24. The assessment of deaths in psychiatric institutions is conducted pursuant to the Law on the Protection of the Body of Deceased Human Beings and Use of Human Tissues and Organs in Medicine and the CoM Regulations No. 215. According to this regulatory framework, a physician determines the patient's death assessing whether the deceased has any visible signs of a violent death, and reports to the State Police ('SP') if a violent death is suspected. If the cause of death is known, the physician completes the documentation on the cause of death. In cases where the physician is not able to determine the cause of death and the deceased does not show any signs of a violent death, or the possible cause of death is an infectious disease, an illness undiagnosed during lifetime or undiagnosed complications of preventive measures, treatment, or illness, a pathological examination is performed. If a pathologist finds any signs of a violent death, the medical treatment institution notifies the SP.

25. Psychiatric treatment institutions are bound by the *CoM Regulations No. 60*. To ensure high-quality and safe medical services, psychiatric treatment institutions are required to take risk mitigation measures for high-risk patients or patient groups related to their age, medical condition, and need for special care (risk of falling or suicide, unexpected deterioration of health). A committee comprised of medical practitioners and representatives of the psychiatric treatment institution conducts the assessment of sudden deaths. Gerontological patients and patients who, due to their health condition, have spent several years in hospitals, account for a large proportion of all patients in psychiatric treatment institutions. Many patients have been diagnosed not only with a psychiatric disorder, but also with other illnesses affecting his/her health condition and life expectancy (oncological diseases, circulatory diseases), which are often the cause of death. In cases where the patient's cause of death is known, additional assessment is not conducted.

26. Under the *Medical Treatment Law*, the Health Inspectorate ('Inspectorate') monitors the quality of healthcare services. The Inspectorate examines complaints on unsuited or low-quality treatment, or possible negligence by medical practitioners. The decision of the Head of the Inspectorate may be appealed before domestic courts (Tables 2–4, Annex 4).

Recommendation No. 10 (Deaths in prisons)

27. In 2014–2019, the number of deaths in prisons has dropped significantly, accordingly also the absolute number of instituted criminal proceedings regarding such deaths. However,

the percentage thereof has increased (in 2014, criminal proceedings were instituted for 50% of all deaths in prisons, while in 2019 – 66.7% (Tables 5–11, Annex 4)).

28. The Prison Administration ('PA') Training Centre implements a continuing education programme *Prison Security* (Table 12, Annex 4). After completing this programme, officers acquire the professional qualification *Junior Inspector of Prison* (Chart 1, Annex 4). In 2014–2019, the PA started developing the programme *Be Identified* aiming to reduce the risk of suicidal behaviour in prisoners. As a result, in 2021, a suicide risk-assessment-scale was established.

29. In 2016, 63 officers of the Olaine Prison's Addiction Treatment Centre completed the education programme *Work with Convicts in the Resocialisation Centre for Persons with Addictions*. These officers developed in-depth communication and conflict resolution skills, because their daily work is based on the dynamic security principles. Several times a year, the PA Training Centre organises and manages qualification improvement activities. These qualification improvement courses address topics such as: measures to prevent crisis situations, emergency response, *etc.* where the lecturers use simulation and analysis of situations, thereby training officers on how to respond to conflict situations and perform their daily duties so as to prevent prisoner suicide attempts. The data on disciplinary practice related to alleged violence of SP employees against persons involved in criminal proceedings in 2014–2019 show that the number of disciplinary proceedings is small (Table 13, Annex 4).

Article 7

Recommendation No. 11

30. Since 2014, Article 130¹ of the *Criminal Law* ('CL') criminalizes forms of torture not covered by other provisions of the *CL* where the torture is incorporated as an aggravating circumstance. The imprisonment sentence depends on the severity of the consequences (Table 1, Annex 5). Although in 2014–2019, only one case concerning Article 130¹ of the *CL* was examined and there were no individuals serving their sentence under this provision, 31 persons were detained or were serving a sentence of imprisonment for criminal offences, for which torture is one of the qualifying elements (Tables 2–3, Annex 5).

Recommendation No. 12

31. In 2014, the PA initiated 4 criminal proceedings concerning alleged crimes under the Chapter *Criminal Offences Committed in State Authority Service* of the *CL*, which were later terminated due to lack of *corpus delicti*. By November 2015, the PA instituted one criminal proceedings under the same Chapter of the *CL*. Additionally, one set of criminal proceedings were instituted under Article 317, paragraph 2, of the *CL* (*Exceeding Official Authority Concerning Violence or Threat of Violence*).

32. Since 1 November 2015, pursuant to Article 4 of the *Law on the Internal Security Bureau*, the Internal Security Bureau ('ISB') investigates alleged criminal offences that are related to violence against prisoners by prison officials (Table 4, Chart 2, Annex 5). In 2016–2019, the number of applications received by the ISB continued to grow. In most cases, petitioners complained about alleged violence, and/or use of official position in bad faith or exceeding official authority (Charts 1–2, Annex 5). In 2014–2019, the ISB conducted various informative and educational activities, including those aimed at preventing unlawful violent conduct by an official (Table 5, Annex 5), and introduced a helpline allowing people to leave recorded information or speak to an official. In 2019, compared to 2018, the number of incoming calls grew by 11% (237 calls). By 31 December 2019, the ISB had conducted investigation in 520 criminal proceedings, 110 of which involved allegations of violence (21%). The operation of the ISB is regarded as highly efficient since until 31 December 2019, 193 criminal proceedings had been transmitted for prosecution, 127 cases for adjudication, and in 46 cases (against 57 officers) convictions had entered into force (Charts 2–3, Annex 5).

Recommendation No. 9

33. In 2013, amendments to the *Civil Law* entered into force allowing domestic courts to dissolve marriages in cases where the reason for the dissolution is physical, sexual, psychological, or economical violence of the spouse against the other spouse or against his/her/their child even if the spouses have lived separately for less than 3 years. In 2014, amendments to Article 159 (*Rape*) and Article 160 (*Sexual Violence*) of the *CL* came into force stipulating that rape and sexual violence is also committed where the perpetrator uses trust and authority or exerts influence over the victim. In 2017, the *CL* was amended with Article 132¹ (*Persecution*) establishing criminal liability for repeated or lasting pursuit and surveillance, threat or unsolicited communication with a person who has had reasonable grounds to fear for his/her safety or the safety of his/her relatives. ‘Safety’ refers also to sexual inviolability.

34. In 2015, to ensure that the protection provided to a person in one Member State (‘MS’) is maintained and continued in another MS of the EU, the *Directive 2011/99/EU* was implemented in Latvia. In 2015, amendments to the *Criminal Procedure Law* (‘*CPL*’) came into force allowing to monitor the compliance with security measure in the territory of another MS in cases where a person causing danger in one MS of the EU is subject to a security measure related to the prohibition of entering certain places or defined areas where the protected person resides or visits, a prohibition or regulation of contact with the protected person, or a prohibition or regulation on approaching the protected person closer than a prescribed distance. To properly implement the *Directive 2012/29/EU* (*Victims’ Rights Directive*), Latvia amended the *CPL* and other laws (Tables 6–7, Annex 5). In 2015, amendments to Article 56 of the *CL* came into force changing the approach in calculation the statute of limitations regarding criminal offences against morality and sexual inviolability of a minor. The statute of limitations is calculated from the day the victim reaches majority, and the statute of limitations is 20 years from that day (30 years if the offence is punishable by life imprisonment).

35. In 2014, the regulation on temporary protection against violence was included in Chapter 30⁵ of the *Civil Procedure Law*. Under this regulation, a victim of violence may submit an application for provisional protection against violence to the court to order provisional measures (Table 8, Annex 5). The police may take a decision on provisional immediate perpetrator’s separation. The regulation prescribes the procedure for executing decisions on provisional protection against violence, and specific sanctions if the perpetrator fails to fulfil the obligations imposed on him/her. Provisional protection against violence is allowed at any stage of the proceedings, including before the claim is lodged. According to the amendments to the *Civil Procedure Law*, as of 1 July 2021, the court may impose a new provisional remedy— obligation for the defendant to complete a social rehabilitation course for reducing violent behaviour.

36. Article 168¹ of the *CL* establishes criminal liability for the failure to comply with the court’s decision. Provisional protection against violence may be ordered in cases where there are no grounds to initiate criminal proceedings or administrative offence proceedings (*e.g.*, in cases where a person has not yet been physically harmed, but there is a risk of it happening).

37. Following amendments to Article 12¹ of the *Law on Police*, a police officer is obliged to prevent threats of violence and has the right to decide on immediate separation of the perpetrator to protect a person. The decision on separation is valid for up to 8 days, and may impose an obligation on the perpetrator to immediately leave the dwelling and not to approach or contact the person requesting protection. If a person requesting protection wishes to be granted protection that exceeds 8 days, he/she may submit an application for provisional measures against violence with the court. The number of applications received by courts for provisional protection against violence (Table 9, Annex 5) and of immediate out-of-court mechanisms, *i.e.* police decisions on separation (in 2014 – 100; and in 2018 – 789 decisions) increases every year.

38. In 2014–2019, amendments to the *Medical Treatment Law* and the *Law on Social Services and Social Assistance* established that medical practitioners and social service providers must report possible violence against a person. Pursuant to Article 56¹ of the *Medical Treatment Law*, if a medical treatment institution provides assistance to a patient

and there are grounds to believe that the patient has suffered from violence or lack of proper care, the medical treatment institution notifies the SP within 12 hours. If the victim is a minor, the medical practitioner and the social service provider must report any cases involving neglect or any threat to a child. According to the *Public Health Guidelines 2014–2020*, in 2014–2019, medical practitioners were provided training on dealing with cases of violence and studies on the experience of young people in Latvia with respect to violence in childhood were conducted. Since 2015, Latvia allocates funding to continue providing rehabilitation for victims and perpetrators of violence.

Recommendation No. 9 (Policy planning documents)

39. Once a year, the MoW prepares a report on the situation regarding the prevention of domestic violence and violence against women. *State Family Policy Guidelines 2011–2017* and the related action plan contain measures for combating domestic violence and violence against women. *Plan for the Promotion of Equal Rights and Opportunities for Women and Men 2018–2020* formulates measures for combating gender-based violence. To reduce gender-based and domestic violence the *National Development Plan 2014–2020* was developed. As of 2015, 2 new State-funded services for mitigation of the consequences of violence are available: social rehabilitation for victims of violence; and social rehabilitation for perpetrators. In 2018, compared to 2015, the number of persons receiving these services has multiplied 5 times (Table 10, Annex 5). To reduce public tolerance of violence against women and domestic violence, awareness-raising campaigns and prevention-oriented activities are implemented.

40. As of 2015, according to the *CoM Regulations No. 790*, persons suffered from physical, sexual, economic or emotional violence or threats of such violence, or violent control have the right to receive State-funded social rehabilitation services. Services are provided in the form of a social rehabilitation course for up to 60 days at a social rehabilitation institution (with accommodation) or up to 20 45-minute consultations by a psychologist, a social worker, and a lawyer at the place of residence. The Legal Aid Administration provides information-based support to victims through the association “Skalbes”. Phoning 116006, victims of crime and violence have access to emotional and psychological support and information on the procedural rights/ support measures for victims. There are several NGO-provided helplines and websites in Latvia to provide support to victims of violence.

41. In 2014–2019, 26 family support centres were established in several regions of Latvia. Latvia complies with the requirements set by the Council of Europe, ensuring 1 place per 10 000 inhabitants at crisis centres for women with children who have suffered from violence, in total 200 places. Since 2015, perpetrators of violence have access to State-funded social rehabilitation services. A special State-funded social rehabilitation service is provided to persons who are concerned that they might commit a criminal offence against the morality or sexual inviolability.

42. The association “Centrs Marta” (“Centrs Marta”) indicates that, in practice, there is a lack of places at the centres, and it falls on the service providers, especially in regions, to look for accommodation for female victims. The addresses of crisis shelters are public, which is not safe in high-risk cases. Most of these places would be provided to women with children, leaving women without children unprotected. “Centrs Marta” notes that, for the time being, there are no shelters in Latvia that would be specifically designed for women who suffer from violence. These women may turn to family crisis centres, but their capacity is limited, and they mostly provide general support. There are no centres for victims of rape or sexual violence in Latvia despite the fact that they require special services (forensic medical examination and medical care), which must be performed immediately.

43. Minor and adult victims of violence have access to State-funded support (since 2000 and 2015, respectively). The local governments, based on their financial capacity and understanding, provided support to adult victims of violence before 2015 and currently are able to provide more support. Although an increasingly wider group of persons have access to this service, the statistics show that 80% of children and adults receiving the services have suffered from domestic violence. The provision of social rehabilitation services is gender-neutral (Tables 10–12, Annex 5). In 2019, the CoM approved the *Plan for the Protection of*

Minors from Criminal Offences Against Morality and Sexual Inviolability for 2019–2020. As for the execution of policy planning documents, several information reports have been prepared between 2016 and 2018, and they continue (Table 13, Annex 5).

44. With financial support from the European Social Fund ('ESF'), the MoW implements the project *Development of Professional Social Work in Local Governments* aiming to develop methodological materials and training programmes for social work with victims and perpetrators of violence. In 2019, 28 social workers from 17 municipal social services participated in these programmes. In 2019, the annual methodological-informative meetings in 5 Latvian regions were held, with a particular focus on cooperation between social workers of local governments and medical treatment institutions/medical practitioners in the context of violence against children, emphasizing the importance of prevention. Every December, various activities organised in Latvia seek to raise awareness about domestic violence, encourage victims to turn for help and urge fellow citizens to speak up. The project was launched in April 2015.

Recommendation No. 9 (Public awareness activities)

45. In 2017–2018, the MoW implemented two projects: *One Step Closer: Joint Response by the Community to Cases Involving Violence against Women* and awareness campaign on zero tolerance towards violence against women *Violence Thrives in Silence*. Both projects were financed by the EU programme *Rights, Equality, and Citizenship*, and aimed at developing professional competences of professionals dealing with victims of domestic violence or violence in other close relationships (SP officers and employees of local governments, social workers, and experts in protection of children's rights, healthcare experts, and experts representing sectoral NGOs) and raising public-awareness and understanding of violence against women to reduce and prevent violent behaviour. The project pays particular attention to youth, to promote respectful and equal relationship between boys and girls. As the public survey suggested, in 2018 more respondents considered that violence against women and domestic violence are not acceptable and must be punished than in 2016 (Chart 4, Annex 5).

46. The SP has no special investigation units for cases involving domestic violence, and the CL does not separate domestic violence as a separate offence. Investigation of offences related to domestic violence is conducted pursuant to various Articles of the CL (Tables 14–16, Annex 5). In 2014–2019, several education-oriented activities were implemented to educate officers on domestic violence, rape within family (Table 17, Annex 5). Together with other institutions, the State Police College ('SPC') organises events to train officers, (Table 18, Annex 5). The SP officers regularly participate in the activities organised by the foundation "Centrs Dardedze" (Table 19, Annex 5).

Other information

47. In 2020, Latvia took steps to ratify the *Optional Protocol to the UN Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Protocol was ratified on 10 December 2021. The functions of the National preventive mechanism in Latvia are carried out by the Office of the Ombudsperson, which has a separate department for this purpose. Additional State budget funding was allocated for the development of the National preventive mechanism.

Article 8

Recommendation No. 8 (Restriction of prostitution)

48. In 2015, the CoM requested the MoI together with other ministries, the Office of the Ombudsperson, and NGOs to develop a draft law on the restriction of prostitution. In 2017, the draft *Law on Restriction of Prostitution* was promulgated, but there were extensive and substantial objections to it by ministries, public authorities, and NGOs. The draft law aims to restrict and reduce prostitution, mitigate the risks of trafficking in human beings ('trafficking'), to protect the individual, public health and wellbeing, to prevent children and young people from engaging in prostitution, to mitigate the risks of violence against persons

engaged in prostitution, and to encourage to leave prostitution and to stop using it. The draft law defines the concept of prostitution, establishes general prohibitions (such as the prohibition to involve a minor or a victim of trafficking in prostitution, the prohibition to promote prostitution, *etc.*) and general restrictions (engaging in and use of prostitution is allowed in an apartment or a one-apartment house, which is owned by the person engaged in prostitution or regarding which tenancy agreement is concluded). The draft law stipulates that the State provides social rehabilitation to persons engaged in prostitution, which must be specified in CoM regulations (type, amount, scope, requirements for receiving services, allocation procedure, and requirements for providers of social rehabilitation services). The purpose of this service is to provide psychological support to persons engaged in prostitution, to motivate them to restore or improve their social functioning, and to encourage them to leave prostitution.

49. The CoM submitted the draft law for consideration in the early 2020. Given that there is no consensus on the concept of prostitution (whether it is a social problem or free choice of a person; violence against a person or right thereof; provision of sexual services in exchange for a fee, trafficking, or violence against a person), the Government has not been able to reach an agreement on transmitting the draft law to the Parliament. In February 2020, the Government decided to suspend the discussion of the draft law and to discuss it in a cooperation meeting. In Latvia, prostitution is not criminalized, but it is restricted, while persons are held liable for living on the avails of prostitution and trafficking. Procedure for the limitations of prostitution is outlined in the *CoM Regulations No. 32* (Table 1, Chart 1, Annex 6). Pursuant to Article 6 of the *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* persons who engage in prostitution are not subject to registration in Latvia.

50. “Centrs Marta” claims that the legal provisions of the new draft law are the same as in the *CoM Regulations No. 32*. “Centrs Marta” believes that this law fails to decriminalize prostituted persons and reduce the demand for prostitution. According to the Ombudsperson, the regulatory framework, which establishes that a person who is engaged in prostitution shall be held liable for violating the restriction of prostitution, neither complies with the principle of a socially responsible State, nor protects the honour of prostituted persons. Furthermore, the Ombudsperson notes that persons living on the avails of prostitution should be held liable for exploitation of persons engaged in prostitution. Thus, in their view, the existing regulatory framework in prostitution should be substantially changed, establishing a prohibition to use prostitution, upon violation of which a person who has exploited persons engaged in prostitution shall be held liable. The Ombudsperson submits that there are no laws on restriction of prostitution in place, which clearly shows that the efforts of Latvia in developing a new regulatory framework on restriction of prostitution have been too late and inefficient. In addition, although the existing regulatory framework is in force and binding, after the entry into force of the *Law on Administrative Liability* on 1 July 2020, administrative control in respect of the compliance with these regulations can no longer be conducted, as there is no law in place according to which persons could be held liable.

Recommendation No. 8 (Trafficking in human beings)

51. In 2014–2019, 187 possible victims of trafficking were identified. 151 persons were granted the status of a victim of trafficking. In most cases (109 victims of trafficking out of 151), victims were formally identified or recognised by specialised service providers – social rehabilitation services, consular officials, law enforcement authorities, social workers.

52. Pursuant to the *Directive 2011/36/EU*, in 2014, Latvia amended Article 154² of the *CL*, including the concept of vulnerability and its explanation in the definition of ‘trafficking in human beings’. Amendments to Articles 154¹ and 165¹ of the *CL* established criminal liability for criminal offences related to trafficking and sending a person for sexual exploitation. Article 164 of the *CL* establishes criminal liability for engaging a person in prostitution and the use of prostitution. Between 2014 and 2019, the authorities identified within criminal proceedings two adults who had been sent abroad for sexual exploitation (Article 165¹ *Sending a Person for Sexual Exploitation* of the *CL*). Several persons, who were seeking commercial sex workers in Latvia, were identified, detained, and recognised as suspects (Table 2, Annex 6). In 2016–2019, 110 criminal proceedings on trafficking and

related criminal offences were initiated (Chart 2, Annex 6). In 2011–2016, 9 criminal proceedings (8 of them involving an offence within an organised group) were initiated pursuant to Article 154¹ of the *CL* on sexual exploitation, coercion to provide services or where the offence was committed using fraud or violence. In 2017, the number of cases referred to courts under Articles 154¹, 165, and 165¹ of the *CL*, compared to 2016, fell by 57.8% (from 45 to 19 persons). In 2019, 3 cases were brought before courts under Article 154¹ of the *CL* (Tables 3–12, Annex 6).

Recommendation No. 8 (Policy planning documents)

53. To ensure a targeted and planned approach to prevent and combat trafficking, the first policy planning document addressing this issue – the *National Programme for Prevention of Trafficking in Human Beings for 2004–2008* – was approved by the *CoM Order No. 132*, which was followed by several other programmes. To implement the trafficking prevention policy, in 2014, Latvia drew up the *Guidelines for Prevention of Trafficking in Human Beings for 2014–2020*, aiming to prevent and combat trafficking, and to protect and assist victims of trafficking. These guidelines are harmonised with the *EU Strategy Towards the Eradication of Trafficking in Human Beings*, the *Council of Europe Convention on Action against Trafficking in Human Beings*, and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons of the UN Convention on Transnational Organised Crime*. These guidelines are based on 4 internationally recognised principles for combating trafficking: prevention; protection of victims; investigation, criminal prosecution, and trial; cooperation of the competent authorities and organisations nationally and internationally. According to *CoM Regulations No. 564*, a foreigner who has been recognised as a victim of trafficking, may be granted a residence permit in Latvia (Table 13, Annex 6).

54. The competent authorities of Latvia ensured participation and implementation of measures within the new *EU Policy cycle for 2018–2021*, according to the *Council of the EU Conclusions 7704/17 on the continuation of the EU Policy Cycle for organised and serious international crime for the period 2018–2021*, the *Council of the EU Conclusions 9450/17 on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021*, the *Council of the EU document 10011/1/17 on the implementation of the Council Conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021: identification of the competent parties*, and the *Council of the EU document 10544/17 on the Terms of Reference for the EU Policy Cycle*.

55. *The Council of the EU Conclusions* provide for 14 priority areas for combating organised and serious crime. In 2018–2021, Latvia continued participating in 9 priorities (together with sub-priorities in 13 areas of activity), including the priority *Trafficking in Human Beings*. In 2018–2019, Latvian authorities continued participating in the planning of activities of the *Joint Action Days ('JAD')*, and implementing them, including the priority *Trafficking in Human Beings*. In 2019, within the *JAD*, together with the *SLI* and the *State Border Guard ('SBG')*, the *SP* conducted inspections and found that Latvia may become a target country for labour exploitation of citizens from other countries (Ukraine, Uzbekistan, Kyrgyzstan, Tajikistan) in the areas of construction and agriculture.

56. Until 2018, Latvia was considered a source country whose nationals were recruited and exploited abroad and a country where domestic trafficking occurred. Since 2018, more third-country nationals tend to arrive to Latvia for employment purposes and often fall victims of labour exploitation or trafficking. The regulatory requirements regarding non-EU trafficking victims are effectively enforced ensuring formal granting of the status of a victim of trafficking, a reflection period, and the provision of rehabilitation services (Table 14, Annex 6). The Ombudsperson asserts that the *Law on Residence of a Victim of Trafficking in Human Beings in Latvia* was first enacted, but a reflection period was granted to the victims of trafficking only in 2019. In 2019, the Ombudsperson assessed the compliance of the above law with the requirements of the *Council Directive 2004/81/EC*. The Ombudsperson found that the procedures for granting a reflection period, according to which a person must apply to the investigative institution or person conducting the proceedings ('*PCP*') to receive the reflection period and the examination and decision-making procedure are not consistent with the objectives of the *Directive 2004/81/EC*, the purpose and nature of the reflection period

or the best interests of victims. Thus, the Ombudsperson concluded that a review of the provisions on the reflection period was necessary and a person, who has been officially recognised as a victim of trafficking, should be granted a reflection period. However, the recommendations by the Ombudsperson were not supported.

Recommendation No. 8 (Training of officials)

57. In 2014–2019, officials were trained on trafficking and identification of victims of trafficking, *e.g.* the OCMA trains its staff on combating trafficking and receiving asylum seekers. On the OCMA website, its staff has access to the learning material *Guidelines for Identification of Trafficking in Human Beings for Labour Exploitation Purposes*.⁵ In 2019, together with the SBG, the Office of the Ombudsperson launched a short-term project *Efficient Implementation of the Process of Monitoring and Return*, which provided for the implementation of the activity *Enhancement of the Procedure of Recognising Victims of Trafficking in Human Beings During the Process of Return*, development of learning materials, and organisation of training and seminars for the SBG, Guardianship institutions, the State Inspectorate for Protection of Children’s Rights, various associations, and NGOs.

58. It is not possible to indicate the exact number of officials, employees, and experts, who have participated in educational activities of different scales, but the collected data illustrate the rate of participation in educational activities (Tables 15–16, Annex 6). In 2014–2019, more than 8541 sectoral experts participated in various educational activities, including experts, who are more likely to deal with victims of trafficking, to identify them, and to redirect them for assistance, and experts who deal with trafficking, detect criminal offences and bring perpetrators to justice (Table 17, Annex 6). In 2014–2019, to enable the law enforcement officials to recognise victims of trafficking, the MoI implemented a European Commission’s project, involving the SP as one of their partners. The project included cooperation and exchange of experience between Estonian and British experts who discussed legal instruments, which have proved to be effective in preventing trafficking, and identified potential risk groups to timely undertake preventive measures.

59. Officials dealing with prevention and combating of trafficking were provided opportunities to participate in educational activities on various topics in Latvia and abroad (Table 18, Annex 6). Informal communication between the competent institutions, officials, and experts has allowed for efficient identification of victims of trafficking and addressing of their needs. A development of a national mechanism and regulation for inter-institutional cooperation in recognising victims of trafficking and referring them to social services is needed. According to “Centrs Marta”, in practice, service providers rather than the SP usually identify or recognise victims, especially in cases involving sexual exploitation. Despite numerous searches in illegal brothels, no victims have been referred to “Centrs Marta” in the recent years.

60. To recognise victims of trafficking and to check sham marriages, the SBG uses both external and internal sources (Table 19, Annex 6). The SBG, both individually and together with officials of the OCMA, the SLI, and the SP, monitors the compliance with legal provisions on employment of foreigners at companies, institutions, tourism organisations, and hotels and ensures the detection of possible trafficking cases.

61. In 2017, the Ombudsperson presented the study *Awareness of the Role of the Social Services and Guardianship Institutions of Latvian Local Governments, and the Branches of the State Employment Agency in the Process of Identifying the Victims of Trafficking*, which suggested that many institutions see themselves only as informants that report a criminal offence to the SP. Many social services of local governments and Guardianship institutions do not recognise victims of trafficking and do not consider it as their obligation. Following the study, the Ombudsperson asked the MoI to consider the need to develop a formal national consultation document, which would be regularly updated to reflect the changes in the regulatory enactments and practice.

62. In 2019, the Ombudsperson actively addressed the need to develop an efficient mechanism for the transfer and exchange of information between public authorities and

⁵ <https://www.iem.gov.lv/sites/iem/files/identificesanas20vadlinijas1.pdf>.

providers of social services, thus ensuring the right of trafficking victims to receive social rehabilitation services. In 2020, the MoI draft response to the Ombudsperson on commencement of development of the necessary regulatory framework for enhancement of the national cooperation and coordination mechanism for the prevention of trafficking was supported. Thus, the *Plan for Prevention of Trafficking in Human Beings for 2021–2023* establishes the main activities to be taken with respect to the regulatory framework (Table 20, Annex 6).

Recommendation No. 8 (Social assistance and rehabilitation)

63. In criminal proceedings related to alleged trafficking, the persons who have suffered from the alleged trafficking, in addition and after the end of the already received course of social services, have the right to receive State-funded social rehabilitation services and support services for trafficking victims (Table 21, Annex 6). Service providers encourage individuals to participate in training or education programmes, if it facilitates their social or professional integration, and motivates re-entry to the labour market. Service providers organise their work with an inter-professional team whose task is to develop and regularly assess the individual social rehabilitation plan of victims of trafficking.

64. Latvia provides stable public funding to ensure State-funded social rehabilitation services and support services for trafficking victims in criminal proceedings. In recent years, the allocated average funding has reached 135,500 euros per year. Since January 2019, the amount of the State compensation for trafficking victims has increased from 70% to 90% of the maximum State compensation specified in the *Law on State Compensations to Victims* – 5 minimum monthly wages. In 2019, it was 1935 euros (in 2018 –1505 euros) (Chart 3, Tables 22–26, Annex 6).

Recommendation No. 8 (Public awareness activities)

65. Implementation of awareness campaigns on various aspects of trafficking has been established as an ongoing task for all those involved in the implementation of national policy for the prevention of trafficking. In 2014–2019, several awareness-raising campaigns were implemented at a national level and some of them specifically in municipalities, including informative activities, the added value of which is communication with all those present and the fact that the public, municipal, and law enforcement authorities, NGOs, and those providing services to victims of trafficking participate in the organisation of these activities (Table 27, Annex 6). In 2014, the website administered by the MoI⁶ containing information on current issues in preventing and combating trafficking, support and assistance to victims, informative activities and projects, practical information on preventing trafficking and exploitation, *etc.* was updated. This site has a *Facebook* account (@Cilvektirdznieciba.lv).

Article 9

Administrative detention

66. The *Law on Administrative Liability* entered into force in July 2020 and replaced the *Latvian Administrative Violations Code* excluding administrative detention from the list of administrative penalties.

Recommendation No. 13 (Application of detention)

67. Latvian authorities do not collect information on the application of detention as a security measure in criminal proceedings by criminal offence, terms of pre-trial detention, or the gender and age of detainees. Information on security measures related to deprivation of liberty is collected in absolute numbers (Table 1, Annex 7). Compared to 2014, in 2019, the number of detained persons decreased by 64% (in 2014 – 1469; in 2019 – 949), while compared to 2017, the number of detained women increased by 30% (in 2017 – 50; in 2019 – 65), but the number of detained men decreased by approx.11.6% (in 2017 – 1001; in 2019 – 884). Latvia does not collect information separately on cases where the prosecutor has

⁶ www.cilvektirdznieciba.lv; (www.trafficking.lv).

initiated proceedings for the imposition of compulsory measures of a medical nature ('CMMN'). There are statistics on the criminal cases referred to courts for the imposition of CMMN (Table 2, Annex 7) and on persons incarcerated in 2019 (Charts 1–6, Annex 8). In 2019, detention as a security measure was imposed on 15 minors.

68. A person has the right to appeal the decision of an investigating judge imposing a compulsory measure related to deprivation of liberty, including placement in a medical treatment institution for examination. A person, his/her representative, defence counsel may, at any time, apply to an investigating judge requesting an assessment of the necessity of a continued application of this measure. If a person, his/her representative, defence counsel has not applied to an investigating judge within 2 months, the investigating judge makes such an assessment without *ex motu proprio*. The *CPL* does not prohibit appeals against the decision of the PCP on the imposition of CMMN. The person is heard if, according to the findings of an expert-examination, he/she is allowed to participate in the investigative activities in pre-trial proceedings.

Recommendation No. 13 (Changes to the regulatory framework)

69. In 2016, Article 267 of the *CPL* was amended stipulating that apprehension is the restriction of rights of a person and permits to hold a person in specially equipped premises of the SP, whilst determining restrictions on meetings and communication, except for meetings with a defence counsel, but for a foreigner – with a representative of the diplomatic or consular representation of his/her country, as well. It does not require a decision by the investigating judge or court. Since 1 September 2018, Article 268 of the *CPL* stipulates that if the detained person is recognised as a suspect or an accused, to ensure his/her transportation to the prosecutor or the court for the completion of criminal proceedings, the person may be placed in a temporary place of detention, observing the 48-hour limit from the actual apprehension. In 2020, Article 271 of the *CPL* was amended stipulating that a detainee has the right, with a permission of the PCP, to meet and communicate with other persons. In pre-trial proceedings, the decision of the PCP is subject to appeal to the investigating judge. A permission of the PCP is not required to meet with a defence counsel with whom an agreement in the particular criminal proceedings has been concluded or who provides State-ensured legal aid in the particular criminal proceedings, a representative of the diplomatic or consular representation of the country of the foreigner, or persons specified in the special law that prescribes the procedures for detention. In 2021, amendments to Article 271 of the *CPL* came into force, stipulating that to achieve the objective of the criminal proceedings the PCP may decide to limit meetings and communication with persons specified in the special law that prescribes the procedures for detention. The decision is subject to appeal to the investigating judge. Filing of a complaint does not suspend the decision.

70. To implement the *Directive (EU) 2016/800*, a fundamental principle, that detention shall be imposed on a minor only as a measure of last resort after evaluating the application of other security measures, was enshrined in Article 244 of the *CPL*. When deciding on a security measure related to deprivation of liberty to be imposed on minors, their age, possible risks for their physical, mental and social development, and the possibility of their re-integration into society are considered. Article 60² of the *CPL* now stipulates that the detainees, suspects and accused persons subject to a security measure related to deprivation of liberty have the right to receive information about access to healthcare.

Recommendation No. 16 (CMMN)

71. In 2014, the regulatory framework regarding the application of CMMN was significantly amended modifying the application of CMMN in cases where the person concerned is no longer dangerous to the public or he/she does not comply with the CMMN (Article 69 of the *CL*). The *CL* was supplemented with Article 69¹ prescribing CMMN after several rulings. Pursuant the amendments to the *CPL*, if a person is dangerous to the society due to illness, the court may place him/her in a psychiatric hospital for up to 6 months (Article 599 of the *CPL*). A person against whom proceedings regarding the imposition of CMMN have been initiated may participate in the adjudication of the criminal matter, if a physician (expert) or the health condition of the person allows him/her to do so. Article 607 of the *CPL* has been reworded stipulating that if a person fails to comply with the CMMN,

the head of the medical treatment institution proposes the court to decide on amending the prescribed CMMN to a more restricting measure, and the court may order a forensic psychiatric examination of the person.

Recommendation No. 16 (Psychiatric medical treatment institutions)

72. According to the *Medical Treatment Law*, psychiatric assistance is provided on a voluntary basis. A patient may be admitted to a psychiatric medical treatment institution with his/her written consent if a mental disorder has been identified and a psychiatrist has issued a decision regarding the necessity for the examination of mental health, medical treatment, and rehabilitation in a psychiatric medical treatment institution. The consent of the patient for admission is appended to the medical documents. The *Medical Treatment Law* specifies cases when psychiatric assistance is provided without the consent of a patient, and how a decision on the provision of care in a hospital is made in such cases. A patient who is admitted to a psychiatric medical treatment institution without his/her consent and a patient for whom medical treatment in the psychiatric medical treatment institution has been prescribed as a CMMN in criminal proceedings, has all of the patients' rights as provided in the *Law on the Rights of Patient*, and the right to receive and send letters, postal items, to communicate with persons outside the psychiatric medical treatment institution, to meet with relatives and other persons, and the right to a daily walk. A medical practitioner immediately informs a patient of his/her rights in a form that he/she understands (age, maturity and experience assessments). If necessary, the medical practitioner provides the above-mentioned information repeatedly.

73. In cases of direct threats, the medical personnel may use restrictive measures (Table 3, Annex 7). The procedures for determining such means are outlined in the *CoM Regulations No. 453*. The patient may, within one month, contest the physician's decision on using confining means and the prohibition for the patient to meet his/her relatives to the head of the medical treatment institution, who examines the appeal within 7 days. The decision made by the head of the medical treatment institution may be appealed before the Inspectorate, which examines the appeal within 20 days. The patient may, within one month, appeal the decision of the Inspectorate before a court, whose judgment is not subject to appeal.

74. Inpatient medical treatment institutions that provide State-paid services to patients with mental disorders have observation beds to avoid situations where a patient is hospitalised due to social problems. In inpatient medical treatment institutions, treatment is based on a multi-professional approach with physicians-psychiatrists, functional specialists, psychologists, art therapists who provide non-medical therapy. Inpatient medical treatment institutions that provide mental healthcare services to children, ensure that an accompanying person stays with the child. To early diagnose behavioural/mental disorders, a screening algorithm was developed to assess the mental health of children aged 1.5 to 3 to be performed by the family doctor. It includes the training of family doctors on early diagnosis of behavioural/mental disorders and treatment options in primary healthcare. A new programme for reducing depression and suicide risks in teenagers has been launched.

75. In 2014–2019, the amount of compensation for medicine used to treat mental disorders was increased, and new illnesses were added to the list for reimbursable medicines. The *Plan for Improvement of Mental Health Care for 2019–2020* provides for educational activities for persons involved in the care of persons with mental/behavioural disorders. There are social workers available in medical treatment institutions to promote inter-institutional cooperation. Latvia underlines the public awareness-raising activities regarding the importance of good mental health to reduce the stigma that prevents people from seeking help. It is planned to organise seminars for new parents, teenagers, seniors, and teachers, and communication campaigns at a national level. To facilitate the involvement of professionals in the field of mental health, salaries of medical practitioners working in the field of mental healthcare, especially salaries of child psychiatrists, have been revised, and the length of residency of child psychiatrists was reduced from 8 to 6 years, thus encouraging young doctors to choose this specialty.

Article 10

Recommendation No. 15 (Conditions in prisons)

76. The PA does not collect data on the living space in prisons. For more information on prisoners in Latvia and other related information, see Charts 1–6, Annex 8. In 2014, to collect information about conditions in Latvian prisons and to develop proposals for ensuring dignified living conditions for prisoners, prisons were audited. It was concluded that it was possible to provide a living space of at least 4 m² to all prisoners.

77. According to the Order of the Minister for Justice *on Types of Penitentiary Facilities and Number of Prisoners to be Placed in Them*, by 1 December 2014, all prisoners were placed in prisons to ensure that the living space for each inmate is 4 m². The amendments to Article 77 of the *Sentence Execution Code of Latvia* stipulate that the living space per inmate cannot be smaller than 4 m², and in solitary cells – 9 m². Similar 2015 amendments to Article 19 of the *Law on Procedures for Detention* provided that targeted measures were adopted to provide each prisoner with sufficient living space (additionally, Tables 1–3, Annex 8).

78. The number of hygiene products intended for prisoners is specified in the *CoM Regulations No. 1022*. Once a month, each prisoner receives toilet paper (2 rolls), toilet soap (100 g), household soap (200 g), toothpaste (50 g), 16 sanitary pads for women, a toothbrush (1 every 3 months). In 2014–2019, all prisons used allocated funding for both planned and extraordinary repairs to improve conditions for prison inmates and to properly maintain engineering facilities. Annually, large-scale repairs are planned and conducted (Table 4, Annex 8). The construction of a new prison in Liepāja is underway.

Resocialisation of prisoners

79. In 2015, the CoM approved the Guidelines for the Resocialisation of Prisoners for 2015–2020 and the Plan for the Implementation of the Guidelines for the Resocialisation of Prisoners for 2015–2020 outlining measures for active inclusion of people excluded from the labour market. The objective of the resocialisation policy was to reduce all risks of criminal behaviour during and after the execution of custodial sentences, thus encouraging human securitability and successful social integration. The Guidelines set the outcome of the policy, namely, all resocialisation needs provided in the convict's individual resocialisation plan are addressed while serving the sentence (in a prison and under the supervision of the State Probation Service). The Guidelines set out several outcomes and performance indicators of the policy (Table 5, Annex 8). To achieve the objectives of this resocialisation policy, the plan sets out specific measures that are structured in 6 aligned key dimensions (Table 6, Annex 8). In 2014–2019, the regulatory framework regarding resocialisation of prisoners was amended and has successfully been implemented in practice. For more information on the measures for the resocialisation of prisoners in 2019, see Tables 7–8, Charts 7–9, Annex 8.

Recommendation No. 15 (Training of officers)

80. The PA Training Centre implements the vocational continuing education programme *Security of Prisons* for prison officials. Its curriculum covers courses on communication with prisoners, conflict resolution, prevention, and other topics. Courses' topics include the acquisition of skills for the development of relationships between prisoners and the staff, based on the fundamental principles of dynamic security, and address issues related with creation of respectful relations with prisoners, with a particular focus on actions to be taken by the officers to prevent mistakes and refrain from illegal actions that would result in unequal treatment (additionally, see paragraphs 28–29 of the Report and Chart 1, Table 13, Annex 4).

81. In 2019, 46 participants continued, but 83 participants commenced the vocational continuing education programme *Security of Prisons*, and 71 officials acquired the professional qualification *Junior Inspector of Prison*. In 2020, 49 participants continued this programme, while 710 participants attended 34 other vocational continuing education courses organized by the PA Training Centre (Table 9, Annex 8). The administrative staff

acquired knowledge on the newly launched resocialisation programme for convicted persons who demonstrate violent behaviour (Table 10, Annex 8).

Mental health facilities and social care institutions

82. A certified physician-psychiatrist prescribes mental healthcare, including appropriate drug therapies for persons receiving services provided by State-funded long-term social care institutions (State Social Care Centre ('SSCC') and contract organisations). Nurses consult clients and ensure the implementation of their treatment plans. All medications are dispensed to a patient according to medical prescriptions, upon making an entry in the client's medical record. In cases of exacerbation of mental disorders, e.g. aggression or depression, the physician-psychiatrist prescribes medication indicating them in the client's medical record. In emergency situations, where the exacerbation poses direct threats, first aid is provided and the Emergency Medical Service ('EMS') is called.

83. The *Law on Social Services and Social Assistance* stipulates that in cases where a person with his/her actions endangers his/her health or life or the health or life of others, the head of the relevant institution or his/her authorised person may decide, by making a note in the person's file, on the isolation of the person for a period not exceeding 24 hours in a room specially arranged for such purposes, ensuring the person's necessary care and continuous supervision. According to the Ombudsperson's recommendations, the MoW provided the SSCC with guidelines establishing that in cases of acute exacerbations of the mental health condition the EMS must be called, and the client may be isolated until the arrival of the EMS (up to 3 hours) in a room specially arranged for such purposes. When conducting inspections at the SSCC, authorities confirm that clients are not isolated for punitive purposes. The *Law on Social Services and Social Assistance* stipulates that long-term social care or social rehabilitation services may be provided only to persons with severe and extreme mental disorders and establishes a mechanism to classify clients according to the level of required care. In 2019, the *CoM Regulations No. 138* entered into force, stipulating that a service at the institution may be provided only to persons with 3rd and 4th level of required care and if it is not possible to provide the required care at their place of residence. These regulations define the specialists to be involved at each level of care, and the number of specialists to be assigned.

Recommendation No. 16 (Improvement of the qualification of the medical staff)

84. To improve the qualification of the medical staff involved in the patients' treatment in the priority healthcare areas, including mental health, in 2017, the MoH launched the ESF project *Improvement of the Qualification Medical Staff and Medical Support Staff*.⁷ The same year, the authorities reviewed the requirements for social service providers (*CoM Regulations No. 338*), including those applicable to long-term social care providers' and social rehabilitation services at an institution. To ensure appropriate quality time for the SSCC clients, activities were enhanced, considering their interests and health condition. The guidelines on response to emergencies and client safety are updated regularly, focusing on the information of the clients and their participation. Where possible, clients with mental illnesses are accommodated separately from those with mental health disorders. Group sessions are held separately for each group. To prepare persons for the transition to life in society, the SSCC improves their self-care and independence skills. The SSCC activities to be conducted are established in the *Guidelines for Organising Social Rehabilitation Services at the Halfway House for Persons with Mental Disorders*.

Recommendation No. 16 (Additional measures)

85. To improve the living conditions at the SSCC and due to gradual transition to deinstitutionalisation of long-term social care services, in 2013, the reduction of patient beds at the SSCC was started, resulting in the decrease from 4659 to 3974 beds (14.7%) by the end of 2019. During the renovation of the SSCC premises, the living space for one client was gradually increased. In 2014–2019, the operation of 6 SSCC branches was discontinued due

⁷ <https://talakizglitiba.lv/projekti/arstniecibas-personu-kvalifikacijas-uzlabosana>.

to danger posed by the buildings or non-compliance with the requirements for the provision of services, resulting in the decrease of branches (now SSCC has 25 branches).

86. To promote social integration of persons with severe mental disorders and their transition from institutional to community-based care, in 2013, the CoM adopted the *Guidelines for the Development of Social Services for 2014–2019*. As part of the operational programme *Development and Employment*, EU funding was obtained and the development of new community-based care services and the implementation of a model for funding of social services was gradually commenced. The activities co-funded by the EU were to be completed by 2023. As part of the deinstitutionalisation project, the assessment of 580 SSCC clients and development of a support plan was conducted. In 2020, SSCC employees had training on preparing clients for independent life (health, social care and rehabilitation, fire safety, occupational safety, communication, violent behaviour, rights and obligations, music/art therapy, etc.), aiming at employees directly involved in the care of SSCC clients, and organised regularly.

87. Clients and their legal representatives may submit complaints about the quality of social services or oral/written proposals for the improvement of the social service providers' work. Complaints about the services' quality are examined by the MoW, which monitors the compliance of the services with provisions of the *Law on Social Services and Social Assistance*. In 2019, 70 inspections were conducted, including by examining applications and complaints. Having conducted the inspections, the authorities provided recommendations for the rectification of shortcomings (additionally, Tables 11–12, Annex 8). Since Article 17 of the *Law on Social Services and Social Assistance* stipulates that the social services may be provided only by a social service provider that is registered in the Register of Social Service Providers ('RSSP'), pre-registration inspections are also conducted (initially or prior to the re-registration in the RSSP). Providing social services without registration failure to ensure quality and non-compliance with the requirements for social service providers are subject to an administrative penalty.

Article 11

88. Latvia refers to the information included in its second periodic report (CCPR/C/LVA/2002/2, para.171) and submits that no Latvian legislation provides for detention as a form of punishment for failure to perform contractual obligations.

Article 12

Recommendation No. 14

89. In 2014–2019, the prosecutors applied security measures restricting the free movement of a person for 1234 times (Table 1, Annex 9).

90. Since 2017, according to *Regulation (EU) 2017/458* citizens of the EU, EEA and Switzerland are subject to systematic checks at external borders of the Schengen area through the relevant databases, in addition to the already existing checks applicable to non-EU nationals. The new provisions are implemented as a response to terrorist attacks in recent years in several EU countries. Checks are conducted at external borders both on entry and exit using the Schengen Information System and Interpol's Stolen and Lost Travel Documents database.

91. In 2017, the *Personal Identification Documents Law* was amended stipulating the status of personal identification document in case the Minister of the Interior decides on the prohibition to exit Latvia (Table 2, Annex 9).

92. Non-citizens of Latvia may go to 47 countries of the world without a visa. In 2016, the *Asylum Law* entered into force implementing provisions from the *Directive 2013/33/EU laying down standards for the reception of applicants for international protection* for the cases where the right of asylum seekers to move is restricted. Pursuant to Article 13 of the *Asylum Law*, as necessary and in conformity with the principle of proportionality, restrictive measures may be applied to asylum seekers in the asylum procedure (Table 3, Annex 9).

Alternatively, pursuant to Article 14 of the *Asylum Law* asylum seekers, in conformity with the requirements of Article 13, may be required to regularly, but not less than once a month, register at the unit of the SBG, if there are grounds for assuming that any of the conditions referred to in Table 4, Annex 9 exist. Pursuant to Article 17 of the *Asylum Law*, the SBG may detain asylum seekers for up to 6 days if any of the conditions for detention mentioned in Article 16 of the *Asylum Law* exists (Table 5, Annex 9). See Chart 1, Annex 9 for statistical data on average duration of asylum seekers' detention.

The conditions for the asylum seekers's detention

93. Detention is an extraordinary measure applicable for the shortest time possible. During detention, asylum seekers are accommodated in a specially equipped unit within the SBG premises according to the requirements of *CoM Regulations No. 231*. The placement of detained asylum seekers in the SBG's accommodation premises is in compliance with the fundamental rights of a person, has due regard to their safety, and is in line with the provisions of Article 22 of the *Asylum Law*. Detained asylum seekers are accommodated in the Accommodation Centre for Detained Foreigners "Daugavpils" ('ACDF'), which is the only accommodation center for detained asylum seekers (opened in 2011). The living conditions in ACDF are in line with the special reception needs of asylum seekers (including minor asylum seekers) and are oriented to the protection of their physical and mental health. Asylum seekers are accommodated in separate premises from detained foreigners. Detained asylum seekers' families are accommodated together in a specially equipped family block separately from other detained persons, while minors with parents are accommodated and not detained. Children-asylum seekers are detained only in exceptional cases if it is in the best interests of the child. Unaccompanied detained minors are accommodated in premises of ACDF with the necessary personnel and equipment to consider their needs. Detained minors can study, participate in leisure activities, games and recreational activities according to their age.

Article 13

Recommendation No. 14 (Principle of non-refoulement)

94. In 2014–2019, the OCMA has never had the necessity to adopt a decision under Article 3 of the *Asylum Law* (principle of non-refoulement). If a foreigner wishes to voluntarily leave after the completion of the asylum procedure, a voluntary return decision is issued without assessing the principle of non-refoulement. In all other cases, when issuing a voluntary return decision or adopting a removal order, pursuant to Article 47 of the *Immigration Law*, authorities assess whether the removal of a foreigner is not in breach of the international obligations of Latvia. The removal order is adopted within a reasonable time, considering the planned time of each foreigner's departure, *i.e.* as soon as possible. In Latvia, one institution examines asylum and removal issues, thus there is a minimum time period between a court decision in an asylum case and a removal order. Statistics on the duration of the removal orders' assessment are not collected.

95. Initially, a foreigner has the right to contest a removal order to the head of the authority whose official issued the order, without losing his/her right to stay in Latvia. The appeal is examined within 30 days. According to Article 50¹ of the *Immigration Law*, the decision of a higher authority on the issue of the voluntary return decision or the removal order may be appealed to a court within 7 days. Applying to the court does not suspend the aforementioned decisions. Foreigners may submit to the court a request for an interim measure (suspension of the decision⁸). According to Article 49 of the *Immigration Law*, foreigners have the right to request the suspension of the removal order if the circumstances, which were the basis for the issue of the removal order, have changed, including circumstances outlined in Article 47 of this *Law* (principle of non-refoulement), or on humanitarian grounds.

⁸ Judgment of Administrative District Court of 30 August 2019 in the case No. A420208319.

Procedural safeguards

96. During the asylum procedure, asylum seekers benefit from a number of guarantees, considering their special procedural needs arising from the limited abilities to exercise their rights and obligations (Table 1, Annex 10).

Asylum granting or refusal to grant asylum

97. The OCMA is responsible for taking the decisions regarding granting or refusal to grant asylum and international protection. Depending on the circumstances and the information obtained during the interview, as established in the *Asylum Law*, an application may be examined within a regular, border or accelerated procedure. When examining asylum applications, compliance with the criteria for refugee status is decided first (fear of persecution due to race, religion, nationality, membership in a particular social group or political opinion), but, if not applicable – the alternative status is decided (risk of serious harm, whether death penalty may be imposed to an asylum seeker in his or her country of origin, torture, inhuman or degrading attitude, degrading punishment). When examining asylum applications, officials assess the individual situation and the facts that relate to the person's country of origin (Table 2, Annex 10).

98. Article 3 of the *Asylum Law* provides for exceptions stipulating that an asylum seeker, refugee or a person who has been granted alternative status may be returned, if there are grounds to believe that this person poses threat to the national security; has been recognised, by a binding court judgment as guilty of committing an especially serious crime and poses threat to the society; this person has submitted a repeat application after administrative proceedings regarding the initial repeat application submitted have completed.

Procedural guarantees

99. According to the *Asylum Law*, if the OCMA adopts an unfavourable decision, the asylum seeker has the right to receive an explanation about this decision, the procedures for appealing it, and the conditions for granting State-ensured legal aid in a language that he/she understands. Asylum seekers are provided with State-ensured legal aid in the procedures for appealing an unfavourable OCMA decision, and this aid includes consultations, preparation of documents and representation in a court, services of an interpreter to communicate with a representative. Each decision issued to asylum seekers specifies the term and place where the person may appeal this decision and gives an explanation about the possibilities to obtain legal aid (Tables 3–8, Annex 10). In 2014–2019, it took on average 10–12 months to examine applications for granting refugee or alternative status (including court proceedings).

Standardised procedure for requesting and granting asylum

100. Pursuant to the *Asylum Law*, an asylum seeker submits his/her asylum application at a SBG border crossing point or in a transit zone before entering Latvia, in a structural unit of the SBG if the person is already in Latvia. A person may also express a wish to acquire international protection to the OCMA, the SP, or the PA. These institutions contact the SBG allowing the asylum seeker to submit an application. Subsequently, the SBG starts the asylum procedure, identifies the person, issues an identity document, informs free of charge about the asylum procedure, the rights and obligations, the procedure according to which legal aid and healthcare services are provided, and conducts negotiations and an initial interview. The purpose of the negotiations and initial interview is to obtain information for the determination of the MS responsible for the examination of the application pursuant to *Regulation No 604/2013*, information regarding the individual situation of the asylum seeker, and basic information regarding the motives for requesting international protection. Information to asylum seekers is provided in writing in a language they understand. If necessary, this information is provided orally.

Education of officials

101. The OCMA employees have regular trainings, e.g. on adopting decisions of various types, conducting personal interviews, including of specially protected asylum seekers:

women, unaccompanied minors, victims of violence and torture, persons with mental disabilities (Chart 1, Annex 10).

102. In 2019, the SPC, with the support of the EU Agency for Law Enforcement Training and aiming to educate employees on how to promote public order, identify and investigate hate crimes, work in a multicultural environment, and share experience and good practices in areas related to migration, organised a course *Policing the Impact of Migration – Public Order, Hate Crime, Integration*. 26 participants from 19 EU MS and 8 lecturers from EU, and EEZ MS, the European Border and Coast Guard Agency (FRONTEX), and OSCE/ODIHR attended this seminar.

Current issues in legislation and policy planning documents

103. See statistical data on asylum applications in 2019 in Table 9, Annex 10, on the asylum procedure 1998–2019 – Table 10, Annex 10. 2867 persons have applied for asylum, of which 217 persons were granted refugee status, and 552 persons – the alternative status.

104. A refugee or a person who has been granted alternative status, asylum seekers, and their children under the age of 18 may receive the State-paid healthcare to the same extent and according to the same procedure as permanent residents of Latvia. According to the *Asylum Law*, asylum seekers have the right to receive the State-paid emergency medical assistance, primary healthcare, outpatient and inpatient psychiatric assistance in case of serious mental health disorders, and any medical assistance to minors, non-provision of which may pose a threat to the development and health of the child. A person who has been granted temporary protection has the right to receive the State-paid emergency medical care. In 2017–2018, the Society Integration Fund ('SIF') implemented a pilot project in the field of housing support for refugees and persons with alternative status. The pilot project was intended to cover the cost of rent, portion of the utilities, *etc.*

Article 14

Recommendation No. 17

105. In 2014–2019, a courts' territorial reform took place unifying the territories of district courts of general jurisdiction, thus legally establishing larger first instance courts. Since the beginning of the reform, 9 district courts instead of 34 operate in Latvia. Before the reform, there were many small courts in Latvia with 3 to 5 judges but currently there are an average of 30 judges per district court. Courts with more judges allow for a judges' specialisation, thus improving the quality of court judgments, ensuring shorter case processing times and random distribution of cases.

106. Since 1 June 2019, the Land Registry Offices of district courts as stand-alone departments of district courts are abolished and judges of the Land Registry Office now form part of district courts, thus allowing to examine other types of cases, according to the case distribution plan of the relevant district court. The reform was implemented with certain preconditions to avoid any risks regarding the availability to register properties and corroborating property rights.

107. In 2019, a public portal for court data⁹ was launched ensuring public access to information about their work, *e.g.* the average length of proceedings based on actual data. The portal includes information obtained from the systems for the accounting and registration of court activities, subsequently compiling analytical or ordinary reports. In 2014–2019, court proceedings have gradually become shorter. In 2019, compared to 2014, the average length of proceedings in the first instance court had decreased by 1.2 months, but in the appellate court by 1.5 months (Tables 1–4, Annex 11).

Training of judges

108. Latvia refers to the Common Core Document (HRI/CORE/LVA/2017, paras.165, 120–121, and 215) and submits that, in 2014–2019, on several occasions, judges and court

⁹ <https://dati.ta.gov.lv>.

staff participated in trainings on issues regarding the right to a fair trial, the right to liberty and security, and the case-law on the imposition of detention (Table 5, Annex 11). For the statistics on the judges by gender and the disciplinary proceedings initiated, see Tables 6–8, Annex 11.

Law on State Compensation to Victims

109. Latvia supports victims of trafficking and provides them compensation. In 2014, Article 7 of the *Law on State Compensation to Victims* was amended to comply with the *CL*, which was amended to implement the *Directive 2011/93/EU*, thus broadening the scope of the term ‘sexual violence’, the victims of which are entitled to receive compensation. In 2018, this law was amended to increase the amount of the State compensation from 70% to 90% of the maximum compensation (5 minimum monthly wages) in cases where a person has suffered severe bodily injuries or has been a victim of rape or sexual violence, where a criminal offence has been directed against the morality or sexual inviolability of a minor or if a person has been a victim of trafficking. If a minor has suffered moderate bodily injuries or he/she has been infected with HIV or Hepatitis B or C, the amount of the State compensation was increased from 50% to 70% of the maximum amount of the State compensation. Amendments have been made to extend the deadline for submitting a request for compensation and to ensure a more efficient compensation payment and recovery procedure (Tables 9–10, Annex 11).

State-ensured Legal Aid Law

110. In 2015, the *State-ensured Legal Aid Law* was amended to extend the categories of cases in administrative proceedings, which involve State-ensured legal aid. Other clarifications regarding the procedure for the execution of the decision on the payment of State-ensured legal aid expenses were made, including the clarification of grounds for the refusal to provide legal aid and provision of legal aid in cases involving a compensation for non-material damage. Since 2017, the State-ensured legal aid is provided in all administrative cases where the court decides to grant such aid after assessing the financial situation of the natural person and the complexity of the relevant administrative case. In 2017, the regulation on granting and providing financial support to Latvian nationals for the protection of their rights or interests that are related to discontinuation or removal of custody rights of the child abroad was established. In 2018, two other regulations were established: a regulation providing for legal aid in CC proceedings, in proceedings regarding trafficking to promote the protection of the rights of a person and a fair, efficient, high-quality, and speedy trial, and a regulation that provides for State-ensured legal aid for persons with income that does not exceed the monthly minimum wage, in lawyer’s proceedings in cases referred in the *Civil Procedure Law*. For statistics on applications for State-ensured legal aid in 2014–2019, see Table 11, Annex 11. In 2019, the *Whistleblowing Law* entered into force establishing State-ensured legal aid for whistle-blowers, if such whistleblowing has resulted in adverse consequences for the whistle-blower. To ensure a fair and open hearing of a civil case before a competent, autonomous, and impartial court established by law, over the past years *Civil Procedure Law* has been amended (Table 12, Charts 1–2, Annex 11).

Articles 15 and 16

111. Referring to the information included in its second periodic report (CCPR/C/LVA/2002/2, paras.234–239) Latvia submits that there have been no amendments to the regulatory framework regarding the retroactivity of laws and recognition of a person as a person before the law.

Article 17

Right to respect for private life

112. The right to respect for private life is established in Article 96 of the *Constitution*, whereas the liability for unreasonable interference in person’s private life is established in

Article 92 of the *Constitution* and Article 1635 of the *Civil Law*, pursuant to which the defendant has the obligation to compensate damage sustained.¹⁰ According to the case-law of the Supreme Court ('SC') a person's honour is protected by Article 2352 of the *Civil Law*, particularly in cases where information that injures his/her honour and dignity is published in the press or documents, disseminated in writing, orally or by acts. In such cases, the law provides for civil-law remedies, such as the right to bring a claim for the retraction of the impugned information and compensation.¹¹ The SC rulings facilitate uniform case-law development, they are systematised in the SC case-law summary.¹²

113. A violation of person's privacy may occur, *inter alia*, when publishing negative and obscene statements about the person, or person's mother, father and stepfather, which contains false information that injures the person's honour and dignity,¹³ publishing a nude photograph of the person without his/her consent¹⁴ or a photograph, where the person is seen in a church together with a child to be baptised during a religious ritual, if these photographs are published in a widely distributed magazine.¹⁵ In the case No. SKC-8/2012, the SC concluded that the freedom of expression is subject to formalities and restrictions to protect the reputation and rights of others, and the publisher has the obligation to assess whether the impugned publication infringes on the right to respect for private life of others. In terms of the respect for privacy, public figures must handle a greater degree of public criticism, but such criticism is to be expected if it is related to the public and not personal affairs. Although the majority of civil matters concerning the right to respect for private life involve public dissemination of information, the practice shows that publicity is not always relevant to establish an infringement, *e.g.* the national court found that mutual insults and verbal abuse may also constitute an interference. Having established that the claimant had been diagnosed with schizophrenia and that the verbal abuse could have led her to repeated suicide attempts, the court referred to the doctrine that preservation of mental stability is an important precondition for enjoying fulfilled private life, and found that the defendants' actions had constituted an interference with the claimant's right to respect for private life (additionally, Tables 1–3, Annex 12).

Limitation of legal capacity of persons

114. On 27 December 2010, the found that the provisions of the *Civil Law*, which provided for a total deprivation of person's legal capacity, were inconsistent with Article 96 of the *Constitution*. Following this judgment, the *Civil Law* was amended. The new Title II¹ *Temporary Custody* stipulates that if a person has mental or other health disorders, his/her legal capacity may be limited, if it is necessary in the interests of the person and it is the only way to protect him/her (Table 4, Annex 12). The new regulation stipulates that the established limitation of the legal capacity is reviewed no less than once every 7 years, and the transitional period of the new regulation stipulates that the limitation of the legal capacity of the person, who has been recognised as incapacitated until 31 December 2011, is reviewed and the guardian had an obligation to submit an application to the court for the review of such limitations by 31 December 2016. In 2016, significant increase in the number of applications for the limitation of individual's legal capacity and the reassessment of such limitation was observed (1525 applications before the courts of first instance and 11 in regional courts). In 2017–2019, the number of applications became more balanced, and annually an average of 300–400 applications are received by courts. In the first half of 2019, 3022 persons with limited legal capacity and 44 individuals with temporary guardianship were registered in the Population Register (additionally, Table 5, Annex 12). In 2021, the *Civil Procedure Law* was amended, and the practice of publishing the operative part of the court ruling on the limitation of a person's legal capacity and the individual's personal data, who is subject to the limitation in the official publication "*Latvijas Vēstnesis*" was discontinued. Currently, only a person

¹⁰ SC Senate 12 September 2012 judgment, case No. SKC-482/2012.

¹¹ SC Senate 31 May 2013 judgment, case No. SKC-250/2013, 24 September 2015 judgment, case No. SKC-204/2015, 28 November 2017 judgment, case No. SKC-184/2017.

¹² <https://www.at.gov.lv/lv/tiesu-prakse/tiesu-prakses-apkopojumi/civiltiesibas>.

¹³ SC Senate 1 February 2012 judgment, case No. SKC-8/2012.

¹⁴ SC Senate 20 April 2011 judgment, case No. SKC-161/2011.

¹⁵ SC Senate 28 February 2013 judgment, case No. SKC-11/2013.

who knows the first name, last name, and his/her potential business partner's personal identity number, can verify, in a controlled manner, his/her legal capacity on the website www.latvija.lv.

Protection of patients' data

115. On 4 August 2015, the CoM adopted the Regulation *Procedures for Using the Patient Data in a Specific Study*, which prescribe the procedures by which the Centre for Disease Prevention and Control allows the use of patient data in a specific study. Domestic law sets conditions when the patient data recorded in medical documents may be used in a study. In 2017, amendments to Article 12 of the *Human Genome Research Law* established the consent conditions in case of a genome research for a person with limited legal capacity and a minor (Table 6, Annex 12).

Persons without a home

116. Pursuant to Article 9 of the *Law on Social Services and Social Assistance*, a person without a home is provided with a night shelter or shelter, information and consultations, including on the possibility to register in the list for the allocation of living space provided by the local government. The local government, in the territory of which a person has declared his/her residence, provides social assistance, including a single-payment benefit in a crisis situation, the guaranteed minimum income ('GMI'), a housing allowance (also paid shelter); a healthcare benefit may be granted. Pursuant to Article 15 of the *Law on Local Governments* and Article 9 of the *Law on Social Services and Social Assistance*, local governments must have specific measures in place, including shelters (Table 7, Annex 12). In the proceedings initiated on the basis of the Ombudsperson's application on the compliance of the GMI with Article 109 of the *Constitution* (social security), the CC concluded that the GMI did not enable people to live a dignified life and found it to be inconsistent with the *Constitution*.

Article 18

117. In 2014–2019, 1 church, 2 dioceses, 29 congregations, 25 legal entities under the public law of the Catholic Church, 1 monastery, and 1 mission were registered. 2 decisions on the refusal of registration and 35 decisions on the postponement of registration of the religious associations were issued (Tables 1–2, Annex 13).

118. In 2014–2019, significant changes regarding the freedom of religion were brought by the CC judgment of 26 April 2018, modifying the previous model of relationship between governmental and religious organisations (Table 3, Annex 13). The differences regarding the registration of congregations, the acquisition of the status of a legal entity, and the scope of rights and authorisations of organisations, as specified in the *Law on Religious Organisations*, were eliminated.

Article 19

Investigation regarding Leonīds Jākobsons – Recommendation No. 18

119. The criminal proceedings that were initiated on 29 March 2012 for an offence concerning bodily injuries inflicted to L. Jākobsons were terminated on 29 December 2014. On 9 January 2015, the supervising prosecutor annulled this decision and reopened the investigation. Currently, these criminal proceedings are pending.

120. Since the initiation of the criminal proceedings, different investigative activities were performed. After annulling the decision on the termination of the criminal proceedings, as of 9 January 2015, the investigation mostly consisted of the verification of information obtained during operational activities and special investigative activities (Table 1, Annex 14). These investigative activities focused on the possible involvement of several persons in the attack on L. Jākobsons. Although the authorities conducted active and targeted investigative

activities, due to objective circumstances in the reporting period the offenders could not be identified.

Measures taken to prevent and investigate attacks on journalists

121. Given that long after the attack on the journalist L. Jākobsons no other attacks or threats to journalists were reported, the law enforcement institutions became less vigilant in this respect. In 2019, a male persecuted the editorial staff of the *Centre for Investigative Journalism Re:Baltica*, making rude calls to the journalists and their families and posting rude comments on social media. After the persecutor arrived at the editorial office, the police were called. However, they did not take these threats seriously, which was criticised by both the editorial office and the organisation of journalists. Consequently, the SP management acknowledged their mistakes and appointed a contact person whom the journalists can contact in case of possible threats.

Media freedom

122. Due to the increasing use of social media, the traditional media face two new challenges – change of the audience’s habits and spread of misinformation. The changing habits with increasing consumption of content available on mobile devices and digital platforms force the traditional media to adapt. Although media has always been restructured, it occurred particularly rapid over the past years, which gave rise to concerns about the media’s ability to continue providing quality content that is necessary for the democratic society’s functioning. Due to serious cashflow issues, editorial offices would have to make tough decisions, as a result of which they could become more vulnerable to external influences. Therefore, to strengthen the media, the *Media Policy Guidelines of Latvia for 2016–2020* were developed, setting a strong, diverse, professional, transparent, sustainable, responsible, and stable media environment as the policy’s overarching goal.

123. In 2017, the Media Support Foundation was established to support the media in creating content of public interest. In 2017–2019, this foundation allowed to support 220 projects, allocating 3.5 million euros from the State budget. Public media have also exited the advertising market thereby excluding competition with commercial media. Laws were amended to support independence of public media (Table 2, Annex 14). In 2018, support was provided from the State budget to establish the autonomous Latvian Media Ethics Council, which operates on the basis of a comprehensive code of ethics (Table 3, Annex 14).

Article 20

Recommendation No. 19

124. In 2014, amendments to Articles 48, 78, 149¹ and 150 of the *CL* entered into force amending Articles criminalising hate speech (Table 1, Annex 15). See Tables 2–3, Annex 15 for statistics regarding cases involving hate speech and their examination. There is no individual summary collected about hate speech involving a person’s sexual orientation and the related criminal proceedings in Latvia.

Investigating hate speech

125. Together with the SPC and the State Security Service, the SP drafted *Guidelines to Identify and Investigate Hate Speech* to identify hate speech that falls within the competence of the SP and to properly investigate it (Table 4, Annex 15). The General Prosecutor’s Office, Ombudsperson, and NGO “Latvian Centre for Human Rights” took part in the elaboration of the *Guidelines*. The *Guidelines* are published on the website of the SP and are available to all officers.¹⁶ See Table 5, Annex 15 for statistics regarding criminal proceedings on hate crimes. In 2014–2019, there has been an increase in the number of complaints related to hate speech that were lodged to the Ombudsperson.

¹⁶ <https://www.vp.gov.lv/lv/media/565/download?attachment>.

Other measures to eradicate hate speech

126. In 2016, the MoC prepared an informative report On proposals to prevent the dissemination of information which includes incitement to hatred and violence in the public domain, including the Internet giving recommendations to prevent the spread of hate speech in the media (Table 6, Annex 15). In 2018, the EU agreed on the Audiovisual Media Services Directive restricting hate speech in the media, strengthening the responsibility of the media, and promoting cultural diversity. In 2020, amendments to the Electronic Mass Media Law implemented this directive, imposing an obligation on video-sharing platforms to protect people from incitement to violence or hatred and illegal content. In 2021, as an effect of COVID-19, a media literacy game was created for young people covering issues of hate speech, hostile comments, etc.

Article 21

127. The *Constitution* and the *Law on Meetings, Processions, and Pickets* provides for the right to participate in peaceful meetings, processions, and pickets and to freely express one's views. The freedom of meeting applies to natural persons, groups or associations of persons, and legal persons governed by private law. In 2019, amendments to the *Law on Meetings, Processions, and Pickets* reworded Chapter V of the *Law*, introduced administrative offences in the field of organisation and process of all meetings, processions, and pickets, and determined an authority competent to impose the penalties. These amendments provide that for the violation of the procedures for the organisation and process of meetings, processions, and pickets, a warning or a fine of up to 70 units of fine (350 EUR) is imposed on natural persons but a fine of up to 580 units of fine (2900 EUR) – on legal persons. The SP or municipal police conducts administrative offence proceedings.

128. The *Law on the Safety of Public Entertainment and Festivity Events* regulates the organisation of public events, the rights, obligations, and liability of an event organiser and other persons involved in them to ensure public order and safety.

Article 22

129. In 2017, *Amendments to the Associations and Foundations Law* allowed law-enforcement authorities to impose strengthened control measures on the associations posing threat to national security, public safety or order, and to suspend the public or other activities of such associations by a court decision (see Tables 1–2, Annex 13).

Article 23*Dissolution of marriages*

130. Since 2010, a notary may dissolve marriages. Currently, most spouses opt for marriage dissolution by a notary. In 2019, 5971 marriages were dissolved. In that year, the first instance courts examined 1581 applications for marriage dissolution, while notaries registered 4863 marriage dissolution cases. A court may dissolve a marriage based upon the application of one of spouses. A notary may dissolve a marriage based upon the application of both spouses if they have agreed on the dissolution and do not have a joint minor child and property or they have entered into a written agreement regarding custody of the joint minor child, right of access, means of support, and division of the property (additionally, Annex 16).

Persons under custody and guardianship

131. In 2013, Article 114 of the *Civil Law* was amended stipulating that if any of the persons to be married or spouses have limited legal capacity, he/she enters into a marriage insofar his/her legal capacity is not limited, but in the rest part – upon the consent of the guardian. If a person, whose legal capacity is limited, cannot act independently and a person to be married or spouse is also his/her guardian, the Guardianship institution decides on entering into a marriage. Because the number of cases involving the exercise of access rights

increases, 2015 amendments to the *Civil Law* specify the legal framework of the parental access rights. Before these amendments, there was no detailed procedure for the execution of court decisions in cases related to custody or access rights, which significantly impeded the exercise of such rights.

Article 24

Children's right to a family

132. In 2014–2019, the number of children in child-care institutions decreased. Children are provided with a safe environment and opportunities to grow up in families. In December 2019, there were 33 child-care institutions in Latvia hosting 621 orphans or children deprived of parental care. By contrast, there were 1551 children in child-care institutions in December 2014 (Tables 1–2, Annex 17). 2018 amendments to the *Law on the Protection of Children's Rights* highlighted the inalienable right of every child to family.

133. The concept of improving adoption and out-of-family care system and the Action Plan for Implementation of Deinstitutionalisation 2015–2020 were implemented to reduce the number of cases of orphans and children deprived of parental care being placed in child-care institutions and the length of time during which children have to stay in child-care institutions (Table 3, Annex 17). Financial support for foster families, guardians, adopters and the amount of benefit received by host families to provide child support have been increased. To improve host families' knowledge and skills to take care of orphans and children deprived of parental care and to ensure psycho-emotional stability, a network of out-of-family care support centres has been set up; each foster family must enter into an agreement with a support centre of their choosing; the support centre ensures regular supervision of the foster family's activities, psychological support, consultations, and regular improvement of knowledge; out-of-family care support centres provide support for other categories of host families.

134. A specialised foster family institute has been set up for children who find themselves in a crisis to enhance their opportunities to immediately find a safe place in a family rather than in a crisis centres or child-care institutions. Crisis foster families ensure admitting a child in a family on a 24/7 basis at the request of a Guardianship institution or the SP. Another type of specialised foster families are foster families for children with disabilities for whom an opinion regarding the necessity of special care due to severe functional disorders has been issued; specialised foster families take an additional training course and receive additional financial support.

135. Furthermore, some measures have been taken to transform the content of services provided by the existing child-care institutions on the assumption that in future some orphans or children deprived of parental care will require services of child-care institutions in special situations and for a limited period of time. The primary target group is children in need of special care who cannot be properly cared for at home due to their health condition. See Table 4, Annex 17 for the key actions related to the children's target group within the *Action plan for the care for children with special needs in home environment*. The *Action plan* includes services developed for families raising a child with functional disabilities (services for children and caregivers) to strengthen the opportunities and skills of families to independently take care of children with functional disabilities.

Child's right to identity

136. Seeking the respect for the child's right to identity, 2012 amendments to Article 155 of the *Civil Law* state that acknowledgement of paternity occurs when the child's mother, the husband of the child's mother or the former husband of the child's mother and the child's biological father personally submit a joint application to the General Registry Office or an application addressed to the General Registry Office. As for the child's right to identity, 2014 amendments to Article 148 of the *Civil Law* state that contestation of the paternity presumption must be proportionate to the right of the child to identity and stable family environment (Table 5, Annex 17).

Prioritised protection of children's rights

137. To ensure prioritised protection of children's rights, Article 182 of the *Civil Law* establishes a legal framework regarding the participation of a contact person – a legal person ensuring the presence of a specialist during the implementation of access rights – in the execution process of access rights. The legal framework related to the examination of cases arising from access and custody rights was supplemented with a regulation of the court's rights to protect children's rights (Table 6, Annex 17). Two new chapters *Execution of Decisions in Cases Arising out of the Custody Right* and *Execution of Decisions in Cases Arising out of the Access Rights* were amended to the *Civil Procedure Law* determining the actions of a sworn bailiff in cases where the decision is not enforced, thus improving the quality of court proceedings and reducing the number of cases where the enforcement of a decision is not possible due to lack of good faith of a party.

Protection of children against violence in adoption process

138. To protect children against violence, 2013 amendments to Article 163 of the *Civil Law* provide which persons may not be the adopter (Table 7, Annex 17).

139. On 5 December 2019, the CC declared that the provision establishing an absolute prohibition for persons who have been convicted for committing an intentional serious crime related to violence or threats of violence regardless of whether the criminal record has been expunged to apply for the adoption of a child of the other spouse was unconstitutional. Based on the above, amendments to the *Civil Law* were made. However, during their adoption according to Article 32 of the *Constitutional Court Law* the CC's judgment and the interpretation of the relevant legal norm provided therein was mandatory for all State and local government authorities and courts, officials, and natural and legal persons.

Article 25

140. 2014 amendments to Article 1 and 2 of the *Parliament Election Law* excluded a precondition that persons who have limited legal capacity pursuant to the procedures prescribed by law do not have the right to vote. Latvia draws attention to the information it provided in the third periodic report on the implementation of the Covenant (CCPR/C/LVA/C/3, paragraphs 534–547) and notes that there have been no other significant changes to that information.

Articles 26 and 27**Recommendation No. 20**

141. For more than 20 years, Latvia has been undergoing an education reform to introduce the Latvian language as the principal language of instruction in the education. The 2018 amendments to the *Education Law* and the *CoM Regulations No. 716* ensure integration of each pupil, their possibilities to access the labour market, to effectively exercise their rights in democratic processes, and to acquire higher education (Table 1, Annex 18). Through the reform, Latvia fulfils its obligation to guarantee the right of each individual to communicate in the State language and to successfully obtain and disseminate information in a language one fully understands. Latvia shows the second-highest rate of multilingualism in the EU. For the number of pupils in general primary and secondary education institutions by the language of instruction, see Table 2, Annex 18. Given that the *Guidelines for Development of Education for 2014–2019* of Latvia aimed to promote the development of a multilingual personality by learning foreign languages and promoting the learning of the native and State language, in September 2019, at the secondary school level, a gradual transition to learning only in Latvian was commenced, maintaining the possibility for minority pupils to learn their language, literature, and subjects related to culture and history (modules) in the native language.

142. The language of instruction in minority education programmes depended on the age/grade of the pupils (Table 3, Annex 18). The obligation to ensure proper language of

instruction applies to all State-owned, municipal, and private educational institutions. The amendments to the domestic legal framework ensure that Latvia abides by its international obligations and that pupils belonging to minorities can continue to learn their language, culture and history.

143. By 2016, State funding was allocated to 104 educational institutions, which implemented education programmes for minorities (Chart 1, Annex 18) and 60 dual-stream schools (programmes implemented in Latvian and minority languages). The *Official Language Policy Guidelines for 2015–2020* established that the access of learning and improvement of the Latvian language constitutes an important part of the State language policy. In 2014–2019, opportunities to learn the State language were provided to ethnic minorities, asylum seekers, refugees, persons with an alternative status, emigrants, and third-country nationals.

144. At the secondary school level and with the objective of general secondary education to prepare pupils for successful studies at a university, Article 41, paragraph 1, of the *Education Law* was amended, adding paragraphs 1¹ and 1², which established the provisions on the language of instruction at the level of basic education (in 1st–9th grades). In 1st–6th grades, in the minority education programmes, the curriculum for minorities was acquired in Latvian language in the amount of at least 50%, including foreign languages, whereas in 7th–9th grades in the amount of at least 80%, including foreign languages. These amendments came into effect gradually (Table 4, Annex 18). 2018 amendments to the *General Education Law* foresaw learning in general secondary education institutions in the State language. These amendments came into force in September 2021 meaning that for the level of secondary education, the transition to teaching in the State language started in the 2020/2021 academic year, when students, who passed all examinations in the State language upon finishing 9th grade at the end of 2019/2020 academic year, enrolled in 10th grade. Transition to teaching in Latvian in 11th grade started simultaneously with 10th grade, whereas the transition to teaching in Latvian in 12th grade started in 2021/2022 academic year. Article 43 of the *General Education Law* was supplemented with paragraph 2, stipulating that an educational institution has the right to complement the general secondary education programmes with subjects not indicated in the general secondary education standard, including minority languages and a curriculum related to the identity and social integration of minorities in Latvia, thus guaranteeing the opportunities for the minorities to learn about their language and culture. Latvia provides training for teachers regarding the transition to Latvian as the language of instruction and develops methodological materials (Table 5, Chart 2, Annex 18).

Recommendation No. 21

145. The SIF and State Employment Agency ('SEA') provide State language courses for adult residents of Latvia. In 2018, the SIF implemented the programme *Acquisition of Latvian for Adults*, thus allowing minorities and non-citizens residing in Latvia to acquire or improve their Latvian language skills and facilitating their social integration. 645 learners commenced and 574 learners completed studies, while 414 learners increased their Latvian language proficiency by one level. In 2019, the SEA provided Latvian language courses to 2743 unemployed persons and job seekers (Table 6, Annex 18).

146. The Latvian Language Agency ('LLA'), which implements the State language policy, provides support to minorities since 1996 (Table 7, Annex 18). The LLA offers courses for the improvement of Latvian language skills for professional needs. The SEA organises different language courses for unemployed persons and job seekers within non-formal education programmes (Table 8, Annex 18). These courses are free of charge, and each participant receives a scholarship of 5 euros per academic day. The language courses with an intermediary language take place at 3 levels: basic level, intermediate level and advanced level. It takes 150 hours to complete each level. Programmes for the learning of the State language at different levels may be used 3 times a year. Upon completing the courses at each level, unemployed persons and job seekers may take the State language examination. Courses are mostly held in Russian as the intermediary language. The State language courses are offered throughout the territory of Latvia, in educational institutions approved by the Permanent Committee for the Selection of Providers of Activities, and in training centres.

147. Information on the State language training opportunities for unemployed persons and job seekers is available on the SEA website and at its branches. To offer a service to unemployed persons and job seekers, a SEA official performs on-site profiling of the person: evaluating the desired job, acquired education, previous work experience, occupation, *etc.* following which the SEA official offers the most appropriate activity and registers the person in the database. Information on the services offered by the SEA, including non-formal education programmes, is available at: www.latvija.lv. The SEA offers to unemployed persons and job seekers the course *Development of the State Language Skills* (practical training consisting of 56 academic hours) as one of the measures to increase competitiveness. The course is focused on persons without previous Latvian language skills. The activity is open to every person registered with the SEA as an unemployed person or a job seeker. The courses are co-funded by the European Social Fund and are organised in Riga and other municipalities. Information on the opportunities to complete this course is displayed on information stands in SEA branches, and is available on the SEA website.¹⁷

148. After acquiring the refugee or alternative status, individuals have the right to register with the SEA and learn Latvian language without an intermediary language as part of a non-formal education programme, and to participate in other employment-related activities. In 2017, the Latvian language courses without an intermediary language were enhanced, adapting them to the needs of individuals and dividing the training in 6 sub-levels (A1, A2, B1, B2, C1, C2). It takes 120 hours to complete each level. In one year, an individual has access to up to 3 courses. For refugees, individuals with the alternative status, and other foreigners without Russian or English language skills, who are not able to participate in the courses with an intermediary language and who have a status of an unemployed person or job seeker, Latvian language courses without an intermediary language are offered depending on the demand. The SEA informs the unemployed person or job seeker about the activity after his/her profiling.¹⁸ Cooperation partners (SIF, the association “Patvērums “Droša māja””, and the asylum centre “Mucenieki”), which come in close contact with refugees and individuals with alternative status receive information on training possibilities.

149. In 2018, the SEA launched a new service Latvian Language Mentor for Employed Refugees and Individuals with the Alternative Status as part of the project Integration of Refugees and Individuals with the Alternative Status into Latvian Labour Market. The activity takes place at the employer’s premises, and a Latvian language mentor helps individuals to improve their Latvian language skills, professional terminology required for work, and to independently integrate into the work environment. Services of a Latvian language mentor are provided the first 4 months after entering the employment relationship, according to the individual plan for the acquisition of the official language for maximum of 20 academic hours per month. In 2018–2019, services of a Latvian language mentor were provided to 9 individuals with the status of a refugee or the alternative status. In 2014–2019, 16 924 individuals commenced the course *Development of the State Language Skills* (Table 9, Annex 18). Likewise, in several municipalities 5624 individuals commenced the course *Development of the State Language Skills* to increase competitiveness (Table 10, Annex 18).

150. The MoC is responsible for implementing integration policies regarding the *Asylum, Migration and Integration Fund for 2014–2020* which implements activities regarding the *Acquisition of Latvian language* (in detail, Table 11, Annex 18).

Availability of interpreters in court proceedings

151. All procedural laws in Latvia define the persons who are eligible to receive the assistance of an interpreter in court proceedings (in detail, Table 12, Annex 18).

Recommendation No. 21

152. Latvia refers to the information provided in its third period report and submits that data on public attitude towards different ethnic groups is collected and studies on issues

¹⁷ <https://www.nva.gov.lv/transportlidzeklu-un-traktortehnikas-vaditaju-apmaciba>.

¹⁸ <https://www.nva.gov.lv/media/2659/download?attachment>.

related to the integration of minorities, including the monitoring of Roma population education, are conducted regularly. The authorities prepare annual informative reports on implementing Roma integration policy measures (Table 13, Annex 18).¹⁹

153. The 2015 study *Roma in Latvia* suggests that Roma people are exposed to social risk, and majority of them live in poverty and face negative prejudices on the part of both employers and the society.²⁰ A 2017 research report on the level of understanding and public awareness concluded that 82.3% of Roma or their closest family members have faced situations over the past three years, where the employers refuse to hire them because of their nationality. The 2019 survey suggests that, in terms of employment or private relationships, the respondents would mostly keep their distance from Roma population. 33% of Latvian residents indicated that they would not be willing to work in the same team with Roma, while 36% of the respondents submitted that they would have objections if they had Roma neighbours.²¹ A Eurobarometer 2019 survey on discrimination in the EU showed that 14% of Latvian residents would feel uncomfortable if any of their work colleagues were Roma.²²

154. To reduce the exclusion and discrimination of the Roma population in Latvia, several activities for the Roma integration, Roma culture preservation, and protection of the Roma rights have been implemented in cooperation with Roma civil society organisations. Also, cooperation with the governmental authorities in charge of the key dimensions of Roma integration, *i.e.* education, employment, health, and housing, has been ensured (Tables 14–20, Annex 18). Since 2012, Latvian authorities have been implementing a *Set of National Policy Measures for Roma Integration* included in the *Guidelines on National Identity, Civil Society, and Integration Policy for 2012–2018* (since 2019, the *Plan for the Implementation of the National Identity, Civil Society, and Integration Policy for 2019–2020*). Latvian authorities use integration approach and targeted approach, particularly regarding the development of education and civil society.

155. The Advisory Council for the Implementation of the Roma Integration Policy, established in 2012, operates under the MoC. Its aim is to promote integration of Roma residing in Latvia (Table 21, Annex 18). To promote regular information and experience exchange between municipal specialists on Roma integration and to establish cooperation between the authorities and the Roma, in 2014, the MoC developed the *Network of Regional Experts* in Roma integration, which includes delegated representatives of 19 Latvian municipalities. By means of the *Network of Regional Experts*, cooperation activities, such as meetings of regional experts with local governments and good practice visits at local levels were organised, including the counselling of the active Roma representatives.

156. To raise public awareness about Roma culture, history, social issues, and the negative impact of prejudices and stereotypes on the Roma situation in Latvia, since 2015, the MoC implements several activities as part of the EP campaign *DOSTA! – No More! Break the Stereotypes! Get to Know Roma!* (Table 22, Annex 18).²³

157. The project *Latvian Roma Platform* implemented within the EU programme *Rights, Equality, and Citizenship* is a special support measure for the coordination of the Roma integration policy to promote a dialogue between the Roma community and civil society organisations and to develop an efficient procedure for the coordination of Roma integration policy at a national level.²⁴ Since 2016, more than 930 individuals have participated in these activities (Chart 3, Annex 18). Since 2017, Roma mediators have been acting as intermediaries in 5 Latvian municipalities, thus contributing to the development of a dialogue and cooperation between socially disadvantaged Roma families and municipal authorities and State agencies' professionals. The mediators represent the Roma community and they are motivated to actively cooperate with municipal authorities, to help Roma improve their social situation, and become more involved in support and cultural activities in the city or

¹⁹ <https://www.km.gov.lv/lv/integracija-un-sabiedriba/romi/dokumenti>.

²⁰ https://www.km.gov.lv/sites/km/files/romi_latvija_petijums_eng1.pdf.

²¹ <https://www.sif.gov.lv/lv/media/142/download>.

²² <https://europa.eu/eurobarometer/surveys/detail/2251>.

²³ <https://www.km.gov.lv/lv/integracija-un-sabiedriba/romi/projekti-un-pasakumi/ep-kampana-dosta>.

²⁴ <https://www.km.gov.lv/lv/integracija-un-sabiedriba/romi/projekti-un-pasakumi/latvijas-romu-platforma>.

region. The mediators provide Roma families with a “trusted person” support to seek for appropriate solutions together with the professionals of the local government.

158. Since 2015, the association *Roma Culture Centre* has been organising commemorative and informative events on the Roma genocide victims during the World War II, international concerts as a tribute to Roma culture *Roma World*, and provides individual consultations on the Roma rights’ protection. As part of the public administration tasks, authorities provide their support to ensure the operation of Roma History and Art Museum. In 2016 and 2017, as part of the EU programme *Europe for Citizens* (2014–2020), the association *Roma Culture Centre* implemented large-scale projects to commemorate, remember, and honour genocide victims.

159. Other support measures regarding education, employment, and healthcare are implemented for the Roma target group within the operational programme of the EU Structural Funds and the Cohesion Fund during the planning period 2014–2020 *Development and Employment*. The ethnic minority “Roma” is one of groups at risk of social exclusion, to which the *CoM Regulations No. 173* apply. Since 2016, the MoC, with the support of the European Commission, has been implementing the project *Latvian Roma Platform* (Table 23, Annex 18) to promote Roma inclusion in the society.

Recommendation No. 22

160. According to the *Plan for 2015–2017 for the Implementation of the Guidelines for Development of Education for 2014–2020*, in the 2016/2017 academic year, activities were implemented to obtain data on the quality of the Roma pupils’ education, Roma pupils who acquire basic education and general secondary education, and the range of support measures offered by educational institutions for Roma education. In the 2016/2017 academic year, the number of general education institutions attended by Roma pupils had increased (20% of educational institutions). In the 2016/2017 academic year, 900 Roma pupils (0.5% of pupils) attended 144 general education institutions, while in the 2013/2014 academic year 1032 Roma pupils. The dropout rate among Roma pupils is 15.9%, mostly in 7th–9th grades. In the 2016/2017 academic year, additional learning activities were provided to 21.5% of Roma pupils (in the 2013/2014 academic year – to 26.4%). In the same academic year, significantly less pupils had not acquired compulsory basic education (Tables 24–25, Annex 18).

161. The Ombudsperson considers that the access to pre-school education continues to be a problem for Roma children, which affects their further integration into the education system. According to the Ombudsperson, not all educational institutions, which a significant number of Roma children attend, provide Roma teaching assistants. It is still up to the local government to provide such support measures for Roma children. It is also important to promote support measures, which would facilitate the learning of languages, given that knowledge of the State language is a key issue, which makes it difficult for Roma children to participate in the learning process.

162. A set of national policy measures for Roma integration was developed outlining activities regarding Roma pupils (Table 26, Annex 18). In the 2016/2017 academic year, the MoES conducted the monitoring of the academic achievements of Roma pupils (Table 27, Annex 18). Upon the recommendation of the pedagogical council of the educational institution, support measures for the improvement of academic achievements have been established (Table 28, Annex 18). The authorities have collected data on Roma teaching assistants employed at general education institutions. The indicators regarding the support measures for Roma pupils offered by educational institutions for the acquisition of subjects, such as “Mathematics”, “Science”, “Foreign Language”, “Latvian Language”, *etc.* has remained unchanged over the past 3 years. There are no segregated classes in Latvia, also regarding the instruction language (Table 29, Annex 18). Since 2015, Latvia implements a wide range of activities to promote tolerance, to reduce the negative stereotypes about the Roma population, and to promote Roma culture.

Recommendation No. 21

163. Latvia is home to people who represent more than 150 different nationalities. The largest ethnic groups are Russians, Belarusians, Ukrainians, Poles, Lithuanians, Jews, Roma, Germans, and Estonians. Minorities and their culture constitute an integral part of the society and culture of Latvia. They have different history, number of representatives and economic, social, and cultural backgrounds. The rights of minorities are protected by the *Constitution*. They receive comprehensive State support in education and preservation and development of their culture (Table 30, Annex 18).

Recommendation No. 21

164. The largest minority communities have established societies and constitute an active proportion of the population who preserve and develop their culture. The survey on the participation of minorities suggests that the minority population, who are members of such associations, are better informed and more loyal to Latvia. Compared to 2015, the proportion of the minority population who feel the sense of belonging to Latvia has increased significantly. The 2017 survey shows that 85% of the minority population have developed a strong or very strong bond with Latvia. At least 20% of the State budget for the MoC, is allocated for the implementation of support measures for minorities. In 2012–2018, around 30 000 individuals were engaged in different types of activities for minorities. Various activities for the promotion of engagement of minorities, preservation of cultural identity, and creation of intercultural dialogue have been supported regularly. In 2013–2018, Latvia organised forums for minorities with at least 200 representatives of minority associations participating every year. In 2018, the VI Minority Forum *From Integration to Cohesive Society* was held in Riga. The programme *Ambassadors of Latvian Culture* and the programme for the participation and cooperation of students and youth *European Footprints in Latvia* were implemented. Around 1000 young people from minority schools participate in these programmes every year. Activities to promote the minorities' culture and the festival *United in Diversity*, organised by the Ita Kozakeviča Latvia Association of National Culture Societies, are also supported. In 2014–2019, Latvia implemented the *NGO Regional Programme*, which covered all Latvian regions. In this programme, certain funding could be granted to associations and foundations, which implement projects to promote civil society and support associations and minorities' foundations. The *NGO Regional Programme* allowed to organise training on civil engagement, intercultural dialogue, and strengthening of the capacity, which was targeted at minorities, including those of the Roma population, and activities regarding the intercultural dialogue with various target groups. The participation of minority artistic groups in the International Folklore Festival *Baltica 2018* and the Latvian Song and Dance Festival has been supported. Support has also been provided to preserve the intangible cultural heritage of minorities, e.g. professional development courses, seminars, camps, and creative days for minority culture professionals.

NGO participation in preparing the report

165. Prior to the submission of the Report to the CoM and the Committee, it was presented to several NGOs and the Office of the Ombudsperson. The Report was also sent to those NGOs, who have acceded to the Memorandum of Cooperation between the CoM and the NGOs for comments.

166. Within this coordination, "Centrs Marta", the Office of the Ombudsperson, and the association "Latvian Civic Alliance" gave their opinions on the Report. The comments provided by the Office of the Ombudsperson and "Centrs Marta" are included in the Report, whereas the association "Latvian Civic Alliance" approved the Report without providing any comments. Following the submission of the Report, information on the possibility for NGOs to submit alternative reports directly to the UN has been posted on the website of the MoFA.