

Franet National contribution to the Fundamental Rights Report 2023

Latvia

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Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	<p>UN OPCAT comes into force in Latvia</p> <p>On 9 January 2022, Latvia became the 91st country where <u>UN OPCAT has come into force</u>.</p>
EU Charter of Fundamental Rights	There have been no notable developments concerning the EU Charter of Fundamental Rights in 2022.
Equality and non-discrimination	<p>Parliament fails to adopt Civil Union Law</p> <p>The out-going parliament (<i>Saeima</i>) failed to adopt the Civil Union Law in the third reading after the <u>Constitutional Court</u> mandated the legislator in 2020 to adopt a legal framework protecting all families, including same sex families.</p>
Racism, xenophobia & Roma Equality and Inclusion	<p>Roma Action Plan adopted, Anti-Racism and anti-Semitism Plan drafted</p> <p>The <u>Plan for the Implementation of Activities of the Roma Strategic Framework 2022-2023</u> was adopted by the government on 3 May.</p> <p>The Ministry of Culture drafted an Anti-Racism and anti-Semitism Plan and submitted it for public discussion in October.</p>
Asylum & migration	No developments in 2022
Data protection and digital society	<p><u>Amendments to the Consumer Rights Protection Law (<i>Grozījumi Patērētāju tiesību aizsardzības likumā</i>)</u>, Law on Electronic Communications (<i>Elektronisko sakaru likums</i>) were adopted to specify in detail data processing in line with GDPR.</p>
Rights of the child	<u>Measures</u> have been adopted by the government to alleviate the increase in energy prices for households.
Access to justice, including victims of crime	<p><u>Law on Police amended to allow the police to separate perpetrator from victim in domestic violence cases without victim's written application</u></p> <p>The parliament amended the Law on Police providing for the right of the police to separate perpetrator from the [potential] victim in domestic violence cases without victim's written application. Police decision on separation also includes risk assessment of the threat of violence, including information that shows that the threat of violence is imminent. The amendments came into force on 17 February 2022.</p>

Convention
on the Rights
of Persons
with
Disability

Various studies published addressing the rights of persons with disabilities

Various studies addressing the rights of persons with disabilities, e.g. study on the employment of persons with mental disorders, report on the accessibility of bank services were published in 2022.

1 Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focusing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

The 2020 judgment on the right of a same sex couple to a parental leave by the Constitutional Court¹ mandated the legislator to adopt a legal framework protecting all families. The Ministry of Justice drafted a Civil Union law and in early February 2020 submitted it to the parliament for review.² The draft law defines the civil union as a notarized agreement between two natural adult persons, which establishes or terminates the material and immaterial rights and duties of the persons. According to the draft law the civil union can be concluded by adults in the presence of a notary. The civil union shall be established without a time limit and shall be in force until its termination. The explanatory note states that the draft law contains a minimum framework to enable the civil union to be established at all. Social and economic protection and support measures for individuals, such as tax incentives, rental of residential areas, relief for public officials, as well as issues relating to the prevention of conflict of interest in the activities of officials and others remain unresolved. The draft law does not provide for the right of one partner to represent the other in treatment process, inheritance, etc. The outgoing parliament failed to adopt the draft law in the third reading.

On 30 November, following the failure of the outgoing parliament to adopt the Civil Partnership Law, the movement "Life partners" (*Dzīvesbiedri*) again submitted another draft legal initiative "On the legal protection of all families" signed by 23 455 citizens of Latvia.³ The parliament is under an obligation to examine legal initiatives signed by at least 10,000 citizens. The draft was voted down by the parliamentary committee tasked with examining public petitions.⁴

On 15 December 2022, the new parliament turned down the draft law "Civil Partnership Law" left from the previous parliament.⁵

On 23 December the Ombudsman issued a statement⁶ about the draft law reminding the parliament of the obligations arising from Constitutional Court decisions and Article 110 of the Satversme (Constitution). He also criticized

¹ Latvia, Constitutional Court (*Satversmes tiesa*) (2019). [Case No 2019-33-01](#), 12.11.2020.

² Latvia, Saeima (2022). [Civil Union Law \(*Civilās savienības likums*\)](#), 14.03.2022.

³ LSM.LV (2022). [A manabalss.lv Initiative on the Legal Protection of All Families Submitted to the Saeima](#), 27.10.

⁴ Latvia, Saeima (2022). protoCol nr. 141.1.9/10-2-14/22, 30.11

⁵ Latvia, Saeima (2022). [Civil Union Law \(*Civilās savienības likums*\)](#), 15.12.2022.

⁶ Latvia, Ombudsman of the Republic of Latvia (LR Tiesībsargs) (2022). [To LR Saeima \(parliament\) On draft law "Civil Partnership Law"](#), 23.12

several MPs for their insulting and demeaning comments about same sex partnerships.

In the end of December 2022, in an open letter more than 400 employees of the culture and arts industry sector⁷ criticized the vote of the Minister of Culture N.Puntulis (National Alliance) against the protection of a families as being contrary to the inclusive policy adopted by the Ministry. Before being reinstated as a Minister of Culture, he voted as an MP against the examination of the public initiative concerning the legal protection of all families. In response to the minister's answer that he had voted in line with the values of the Constitution (marriage is defined as a union between a man and a woman), 512 employees of the culture and arts industry signed another open letter⁸ expressing their doubt about his responsibility for the implementation of an inclusive policy if his personal and party beliefs are against this task.

In the absence of a civil partnership law, administrative courts have recognised family relations of several same-sex couples.⁹ By the end of the December 2022, around 50 same sex families have requested the confirmation of the fact of family in court, of those 31 has been recognized.¹⁰ At the same time the confirmation of the fact of a same sex family does not grant any additional rights to the couples. There have been no legal and policy developments or measures relevant to fostering equality and combating discrimination on the grounds of socio-economic status, health status and physical appearance.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance

⁷ Latvia, LSM.LV (2022). [Culture sector workers: Puntulis vote against the protection of all families contravenes the inclusive policy defined by the ministry](#), 08.12.2022.

⁸ Latvia, Satori.LV (2022). [A second open letter to Nauris Puntulis signed by several hundred culture sector workers](#), 27.12

⁹ Latvia, Administrative District Court, Riga, [Case Archive No A42-01395-22/5](#), 23.09.2022; Latvia, Administrative District Court, Liepāja, [Case Archive No A42-01384-22](#), ECLI:LV:ADRJLTN:2022:0912.A420138422.2.S, 12.09.2022; Latvia, Administrative District Court, Riga Court House, Case No A42-01392-22/21, 04.08.2022, Latvia, Administrative District Court, Riga Court House, Case Archive No. [A42-01182-22/28](#), 06.07.2022.

¹⁰ Latvia, LETA (2022). [Several violent attacks against LGBT community members have come to the attention of "Mozaika"](#), 28 October. (available to subscribers only).

In December the Ministry of Welfare¹¹ published the findings of a public survey¹² on public perceptions of discrimination. 23% of respondents of the respondents belong to a minority at risk of discrimination. It is the first time that a government survey in Latvia also includes the perceptions of discrimination by LGBT persons as a separate respondent group.

The Latvian survey form was taken from the 2019 Eurobarometer research. The current survey concludes that 40% of respondents have encountered discrimination during the last 12 months as compared with 15% in the Eurobarometer survey. According to the survey respondents the most widespread discrimination is on grounds of age – 51%, being a Roma (46%), ethnic origin (44%), sexual orientation (42%). Although 46% of respondents, persons with disability, and 89% of LGBT respondents allege they have experienced discrimination, they have rarely reported it to anyone beyond friends and relatives. 11% among general public, 16% of persons with disability and 21% LGBT respondents have reported to somebody about discrimination, while among children and youths, the fact of discrimination has been reported by 31%. In cases of discrimination, an overwhelming majority share the information with a friend or a family member – among the four groups – between 76% to 96%, management of the involved institution – from 7-14%, NGOs – from 2-12% (9% among LGBT, 12%- - persons with disability), Ombudsman – from 2-18% (LGBT – 4%, persons with disability 18%).

30% of those who allege having experienced discrimination say it happened in a public place (in the street, in a park, in a parking place, etc.), in a workplace , school, college, university; when seeking a job, in public transport, in a health care facility.

29% of LGBT respondents and 21% persons with disability have taken proactive action in reducing discrimination during the last 12 months, 20% of children and youths – 20%, which is higher than among general public – 15%. On a scale from 0-10, respondents consider that the effectiveness of measures promoting equality is 4.7.

42% of general public respondents, 58% of LGBT respondents, 45% of persons with disabilities cite fear (e.g. loss of work, worsening of situation, etc.) as unwillingness to report discrimination, while the reason - unwillingness to open up is cited by 42% general public respondents, 51% LGBT respondents, 46% of children and youths. 39% of persons with disabilities cite the procedure as too complicated (bureaucracy), lack of information about where to report are cited by

¹¹ Latvia, Ministry of Welfare (Labklājības ministrija) (2022). [Public Opinion Survey about Public Awareness of Aspects of Discrimination \(Sabiedriskās domas aptauja par sabiedrības izpratni par diskriminācijas aspektiem\)](#), 28 December.

¹² Quantitative survey, online format (persons with disability could also fill in the survey in writing). Sample: Adults (aged 18-74) - 1056, children and youths (aged 13-17) - 217, persons who belong to LGBT community – 134 respondents (data collection through LGBT+ alliance Mozaika Facebook account and "Norstat Latvia Panel"), persons with disability (data collection via an umbrella organisation "Sustento", different patient organizations to reach persons with visible and invisible disabilities) – 229. Survey was conducted in 25 October- 22 November 2022.

32%-36% in all surveyed groups. 48% of LGBT respondents cite societal values (people in Latvia are intolerant) a reason for not reporting.

Within the business forum dedicated to managing diversity "Think Diversity! Baltic Diversity Business Forum" of the Riga Pride 2022, KPMG Latvia launched the findings of the study "True Cost of Intolerance in Latvia: LGBTQ perspective"¹³ where it analysed and calculated the cost of absence of inclusive policy on national economy. The economic cost of intolerance in Latvian is estimated between 0,85 to 2% of GDP, which ranges between EUR 278 million to EYR 656 million. Emigration related costs in the amount of EUR 140 million, economic discrimination and lost productivity costs in the amount of 88 million euros, costs related to the increasing spread of depression in the amount of 24 million euros, loss of income costs related to LGBTQ suicides in the amount of 22 million euros and economic costs resulting in disability as a result of increasing alcohol consumption in the amount of 4 million euros are cited among key factors causing economic losses as a result of lack of inclusive policies.

On 28 October, in a conference dedicated to 30 years since the decriminalization of same sex relationships in Latvia, LGBTI+ alliance "Mozaika" informed there were nine violent assaults on LGBT+ members in 2022, none of the victims turned to the police. 300 reports have been received in 2022 about [homophobic] hate speech on the internet.¹⁴ The State Police opened criminal proceedings in seven cases, in one case criminal proceedings were terminated. These included calls to violence. In 73% of cases the reported content was removed from social media within 24 hours, in 10% of cases there was no reaction from social media companies. According to the NGO, [homophobic] hate speech and content in the social media has not essentially changed, however, there has been improvement in the response by the State Police.

¹³ Latvia, DELFI/LETA (2022). [True Cost of Intolerance in Latvia: LGBTQ perspective](#), 17.06

¹⁴ LETA (2022). [Several violent attacks against LGBT community members have come to the attention of "Mozaika"](#), 28 October.

2 Racism, xenophobia and related intolerance

2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In 2022, there has been no research, studies or surveys specifically focusing in experience of ethnic discrimination, racism and hate crime.

In spring, the research and consultancy company “Kantar” published a survey on the perceptions of discrimination in employment.¹⁵ The majority of employees – 70% - have not encountered discrimination at workplace, while 17% have experienced unequal treatment, deprivation and restriction of rights during within last year. Of those who have experienced discrimination, 27% claim due to age, 20% due to health status (including disability), 16% race, ethnic origin, 15% - gender, 9% due to covid-19 vaccination, 2% - sexual orientation, 1% - religious affiliation, 12% - due to another reason, while 11% - difficult to say. Young people, aged 18-29, more than any other group acknowledge discrimination due to gender and by age. More non-Latvian employees than others claim they have experienced discrimination due to their ethnic origin.

Concerning hate crimes and hate speech, in 2022, the main focus by the law enforcement institutions has been on hate crimes and hate speech in connection with the Russian invasion in Ukraine.

State Police and State Security Police have, throughout the year, called upon the public to report supporters of Russian aggression in Ukraine and inciters to national hatred in the Latvian cyberspace.¹⁶

According to the State Police, since the beginning of Russian invasion in Ukraine from 24 February until 24 August 2022, most offences are related to support for Russian military aggression, including the public display of banned symbols on infrastructure objects, clothing, or vehicles, as well as theft and damage of Ukrainian flags. There have also been cases whereby cars with Ukrainian car number plates have been damaged or graffiti have been drawn. Since the beginning of Russian invasion in Ukraine 125 criminal proceedings, and 290 administrative offence proceedings have been initiated. The State Police has

¹⁵ Latvia, Kantar (2022). [17% of Employees Have Encountered Discrimination in the Work Place During the Last Year \(17% strādājošo pēdējā gada laikā ir saskārušies ar diskriminējošu attieksmi darba vidē\)](#), 13.09. The survey was conducted from 22-24 February 2022 by surveying 810 employees via internet, the survey is representative, based on random choice.

¹⁶ A reporting form created by Latvian journalists specializing in security issues: <https://pretagresiju.pardrosibu.lv/>

reported that it is evaluating whether the incident contains hate motive.¹⁷ In the first three months since the Russian invasion in Ukraine, the State Police reported that 16 cases concerned infliction of bodily injuries to Ukrainian nationals, some also concerned threats. It is not known how many of the offences have been registered under Article 78 (incitement to racial, ethnic, national and religious hatred) or where Article 48 (1) 14 which provides for aggravating circumstances in case of crimes committed with racial, national, ethnic and religious motive has been applied.

On May 20, after a march for the removal of Soviet monuments in Latvia, a man attacked another young man who had a Ukrainian flag on his shoulders¹⁸, causing bodily harm. The perpetrator was detained on June 22 but later released. He reimbursed the victim for his claimed full compensation for material and moral damage, or EUR 6034.55. The perpetrator was found guilty and sentenced to 200 hours of community service. On 21 July, the case was reopened by the Office of the Prosecutor General following the complaint from the victim's lawyer. and the sentence will be re-examined. In its statement to the media, the Office of the Prosecutor General highlighted¹⁹ that "in revoking prosecutor's injunction about punishment, it has been established that the content of the statements of the accused must be analysed in the context of alleged incitement to ethnic, national hatred and hostility, as well as gross trivialisation of crimes against peace and war crimes committed by the armed forces of the Russian Federation in Ukraine."

Criminal proceedings have also been opened against the perpetrator's wife, a police officer, who sat in their car and later helped the perpetrator hide, for failure to fulfill the duties of a public official. She has been dismissed from the police. These criminal proceedings have been referred to the Office of Internal Security for investigation.

In October, the State Security Service (*Valsts drošības dienests*) reported that since the beginning of Russian invasion in Ukraine it is investigating 23 cases of hate speech²⁰ (State Security Service had initiated 19 criminal proceedings, while four proceedings were taken over from the State Police). Most cases relate to aggression against Ukraine and its people. Of 23 proceedings, eight were initiated for public glorification and justification of genocide, crimes against humanity and peace and war crimes (Section 74¹ of Criminal Law) and seven proceedings for

¹⁷ Latvia, State Police (Valsts policija) (2022). [Half a Year in the Shadow of Russian War in Ukraine: 125 criminal proceedings and 290 administrative proceedings have been initiated \(Pusgads Krievijas kara Ukrainā ēnā: policijā uzsākti 125 kriminālprocesi un 290 administratīvo pārkāpumu procesi\)](#), 24.08.

¹⁸ Latvia, LSM.LV (2022). [Verdict in 'Ukrainian flag attack' case / Article \(lsm.lv\)](#), 15 June.

¹⁹ Latvia, Office of the Prosecutor General (Ģenerālprokuratūra) (2022). [Office of the Prosecutor General Revokes Prosecutor's Revokes Prosecutor's Prescription for Punishment in the so-called cases of the Ukrainian Flag \(Ģenerālprokuratūra atceļ prokurora priekšrakstu par sodu tā dēvētajā Ukrainas karoga lietā\)](#), 21 July.

²⁰ Latvia, State Security Service (*Valsts drošības dienests*) (2022), [VDD investigates 23 cases of hates speech](#), 10.06.

activities aimed at triggering national hatred or enmity (Section 78 of Criminal Law). Two suspects were detained.

1. Legal and policy developments or measures relating to the application of the Framework Decision on

Racism and Xenophobia and the Racial Equality Directive

According to the Ministry of Culture, a working group was set up to draft the Plan to decrease racism and anti-semitism 2022-2023. The plan is being drafted in response to the objectives of the EU's Anti-Racism Action Plan 2022-2025..²¹

The aim of the Plan is to reduce manifestations of racism and anti-semitism 2022-2023 by implementing measures in line with the recommendations of the European Commission statements, and taking into account the available resources in the state. The Plan provides an extensive background of the situation in Latvia referring to various public opinion surveys concerning levels of tolerance, trends in hate speech, projects undertaken by different stakeholders, recommendations by international treaty and non-treaty bodies (UN CERD, CoE ECRI, AC/FCNM, official data on opened criminal proceedings by police, tried cases, as well as impact on Russian invasion in Ukraine. The Plan includes extensive information on projects addressing hate speech/hate crimes by civil society, activities undertaken by the State Police College. The Plan also provides an extensive background information on measures taken to combat anti-Semitism and preserving Jewish heritage. The Plan also underlines some of the challenges faced in Latvia. The Plan is not a strategy but a set of measures to be undertaken within the available budget resources. These include a survey on public awareness on discrimination, a qualitative survey on discrimination (interviewing vulnerable groups non-discrimination experts, employers, issuing recommendations for the improvement of the situation), targeted measures aimed at society consolidation (support and thematic events to raise awareness on prohibited grounds of discrimination), promoting active inclusion to facilitate equal opportunities and active participation, data collection about safety and psychological well-being (equality and non-discrimination) of schoolchildren in educational environment, raising public awareness about hate speech on the internet, capacity building and awareness raising on hate crimes/hate speech among law enforcement, judiciary (continuation of an earlier project – guidelines for lawyers on application of laws, training programme for professionals involved in combatting hate crimes/speech), training on intercultural communication to different types of specialists, facilitating unifying memory culture.

According to the Ministry of Culture the Plan is waiting for the approval by the government, and will cover only 2023, and the drafting of a new Plan covering 2024-2027 is being planned

²¹ Latvia, Ministry of Culture (Kultūras ministrija). [Plan for the Reduction of Racism and Anti-Semitism 2022-2023 \(Plāns rasisma un antisemitisma mazināšanai 2022.-2023.gadam\)](#). 32 p.

On 21 April 2022 the parliament amended the law On Meetings, Processions, and Pickets²² banning public display of symbols that glorify military aggression. These also include the letters "Z", "V" and other symbols that are used to glorify the Russian invasion of Ukraine. It is prohibited to popularise and glorify events related to Nazi and communist regime, including birthdays of persons representing their ideologies, battle and victory commemoration days, days commemorating the occupation of the territories of free and independent states or their parts. Earlier, the Law on the Safety of Public Entertainment and Festivity Events was also amended on 31 March to include an analogous ban (Article 4.1)²³. The offences are administrative offences which are punishable with fines of up to 350 euros for individuals and up to 2 900 euros for companies.

²² Latvia, Saeima (2022). [Amendments to the the law On Meetings, Processions, and Pickets \(Grozījumi likumā "Par sapulcēm, gājieniem un piketiēm"\)](#), 21.04.

²³ Latvia, Saeima (2022). [Law on the Safety of Public Entertainment and Festivity Events \(Publisku izklaides un svētku pasākumu drošības likums\)](#), 31.03.

3 Roma equality and inclusion

3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
<p>Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink</p>	<p>Latvia did not adopt a separate strategy, but an action plan. The action plan was drafted in 2021, and initially was to cover 2021-2023, but as it was adopted by the government only on 3 May 2022, thus it covers the period 2022-2023.</p>
	<p>Par Plānu romu stratēģiskā ietvara pasākumu īstenošanai 2022.-2023.gadam</p>
	<p>On the Plan for the Implementation of Activities of the Roma Strategic Framework 2021-2023</p>
	<p>https://www.vestnesis.lv/op/2022/88.2</p>
	<p>The Plan for the Implementation of Activities of the Roma Strategic Framework 2021-2023 drafted in 2021 is linked to the EU Roma Strategic framework until 2030</p>
<p>How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent</p>	<p>Several Roma civil society organisations were included in the interministerial working group, they are also mentioned in the action plan (e.g. association Roma Cultural Centre (Romu kultūras</p>

national authorities and the most significant Roma organizations)?	biedrība, society integration association "Alternativas", foreign NGO international organisation International Roma Union representatives, a Roma social worker from Ventspils), the action plan was also shared with Consultative Council for Facilitating Roma Participation https://www.km.gov.lv/lv/konsultativa-padome-0
Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?	Yes, the Ombudsman's Office was the member of the interministerial working group
Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.	No
Implications of the war in Ukraine on the situation of Roma	
Have Roma from Ukraine entered your country?	Yes/No
If Roma from Ukraine entered your country how was this communicated in the media?	Yes/No
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference	Yes/No

The NGO Centre for Education Initiatives (*Izglītības iniciatīvu centrs*) published the "Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Latvia"²⁴ which provides an analysis and recommendations about the Plan for the Implementation of Activities of Roma Strategic Framework 2022-2023.

²⁴ Latvia, Centre for Education Initiatives (Izglītības iniciatīvu centrs) (2022). [Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Latvia.](#)

The adoption of the NRSF as a separate policy development document is seen as a significant step towards improving the effectiveness and sustainability of the national Roma inclusion policy. The main challenge of the implementation of the NRSF is related to the access of Roma to mainstream measures due to a lack of capacity of Roma civil society, the low level of motivation of representatives of Roma communities to participate in social and cultural life at the local and regional level. In many mainstream measures Roma are not identified as one of the target groups. The report calls for a more significant role of the Roma Advisory Council in the decision-making process regarding the NRSF implementation, evaluation of the results, and outcome indicators

The report calls for the collection of additional data to better understand the situation of the Roma in Latvia, as well as to evaluate the progress of the implementation of the NRSF that is achieved. E.g., the impact of the COVID-19 pandemic on the education of Roma should be identified in the studies which are planned in the NRSF. It recommends that a survey or a qualitative study be carried out on the effectiveness of social services in terms of Roma inclusion and the access of Roma to social services, social protection, and child protection, as well as on anti-gypsyism and discrimination against Roma in key areas. The report recommends that the situation of potential structural and institutional anti-gypsyism be investigated and properly analysed as well as meaningfully addressed in the NRSF for the next period. The report also suggests a detailed analysis of the impact on Roma children's transfer from special education programmes to mainstream schools as well as placing Roma children in special education institutions in order to eliminate any unjustified placing of Roma children in special education institutions, or their education in inappropriate special education programmes. Fourteen interviews and one survey (questionnaire) were carried out during the research.

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

In 2022, there have been no legal and policy developments or measures directly or indirectly addressing Roma equality and inclusion.

In 2022 the Ombudsman published research on "The Situation of Roma in Latvia"²⁵ which includes the experience of seven municipalities Daugavpils, Jūrmala, Jelgava, Ventspils, Riga cities, Tukums and Talsi Counties in such areas as contacts with the community, child education, provision of housing support and social assistance. The Ombudsman organised online discussions with Roma mediators about challenges faced by Roma and developed a questionnaire

²⁵ Latvia, Ombudsman of the Republic of Latvia (LR Tiesībsargs) (2022). [The Situation of Roma in Latvia \(Romu situācija Latvijā\)](#), 53 p.

consisting of 47 questions and three thematic blocks (1.co-operation with Roma, Roma representatives/public participation; 2. Education (pre-school, primary education, acquisition of Roma language and culture, impact of covid-19 pandemic on Roma education, the views of municipality about Roma education; 3. Social issues (housing, employment, social assistance). The report also includes examples of good practise and recommendations.

The report highlights the impact of the pandemic on the education of Roma children – local governments provided children with the necessary technical tools, however, in some cases, there was a lack meaningful engagement (completion of homework) and an inability of the parents of Roma children to provide assistance in the use of technology and, accordingly, in studies. Therefore, education institutions prepared printed materials. Unfortunately, due to COVID-19, tests results of Roma children are lower than those of other children. It is necessary to stress that there were also Roma parents who cooperated with education institutions very actively, during COVID-19.

According to the report, the Ministry of Education and Science has been asked to assess and provide information to the Ombudsman on the work of the pedagogical medical commissions of local governments, and the alleged practice of unjustifiably placing Roma children in special educational institutions or providing education in inappropriate special educational programmes, by 1 November 2022.

4 Asylum, borders, visas, migration and integration

4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

EUMS	Implementation of Article 3 of Directive 2002/90/EC	
	How has your EUMS implemented Article 3 of Directive 2002/90/EU	Hyperlinked legal provision in EN and national language Sanctions for the infringements referred to in Article 3 of Directive 2002/90/EK are to be found in Articles 285., 285. ¹ and 258. ² of the Criminal law (Krimināllikums) for illegal movement of a person across the state border, ensuring the possibility to reside illegally in Latvia and ensuring in bad faith a possibility to acquire the right to stay in the Latvia, other member state of European Union or European Economic Area or Swiss Confederation. Administrative offences in the field of immigration are prescribed in the Chapter IX ¹ of the Immigration law (Imigrācijas likums) and are related to providing a person with an opportunity to illegally stay in Latvia (Article 68. ³), for employing the person without the right to employment or who is not entitled to stay in Latvia (Article 68. ⁴), for carrying foreigners from third countries to the Latvia without documents necessary for entering into the Latvia (relates to carrier, Article 68. ⁶).

Cases [incident numbers] of criminalisation of humanitarian assistance

In Latvia, the statistics do not provide for separate numbers concerning criminalisation of humanitarian assistance, the statistics are according to provision in the relevant articles which do not specifically provide for the criminalisation of humanitarian assistance.

The statistics are available for 2021

285.p.	285.p.1.d.	285.p.2.d.	285.p.3.d.	285.p.4.d.
8	0	2	6	0

285 ¹ .p.	285 ¹ .p.1.d.	285 ¹ .p.2.d.	285 ¹ .p.3.d.
8	1	7	0

285 ² .p.	285 ² .p.1.d.	285 ² .p.2.d.
58	2	56

	Number of cases recorded by the police in 2022	Number and details of cases (if available)
	Number of investigations initiated in 2022	Number and details of cases (if available)
	Number of court decisions taken in 2022	<ul style="list-style-type: none"> • Number and type of court decisions, information if decision is final. • Type of penalties imposed according to Article 1 <u>2002/946/JHA</u>: <u>Council framework Decision of 28 November 2002 on the</u>

		<p>strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence</p> <ul style="list-style-type: none">• Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available)
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4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

There is no public information about the use of the large-scale IT systems being used in the area of asylum, migration and border control in 2022.

5 Information society, privacy and data protection

5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government	Adopted national act	The Order of the Cabinet of Ministers No 122 on Action plan for prevention of money laundering, terrorism and proliferation financing foresees the introduction of AI technologies in the identification of typologies of money laundering, thus strengthening strategic and operational analyses of the Financial Intelligence Unit of Latvia (<i>Finanšu izlūkošanas dienests</i>).	No	Latvia, Cabinet of Ministers (<i>Ministru kabinets</i>), Order No 122 <u>Par pasākumu plānu noziedzīgi iegūtu līdzekļu legalizācijas, terorisma un proliferācijas finansēšanas novēršanai 2022. Gadam</u> , 22 February 2022
Government	National strategy	The Guidelines of Public Health 2021-2027 approved by the Cabinet of Ministers on 26 May 2022 contain approved evaluation of automatisation and AI usage in the health care sector. It approves in which ways and areas it is	No	Latvia, Cabinet of Ministers (<i>Ministru kabinets</i>), Order No 359, <u>Sabiedrības veselības pamatnostādnes 2021.–2027. gadam</u> , 26 May 2022

		<p>possible to introduce AI usage in the health sector in the future.</p> <p>E.g. data collection and processing in health monitoring and research, introduction of AI and automation tools in communication between health care institutions and patients etc</p>		
Emergency Medical Service	other	<p>The Emergency Medical Service is testing machine learning in dispatching information system. The introduction of AI technology is providing additional information and automated recommendations for the performance of the operational process, decision-making and maintenance of the system. Machine learning mechanisms rely on large-scale data stored for years, such as call statistics,</p>	No	<p>Emergency Medical Service (Neatliekamās medicīniskās palīdzības dienests), <u>NMP sniegšanas procesā sāk izmantot Mašīnmācīšanās tehnoloģijas</u>, 30 June 2022, Press release</p>

		<p>results, routes travelled, geographical data, time spent on calls, medical data and other information previously accumulated and other open data sources.</p> <p>The technology can be used to predict how much time is needed for the team to prepare; predicts how much time the team will spend on the patient; forecasts the average driving time and speed for the arrival of the team; offers a variety of options for addressing and optimising logistical problems; analyzes and forecasts potential errors in information entered; analyzes the call acceptance process with a view to signalling to those involved if the call requires special attention.</p>		
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5.2 Legal and policy initiatives on data protection and private life

On 17 February 2022, the Parliament (*Saeima*) amended the Consumer Rights Protection Law (*Patērētāju tiesību aizsardzības likums*) concerning the provision of digital services aimed at better consumer protection. The amendments stipulate that the provisions of this law are also applicable to the cases when a consumer receives digital content or services in exchange of own personal data. Thus the provisions define personal data as one of the payment means. E.g when using a social media platform, a person has to provide own name, age etc. The provisions set that in such cases the consumer has the right to an appropriate and high-quality digital content or service equally when paid by money or equivalent digital value (such as vouchers, e-coupons). The amendments do not foresee different regulation concerning personal data protection as set by the GDPR.²⁶

A new Law on Electronic Communications (*Elektronisko sakaru likums*) was adopted on 14 June 2022 to transpose the requirements of the European Electronic Communications Code.²⁷ The Ombudsperson (*Tiesībsargs*)²⁸ and the State Data Inspectorate (*Datu valsts inspekcija*) in their opinions before the adoption of the draft law stressed that the provisions regarding data retention period is not proportionate from the GDPR and ECJ case law point of view.²⁹ Therefore, initially, the State President sent the draft law back for repeated review indicating the lack of compliance of maintained regulation from previous law concerning physical person data protection with EU law and ECJ case law. The State President asked the Parliament to improve provisions concerning data retention in Articles 99, 100, 101 of the law (18 months about all persons and from all electronic communication means) to balance personal data protection interest with interests why the personal data are to be

²⁶ Latvia, Saeima (2022), [Amendments to the Consumer Rights Protection Law \(Grozījumi Patērētāju tiesību aizsardzības likumā\)](#), 17 February 2022; [Anotation to the draft amendments](#).

²⁷ Latvia, Saeima (2022), [Law on Electronic Communications \(Elektronisko sakaru likums\)](#), 14 June 2022.

²⁸ Ombudsperson (*Tiesībsargs*), [Opinion on the draft law "Electronic Communication Law" \(Par likumprojektu "Elektronisko sakaru likums"\)](#).

²⁹ Data State Inspectorate (*Datu valsts inspekcija*), [Opinion on the draft law "Electronic Communication Law" \(Par likumprojektu "Elektronisko sakaru likums"\)](#), 22 May 2022.

retained and transmitted to state institutions.³⁰ After reviewing the law, the Parliament charged the Cabinet of Ministers (*Ministru kabinets*) with elaborating a draft law that would guarantee the compliance of retained data with EU law and Latvian Constitution. Hence, the scope of data processing is determined by the new law. requires the adoption in three readings. The transitional provisions of the law stipulate that the Cabinet of Ministers has to submit the draft law concerning Article 99, 100, 101 of the Law to the Parliament by 31 december 2022. On 3 August the Cabinet of Minister gave an assignment to the Ministry of Transport (*Satiksmes ministrija*) to elaborate the draft law by 30 November 2022. No further information about the progress on elaboration of the draft law is available yet.³¹

On 20 October, the Parliament supported in the first reading the draft Law on Secondary Data Processing (*Datu otrreizējas izmantošanas likums*). The draft law aims at establishing common legal framework for secondary data processing for the purposes of scientific research, product and service development and innovation, algorithm training, testing and evaluation, and personalized healthcare. The draft law determines public sector structures, their duties, responsibilities and rights, which will organise, monitor and ensure compliance of secondary data processing with regulatory enactments and interests of data subjects and public. It is planned that initially the draft law will be implemented in the health and social areas.³²

³⁰ [Announcement of State President on the repeated revision of the Law on Electronic communications \(Valsts Prezidenta paziņojums par Elektronisko sakaru likuma nodošanu otrreizējai caurlūkošanai\)](#), 9 June 2022.

³¹ Cabinet of Ministers (*Ministru Kabinets*), [assignments to the ministries](#)

³² Latvia, Saeima (2022), [Draft Law on secondary data processing \(Datu otrreizējas izmantošanas likums\)](#), 20 October 2022

6 Rights of the child

6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

Legislative changes	<i>e.g., any legislative development having an impact on children accessing health, education, social protection or other services</i> No legislative changes identified in 2022.
Policy changes	<i>e.g., development of national action plan for the Child Guarantee, appointment of National Coordinator, etc</i> There is no public information about the development of national action plan for the Child Guarantee
Other measures or initiatives	<i>e.g., income support to single-headed families or based on number of children in the household; meals for children provided for free; other actions or measures linked to the implementation of the EU Child Guarantee.</i> As a result of the reform of the state family benefit implemented in 2021, the amount of the benefit and the conditions for granting it have changed significantly from 1 January 2022. ³³ The amount of the family state benefit for a dependent child aged from one year to 20 years now depends on the number of children in the family: the family will receive EUR 25 per month for one child, EUR 100 for two children (EUR 50 per child), EUR 225 for three children (EUR 75 per child) and the benefit will be EUR 100 per month per child for four and more children. (Until 31 December 2022,

³³ Latvia (2022). [National Reform Programme of Latvia. 2022 Progress Report](#), April, p.16-17.

state family benefit (universal benefit) for first child was EUR 11,38, for second – EUR 22,76, third – EUR 34,14; fourth – EUR 50,07).

From 1 November 2021 to 31 December 2022, for all protected user groups (families with many children, persons with first group disability, families with children with disabilities and low-income or poor households), monthly support for electricity settlements has been increased by EUR 10, and vulnerable households receive a reduction of EUR 15 or 20, depending on the group (previously EUR 5 or 10, depending on the group). Overall, the estimated number of support beneficiaries in Latvia is approximately 170,000 people. From 1 January 2022 to 31 December 2022, expenditure of local governments on housing benefits will be 50% co-funded from the state budget. This will make it possible to provide the housing benefit to more people, prevent a decline in population solvency, and reduce the consequences of the spread of the COVID-19 pandemics and the increase in electricity prices.³⁴

On 29 September the parliament amended the Law on Measures to Reduce Extreme Rise in Energy Prices that includes additional support measures for households during the upcoming winter season.³⁵ The measures are not aimed at specifically at children, but households. Support will apply to the period between 1 October 2022 and 30 April 2023.

³⁴ Latvia, [National Reform Programme of Latvia. 2022 Progress Report](#), April, p.16-17.

³⁵ Latvia, [Law on Measures to Reduce Extreme Rise in Energy Prices \(*Energoresursu cenu ārkārtēja pieauguma samazinājuma pasākumu likums*\)](#). Measures. The first 100 kWh of electricity will be provided to households for a fixed tariff that does not exceed 160 EUR/MWh. For electricity consumption above 100 kWh households will pay in accordance with the price listed in their contracts. If the volume of electricity consumed by households exceeds 500 kWh, these households will receive additional support they are eligible to if they use electricity for heating purposes. This support will be provided automatically – the compensation will be automatically transferred to electricity traders. As for households that consume electricity, state traders will receive compensation in the amount of above 108.75 EUR/MWh. The difference between the market price and 108.7 EUR/MWh will be covered by state compensation. Support will be provided to households automatically – the compensation will be transferred to the natural gas traders. Heating under 150 EUR/MWh will be maintained for already approved support. In it the state will compensate 50% of the price that exceeds 68 EUR/MWh. The part that exceeds 150 EUR/MWh will be compensated by the state at 90%. This support will require funding of EUR 87 million from the state budget. If heating energy tariff is set at 340 EUR/MWh, the state support will help compensate 62% of the heating bill to the end user.

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6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

Legislative changes	<p><i>e.g., reform of the criminal code, new law on violence against children with procedural safeguards.</i></p> <p>There have been no legislative changes in relation to child-friendly procedures for children as victims, witnesses or suspects/accused in criminal proceeding in 2022.</p>
Policy developments	<p><i>e.g., guidance or training for law enforcement officers on the treatment of child suspects or victims; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection.</i></p> <p>On 19 October 2022, the State Audit Control (Valsts kontrole) released a report “Problematic children: mirror of adult inertness” based on the performance audit “Does the child with behavioural disorders and his/ her family has the opportunity to receive the necessary support?”³⁶.</p> <p>In Latvia, there is no clear system for helping children with behavioural problems, especially teenagers as these children and their families do not have access to sufficient services either at the primary prevention level (before the child has developed behavioural disorders and work with the family is mainly required) or at the secondary prevention level (when behavioural disorders are already have occurred and further work with the child and his or her family requires more comprehensive solutions). Discussions even emerged in October 2022 about a draft law, which would provide for the possibility of denying a child basic education and excluding him or her from school due to behavioural problems. According to the auditors’</p>

³⁶ Latvia, State Audit Control (2022). [Problematic children: mirror of adult inertness](https://www.lrvk.gov.lv/en/getrevisionfile/29565-4uGXD601EEyAsiZWEp-Xm2Y8PF2wgB9k.pdf), <https://www.lrvk.gov.lv/en/getrevisionfile/29565-4uGXD601EEyAsiZWEp-Xm2Y8PF2wgB9k.pdf>; full report in Latvian <https://www.lrvk.gov.lv/lv/getrevisionfile/29565-tDPd3bq8aIDq66AIIxeeLAFAX8V8UBJr.pdf>

estimates, there were more than 46 thousand children with behavioural disorders or at risk of their occurrence in 2020 in Latvia, the service of a psychologist in local and regional governments was provided only to 4,900 families with children and the service of a family assistant was provided to 766 families in 2020. The SAC has also issued a range of recommendations to be implemented by 2026. The work of local and regional governments when identifying families in which children have behavioural disorders or are at risk of developing them will be streamlined by ensuring that they are provided with the support they need in a timely manner. Targeted social services will be developed and available for children with behavioural disorders or at risk of their occurrence in local and regional governments, that is, the service of a mentor or support person, comprehensive social rehabilitation programs that include the support of several specialists, and also social rehabilitation programs to reduce addictions for children with addictions. Crime prevention work of local and regional governments with children will be improved by achieving that behavioural social correction programs are developed in time, before a child commits offences, and that they also include support measures for both the child and his or her family, which are aimed at eliminating the causes of the child's behavioural disorders. An opportunity of renouncing the application of administrative responsibility to children will be evaluated by diverting the resources intended for the examination of these violations to the crime prevention work by local and regional governments with children. While the system has not yet been reformed, the competence of officials in evaluating administrative violations of children and making decisions will be improved.

On April 8 2021, the Cabinet of Ministers tasked the Ministry of Interior, in co-operation with other ministries and Latvian Association of Local Governments, to draft the Plan of Action on the Prevention of Child Crime and Protection of Children from Crime for 2022-2024 by 31 December 2021.³⁷

A draft Plan for Child Crime Prevention and Child Protection against Crimes for 2003-2024³⁸ has been submitted for approval by the government on 13 January 2023. The draft plan envisages 30 measures covering for areas of work – 1.Primary prevention – public awareness

³⁷ Latvia, Cabinet of Ministers (2021). [Meeting Protocol No 32, TA- 567, Point 38](#), adopted on 08.04.

³⁸ Latvia, Ministry of Interior (2023). [Draft Plan for Child Crime Prevention and Child Protection against Crimes for 2003-2024 \(Projekts Bērnu noziedzības novēršanas un bērnu aizsardzības pret noziedzīgu nodarījumu plāns 2023.-2024. gadam\)](#).

	<p>and education; 2.Improving work with groups at risk (secondary prevention) and juveniles offenders (tertiary prevention); 3.Work with victims and enhancement of child victim support system; 4.Inter-institutional co-operation; research.</p>
<p>Other measures or initiatives</p>	<p><i>e.g., relevant activities to promote alternatives to detention; set-up of Barnahus houses or other specific programmes for children in the criminal system.</i></p> <p>On 16 June, the Saeima (parliament) amended the Law On Application of Compulsory Measures of a Correctional Nature to Children³⁹. The amendments introduce a temporary measure – suspension of a compulsory measure of a correctional nature - placement into a social correctional educational institution from 1 July 2022 until 31 December 2024. This was done to undertake the reform of social correctional institution, including the review and improvement of existing legislative framework of the compulsory measure. Latvia has only one such institution, in 2021, the Children’s Rights Inspectorate identified human rights violations in the institution. The government has been tasked with drafting relevant amendments until 31 December 2023. Probation monitoring has also been added as an additional correctional measure that can be imposed from one to three years. During monitoring the State Probation Service will identify the necessary services and programmes necessary to ensure the social educational correction and social rehabilitation of the child.</p>

³⁹ Latvia, Saeima (2022). [Amendments to the Law On Application of Compulsory Measures of a Correctional Nature to Children \(Grozījumi likumā "Par audzinošana rakstura piespiedu līdzekļu piemērošanu bērniem\)](#), 16.06.2022.

7 Access to justice – Victims’ Rights and Judicial Independence

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

On 20 January 2022, the parliament amended the Law on Police⁴⁰ providing for the right of the police officer to decide on the separation of the perpetrator from the [potential] victim without victim’s written application (Article 12) 10¹). Police decision on separation also include risk assessment of the threat of violence, including information that shows that the threat of violence is imminent. The amendments came into force on 17 February 2022. Until the amendments the decision on separation could only be taken if there was a victim’s written application.

According to the Strategy of the Ministry of Justice 2022-2026⁴¹, the legal framework concerning support to crime victims in Latvia is generally in line with Victims’ Rights Directive ((2012/29/ES) and meets minimum standards, however, the victim support system is fragmented concerning the competencies of the ministries, provision of victim support services and available resources, which in practice leads to secondary victimization of the crime victim. In order to improve the victim support system, the strategy highlights the need for the creation of “one stop agency” or victim support service which would in one place provide support services available to the victim and play the role of the coordinator of services. There is no information about developments concerning “one stop agency.”

7.2 Measures addressing violence against women

⁴⁰ Latvia, Saeima (2022). [Amendments to the Law on Police \(Grozījumi likumā "Par policiju"\)](#), 20.01.2022.

⁴¹ Latvia, Ministry of Justice (2022). [Ministry of Justice Activity Strategy 2022-2026](#), p.15-16.

In 2022, the Central Statistical Bureau (CSB) in Latvia published a collection of statistics "Prevalence of Violence in Latvia in 2021."⁴² The collection of statistics is based on the results of the "Survey on Gender-Based Violence" conducted in 2021.⁴³ It was the first such "Survey on Gender-Based Violence" conducted by the CSB. It is aimed at collecting information on prevalence of various types of violence in Latvia based on common methodology developed by the Eurostat. The publication includes statistics for prevalence of such behaviour in Latvia – interpersonal violence (psychological, physical and sexual), sexual harassment at workplace, violence in childhood, stalking, and other violence-related indicators.

Women mainly are victims of male perpetrators – 88.8 %, compared to 18.1 % of women being victims of female perpetrators. Similar situation may be observed among men – 94.6 % are victims of male perpetrators and 11.3 % of female perpetrators. Physical and sexual violence the most often is experienced by women aged 45–64 at the survey moment (28.2 %), followed by men aged 30–44 (22.3 %). Psychological violence is the most common type of intimate partner violence – 28.8 % of women have experienced it. Physical violence (including threats) has been experienced by 15.4 % of women and sexual violence by 4.4 %. Each third women (30.1 %) has experienced several types of intimate partner violence. Out of all violence victims aged 18–74, 76.5 % of women and 38.4 % of men reported the violence episode to someone. Physical or sexual violence episodes most often were reported to a close person (68.9 % of women and 32.8 % of men). Slightly more than one fourth of women (26.4 %) reported intimate partner violence also to the police. Among men, 7.2 % reported intimate partner violence to the health services (doctor, nurse), social service or called a helpline, contacted another victim support organisation.

On 5 September 2022, the Council of Europe in cooperation with the Latvian Judicial Training Centre - EJTN launched the HELP course on violence against women and domestic violence. This course was adapted to the national legal and policy frameworks of Latvia and translated into national language. The course aims to provide high quality human rights training to Latvian legal professionals to be more responsive to victims of violence against women and domestic violence. The online course will also support the application of international standards such as the Istanbul Convention and the case law of the European Court of Human Rights, within national jurisdiction. For the next three months 30 Latvian judges will follow the seven online modules of the course with the practical help and guidance of the national tutor, judge of the Riga Regional Court of the Republic of Latvia. The launching event and the online trainings are organised in the framework of the project "Ending violence against women: multi-country programme".

⁴² Latvia, Central Statistical Bureau (*Centrālā statistikas pārvalde*) (2022). [Prevalence of Violence in Latvia in 2021](#)

⁴³ Within the framework of the survey, 6 300 people aged 18–74 were interviewed.

From 7 November until 16 December 2022, the Ministry of Welfare is conducting a public awareness campaign “Emotional violence – invisible, but real”⁴⁴ whose aim is to draw public attention to the destructive impact of emotional violence on quality of life, as well as emotional and physical health. Information materials on signs of emotional violence, where to seek help, interviews with professionals, videos explaining threats, manipulation, humiliation have been created as part of the campaign.

In 2022, the Ombudsman conducted a campaign “Not Everything is Gold as it Glitters” (*Ne viss ir zelts, kas spīd*)⁴⁵ on human trafficking risks in digital environment. The campaign materials offer realistic victim stories (CVs) who have fallen prey to victim trafficking on Snapchat, Instagram, by e-mail, Tik-Tok, Facebook, Tinder by receiving lucrative job offers, dating ads. The campaign calls to look for red flag alerts or warning phrases and words.

⁴⁴ Latvia, Ministry of Welfare (Labklājības ministrija) (2022). Ministry of Welfare Begins a Campaign “Emotional violence – invisible, but real”, 07.11.

⁴⁵ Latvia, Ombudsman (*LR Tiesībsargs*) (2023). [Informative material on Human Trafficking \(Summary of campaign materials “Not Everything is Gold as it Glitters”](#), January, 18 p.

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

8.1 CRPD policy and legal developments & implementation of the European Accessibility Act

In order to transpose the requirements of the Directive 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, the Ministry of Welfare has elaborated a draft "Law on the Accessibility of Goods and Services". The draft law was adopted by the government on 14 July 2022, and has been submitted to the parliament⁴⁶.

8.2 CRPD monitoring at national level

In March 2022, a study on the employment of persons with mental disorders (PMD) was published by the Analytical Service of the Saeima (parliament) of the Republic of Latvia.⁴⁷ The study concludes that PMDs are one of the most disadvantaged groups of unemployed people who require specific additional support to be included in the labour market. Compared to other types of disability, PMD have the lowest employment rate – only 14.5 % of persons are employed (According to the Ministry of Welfare data in December 2020). For persons with other types of functional impairments, the employment rate is significantly higher – from 42% to 46 %. On average, 50.8% of persons with disabilities are in employment in the EU. PMD is one of the groups most subject to discrimination in Latvia, including being exposed to violence in working environment. Although prejudice towards this group in connection with employment is diminishing, it remains a serious problem. The study looks at possible solutions, including good practice examples in other countries, to facilitate the employment of PMD.

⁴⁶ Latvia, Cabinet of Ministers (Ministru kabinets) (2022). [Draft law On the Accessibility of Goods and Services \(Iikumprojekts "Par preču un pakalpojumu piekļūstamību"\)](#), 14.07.

⁴⁷ Latvia, Saeima Analytical Service (2022). [Study on the Employment of Persons with Mental Disorders in Latvia. Final Report \(Personu ar garīga rakstura traucējumiem nodarbinātība Latvijā. Pētījuma galaziņojums\)](#), March, 81 p.

On 2 December, the Ombudsman published research report on the accessibility of bank services⁴⁸ (physical, information, digital) for different groups of persons with disabilities. The aim of the research was to identify areas requiring improvement and good practice examples. The report examines the existing legislative framework, including how to understand aspects of discrimination in ensuring accessibility to bank services, compiles information about good and bad practices as provided by persons with disability, provides information from 15 banks to Ombudsman's questions and own identified problems that need to be addressed to ensure bank services to persons with disabilities and provides Ombudsman's recommendations. The issues addressed concern environment accessibility, accessibility to ATM's and other self-service technologies (mobile apps, internetbanking, bank awareness about the specific needs of persons with disabilities (different disabilities) in providing services, e.g. presence of support persons, sign interpreters in communication with bank employees, remote services. The report offers recommendations suggested by persons with disabilities and by the Ombudsman.

⁴⁸ Latvia, Ombudsman (*Tiesībsargs*) (2022). [Accessibility of Bank Services \(*Bankas pakalpojumu pieekļūstamība*\)](#), 2 December, 60 p.

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
Title (original language)	No promising practice has been identified for this thematic area

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.
Title (original language)	NVO kapacitātes stiprināšanas programma „Ceļā uz iecietīgāku sabiedrību”
Title (EN)	Capacity building programme for NGOs “On the way to a more tolerant society”
Organisation (original language)	Latvijas Cilvēktiesību centrs, Līdzdalība platforma
Organisation (EN)	Latvian Centre for Human Rights, Participation for all
Government / Civil society	Civil society
Funding body	Iceland, Liechtenstein and Norway through the EEA/Norwegian grant programme “Active Citizens Fund”.
Reference (incl. URL, where available)	https://cilvektiesibas.org.lv/lv/news/noslegusies-nvo-kapacitates-stiprinanas-programm-567/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2022 – August 2022
Type of initiative	Capacity building programme
Main target group	Civil society organisations
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The aim of the programme was to strengthen the capacity of NGOs to respond to different forms of intolerance, especially discrimination, hate speech and hate crimes. The programme consisted of three phases. First phase - a cycle of five online training seminars - was aimed at providing theoretical framework about issues concerning discrimination, hate crimes and hate speech, factors increasing and decreasing intolerance, principles of human rights education and non-formal education methods. During the second phase, NGOs under the supervision of mentors elaborated and implemented their own initiatives to promote tolerance and raise awareness among different target groups on how to respond to discrimination and hate crimes/hate speech. A follow-up two-day seminar was organised as a final phase of the programme. It was aimed at experience sharing, networking, strengthening knowledge on anti-discrimination issues and the evaluation of the whole programme.
Highlight any element of the actions that is transferable (max. 500 chars)	Training programme is designed using knowledge-competences-skills approach and it can be adapted for further training of civil society organisations also on international level.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The action strengthened the capacity of NGOs, not only from a theoretical point of view, but also practically – empowering NGOs with knowledge, competencies and skills they can use in order to organise own activities on raising awareness of their target groups about hate speech/hate crimes and discrimination. The support of mentors helped NGOs to organise and test the specific activities. The programme facilitated networking of NGOs from different Latvian regions that can help plan common activities in the future. Most of NGOs are planning to continue implementing their initiatives, including long-term projects and activities.

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>28 participants took part in the programme representing 24 NGOs from all Latvian regions, including organisations working with socially disadvantaged groups. During the programme 9 NGOs organised own initiatives that reached around 300 persons, including pupils, young people, young mothers, seniors, social workers, persons with disabilities, NGO members and wider public.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Methodology of the programme is easily adjustable to training of civil society organisations in other Member States.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>During the call for participants, the NGOs applying for the training programme could propose topics they are specially interested in. Also during the programme, the content of training modules was adjusted to the needs of participants, including modification of theoretical and methodological frame. The final phase of the programme was based mostly on the needs of participants providing them with additional information and skills according to their suggestions.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The training programme was evaluated by the participants and the funding body – Active Citizens Fund.</p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
Title (original language)	No promising practice has been identified for this thematic area.

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

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
Title (original language)	Bērnu tiesību aizsardzība
Title (EN)	Children's Rights Protection
Organisation (original language)	Latvijas Pašvaldību mācību centrs
Organisation (EN)	Local Government Training Centre
Government / Civil society	Civil society (association, set up by municipalities), it is also an accredited educational institution
Funding body	Fees, European Commission (participate in public tenders in co-operation with Ministry of Welfare and the State Children's Rights Inspectorate)

Reference (incl. URL, where available)	https://lpmc.lv/u_course_cat/bernu-tiesibu-aizsardziba/#m-02-2023
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	N/A
Type of initiative	10 training programmes of various duration (8, 24, 40 hours) for different specialists who are mandated to undergo training on children's rights protection by Children's Rights Protection Law (Article 5.1 para 2) and Cabinet of Ministers Regulation No 173 of 1 April 2014 determining the procedure how state and municipal institution specialists who examine cases related to children's rights protection acquire special knowledge in the field of children's rights protection and the content and scope of such knowledge.
Main target group	employees of child custody courts, educational institutions, social welfare services, municipal administrative commissions, municipal pedagogical commissions, social workers from municipal social services working with families and children, teachers of general educational, vocational schools, municipal police officers, kindergarten teachers, psychologists. etc.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The training programmes have been co-ordinated with State Children's Rights Inspection Board. A 40 hour training programmes consists of several modules, e.g. 1st module "Violence against Children. Domestic Violence". 2nd module – Communication), 3rd module "Parental and Child Rights, Duties and Responsibilities", 4th module "Inter-institutional co-operation". Each module is also accompanied by a check-list of questions. 24 hour training programme is envisaged for those who have already completed the 40 hour training programme (providing for the rights of children with special needs, conflict resolution with teenagers, topical issues in inter-institutional co-operation concerning children's rights protection). The employees have to undergo such programmes every five years

	Each programme/module is accompanied by list of training materials which have to be acquired independently (legislative framework- international/national, handbooks (including a 2015 FRA Handbook on European law relating to the rights of the child), research, cases for discussion, etc.
Highlight any element of the actions that is transferable (max. 500 chars)	Methodology of the programme is easily adjustable to training of employees involved in working with children in other Member States.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Regular training, in-service training is mandated by law. Latvian Municipal Training Centre has also signed an agreement with Ministry of Welfare and Children's rights Inspectorate about the delivery of "Children's Rights Protection" programme to defence counsels, prosecutors, municipal specialists, police officers, national probation service officers, prison staff.
Give reasons why you consider the practice as having concrete measurable impact	Children's Rights Protection programme remains among most attended programmes. In 2020, 22% of course participants attended the regular programme, an additional 11% participants attended children's rights protection programme funded by European Social Fund. During ESF project LMTC staff together with experts elaborated methodologies for defence counsels, prosecutors, municipal specialists, police officers, national probation service officers, prison staff. Those who have completed the course successfully receive a certificate
Give reasons why you consider the practice as transferable to other settings and/or Member States?	n/a
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the	n/a

design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	Programmes are co-ordinated with State Children's Rights Inspectorate

Thematic area	ACCESS TO JUSTICE – Victim's Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim's Rights Directive, the EU Strategy for Victim's Rights and violence against women.
Title (original language)	No promising practice has been identified for this thematic area

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
Title (original language)	Zini, proti, dari – cilvēku ar invaliditāti tiesību aizsardzībai
Title (EN)	Know, enable, act - protection of the rights of persons with disabilities
Organisation (original language)	Latvijas Cilvēku ar īpašām vajadzībām sadarbības organizācija SUSTENTO

Organisation (EN)	Latvian Umbrella Body for Disability Organisations SUSTENTO
Government / Civil society	Civil society
Funding body	Iceland, Liechtenstein and Norway through the EEA/Norwegian grant programme "Active Citizens Fund"
Reference (incl. URL, where available)	https://www.activecitizensfund.lv/en/approved-projects/know-enable-act-protection-of-the-rights-of-people-with-disabilities.html
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 October 2020 – 31 December 2022
Type of initiative	Capacity building programme
Main target group	persons with disabilities
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The aim of the project is to promote the awareness among persons with disabilities about their human rights by inculcating knowledge about the support available in case of discrimination. The project monitors public attitudes towards the rights of persons with disabilities.
Highlight any element of the actions that is transferable (max. 500 chars)	Six awareness raising seminars were conducted during the project in different parts of Latvia aiming to help persons with disabilities to recognise violations of their rights and to seek the help they need in such cases. In addition, representatives of disabled person's organisations were trained to provide additional support to their members in case of discrimination. One of the seminars was organised specifically targeting deaf people.
Give reasons why you consider the practice as sustainable (as	The action strengthened the capacity of organisations representing persons with disabilities in identifying and reporting discrimination.

opposed to 'one off activities')	
Give reasons why you consider the practice as having concrete measurable impact	The actions aimed to reach 300 persons with disabilities and 15 civil society organisations.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Methodology of the project is easily adjustable to the training of civil society organisations in other Member States.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The network of CSOs representing persons with disabilities and other CSO working with human rights issues were involved in the development of the content of the seminars.
Explain, if applicable, how the practice provides for review and assessment.	The project to be evaluated by the funding body – Active Citizens Fund.

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	No caselaw has been identified for this thematic area

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

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

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
Decision date	No caselaw has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
Decision date	4 February 2022
Reference details	Senate (Supreme Court) of the Republic of Latvia, Department of Administrative Cases, Case No. A420234319, SKA 265/2022 (Latvijas Republikas Senāta Administratīvo lietu departamenta Lietā Nr. A420234319, SKA 265/2022)
Key facts of the case (max. 500 chars)	The applicant complained about illegal personal data processing by the Consumers Rights Protection Centre. The Centre produced a video in the framework of an information campaign warning consumers about possible risks in the car trading area. The applicant complained that he is shown in the video without his consent.
Main reasoning/argumentation (max. 500 chars)	The Consumers Rights Protection Centre referred to the Article 6 (1) e) of the GDPR arguing that data processing without consent is justified because it was necessary for the task carried out in the public interest or in the exercise of official authority vested in the controller. The court of appeal agreed with the argumentation and dismissed the complaint. When submitting the cassation complaint, the applicant argued that Article 6 (1) e) of the GDPR does not allow data processing without the consent, but the provision can be applied only when the data controller pursuing public interest is unable to perform the task at all. The applicant also argued that data processing is not proportionate with the aim defined by the Centre.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Senate concluded that personal data without consent can be processed only if the purpose of data processing cannot be sufficiently achieved by other means. When processing data carrying out a task, it is necessary to ensure that the objective of what is necessary to achieve is not exceeded. This requirement is not fulfilled if it is possible to achieve the general purpose by other equally effective means, which would less infringe the fundamental rights of the data subject, in particular the right to privacy and the protection of personal data. Thus, it is not sufficient to establish that data can be processed without the consent of the person when the task carried out in public interest. It is also necessary to establish a direct link between the performance of the task and the processing of personal data. It is necessary to establish that the task cannot be performed without the data processing.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Considering that the court of appeal did not establish if the purpose for data processing as defined by the Consumer Rights Protection Centre can be achieved without processing of the applicant's

	personal data, the Senate revoked the judgment of the appeal court and returned it for repeated revision.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Personas dati, kuru apstrādei pati persona nav devusi piekrišanu, būtu jāapstrādā tikai tad, ja apstrādes nolūku nav iespējams pienācīgi sasniegt ar citiem līdzekļiem. Apstrādājot datus, pamatojoties uz uzdevumu pildīšanu, jāraugās, lai netiktu pārsniegts tas, kas ir nepieciešams mērķa sasniegšanai. Šī prasība nav izpildīta, ja izvirzīto vispārējo interešu mērķi saprātīgi var sasniegt tikpat efektīvi ar citiem līdzekļiem, kas mazāk aizskartu datu subjektu pamattiesības, it īpaši tiesības uz privātās dzīves neaizskaramību un personas datu aizsardzību.</p> <p>Tādējādi, lai bez personas piekrišanas varētu apstrādāt datus, pamatojoties ar sabiedrībai nozīmīgu uzdevumu pildīšanu, nav pietiekami tikai konstatēt, ka tiek pildīts uzdevums sabiedrības interesēs. Nepieciešams konstatēt arī tiešo saikni starp uzdevuma izpildi un personas datu apstrādi. Jākonstatē, ka uzdevumu nevar pildīt, neapstrādājot šos datus.</p> <p>The Senate concluded that personal data without consent can be processed only if the purpose of data processing cannot be sufficiently achieved by other means. When processing data carrying out a task, it is necessary to ensure that the objective of what is necessary to achieve is not exceeded. This requirement is not fulfilled if it is possible to achieve the general purpose by other equally effective means, which would less infringe the fundamental rights of the data subject, in particular the right to privacy and the protection of personal data.</p> <p>Thus, it is not sufficient to establish that data can be processed without the consent of the person when the task carried out in the public interest. It is also necessary to establish a direct link between the performance of the task and the processing of personal data. It is necessary to establish that the task cannot be performed without the data processing.</p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision for the related topics addressed in the chapter.
Decision date	No caselaw has been identified for this thematic area

Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).
Decision date	No caselaw has been identified for this thematic area

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	9 November 2021 (decision published in 2022)
Reference details	Department of Administrative Cases of the Senate (Supreme Court) of the Republic of Latvia, Decision in case No. A420282716, SKA-452/2021 Latvijas Republikas Senāta Administratīvo lietu departamenta 2021.gada 9.novembra spriedums Lieta Nr. A420282716, SKA-452/2021
Key facts of the case (max. 500 chars)	The applicant was dismissed from the post of a customs supervisor (civil servant post) at the State Revenue Service (Valsts ieņēmumu dienests) due to health condition. During the mandatory health check-up the applicant was issued a medical statement that his health condition is in conformity with his work duties. Column for special comments and recommendations to the employer included text: should not perform physical activity. When considering the same case for the first time in 2019, the Senate already concluded that the comment that a civil servant should not perform physical activity should not be considered as a general recommendation for the adjustment of the working environment. Such comment is an imperative instruction that limits the employment of the applicant in activities requiring physical effort. The Senate concluded that an institution can dismiss a civil servant if the medical documentation clearly says that person should not work with specific harmful factors, and it is not possible to transfer the person to another workplace.
Main reasoning/argumentation (max. 500 chars)	The Senate assessed the applicant’s argument that the employer had to organise the work process in a way that the applicant could avoid lifting heavy items without assistive devices in the context of UN CRPD and Directive 2000/78/EK and the legal norms related to the definition of disability and reasonable accommodation.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Senate concluded that the UN CRPD and Directive 2000/78/EK are related to the public administration sector, and the employer should implement effective measures to adjust a workplace for a person with disability, ensuring that the person continues working and is not dismissed. The Senate, referring to <i>HK Danmark</i> case, concluded that the concept of 'disability' must be understood as referring to a hindrance to the exercise of a professional activity, not to the impossibility of exercising such an activity. The Senate also concluded that reasonable accommodation can include technical solutions, organisation of work, training activities and awareness raising activities. The institution should prove that the adjustment in the specific case does not place a disproportionate burden or is not justified. Reasonable accommodation should be created in a dialogue with the person with disability, discussing individual needs and trying to balance it with employer's possibilities to ensure the adjustment.</p> <p>The Senate argued that even though the establishment and the distribution of duties is in the competence of public administration, the institution should consider health state of a concrete civil servant and his/her abilities to perform his/her duties. Therefore, it is important to evaluate whether the institution considered possible reasonable adjustment, distribution of duties or transfer to another workplace.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Senate upheld the decision of the court of appeal. The Senate concluded that the court of appeal when assessing the case did not make any obvious errors. The Senate found that the court of appeal assessed the fact that the institution took into consideration that the applicant has physical limitations to perform part of his work obligations, considered the possibility of distributing the duties and transferring the employee to another workplace. The institution offered to transfer the applicant to a different post, however, the applicant refused it. The Senate concluded that even though the court of appeal did not acknowledge that the term "disability" can be referred to the applicant in the meaning of CRPD and Directive 2000/78/EK, it did not use the term "reasonable accommodation", but the court did consider the limitations of the applicant's physical abilities and assessed justification provided by the institution why distribution of duties was not possible. The Senate also concluded that the court of appeal did assess the fact that the applicant did not cooperate with the employer regarding possible distribution of duties. Thus, the institution was not able to make it.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Saprātīgi pielāgojumi var ietvert tehniskus risinājumus, darba organizāciju, mācību pasākumus un informētības uzlabošanas pasākumus. Turklāt, ja iestāde apgalvo, ka pielāgojums konkrētajā gadījumā tai radītu nesamērīgu slogu vai tas ir nepamatots, tas jāpierāda tieši iestādei. Jāņem arī vērā, ka pielāgojums tiek veidots dialogā ar konkrēto darbinieku ar invaliditāti, pārrunājot darbinieka individuālās vajadzības un cenšoties tās samērot ar darba devēja iespējam tās nodrošināt.</p>

	<p>Reasonable accommodation can include technical solutions, organisation of work, training activities and awareness raising activities. If the institutions claims the adjustment in the specific case would place disproportionate burden or is not justified, it is the institutions that has to prove it. Reasonable accommodation should be created in a dialogue with the person with disability, discussing individual needs and trying to balance it with employer's possibilities to ensure the adjustment.</p>
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