



# General Assembly

Distr.: General  
4 March 2021

Original: English

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-eighth session**  
3–14 May 2021

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

**Latvia**

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\* The present document is being issued without formal editing.



## **I. Methodology**

1. The National Report of Latvia in the 3<sup>rd</sup> Cycle of the UN Universal Periodic Review ('Report') covering years 2016-2020 was prepared in accordance with para. 5 of the Annex to Resolution 16/21 of the Human Rights Council.
2. The second part of the Report describes Latvia's main achievements, good practices, and challenges since 2016. The third part of the Report addresses compliance with the recommendations received in the 2<sup>nd</sup> Cycle of UPR (Latvia received 173 recommendations, of which 127 were accepted (38 had already been implemented or being implemented at that time) and 24 partially accepted).
3. The Foreign Ministry coordinated the preparation of the Report. An inter-institutional working group was established to draft the Report.<sup>1</sup> In the drafting process, the Ombudsman Office and non-governmental organisations (NGO) were able to provide comments.

## **II. Achievements and good practices**

### **A. Participation of civil society**

4. Latvia has achieved significant progress in civil society participation. Between 2016 and 2019, the number of NGOs has increased by 10% (from 21,756 to 24,137 in 2019). The number of NGOs' employees has increased significantly – from 20,228 in 2016 to 32,002 in 2019 (58% more).<sup>2</sup>
5. In 2016, Latvia launched the State budget programme 'NGO Fund' managed by the Social Integration Fund (SIF). The programme aims at promoting sustainable development of Latvia's civil society, supporting activities to increase public participation and cooperation, ensuring democratic governance and public's involvement in important matters, decision-making process, and provision of high quality services that correspond to the interests of public. Between 2016 and 2019, programme supported 184 projects with total funding of €1,925,064. The funding provided to the 'NGO Fund' programme has increased, from €400,038 in 2016 to €1,097,000 in 2020.

### **B. Integration of persons belonging to ethnic minorities**

6. Compared to 2015, the sense of belonging to Latvia has become significantly stronger among the persons belonging to ethnic minorities. 2017 study 'Participation of ethnic minorities in democratic processes in Latvia' ('Study') shows that 84% members of ethnic minorities closely or very closely associated themselves with Latvia, compared to 67% in 2015. According to the Study, older respondents felt more associated with Latvia, though in recent years the sense of belonging to Latvia has increased among teenagers and young adults. The number of persons belonging to ethnic minorities who are proud to be a part of Latvia has significantly increased, especially among ethnic Russians – from 44% in 2015 to 59% in 2017.
7. The fact that half of persons belonging to ethnic minorities consider themselves Latvian patriots and only 8% do not feel that they belong to Latvia, demonstrates successful integration of ethnic minorities into Latvia's society. In 2016, 65% of respondents from ethnic minorities viewed themselves as Latvian patriots, 75% of them being NGO members. The opinion about the ability of ethnic minorities to develop their language and culture in Latvia has improved, from 24% in 2015 to 36% in 2017.
8. Latvian language skills have also improved. In 1989, 23% of persons belonging to ethnic minorities knew Latvian, while in 2017, 94% of these persons confirmed knowing the language.

9. Since 2017, the education system in Latvia undergoes modernisation, promoting transition to competence-based learning (new learning content, structure and methodology). The use of the State language has been increased in several stages of the education process, with the goal of providing equal opportunities in continuing education and joining the employment market to all secondary school graduates. Latvia continues supporting and funding ethnic minority education programmes in seven languages, based on the percentage of minority language use on every stage of education determined by the applicable legislation. Changes in the use of the State language in education take effect gradually, providing support to teachers in improving professional competences and language skills, and publishing appropriate teaching materials.

10. The number of persons belonging to ethnic minorities that celebrate Latvia's national holidays has increased – in 2015, 46% of respondents celebrated the Latvia's Proclamation Day (18 November), while in 2017 – 52%. The number of persons belonging to ethnic minorities with a positive attitude towards speaking in Latvian rose to 46% in 2017; 31% have a neutral attitude.

11. The largest ethnic minority communities unite in associations and form an active part of the population that cares of the preservation and development of their culture. A study on the participation of ethnic minorities shows that the representatives of ethnic minorities involved in associations are better informed and more loyal to the Latvian state. The Ministry of Culture continuously works on supporting the civic participation of ethnic minorities, as well as the preservation and development of their cultural identity.

### **C. Gender equality**

12. Latvia shows progress in the public's attitude and understanding of the need to ensure equal opportunities for women and men and how these principles are applied in practice. According to the study 'Women, Business and the Law' conducted by the World Bank in 2019, Latvia is one of the six countries worldwide that ensures full gender equality in laws.

13. Promoting gender equality is also one of the principles of Latvia's development cooperation policy. The Latvian 2016-2020 Development Cooperation Framework envisages directing 8% of bilateral development assistance to support the strengthening of gender equality in development co-operation partner countries. The development cooperation grant project tenders also evaluate how the projects comply with the principles of gender equality. Support has also been provided to development cooperation projects with the direct goal to promote gender equality.

### **D. Women, peace and security**

14. On 14 July 2020, the Cabinet of Ministers approved Latvia's first National Action Plan on the Implementation of the UN Security Council Resolution 1325 on Women, Peace and Security in Latvia for 2020-2025 (the Plan). The Plan envisages three main tasks: raising public awareness of gender equality issues and the elimination of gender-based violence, especially in the younger generation; training for the defence and home affairs sector, including the establishment of a gender adviser's position; and transfer of Latvia's knowledge and experience to the Eastern Partnership and Central Asian countries in order to promote understanding of the UN Security Council resolution "Women, Peace and Security", gender equality and elimination of gender-based violence.

15. Certain principles of women's participation are already implemented in practice; for example, the Latvian National Armed Forces (NAF) are still one of the leading NATO armed forces in terms of women's representation. 15.3% of the NAF personnel are women, and 17% of the National Guard are women, which is above the NATO average of 10%. The proportion of women in international operations is 6%. In the NAF, 9 women hold the rank of Lieutenant Colonel. In 2020, first woman became Latvia's resident military attaché abroad – in the United States.

### **III. Implementation of recommendations received in the 2<sup>nd</sup> UPR cycle**

#### **A. International cooperation and application of international law (recommendation Nos. 118.1, 118.2, 118.20, 118.21, 118.22, 120.8, 120.12, 120.19, 120.31, 120.32, 120.66)**

16. Latvia has been active in promoting the protection of human rights on the national and international level. This is attested by Latvia's participation in the UN Human Rights Council in 2015–2017, the election of Latvia to the UN Commission on the Status of Women for 2021–2025, and the UN Economic and Social Council for 2020–2022. Latvian human rights experts have been elected to the UN Human Rights Committee, UN Committee Against Torture, and UN Human Rights Council Working Group on Arbitrary Detention. In 2018, a Latvian youth delegate UN programme was created.

17. Latvia closely cooperates with UN Special Procedure mandate holders. Latvia continues encouraging UN Member States to cooperate with special procedure, including by issuing standing invitations to them.

18. The ratification of the Optional Protocol of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is underway, but the national monitoring mechanism has been in place since 2018. These functions in Latvia are performed by the Ombudsman, who since 2018 has been provided with the necessary State funding.

19. The requirements of the Convention on Decent Work for Domestic Workers of the International Labour Organization (Convention No.189) of 2011 have been incorporated into the Latvian legal system. The Labour Law, the Labour Protection Law and the by-laws regulate labour protection and strengthen the principle of equal rights, maternity protection, prohibition of different treatment, employee and employer obligations, the principle of equal pay and minimum wage, work and rest periods, as well as the ensuring other rights. The requirements of both these laws extend to domestic workers. Thus, domestic workers who have entered into an employment contract enjoy the same benefits and have the same rights and obligations as any other employee in Latvia. The ratification of Convention 189 could be considered in the near future.

20. Latvia currently does not envisage ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

21. Latvia signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on 18 May 2016. Its ratification is currently underway.

22. Latvia has assessed the possibility of lifting the reservations to the 28 July 1951 Convention relating to the Status of Refugees. Certain provisions of the Convention that are subject to reservations<sup>3</sup> have already been fully implemented. Latvia has implemented the EU *acquis* in the field of asylum, providing more rights and guarantees than the Convention. Therefore, Latvia does not currently intend to revoke the reservations.

23. Latvia continues assessing the possibility of ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

24. Latvia has submitted to the UN monitoring bodies all the outstanding national reports on the implementation of the UN Human Rights Treaties, as well as the updated Core Document.

#### **B. National human rights institution (Ombudsman) (recommendation Nos. 119.10, 118.11, 119.9)**

25. The work of the National Human Rights Institution – the Ombudsman Office – is funded by the State budget programme 'Ombudsman Office'. The program aims to promote

the protection of human rights, and the lawful, efficient exercise of State power in accordance with the principle of good governance, as well as in accordance with the Latvian Constitution and international agreements binding on Latvia.

26. The funding of the Ombudsman Office has increased. The funding in 2017 was €1,344,645, in 2018 – €1,489,808, and in 2019 – €1,538,953. The number of Ombudsman Office staff positions has risen from 46 to 51 in 2018.

**C. Prevention of all forms of discrimination (recommendation Nos. 118.7, 118.8, 118.13, 118.15–118.18, 118.23, 118.24, 120.35, 118.45, 119.8, 120.35, 120.37, 120.38, 120.40, 120.42, 120.44, 120.49, 120.50, 120.53–120.58, 120.60, 120.62, 120.63, 120.86, 120.90)**

27. The normative framework in force provides for elimination of all forms of discrimination. Article 91 of the Constitution states, ‘All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind.’

28. Article 7 of the Labour Law states that everyone has an equal right to work, to fair and safe working conditions that are not harmful to the health, and to fair remuneration. This right is guaranteed without any direct or indirect discrimination, regardless of a person’s race, skin colour, gender, age, disability, religious, political, ethnic or social background, property or marital status, sexual orientation or other circumstances.

29. Part 2 of Article 3 of the Law on the Rights of Patients, which defines the rights of patients, prohibits any discrimination based on a person’s race, skin colour, gender, age, disability, religious, political, ethnic or social background, property or marital status, sexual orientation or other circumstances. Discriminatory treatment includes direct or indirect discrimination, harassment or instruction to discriminate against a person.

30. The Constitutional Court of Latvia has stated<sup>4</sup> that in accordance with the Latvian Constitution, the legislator must ensure, among other things, the legal protection of same-sex families, and also provide such families with appropriate social and economic protection and support measures by 1 June 2022, in compliance with the general legal principles and other provisions of the Constitution. Thus, from the Latvian Constitution derives the duty of the legislator to ensure legal protection and appropriate social and economic protection and support measures to all families, including those with same-sex partners.

31. Latvia also implements practical measures to combat all types of discrimination, e.g., by developing guidelines, training courses and information events. The education curricula are developed in accordance with international standards, applying principle of diversity in education. Issues related to protection of human rights – tolerance, non-discrimination, ethnic diversity, gender equality – are integrated into standards and sample curricula programs of several subjects taught in primary and general secondary level of education.<sup>5</sup>

32. The Criminal Law establishes criminal liability for any deliberate actions to incite national, ethnic, racial or religious hatred or strife (Article 78). In 2016–2019, 21 criminal proceedings were initiated for inciting to national, ethnic and racial hatred, 9 criminal proceedings were initiated for actions intended to incite hatred or strife based on gender, age, disability or any other features (including sexual orientation) of a person, provided that such actions caused significant harm (Article 150). In 2016–2019, one criminal proceeding was initiated for discrimination based on racial, national, ethnic or religious origin or other grounds that has caused significant harm (Article 149<sup>1</sup>); the proceeding was terminated within a year. A more severe punishment for these crimes is provided if committed by an official or a person in charge of enterprise or organisation, or a group of individuals, or if committed using an automated data processing system. The Criminal Law defines racial, national, ethnic or religious motive for a crime as a circumstance that aggravates criminal liability (Article 48, Part 1, para. 14).<sup>6</sup>

33. Anyone can report hate crime to the State Police or State Security Service (in person, by phone, or in writing, or using the website <http://cilvektiesibas.org.lv> maintained by an NGO and available in Latvian, Russian and English). The information obtained via the portals is submitted to the competent law-enforcement agencies. No racially-motivated murder or other severe crimes have been registered in Latvia since 1991.

34. The State Police has implemented several practical measures to help police officers identify and investigate hate crimes. In cooperation with the State Police, the State Police College has developed guidelines for the identification and investigation of hate crimes. The State Police uses the 'Hate Crime Identification and Investigation Guide for Law-Enforcement Agency Employees' prepared by the Latvian Human Rights Centre (LCC), and the study 'Hate Crime: Practice and Problems'.

35. Within the framework of the non-formal adult education program, the State Police College has developed several training programs.<sup>7</sup> Hate crime issues are also included in several study courses of the first level professional higher education 'Police work'.

36. The State Police cooperates with NGOs as part of the projects and training, including on combating hate speech.<sup>8</sup>

37. The Latvian Judicial Training Centre offers training concerning hate crimes. For example, the seminar 'Hate crime and freedom of speech' included topics on the relevant case law of the European Court of Human Rights and the qualification of hate crimes in the Criminal Law.

38. On 4–10 June 2018, 2018 Baltic Pride took place in Latvia including a parade with a record-high number of participants – 8,000. For the first time, the parade was joined by political parties and enterprises.

39. Social integration policy includes implementation of several measures to combat prejudice against people with different ethnic background and appearance.<sup>9</sup>

40. Promotion of motivation and support services to groups of individuals exposed to risks of social exclusion and discrimination (including those based on gender, age, disability and ethnicity) began in 2018 and continued in 2019, covering 1,450 people. With the assistance of various experts (social workers, psychologists, lawyers etc.), support was provided to 1000 people from vulnerable social groups, helping them in obtaining new life skills, starting looking for work and finding employment.

41. In 2019, more than 600 managers and specialists of municipal agencies, associations, foundations and businesses gained knowledge and understanding of the importance of tolerance and diversity management, and of its benefits.

42. 20 September 2019, the Ombudsman organised an expert discussion about limiting hate speech, with representatives of the State Security Service, the State Police, the Prosecution Office, the Ministry of Justice, the Council of Sworn Advocates, the State Police College, the University of Latvia and the Latvian news outlet *Delfi*.

#### **D. Women's rights and gender equality (recommendation Nos. 118.10, 118.42-118.45, 120.53, 120.72)**

43. In Latvia, the gender equality policy is based on an integrated approach. The Gender Equality Committee supervised by the Minister of Welfare continues to work, promoting the inclusion of and cooperation among ministries, NGOs, social partners, municipal governments and other stakeholders.

44. The '2018-2020 plan for promoting equal rights and opportunities for men and women' was approved on 4 July 2018. The aim of the plan is to promote the implementation of integrated, consistent and effective sectoral policies, thus helping achieve equal rights and opportunities for men and women.

45. One of the areas of activity included in the above-mentioned plan is promoting economic independence and equal opportunities on the job market. This area includes measures to implement the principles of equality established by law in practice, e.g.,

encouraging involvement of men in child care and family duties, and raising awareness of the most significant causes of the wage gap between men and women in certain industries. These topics are also a part of the ‘2015-2020 inclusive employment guidelines’.

46. In education, the topics of gender equality are addressed in the context of human rights (equal rights and opportunities, prevention of prejudice and discrimination). The matters of gender equality are included in the subject ‘Social Science’. Indirectly, these matters are addressed in such subjects as Geography, History, Foreign Languages, and Latvian Literature.

47. In primary education, from Year 5, learning of domestic science and technology is organized by dividing pupils into two groups. Every year, as part of the subject ‘Domestic Science and Technology’, pupils can choose one of the technology learning programmes offered by the school – textile and similar material technology, or wood, metal and similar material technology. The pupils are divided into groups based not on their gender but on the interest of each pupil in the specific curricula.

48. Pupils of general and professional education facilities have access to career counselling. The consultants are ensured with teaching materials including exercises on the equal opportunities of men and women. A specialised ‘Equal career opportunities for men and women’ infographic was sent to general and professional education facilities, and published on the website of the State Education Development Agency. It also emphasizes that women and men are entitled to equal treatment and pay.

49. The effectiveness of the measures is demonstrated by the fact that the involvement of women in Latvia’s political processes has grown considerably in recent years. In the 2018 parliamentary election, 31 women were elected, which is 12 more than in 2014 and historically the highest number. 31% of Parliament’s members are women, which is above the EU average of 29.7%. Furthermore, in the 2017 municipal elections, of 1,614 municipal council members, 549 (34.01%) were women. 82% of judges are women. The number of women in high-level positions has also increased on an international level – Ilze Juhansone has become the Secretary-General of the European Commission, Baiba Braže is NATO Assistant Secretary-General, Ilze Brands-Kehris is UN Assistant Secretary-General, and Ilvija Pūce has been elected to the UN Committee Against Torture.

50. Statistics show that Latvia has high gender equality indicators. In 2016, Latvia ranked 18th in the World Economic Forum's report on gender equality in the world. The situation has continued to improve, with Latvia ranking 11th in 2020. Latvia has the highest proportion of female researchers in Europe, or 51%. Employment rates also show a high level of gender equality, with the proportion of women in management positions reaching 56%, the highest in Europe. The female unemployment rate continues to decline, reaching 7.7% in 2016, and even further, to 5.4% in 2018.

#### **E. Prevention of violence against women (recommendation Nos. 118.4, 118.5, 119.2–119.5, 118.30, 118.31)**

51. Latvia is working to improve the legal framework and implement practical measures to prevent violence against women. The definition of domestic violence in the criminal law system is based on Article 48, Part 1, para. 15 of the Criminal Law, which includes a circumstance aggravating criminal liability: ‘criminal offence related to violence or threats of violence, or the criminal offence against morality and sexual inviolability was committed against a person to whom the perpetrator of a criminal offence is related in the first or second degree of kinship, or against the spouse or former spouse, or against a person with whom the perpetrator of a criminal offence is or has been in continuous intimate relationships, or against a person with whom the perpetrator of a criminal offence has a joint (single) household’. Thus, if a criminal offense related to violence or threat of violence<sup>10</sup> has been committed against the above-mentioned persons, then the court must take into account the circumstance included in Article 48, Part 1, para. 15 of the Criminal Law.

52. On 1 January 2018, amendments to the Criminal Law came into force that expand the list of aggravating circumstances; include a sufficiently long limitation period to allow legal proceedings to be instituted when the victim has reached the age of majority; establish criminal liability for harassment, genital mutilation and emotional abuse, and update and expand the legal provisions on severe, medium and minor bodily harm. Another change is the elimination of a requirement that a victim must report a crime for criminal proceedings to be initiated. Now the proceedings can be initiated as soon as information about a possible criminal offense is available to law enforcement authorities.

53. On 1 January 2018, significant changes concerning protection of victims were introduced in the Law on the Procedures for the Coming into Force and Application of the Criminal Law. The amendments introduce a differentiation of psychological disorders, defining criteria for mental disorders and mental traumas. This increases the protection of people who did not sustain physical harm but suffered a mental disorder or trauma.

54. The provisions introducing immediate court rulings in civil proceedings providing temporary protection against domestic violence that took effect on 31 March 2014 have proved to be effective in practice. In 2019, courts granted protection against violence in 940 cases, compared to 879 in 2018, 827 in 2017, and 626 in 2016. Also, the regulation that came into force in 2014 giving the police the right to evict a violent person from the home for up to 8 days if the life, health or freedom of the victim is endangered, has proved effective. In 2019 the State Police adopted 672 such decisions, in 2018 – 798 decisions, in 2017 – 697 decisions, in 2016 – 202 decisions. The municipal police also have the right to adopt such decisions.

55. Article 56<sup>1</sup> of the Medical Treatment Law states that if a medical institution provides care to a patient and there is a reason to believe that the patient has suffered from violence, the medical institution must report this to the State Police not later than within 12 hours.

56. On 28 July 2020 amendments to the Regulations ‘Procedure for eliminating threats of violence and providing temporary protection against violence’ were adopted, introducing a questionnaire that the State Police official must fill in about the family conflict and send to the social service within one working day.

57. The State provides legal aid to victims of any physical, sexual, psychological or financial violence or violent control, in accordance with the State Ensured Legal Aid Law, in order to enable them to protect their rights through temporary measures in civil proceedings. This aid enables the victims to submit a request for temporary protection against violence, to contest a court ruling to fully or partially deny the provision of a temporary protection measure, or for the resolution of a civil dispute. Considering that victims of violence need immediate assistance, in awarding the legal aid, the Legal Aid Administration considers that these persons suddenly have found themselves in a situation that prevents them from protecting their rights for reasons beyond their control. In criminal cases, the State provides legal aid in accordance with the Criminal Procedure Law.<sup>11</sup>

58. The State provides compensation to victims of violence, provided that the following prerequisites are met: (1) person is declared a victim pursuant to the Criminal Procedure Law; (2) the harm was caused as a result of a deliberate criminal offence; (3) one of the consequences listed in the Law on State Compensation to Victims is established – death of the victim, severe or medium bodily harm caused to the victim, breach of the victim’s morals and sexual inviolability, the person is a victim of human trafficking, the person is infected with HIV, hepatitis B or C.

59. A free hotline ‘Assistance service for victims of crime’ has been created, offering support to those who suffer from violence. The Legal Aid Administration has signed an agreement with the association Skalbes that operates the hotline. Tasked by the Government, the association Skalbes provides emotional and psychological support to victims of crimes, information about procedural rights of victims, information about possible services and entities providing support to victims, dissemination of information about the rights of victims on social media and via websites (including [www.cietusajiem.lv](http://www.cietusajiem.lv)). The information is provided in Latvian, Russian and English.



60. In order to reduce the public's tolerance towards violence against women and domestic violence, regular events are held to promote public information and understanding, as well as events aimed at prevention; training courses are arranged for the employees of law-enforcement agencies.<sup>12</sup>

61. In 2017, in cooperation with the State Police, the Resource Centre for Women MARTA, the Ministry of Justice, the Latvian Association of Rural Family Physicians and the Ministry of Welfare implemented project 'One Step Closer: Coordinated Community Response to Violence against Women', co-financed by the EU, with the purpose of combatting violence against women in Latvia, and encouraging women to report and seek help.

62. In 2017-2018, the Ministry of Welfare implemented two additional projects. The project 'One Step Closer: Coordinated Community Response to Violence against Women' developed the professional competences of specialists<sup>13</sup> who, in their daily work, come into contact or may come into contact with victims either of domestic violence or other close relationships. Meanwhile, the activities carried out as part of the project 'Violence Likes Silence – campaign to promote the understanding of zero tolerance for violence against women' had the goal of promoting the knowledge and understanding of violence against women and preventively reduce or eliminate the occurrences of violence in relations between men and women. As part of the project, particular attention was paid to teenagers, promoting respectful and equal relations between boys and girls.

63. The State Police also conducts information campaigns, e.g., 'Take the Rose-Tinted Glasses off' campaign, providing information about how to recognise an abuser and avoid dangerous relationships. The State Police officials also train to improve their understanding of violence, of how to detect it and how to help its victims.

## **F. Prohibition of torture and other cruel, inhuman and degrading treatment (recommendation Nos. 118.26, 118.27, 119.11, 120.66)**

64. In order to ensure legality and objectivity in establishing, investigating and preventing criminal offences committed by law-enforcement officials, and to promote the public trust towards government institutions, an independent body supervised by the Minister for the Interior – the Internal Security Bureau (IDB) was created on 1 November 2015. The function of the IDB is to detect, investigate and prevent criminal offences committed by the officials and employees of agencies subordinated to the Ministry of the Interior, except for the State Security Service, as well as violent criminal offences committed on duty by special-rank officers of the Prison Administration, the Municipal Police officials and the Seaport Police employees.<sup>14</sup>

65. The Prosecutor's Office supervises investigation, including in cases before the IDB. The supervising prosecutor examines complaints about the investigator's actions or decisions, and has the right to revoke them. The supervising prosecutor is obliged to give instructions to the investigator regarding the choice of the type of procedure, e.g., to investigate in accordance with the general procedure or expedited procedure; the direction of the investigation and the performance of investigative actions, if the investigator fails to ensure a purposeful investigation and allows unjustified interference in person's private life or delay. Moreover, the prosecutor may at any time examine the materials of the criminal proceedings and issue instructions on his/her own initiative.

66. In accordance with the internal regulations issued by the Prosecutor General, the unit of the Prosecutor General Office is tasked with organising an examination of progress of investigation and its further direction, if the investigation is not completed within 9 months after the initiation of the criminal proceedings. The unit of the Prosecutor General Office reviews complaints about the IDB's refusals to initiate criminal proceedings. It is also responsible for supervising investigation of criminal proceedings initiated by the IDB in case the appointment of a supervising prosecutor in application of the rules of territorial jurisdiction or institutional jurisdiction of pre-trial criminal proceedings is not possible within 24 hours.

67. Legislation ensures that an independent body investigates all complaints concerning torture and inhuman or degrading treatment, and possible perpetrators are prosecuted. According to Article 6 of the Criminal Procedure Law, officials authorised to conduct criminal proceedings are required to initiate criminal proceedings within the scope of their competence, whenever reasons and grounds for initiating criminal proceedings become known, and bring the proceedings to a fair resolution. Officials authorised to conduct criminal proceedings are investigators, prosecutors, judges and other officials specified in Article 26 of the Criminal Procedure Law. Judges and prosecutors are independent in their activities.

68. According to Article 3 of the Law on Disciplinary Liability of the Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Latvian Prison Administration, a disciplinary liability of an official does not exempt him/her from civil, administrative or criminal liability. Between 2016 and 2019, the Latvian Prison Administration received information about two possible cases of violence against prisoners by prison officials. An inspection was conducted, and in both the cases the offending officials were brought to disciplinary liability pursuant to Article 21, Part 1, and para. 1 of the Law on Disciplinary Liability. The disciplinary punishments imposed on the officials were reported to the head of the corresponding unit in order to inform all other officials of the unit and to ensure continuous control of on-duty discipline and take measures to prevent deficiencies that caused or could have caused disciplinary violations. The inspection was followed by training on legal and practical aspects of using measures of restraint. The disciplinary cases were sent to the IDB to decide on possible criminal proceedings. Between 2016 and 2019, the IDB conducted pre-trial investigations in four criminal proceedings concerning alleged violence towards prisoners by the Latvian Prison Administration officials.

## **G. Prison conditions (recommendation Nos. 118.27–118.29, 119.12)**

69. Between 2016 and 2020, the number of prisoners has decreased by about 44%. The reasons are changes in demographic situation and changes in penal policy.

70. Between 2016 and 2019, all prisons underwent scheduled and unscheduled renovations to improve the prisoners' living conditions, conditions for serving sentence, and for proper maintenance of facilities. Whenever possible, larger-scale projects are planned and implemented every year.<sup>15</sup>

71. The Training Centre of the Prison Administration provides professional adult education programme 'Prison Security'. In 2016-2020, 819 prison officials completed this programme. The programme has several educational and professional goals, including the control of compliance with prison regulations, respecting the rights of prisoners and maintaining positive communication, observing standards of conduct and ethics. The programme also addresses human rights issues. The training emphasises the respect of human rights being of fundamental, not of relative significance.<sup>16</sup> In 2016, 63 officials of the Olaine Prison Centre for the Addicted Persons completed programme 'Work with prisoners with addictions at the Resocialisation Centre' provided by the Training Centre of the Prison Administration.

72. Prisoners are provided with healthcare in accordance with the 2 June 2015 Regulations 'Procedure for providing imprisoned and convicted individuals with healthcare'. The Regulations determine the amount of healthcare services that must be provided to prisoners, the procedure for providing these services, and the procedure for sending prisoners for healthcare services in a medical institution outside the prison.<sup>17</sup> The outpatient care of prisoners is ensured by the medical unit of the prison, while inpatient care is the responsibility of the Latvian Prison Hospital.

73. Outpatient care is organised and provided to prisoners similarly to any other Latvia's resident. If medical assistance is needed urgently, it is immediately provided. The prison's medical staff constantly monitors and adjusts the waiting times for medical services, and determines priorities for providing the services based on medical indications.

74. The Health Inspectorate checks the quality of healthcare provided to prisoners approximately 180 times per year; it also conducts annual inspections of prison medical facilities to verify their compliance with mandatory requirements, and if necessary, provides recommendations that must be followed; the Inspectorate conducts annual inspections of the living and sanitation conditions of prisons, providing recommendations if necessary.

## **H. Human trafficking (recommendation Nos. 118.6, 118.32–118.38)**

75. The State institutions involved in the implementation of the national policy for combatting human trafficking have taken a number of measures to fight against human trafficking.<sup>18</sup> These institutions have actively participated in educating specialists and general public on the risks and consequences of human trafficking and the ways to help the situation; they have introduced control measures to fight the risks of human trafficking.<sup>19</sup> Number of victims of human trafficking tends to grow, which suggests that the authorities are becoming more capable of identifying possible victims.<sup>20</sup> All identified victims of human trafficking receive assistance, support and social rehabilitation services regardless of their wishes and their readiness to cooperate with law-enforcement authorities. In addition to legislative measures, the competent authorities undergo practical training. In 2016, 18 Latvian prosecutors participated in the training to prevent and combat human trafficking, while in 2018 – 34 officials were trained.<sup>21</sup> The State Police College conducts the annual ‘Human trafficking today. Its forms and prevention’ course since 2016. Its purpose is to provide theoretical knowledge to the State Police officials and help them develop practical skills associated with human trafficking and its prevention.

76. On 23 March 2016, amendments to the Criminal Procedure Law introducing additional regulations and guarantees for victims of human trafficking entered into force. According to Article 96<sup>1</sup> of the Criminal Procedure Law, ‘specially-protected victims’ include victims of human trafficking. With the permission of the person conducting the investigation, specially-protected victims have the right to participate in investigative activities accompanied by their fiduciary, unless that person has criminal proceedings initiated against him/her, is arrested, is a suspect, or charged with a crime. Specially-protected victims are entitled to request and receive information about the perpetrator if he/she is released or escapes from prison or detention facility, if this can endanger the victim and cannot cause risk to the perpetrator. Such a request may be submitted until the final decision is adopted in the criminal proceedings. Article 151<sup>1</sup> of the Criminal Procedure Law states that specially-protected victim is questioned in a separate room intended for this, or in the absence of other individuals not associated with the procedural activity in question. The questioning of a person-victim of human trafficking is conducted by an investigator of the same gender. This provision can be disregarded if this is accepted by the victim or their representative.

77. Victims of human trafficking are entitled to State compensation in accordance with the Law on State Compensation to Victims.

78. The maximum compensation amount payable to one victim is equal to the minimum wage for five months. The amount of State compensation is determined considering monthly minimum wage rate effective at the time when the person was recognised a victim. On 1 January 2019, the State compensation amount for human trafficking victims was increased from 70 to 90% (of the maximum State compensation amount). A request for State compensation must be sent to the Legal Aid Administration within three years from the date the person was recognized a victim or has become aware of the facts, which entitle the person to do so.<sup>22</sup>

## **I. Freedom of opinion and speech (recommendation No. 118.41)**

79. Latvia’s media policy guidelines for 2016-2020 were developed to strengthen media. This is a medium-term policy-planning document, which defines a strong, diverse, professional, transparent, sustainable and stable media environment as the principal goal of

the media policy. As part of the tasks specified in the guidelines, a Media Support Fund was created in 2017, to support the media in creating socially important content. 220 projects were supported as part of it in 2017–2019 with 3.5 million euros allocated from the State budget.

## **J. Right to privacy (recommendation No. 120.68)**

80. The right to respect for private life is guaranteed by Article 96 of the Constitution. During the reporting period, Latvia worked on improving its legislation on the personal data protection.

81. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation, GDPR) has been in effect in Latvia since 25 May 2018. GDPR sets a new global standard for data protection and establishes the principle of ‘data protection by default’. As an EU Member State, Latvia ensures compliance with GDPR concerning privacy and personal data protection in compliance with international human rights.

82. Personal data protection and respect for private life are important fundamental rights. Legislation governing certain situations for the processing of personal data have been adopted in Latvia, observing the principles of data processing – legitimacy, honesty and transparency, limitation of purpose, minimisation of data, accuracy, storage restrictions, integrity and confidentiality. The Personal Data Processing Law took effect on 5 July 2018, the Law on Processing of Personal Data in the Criminal Proceedings and Administrative Offence Proceedings – on 5 August 2019.

## **K. Judicial system and the right to a fair trial (recommendations Nos. 118.12 and 118.39)**

83. Latvia has reformed its judicial system, improving its efficiency and capacity to ensure the right to a fair trial.

84. Territorial reform of the judicial system was completed in 2018; its purpose was to achieve consistent case law in specific category of cases, to balance courts’ case-load, to enable specialisation of judges in specific types of cases, to ensure random distribution of cases. Since 2015, the number of courts and land register offices in Latvia was reduced by 74% – from 34 courts to 9 district (city) courts currently operating in the country.

85. Before the reform, Latvia had a relatively high number of small courts with 3 to 5 judges; now each of the 9 district (city) courts has approximately 30 judges. Sufficient number of judges allows specialisation of judges and random distribution of cases to judges. The increase of specialisation improves the quality of court rulings and fosters consistency of case law; random distribution of cases guarantees impartiality of judges.

86. The application of Article 32<sup>1</sup> of the Civil Procedure Law, which provides that exceptionally a case may be transferred to another court if it is possible to expedite its examination, was extended until 31 December 2020. The practice shows that the goal of the provision – to ensure the right to a fair trial within a reasonable time, has been successfully achieved. The use of this provision has reduced time between the initiation of the case and the first court hearing in all courts, especially in the Riga Court District.

87. Latvia has developed an electronic case management system for even distribution of cases. Its purpose is to enable examination of cases within a reasonable time, to promote trust in the judiciary, to increase the availability of courts, to increase courts’ capacity, efficiency and quality of court proceedings. This system allows analysing information about the court, about cases examined by a specific judge, about certain categories of cases, to gain a general overview of the duration of court proceedings, the progress of the case, and to compare the courts.

88. The implementation of projects foreseen for Stage 1 of the E-Case programme – improvement of investigation and court proceedings – began in 2018. The Court Administration plans to implement the ‘Development of a court information system’ project by the first quarter of 2021, with the main goal to create a unified and efficient electronic judicial process, reducing time of judicial proceedings and ensuring availability and transparency of information. The aim of the project is to create an efficient and unified electronic judicial process; effective exchange of information among courts, litigants and other information systems related to legal proceedings, as well as rational improvement of the judicial information system by creating new and using existing sharing solutions.

89. The Law on Judicial Power states that judges must improve their knowledge throughout their judicial career. The Latvian Judicial Training Centre provides professional training to judges and court officials. The training is based on needs of judges, recent changes in law and recommendations by the Ministry of Justice. International recommendations are also considered in preparing the training.

#### **L. Citizenship and naturalisation policy (recommendation Nos. 118.55–118.57, 118.61, 120.45, 120.78, 120.79, 120.81, 120.82, 120.84)**

90. On 17 October 2019, the Parliament adopted the Law on the Discontinuation of Non-Citizen Status for Children. Consequently, as of 1 January 2020, all newborn children in Latvia are automatically granted Latvian citizenship, unless the child’s parents opt for the citizenship of another country for their child or unless the child is a citizen of another country. This completely ends the assignment of the status of non-citizen to newborn children.

91. Latvia has created all the preconditions for non-citizens to acquire Latvian citizenship by facilitating the naturalisation procedure, as well as by implementing information campaigns. The number of non-citizens has dropped from 29% (approx. 735,000) in 1995, when the naturalisation process began, to 10% (212,814).<sup>23</sup> The number of non-citizens decreases by 8,000 to 10,000 people per year.

92. In 2019 EU fund project was launched, which envisages the development of an electronic online solution for testing Latvian language skills and basic knowledge of the Latvian Constitution, the national anthem, Latvian history and culture, and conducting an information campaign for the target group specified in the recommendation.

93. Major cities of Latvia regularly organise information days to provide non-citizens and other groups with information about the naturalisation procedure. The interested persons are familiarised with the naturalisation procedure and can test their knowledge for the naturalisation exam. Non-citizens are regularly informed of the options to obtain Latvian citizenship via registration, recognition and naturalisation proceedings.

94. If a person is denied naturalisation, the denial may be appealed against before the head of the Office of Citizenship and Migration Affairs (PMLP). The decision of the head of the PMLP may be appealed against before administrative courts. In certain cases, if the denial is associated with threats to national and public security, it may be appealed against with the Prosecutor General whose decision is final.

#### **M. Right to healthcare (recommendation Nos. 118.46 and 120.65)**

95. Pursuant to Article 3 of the Medical Treatment Law, the medical treatment of pregnant women, children and individuals with foreseeable disability is a priority. The ‘Mother and Child Health Improvement Plan for 2018-2020’ was approved on 6 June 2018, based on the ‘Health 2020’ policy framework of the WHO. The purpose of the plan is to improve maternal and child health through health promotion and disease prevention, as well as early diagnosis, early treatment and medical rehabilitation.

96. New healthcare services concerning the health of mothers and children are implemented, the infrastructure of medical facilities is improved, and stricter quality requirements are introduced. Since 1 October 2019, State-funded flu vaccination is

provided to pregnant women and children under 2, resulting in more demand for vaccines. The range of examinations intended for pregnant women that above 35 is being expanded as pregnancy at this age entails a higher risk of pathology.

97. The measures taken to prevent maternal mortality and illness have improved the situation. E.g., the antenatal care provided before week 12 of pregnancy grew from 90.9% in 2016 to 91.9% in 2018. The number of pregnant women aged 15–17 provided with antenatal care rose from 1% in 2016 to 1.4% in 2018.<sup>24</sup>

98. Article 111 of the Constitution states, ‘The State shall protect human health and guarantee a basic level of medical assistance for everyone.’ The Law on the Rights of Patients promotes positive relations between patients and healthcare providers, encouraging active participation of patients in their healthcare, enabling them to enforce and protect their rights and interests.

99. A patient who is admitted to a psychiatric hospital has the right, in accordance with the Patients' Rights Law, to submit a complaint to the Health Inspectorate regarding decisions taken during administrative proceedings and actual actions, such as the legality of medical procedures and treatment methods.<sup>25</sup>

100. According to Article 68 of the Medical Treatment Law, psychiatric care may be provided to a patient without consent, if the patient presents a danger to him/herself or to others and a medical practitioner establishes that a personal injury or injury of another person is possible, or of the patient is unable to care for him/herself and a medical practitioner establishes that a serious deterioration of person's health might occur.

101. Article 69<sup>1</sup> states that if there is a direct threat of a patient causing bodily harm to himself/herself or to other people due to a mental disorder, or if the patient has behaved violently towards other persons, and the threat cannot be eliminated through verbal persuasion, the psychiatric facility may use restraint measures, administer medications or place the patient in an observation ward. Restraint measures may only be applied if patient is in inpatient psychiatric care without his/her consent, or the patient has been prescribed a compulsory medical measure at the psychiatric facility.

102. Psychiatric facilities have internal rules on banned objects and patient restrictions. These regulations set the restraining measures for those in inpatient care without their consent and the restraining measures for patients undergoing compulsory treatment. The patient is entitled to contest a physician's decision to apply restraining measures and to prohibit the patient from meeting relatives with the head of the medical facility who must review the application and adopt decision within seven days. The patient may contest the decision of the head of the medical facility before the Health Inspectorate within one month, whereas the Inspectorate must examine the application within 20 days. The patient may appeal against the decision of the Health Inspectorate within one month at a district (city) court. The ruling of the district (city) court is final.

## **N. Rights of persons with disabilities (recommendation Nos. 118.47, 118.48, 119.13, 120.73)**

103. Latvia has taken a number of measures to provide auxiliary technical equipment (ATE) to persons with disabilities, to improve the environment for individuals with limited mobility, and to improve the availability of education and involvement in politics to persons with disabilities.

104. ATE is provided at the Auxiliary Technical Equipment Centre of the Vaivari National Rehabilitation Centre and its branch offices in Rēzekne and Kuldīga. Tiflotechnical equipment is ensured by the Latvian Association of the Blind, while surdotechnical equipment is ensured by the Latvian Association of the Deaf. Both these organisations have branch offices covering all territory of Latvia, ensuring the availability of ATE in the country's regions. In facilitating access to ATE, its necessity is assessed by the corresponding family physician or medical facility. The documentation requesting ATE may be sent by post, and only in certain cases one must receive ATE in person. Off-site deliveries of ATE are carried out, with an option of delivery to the recipient's home for a

fee. The quantity of ATE issued and the number of recipients of ATE are rising gradually. In 2016, 17,244 units of ATE were issued, in 2017, 18,592, in 2018, 19,406 and 26,723 in 2019.<sup>26</sup> The range of State-funded ATE and the options to receive ATE undergo improvements.

105. In 2018, the Ministry of Welfare in cooperation with the Latvian Disability Organisation SUSTENTO developed and published guidelines for environmental accessibility to public buildings and spaces, as well as to public outdoor areas. These guidelines compile mandatory requirements for creating an environment accessible to people with limited mobility and the recommendations developed by the experts of the Ministry of Welfare and the Ministry of Economics.

106. On 12 March 2019, the Cabinet of Ministers approved ‘2019-2021 Plan for Creating an Accessible Environment in Latvia’. The plan shows the Government’s work in creating an accessible environment and its undertaking to meet its international obligations. The goal of the plan is to increase the number of digital services, public buildings and outdoor areas available to the public, accessible to all social groups, including those with disabilities, and created based on the principles of universal design.

107. Several municipalities implement their own initiatives, financially supporting the creation of accessible environment for people with disability, for example, by adapting their homes to their needs.

108. The number of students with special needs who study in a general school in accordance with general education curriculum has increased from 440 in 2016/2017 to 1,839 in 2018/2019. On 19 November 2019, the Cabinet of Ministers approved the Regulations establishing the requirements for general schools to be able to admit students with special needs. The Regulations took effect on 1 September 2020 and extended the range of support measures for children with special needs as part of the teaching process. Principles for organising the teaching process, personalised support measures, learning and technical means for creating the learning environment and the support staff necessary are defined based on the specific needs of every child.<sup>27</sup>

109. A particular emphasis in implementing inclusive education is placed on early diagnosis of a child’s special needs, therefore the Regulations include the requirement to provide support measures to children with special needs as part of pre-school education curricula.

110. Article 101 of the Constitution states that every citizen of Latvia has the right to participate in the work of State and local government, and work in civil service, in the manner prescribed by law. The Municipal Elections Law and the Law on Parliamentary Elections do not provide for different treatment of persons with disabilities concerning involvement in politics. A person with disabilities may be elected to municipal council and the national Parliament. Article 32 of the Municipal Elections Law states that ‘if persons due to their state of health are unable to arrive at polling station, the polling station commission shall, on the basis of a written submission by such person or their authorised person [...], organise voting at the person’s residence’. The Law on Parliamentary Elections (Article 24) also envisages the possibility to vote outside polling station, including at the person’s residence for those who cannot arrive at the polling station for health reasons.

## **O. Rights and integration of persons belonging to ethnic minorities (recommendation Nos. 118.49–118.51, 118.54, 120.74–120.76)**

111. Article 114 of the Constitution states that persons with an ethnic minority background have the right to preserve and develop their language, ethnic and cultural identity. Article 3<sup>1</sup> of the Education Law prohibits different treatment based on financial and social status, race, national and ethnic background, gender, religious and political views, medical condition, employment and place of residence in ensuring the right to an education. There are no restrictions for students belonging to ethnic minorities to obtain quality education in Latvia. At the same time, Latvia continues guaranteeing the ability of persons belonging to ethnic minorities to preserve, develop and cater their language and

culture in accordance with the specific provisions governing the percentage distribution of minority languages on every level of education.

112. Latvia funds ethnic minority education curricula in seven languages: Russian, Polish, Belarusian, Ukrainian, Estonian, Lithuanian and Hebrew. Many ethnic minority schools in Latvia cooperate with the respective kin States and their schools, obtaining various literature and teaching materials for improving the process of education.<sup>28</sup>

113. Persons belonging to ethnic minorities are provided with multi-faceted State support in preserving and developing their education and traditional culture. The Ministry of Culture works on supporting the civic participation of ethnic minorities, as well as the preservation and development of their cultural identity. Representatives of ethnic minorities are involved in policy-making; a consultative committee of representatives of ethnic minority non-government organisations actively operates in the Ministry of Culture. At least 20% of the total annual budget allocated to the Ministry of Culture for social integration is provided to supporting ethnic minorities.

114. Measures promoting successful social integration and civil participation of persons belonging to ethnic minorities regularly take place, at the same time supporting the strengthening of identity of ethnic minorities, preservation the uniqueness of their culture and helping to maintain the intercultural dialogue. Ethnic Minority Forums take place every year since 2013, bringing together some 200 ethnic minority NGOs, government representatives, experts and others from all regions of Latvia. The results of the forums are approved by the Ethnic Minority Advisory Board, forming the basis for new events as part of the next year's budget, thus becoming a mechanism with a real impact in fostering mutual trust and cooperation.

115. Support is provided to students' and youth inclusion programme 'Footprints of Europe in Latvia', in which approximately 1,000 teenagers from ethnic minority schools participate every year. The 'Ambassadors of Latvian Culture' programme is being implemented, with regular support for the ethnic minority cultural events organised by the Ita Kozakeviča Association of Latvian National Culture Unions, including the 'United in Diversity' festival. In 2014-2018, approximately 220 projects fostering intercultural dialogue and ethnic minority identity were supported as part of the NGO Regional Support Programme in Latvia. About 30,000 people participated in various events.

116. Assistance is provided to develop the cultural life of ethnic minorities, supporting the activities of ethnic minority artistic groups and creative camps organised by cultural associations. The participation of ethnic minority cultural groups in the international folklore festival Baltica 2018 and in the Latvian Song and Dance Festival was supported. Support is provided for the preservation of the intangible cultural heritage of ethnic minorities, e.g., professional training courses, workshops, camps and creative day events for heads of ethnic minority cultural groups.

117. On 17 July 2018, the Cabinet of Ministers approved the '2019-2020 plan for implementing the national identity, civil society and integration policy'. In order to involve the population in solving issues important for the society, the plan includes support for the participation of ethnic minorities, e.g., assistance to ethnic minority NGOs and their mutual cooperation and intercultural dialogue. The plan also envisages information events promoting the public understanding of and tolerance towards groups at risk of discrimination.

## **P. Rights and integration of Roma people (recommendation Nos. 118.52, 118.53)**

118. In order to combat exclusion and discrimination of Roma people, a number of measures to integrate Roma people and protect their culture and interests are implemented in coordination with Roma civil organisations; as well as cooperation with government agencies that are co-responsible for the main areas of Roma integration – education, employment, health and housing – is ensured.



119. Latvia continues implementation of Roma integration policy measures within the National Identity, Civil Society and Integration Policy.<sup>29</sup> The Roma Integration Policy Advisory Board acts on regular basis with a goal of promoting integration of Roma people in Latvia and assess its implementation, strengthen the cooperation between the Roma community and government institutions, and encourage civil participation in the Roma community. The members of the board include representatives of Roma NGOs, as well as non-Roma NGOs actively working in the field of Roma integration.

120. The Ministry of Culture implements project 'Roma Platform in Latvia' encouraging cooperation and dialogue among the representatives of the Roma civil society, the national and municipal governments, as well as social partners; and promoting more effective participation and better coordination of the Roma integration policy. More than 930 persons have participated in the project, including 509 representatives from national and municipal bodies and non-Roma NGOs, 10 international experts, as well as 492 Roma representatives from 25 Latvian cities.

121. Roma mediators operate in five Latvian cities<sup>30</sup> since 2017. The main task of Roma mediators is to encourage and support the dialogue between Roma families and municipal institutions and government agency specialists in field of education, social issues, employment, children rights etc. Roma mediators determine the Roma community situation and locally topical issues and help finding appropriate solutions for integration and social inclusion of Roma people exposed to the risk of poverty, in cooperation with social, educational and other authorities. Furthermore, Roma mediators regularly inform local Roma residents of social support opportunities, e.g., certain European Social Fund (ESF) support measures and services provided by municipal governments, and motivate Roma people to obtain education, join the labour market, cultural and youth events.

122. The mediators also promote the inclusion of Roma children in education, arranging regular meetings with representatives of municipal education authorities and parents of Roma children, and whenever possible, studying the actual local situation with the education of Roma people.

123. The data<sup>31</sup> show that in 2018/2019 academic year, 858 Roma pupils (0.4% of the total number of pupils) attended general education facilities (407 girls and 451 boys).<sup>32</sup>

124. To promote integration of Roma pupils in the Latvian education system, no separate classrooms for Roma pupils exist in schools since 2013/2014. Currently, there are no schools in Latvia where Roma pupils constitute the majority compared to children of other ethnic origin. Support measures have been taken to reduce the marginalisation of Roma people in education and to promote their inclusion in the education process. Furthermore, the Roma pupils with learning disorders will be integrated in general education facilities by providing them with support measures to counteract the learning difficulties.

125. Practical workshops 'Improving the social situation of Roma families on a local level' were organised by Latvian municipalities in 2017 to expand the knowledge of municipal specialists about Roma integration, to improve the access of Roma people to the social services and support measures provided by the municipal governments and to inform of the EU structural fund support activities available to reduce the risk of children and teenagers (including Roma) dropping out from schools.

126. The seminar 'Better job market access for Roma people' was organised in 2018, based on recommendations by representatives of the Roma civil society, with the purpose of promoting cooperation between employers and social partners and potential employees with Roma background and fostering the sharing of information and experience on the involvement of Roma people in the labour market. The seminar addressed the situation of Roma people in labour market, shared good practices for including Roma people thereto and measures to help Roma people participate in the labour market more effectively. Specialists from the State Employment Agency (NVA) also participated in the project. A report on the results of the project, practical recommendations for further work and better cooperation was prepared. Based on these recommendations, it is planned to develop support measures for including Roma people in the labour market and to develop a network of employers and enterprises that are prepared to foster the employment of Roma people.

127. The 27 March 2018 Regulations ‘Regulations on the groups of individuals subject to the risk of social exclusion, and the procedure for awarding, registering and monitoring the status of a social undertaking’, list Roma people as one of the groups subjected to the risk of social exclusion.

**Q. Refugee and asylum-seeker rights and integration (recommendation Nos. 118.58–118.60, 120.43, 120.87–120.95)**

128. The new Asylum Law took effect on 19 January 2016. Refugees and individuals with an alternative status are treated equally to the citizens of Latvia in ensuring their basic needs. The information on every asylum seeker and his/her specific circumstances is carefully assessed to prevent actions that could endanger that person.<sup>33</sup> The rights of vulnerable groups are fully respected.

129. The Asylum Law states that every asylum application must be reviewed individually, objectively and fairly, using accurate and updated information obtained from different sources. This principle and the possibility to challenge the decisions adopted in asylum proceedings ensures sufficient guarantees to prevent adoption of discriminatory decisions in asylum proceedings.

130. The principle of non-refoulement is established by Article 3 of the Asylum Law.

131. The Asylum Law also provides for the possibility to appeal against detention order, for judicial review and State-provided legal aid. In the appeal proceedings, Latvia provides free legal aid and representation to asylum seekers, refugees and persons with an alternative status. Asylum seekers are entitled to State-guaranteed legal aid in the amount set in law, to challenge decisions adopted during asylum proceedings, if the asylum seeker lacks the means thereto.

132. The Immigration Law regulates detention of foreign nationals. According to the Law, it is not possible to detain a person only because the person is subject to international protection. In accordance with the national legislation, international and EU law, asylum seekers and persons subject to international protection are deemed legally residing in Latvia.

133. The competent authorities train on the use of different tools to identify persons with special procedural or reception needs.<sup>34</sup> Asylum seekers in need of special procedural guarantees can be subjected to accelerated decision-making process denying refugee’s or alternative status only if the person has received sufficient support enabling them to exercise their legal rights and fulfil their legal obligations during the asylum procedure.

134. The Asylum Law includes standards for admitting persons seeking international protection, and Latvia ensures that the conditions of accommodation centre meet international standards.

135. Refugees, persons with alternative-status, asylum seekers and their minor children are entitled to State-funded healthcare similarly to Latvia’s permanent residents.

136. Asylum seekers (including detained asylum seekers) are entitled to State-funded urgent medical care, primary healthcare, inpatient and outpatient psychiatric care (in the event of severe mental health problems), as well as all healthcare necessary for minors if failure to provide such care can cause risks to the health and development of the child, considering the special needs of the asylum seeker. Persons with temporary protection are entitled to State-funded urgent medical care.

137. The Asylum and Migration Fund (‘Fund’) conducts projects to promote integration of people in need of international protection and to combat existing prejudices. The projects include training of specialists, journalists and editors working with the target group, to improve their intercultural dialogue skills and knowledge of cultural diversity.<sup>35</sup> Projects aimed at promoting the integration of third-country nationals in the Latvian society are implemented, organising events for immigrants and the host society to enhance mutual understanding and intercultural dialogue.<sup>36</sup>

138. In 2016, NVA launched the project ‘Integration of refugees and persons with alternative status in the Latvian labour market’ envisaging activities on socioeconomic inclusion of international protection recipients. Individuals with refugee or alternative status are involved in activities aimed at learning Latvian and promotion of employment. In 2018, a language mentor service was created to help employed refugees and persons with alternative status to learn professional terminology and fit in the working environment. Asylum seekers receive information about the Latvian labour market, individual consultations and information materials in multiple languages are available.

139. Between 2016 and 2019, 185 persons<sup>37</sup> with refugee or alternative status were registered by NVA. NVA has established cooperation with 141 employers ready to provide jobs to refugees and persons with alternative status; NVA has helped 64 persons to find an employment.

140. Between September 2017 and 2018, SIF implemented a State-funded pilot project to provide housing support to refugees and persons with alternative status. The project covered rental and partially utility costs, and the costs of related services. The pilot project also involved cooperation with government institutions, non-governmental sector, local governments in providing Latvian language training, employment, school and pre-school services social aid, healthcare and social inclusion. 5 families received the aid, 2 of which have remained in Latvia.

## Notes

- <sup>1</sup> The working group included representatives of the Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Welfare, Ministry of Justice, Ministry of Health, Ministry of Education and Science, Ministry of Environmental Protection and Regional Development and the Prosecutor General Office.
- <sup>2</sup> Source: The State Revenue Service.
- <sup>3</sup> E.g., the provision on wage-earning employment and equal working conditions (Article 17 of the Convention).
- <sup>4</sup> Judgment of 12 November 2020 in the case No.2019-33-01.
- <sup>5</sup> The sample curricula for general education subjects ‘Social Science’ and ‘Politics and Law’ include topics on the Convention on the Rights of the Child. For example, students learning the ‘Social Science’ subject are taught tolerance towards those being different, to know and use the opportunities for civil participation in school, municipal and national events, to understand that people can have different religious, political or other views, to be tolerant towards opinions of minorities, to accept and respect members of other groups. The content of general education subject ‘Politics and Law’ and ‘Ethics’ was expanded to add topics of inclusion and the rights and obligations of student in the mandatory teaching curriculum. The standard for optional general education subject ‘Health Studies’ include such mandatory topics as reproductive health, prevention of unwanted pregnancy and sexually transmitted diseases, sexuality and sexual relations.
- <sup>6</sup> Source: Ministry of the Interior.
- <sup>7</sup> E.g., ‘Identification and investigation of hate crimes’, ‘Criminal regulations pertaining to social hatred and enmity, and theoretical and practical problems in applying them’ and ‘Respect for human rights in State Police activities’.
- <sup>8</sup> For example, in cooperation with LGBT and association Mozaika the State Police addresses problems of hate speech, freedom of speech in mass media, social media and mass events, criminal and legal characterisation of hate crimes and hate speech, and problems identifying them, as well as the investigative tactics and specifics.
- <sup>9</sup> For example, since 2016, SIF conducts the project ‘Diversity Promotion’ of ESF, which provides its target groups with motivation-boosting and support services, measures for creating inclusive working environments and diversity in management for employers, as well as measures for increasing the public understanding of the topics of promoting social inclusion and preventing discrimination.
- <sup>10</sup> E.g., rape, sexual assault, bodily harm.
- <sup>11</sup> Section 104, Part 5 of the Criminal Procedure Law establishes the provision of a solicitor by the state, if the protection of the rights and interests of a minor or a low-income adult, or an adult in need are impaired or otherwise unavailable, or if the harm is caused to a person found, due to physical or mental disability, to be a victim without consent who cannot be represented by any of that person’s kin. Section 108, Parts 5 and 6 of the Criminal Procedure Law establishes the provision of mandatory legal aid to minors who are victims of crimes associated with violence caused by a person who the minor in question depends on financially or otherwise, or of crimes against morals and sexual

inviolability.

<sup>12</sup> See Annex 1.1.

<sup>13</sup> The State Police and local government officials, social workers, experts in the fields of protection of children's rights and healthcare, NGO experts.

<sup>14</sup> See Annex 1.2.

<sup>15</sup> Major activities carried out during the reporting period:

- In 2016: the construction of the Olaine Prison Centre for the Addicted, renovation of Floor 1 of Investigation Unit Building 1 of the Ilģuciemis Prison, renovation of Investigation Unit of the Valmiera Prison, renovation of the living facilities of prisoner unit 7 of the Jēkabpils Prison, and construction of cells for persons with functional disabilities in the Riga Central Prison;
- In 2017: the renovation of Building 5 of Grīva Unit and reconstruction of the heating and water supply lines of the Daugavpils Unit of the Daugavgrīva Prison, as well as the renovation of the Mother and Child Unit and water supply line repairs in the Ilģuciemis Prison. Renovation was carried out in the Outpatient Care Building of the Olaine Prison, and the Food Unit of the Riga Central Prison; main water supply lines were built in Buildings 1 and 4 of the Riga Central Prison, sewer lines were renovated in its Buildings 4 and 5; prisons underwent water supply line repairs, to ensure that their prisoners wash at least twice a week;
- In 2018: shower rooms for prisoners were renovated and improved in all prisons, making it possible for the prisoners to take showers at least twice a week. At the Riga Central Prison, the prisoner living premises were renovated in Building 4 and partially, in Building 3; the walking area was repaired. Preparations have begun for the completion of the project 'Reconstruction of the cell block and construction of walking areas at the Valmiera Prison', and renovations of living premises for prisoners were done in the Liepāja Prison, Ilģuciemis Prison, and Daugavgrīva Prison;
- In 2019: Building 1 and the sewer system of the Daugavgrīva Prison Grīva Unit were renovated; the living premises for prisoners were renovated in Unit 5 of the Ilģuciemis Prison; the living premises of Unit 3 and ventilation system were renovated at the Jēkabpils Prison; the living premises of Unit 4 were renovated, and the windows were replaced in Buildings 1 and 4 of the Jelgava Prison. Prison cells and the prison heating (hot water supply) system were renovated in the Liepāja Prison; prison cells in Buildings 1 and 3, as well as the walking area were renovated in the Riga Central Prison; in the Valmiera Prison, the water supply system and solitary confinement cells were renovated, a land reclamation system and walking areas were set up, and the Residential Building was reconstructed.

<sup>16</sup> For example, the 'Basics of Rights' subject includes 6 contact hours and covers such topics as the fundamental human rights and freedoms, enforcement and protection of human rights, mutual relation between human rights and obligations. The subject 'International Laws and Regulations in Criminal Punishment' includes 4 contact hours, and is intended to familiarise officials with the documents that govern the prohibition of torture and degrading treatment, thus providing the officials with an understanding of the consequences and liability for illegal treatment and unjustified use of force, and of the significance of creating a positive attitude towards prisoners when on duty. Explanations on the mechanism for monitoring human rights are also included. As part of the subject 'Basics of Criminal Law', the students are provided with basic knowledge of criminal proceedings; the subject also includes topics pertaining to human rights and the prohibition of torture in conducting investigative actions. The subject 'Supervision in Prisons' includes the sub-topic 'Dynamic Security'. This topic also includes the learning of skills for building relations between the prisoners and the prison staff based on the principles of dynamic security, and the learning of topics pertaining to building respectful relations with the prisoners, with particular attention to the issues directly associated with communication, and explanations on how officials can prevent making mistakes and becoming involved in illegal activities that could create unequal treatment in equal conditions, thus infringing on the right of the prisoner to equal treatment.

<sup>17</sup> Prisoners receive free of charge:

- primary healthcare provided by the prison medical staff, except for the planned dental care;
- urgent dental care;
- secondary healthcare provided by the prison medical staff or the Latvian Prison Hospital, and if the prisoner needs healthcare services that cannot be received at the prison or the Latvian Prison Hospital, then based on medical indications, in medical facilities outside the prison;
- most effective and cost-efficient medications prescribed by the prison medical staff;
- healthcare services provided outside the prison paid from the national budget and based on medical indications, in accordance with the laws and regulations governing the

organisation and funding of healthcare.

- <sup>18</sup> E.g., the legal framework to prosecute individuals who facilitate and support human trafficking has been improved, better conditions for human trafficking victims to receive State-funded social rehabilitation services and State compensation for victims have been created.
- <sup>19</sup> See Annex 1.3.
- <sup>20</sup> See Annex 1.4.
- <sup>21</sup> Source: Prosecutor General Office.
- <sup>22</sup> See Annex 1.5.
- <sup>23</sup> Source: The Office of Citizenship and Migration Affairs, data as of 1 July 2020.
- <sup>24</sup> Source: Ministry of Health.
- <sup>25</sup> Between 2018 and 2020, the Health Inspectorate received 59 complaints (24 in 2018, 23 in 2019, and 12, in the first 11 months of 2020). 11 (6 in 2018, and 5 in 2019) of the complaints were justified.
- <sup>26</sup> Source: Ministry of Welfare.
- <sup>27</sup> See Annex 1.6.
- <sup>28</sup> For example, Latvia and Polish schools in Latvia work closely together and receive support from the Republic of Poland.
- <sup>29</sup> Since 2019, these measures take place in accordance with the National Identity, Civil Society and Integration Policy Plan for 2019-2020.
- <sup>30</sup> Jelgava, Riga, Valmiera, Ventspils, and Viļaka.
- <sup>31</sup> Source: The Ministry of Education and Science.
- <sup>32</sup> See Annex 1.7.
- <sup>33</sup> See Annex 1.8.
- <sup>34</sup> E.g. the European Asylum Support Office guidelines for the identification of least-protected people.
- <sup>35</sup> Since 2016, 889 specialists working with the target group and 90 journalists and editors have received training supported by the Fund; 26 media entities received assistance to improve quality of their work.
- <sup>36</sup> 1347 third-country nationals have participated in the projects supported by the Fund.
- <sup>37</sup> 69 women and 116 men.
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