

Franel National contribution to the Fundamental Rights Report 2020

Latvia

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Franet country study: policy and legal highlights 2019

Issues in the fundamental rights institutional landscape	No important development in 2019.
. EU Charter of Fundamental Rights	The EU Charter of Fundamental Rights was neither analysed nor interpreted in court cases or draft legislation in 2019. It remains merely referred to as one of the sources of international law.
Equality and non-discrimination	Regulation on co-habiting unmarried couples rejected. The parliament rejected the draft Unmarried Couple's Law (<i>Dzīvesbiedru likums</i>) that would have foreseen legal status for co-habiting unmarried partners (both same sex and opposite sex couples).
Racism, xenophobia & Roma integration	Hate motive added as an aggravating circumstance for administration violations. The new Law on Administrative Liability (<i>Administratīvas atbildības likums</i>) introduces a new aggravating circumstance: if the administrative office is motivated by hate towards such individual characteristic as race, religious belief, ethnic origin and other explicitly identifiable characteristic. .
Asylum & migration	No important development in 2019.
Data protection and digital society	The highest fine imposed for violation of the GDPR in 2019 is € 150,000. Data State Inspectorate (<i>Valsts Datu inspekcija</i>) imposed fines in 14 cases for violation of the GDPR with the highest fine in the amount of € 150,000. Despite the increased workload in 2019 the budget of the DSI remained the same as in 2018.
Rights of the child	New plan for protection of children from criminal offences adopted. In July 2019, the Cabinet of Ministers (<i>Ministru kabinets</i>) adopted the Plan for the protection of children from criminal offences against morality and sexual integrity 2019-2020 .
Access to justice, including victims of crime	A comprehensive research on crime victim's rights published. The Latvian Judicial Training centre published the findings of research " Crime Victims` Rights Development in Europe: Latvia " analysing the changes in the rights of the victims of crimes from 2007 until 2018. There have been no developments regarding violence against women.
Convention on the Rights of Persons with Disability	New plan for development of environmental accessibility approved. The government approved the " Plan for the development of environmental accessibility in Latvia for 2019 – 2021 " (<i>Plāns pieejamas vides veidošanai Latvijā 2019.-2021. gadam</i>) in line with the guidelines for the implementation of the CRPD for 2014-2020 and subsequent UN CRPD recommendations.

Chapter 1. Equality and non-discrimination

1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

In February, 27 enterprises and NGOs signed Diversity Charter - a voluntary commitment to promote diversity and equal treatment of staff.¹ The Charter includes 15 diversity and equality principles the companies agreed to introduce in their management. The initiative is part of the EU Diversity Charter initiative and addresses all grounds of discrimination.

On 29 April, the Latvian government supported the response prepared by the Ministry of Justice (*Tieslietu ministrija*) rejecting the recommendations by the Ombudsperson (*Tiesībsargs*) calling for the provision of a legal framework for the recognition of different family models in line with the latest ECtHR cases and Article 110 of the Satversme (*Constitution*). It maintained that the introduction of registered heterosexual and same-sex partnerships was an issue of a political choice, which is the prerogative of the legislator. The Latvian legislator had recently rejected codifying registered partnerships in a law.² In October 2018, the Ombudsperson issued an extensive opinion in a case following an individual complaint alleging discrimination on grounds of sexual orientation. The case concerned an inheritance agreement whereby the state fee when inheriting immovable property for persons who are not spouses or 1st to 4th degree relative of the deceased, is 60 times higher than for spouses or direct relatives.³ Latvia does not recognise either same sex marriage or partnership.

On 20 June, the parliament rejected the draft Unmarried Couple's Law (*Dzīvesbiedru likums*) that would have foreseen legal status for co-habiting unmarried partners (both same sex and opposite sex couples).⁴ It was proposed by the liberal Development/For! (*Attīstībai/Par!*) party and Unity (*Vienotība*) party of the governing coalition, and 23 MPs voted for, 60 MPs against and one abstained for the draft law to be passed for review to the relevant parliamentary commissions.⁵

Riga City Council (*Rīgas dome*) approved the Riga City Society Integration Guidelines 2019 – 2014.⁶ The Action plan for the implementation of the guidelines 2019-2021 includes measures aimed at the promotion of civic participation and cooperation, intercultural dialogue and tolerance, state language (Latvian), social inclusion, access to information, access to city environment and integration measures. Specifically measures include the provision of financial support to projects aimed at the improvement of teachers' professional competence in working with children of migrant background and their parents; the provision of Latvian language courses to migrants; facilitating employment and inclusion in education of persons at risk of social exclusion, especially persons with mental disabilities and special needs.⁷

¹ For more information see the website of the [Latvian Diversity Charter](#)

² Ministry of Justice (2018), [Draft response to Ombudsperson concerning opinion of 29 October and recommendations](#), 18 June 2019.

³ Ombudsperson (2018), [Opinion in a verification case No. 2018- 38-26G](#), 29 October 2018

⁴ Latvia, draft law 'Unmarried Couple's Law' (*Dzīvesbiedru likums*), 18 June 2019.

⁵ Saeima (2019), [Results of Voting on the draft Unmarried Couple's Law](#), 20 June 2019.

⁶ Riga City Council (*Rīgas dome*) (2019), [Riga City Society Integration Guidelines 2019 – 2014 \(*Rīgas pilsētas sabiedrības integrācijas pamatnostādnes 2019.-2024.gadam*\)](#), 25 September 2019.

⁷ Riga City Council (*Rīgas dome*) (2019), [Action plan for implementation of the Riga City Society Integration Guidelines 2019 – 2014 \(*Rīgas pilsētas sabiedrības integrācijas pamatnostādņu 2019.-2024. gadam īstenošanas rīcības plāns 2019.-2021.gadam*\)](#), 25 September 2019.

On 16 December, the Constitutional Court (*Satversmes tiesa*) initiated proceedings regarding the conformity of Section 155, Paragraph one of the Labour Law (*Darba likums*)⁸ with first sentence of Section 110 of the Constitution of Latvia according to which state protects and support marriage – union between man and woman, family, parents and children rights. The applicant who is in same sex relationship and has lived in a joint household for more than 10 years wanted to exercise the right for a 10 day parental leave after the birth of a child in the family. However, the provision of the Labour Law limits such right to the father of the child and not to the partner of the child's biological mother, although in the particular situation she is one of the parents of the new born child. In the applicant's view, the legislator has not established a system of social and economic protection for same sex families and their children.⁹

2. Research findings, studies or surveys on either experiences of discrimination or rights awareness

No research, studies or surveys on experiences of discrimination, rights awareness and/or reporting of discrimination have been published in 2019.

⁸ Latvia, Saeima, [Darba likums](#), 1 June 2002.

⁹ Constitutional Court (*Satversmes tiesa*) (2019), “[Ierosināta lieta par normu, kas bērna bioloģiskās mātes partneri neparedz tiesības uz atvaļinājumu pēc bērna piedzimšanas](#)”, press release, 17 December 2019.

Chapter 2. Racism, xenophobia and related intolerance

1. Legal, policy developments and measures relating to the application of the Racial Equality Directive

There were no specific measures related to the application of the Racial Equality Directive.

Activities of the communication campaign “Openness is a value” (*Atvērtība ir vērtība*) in 2019, coordinated by the Society Integration Foundation (*Sabiedrības integrācijas fonds*), focus on ethnic discrimination. According to a poll conducted in the framework of the campaign, the highest social distance is towards Roma, Afghans, Pakistanis, Syrians, persons of African descent, and Indians. 60% of Latvian residents responded that they do not want to work together with a person of other ethnic origin, especially Roma - 33%, Afghans- 30%, Pakistanis - 29%, Syrians - 26%, people of African descent - 25%. 47% of respondents do not want to have Roma as their family members, 44% - Pakistanis, 43% - Afghans, 42% - people of African descent. 26% do not want to have Roma among neighbours, 27% - Afghans, 26% - Pakistanis and Syrians, 24% - people of African descent.¹⁰

In March, an online labour exchange platform ‘[Openness is a value](#)’ was launched in the framework of the campaign. The online platform has been set up with an aim to draw attention to the problem of ethnic discrimination and prejudice in the Latvian labour market. The online platform allows persons to submit their CVs and to receive information about enterprises open to diversity.¹¹

State Employment Agency (*Nodarbinātības valsts aģentūra*) launched a web platform ‘[First steps to work](#)’ for the integration of persons with refugee and subsidiary status into the labour market. The website provides guidance about the basic work related issues. The website was launched in the framework of the project “Integration of refugees and persons with alternative status in the Latvian labour market” funded by the European Social Fund. The project includes information sessions to asylum seekers about work opportunities in Latvia and individual consultations.¹²

2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia

The new Law on Administrative Liability (*Administratīvas atbildības likums*) adopted in October 2018 introduces a new aggravating circumstance: if the motive of the offence is hatred against such individual characteristics as race, religious belief, ethnic origin and other explicitly identifiable characteristics.¹³ The Law will come into force on 1 January 2020. The new law is elaborated with an aim to modernise the existing law on administrative liability and it replaces the Soviet era Latvian Administrative Violations Code (*Latvijas Administratīvo pārkāpumu kodekss*) which had undergone numerous amendments. The Law on Administrative Liability relates to the administrative misdemeanours. The Law targets private, legal persons, and public officials. The Law provides for the definition of administrative violation, forms of punishment

¹⁰ Research centre SKDS (2019), [Opinion of Latvian residents about ethnic relations in Latvia \(*Latvijas iedzīvotāju viedoklis par etniskajām attiecībām Latvijā*\)](#)

¹¹ Society Integration Foundation (*Sabiedrības integrācijas fonds*) (2019), [‘Izveidota unikāla platforma vienlīdzības veicināšanai darba tirgū’](#), press release, 1 March 2019

¹² [Employment State Agency \(*Nodarbinātības valsts aģentūra*\) \(2019\), ‘Bēgļu un personu ar alternatīvo statusu nodarbināšana’](#), press release, 25 October 2018

¹³ Latvia, Saeima (2018), [Law on Administrative Liability \(*Administratīvas atbildības likums*\)](#), Section 21 part 5, 28 October 2018

and procedure of imposing administrative offences. The old code provided for administrative offences and penalties, while the new law will regulate the definition, types of punishment and administrative procedure. The new law introduces fine units. Specific offences will be listed in laws that regulate separate sectoral laws, e.g. Commercial Law, Law on Fisheries, etc.

European Commission against Racism and Intolerance (ECRI) published fifth monitoring cycle report on Latvia on 5 March 2019. ECRI recommends the authorities to establish a unit within the State Police tasked with reaching out to vulnerable groups in order to increase trust in the police and address the problem of under-reporting of hate crimes. It is one of the two priority recommendations Latvia has to report about as to the follow-up within two years. ECRI recommends that the authorities encourage and promote counter-speech among high-level political representatives and other public figures in response to hate speech. ECRI also recommends that the authorities establish a comprehensive data collection system for hate crime incidents.¹⁴

¹⁴ Council of Europe, European Commission against Racism and Intolerance (ECRI) (2019), [Fifth report on Latvia](#), 5 March 2019

Chapter 3. Roma integration

1. Measures and developments addressing Roma/Travellers segregation

ECRI fifth monitoring cycle report on Latvia of 5 March 2019 recommends that the Latvian authorities take more effective steps to improve the situation of Roma children in the education sector. According to the ECRI findings, out of a total of 900 Roma pupils enrolled in schools, 34.2% were enrolled in special needs programmes. Latvia is urged to take immediate action to remedy the situation for Roma pupils who have been wrongly placed in special needs programmes; ensure that a sufficient number of Roma teaching assistants are employed; and make the positions of existing Roma mediators permanent and assess if additional mediators are required. ECRI recommends that the authorities ensure that the State Employment Agency (*Valsts nodarbinātības aģentūra*) offers professional and vocational training also for persons with very low levels of formal education in order to benefit those members of the Roma community who have been hitherto excluded.¹⁵

According to the figures provided to ECRI by the Ministry of Education and Science (*Izglītības un zinātnes ministrija*), out of a total of 900 Roma pupils enrolled during the school year 2016/17 in Latvia, more than one third (34.2%) were enrolled in special needs programmes. In the special primary education programme for students with learning disabilities 22.4% of pupils were Roma children, in spite of the fact that Roma account for less than 1% of the country's population. In the special primary education programme for students with mental development disorders, the ratio is even higher at 39%.

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

Amendments to the General Education Law (*Vispārējās izglītības likums*) of 21 June 2018 concerning certain special education programmes for pupils with physical development (mobility) impairment, somatic symptom disorders, speech disorders, with learning difficulties foresee that they will no longer be implemented in special education schools, but will be integrated in mainstream schools. The amendments will come into force in 2020. Until 1 September 2020, children with these disorders will remain in special education institutions (See Chapter on UNCRPD). According to the Ministry of Education and Science, around 130 Roma students will be integrated in general education institutions implementing primary (grades 1-9) or secondary education programmes (Grades 10-12).¹⁶ Nevertheless, there is no information whether it will lead to the reassessment of their diagnosis.

Ministry of Culture (*Kultūras ministrija*) conducted a number of activities aimed at Roma integration in the framework of a project “Latvian Roma Platform III- dialogue, participation and mutual leaning” (*Latvijas romu platforma III: sadarbības un līdzdalības veicināšana*). Five Roma mediators provided assistance to 125 families during the project. A two-day seminar “Women in communities and in action” (*Sievietes kopienā un darbībā*) was conducted on 17-18 April. The aim of the seminar was to empower Roma women, promote their civic participation, and build cooperation with active non-Roma women. 14 Roma women from different Latvian

¹⁵ Council of Europe, European Commission against Racism and Intolerance (ECRI) (2019), [Fifth report on Latvia](#), 5 March 2019

¹⁶ Letter to the Roma Advisory Council of the Ministry of Culture to the Ministry of Education on 10 April, 2019; Ministry of Culture (*Kultūras ministrija*) (2019), Informatīvais ziņojums par Latvijas romu integrācijas pasākumu īstenošanu 2018.gadā, 21 May, at https://www.km.gov.lv/uploads/ckeditor/files/Sabiedribas_integracija/Romi/Dokumenti/KM_210519_romi.pdf

regions took part in the seminar. Workshop “Sāre Khetene 2019” for Roma young people and development of their communication skills was conducted on 26 and 27 June. 17 Roma young people took part in the event.¹⁷

In July, the Ministry of Culture started the next stage of the project “Latvian Roma Platform IV – dialogue, participation and mutual learning.” The projects aims to support mutual learning and exchange of best practices in key areas of Roma integration at local and regional level and to promote the participation and effective involvement of Roma civil society representatives in the implementation of Roma integration policies. The project includes exchange of good practices among municipalities, the provision of support to five Roma mediators trained during previous projects in five localities – Riga, Jelgava, Valmiera, Ventspils and Viļaka region; practical workshops for Roma youth; Baltic women capacity building seminar. The total project budget is € 64,999.¹⁸

¹⁷ Ministry of Culture (*Kultūras ministrija*) (2019), [Ārējā eksperta izvērtēšanas secinājumi par projekta „Latvijas romu platforma III: sadarbības un līdzdalības veicināšana” ietvaros īstenotajiem pasākumiem](#)

¹⁸Ministry of Culture (*Kultūras ministrija*) (2019), [Projekts „Latvijas romu platforma IV” \(2019./2020.g.\)](#), press release.

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

Unaccompanied children reaching the age of majority

Area of support	Description
<p>Residence permit</p> <p><i>Reception conditions Directive (article 6 and 7) and Qualification Directive (articles 24 and 31)</i></p>	<p>No changes and amendments regarding the residence permits for unaccompanied children have been made in legislation and policies in 2019.</p> <p>Asylum Law (<i>Patvēruma likums</i>) stipulates that unaccompanied children asylum seekers receive the residence permit according to the granted status of international protection.¹⁹ During the asylum procedure they are entitled to stay in the territory of Latvia and be accommodated in the accommodation centre premises, foster families or in child care institutions.</p> <p>In other cases, unaccompanied children are granted the residence permit according to the Immigration Law (<i>Immigrācijas likums</i>),²⁰ if there are legal grounds to enter and stay in the country.</p> <p>Office of Citizenship and Migration Affairs (<i>Pilsonības un migrācijas lietu pārvalde</i>) is entitled to grant the temporary residence permit to unaccompanied children whose life or health is at risk if returning to the country of origin. The residence permit is granted until the situation in the country of origin changes.²¹</p>

¹⁹ Latvia, Saeima, [Asylum Law \(*Patvēruma likums*\)](#), 19 January 2016.

²⁰ Latvia, [Immigration Law \(*Immigration law*\)](#), 1 May 2003.

²¹ Latvia, Cabinet of Ministers (*Ministru kabinets*), [Cabinet Regulation No.707 on the procedure, how the unaccompanied children foreigners enter and accommodate in the Republic of Latvia \(*Kārība, kādā Latvijas Republikā iecelo un uzturas nepilngadīgi ārzemnieki bez vecāku vai aizbildņu pavadības*\)](#), Section 20, 16 December 2003.

	<p>Children who have reached 18 but were enrolled in the educational establishment before 18, can be granted temporary residence permit by the decision of the head of the OCMA on humanitarian grounds until they receive secondary education.²²</p> <p>The temporary residence permit is issued for a time period up to 5 years based on humanitarian grounds and also in compliance with international legal norms (the best interests of the child could be protected more effectively on that particular legal ground) by the Head of the Office of Citizenship and Migration Affairs.²³</p>
<p>Guardianship (<i>representative under Reception Conditions Directive Article 24.1</i>)</p>	<p>No changes regarding the guardianship when the unaccompanied child reaches 18 have been made in legislation and policies in 2019.</p> <p>A temporary guardian is to be appointed for the unaccompanied child until he or she stays in Latvia.²⁴</p>
<p>Accommodation <i>Reception Conditions Directive Article 24.2</i></p>	<p>No changes regarding the accommodation of the unaccompanied children have been made in legislation and policies in 2019</p> <p>Upon reaching the age of 18, individuals are entitled to adult accommodation.</p> <p>Guardianship is not extended after 18 (that is the general practice also for locals), but the Orphans' (child custody) court has to establish, if the guardian (the head of the care institution) has informed the local government on the necessity to provide housing for such a person.²⁵ If the housing is not provided, the Orphans' court does not decide on the termination of the social care in the institution. Therefore, the housing issue has to be addressed by the local government after the request from the head of the care institution under the supervision of the Orphans' court.</p>

²² Latvia, Saeima, [Immigration Law \(Imigrācijas likums\)](#), Section 23 (3) 2), 1 May 2003.

²³ Latvia, Saeima, [Immigration Law \(Imigrācijas likums\)](#), Section 23 (3) 2), 1 May 2003.

²⁴ Latvia, Cabinet of Ministers (*Ministru kabinets*), [Cabinet Regulation No.707 on the procedure, how the unaccompanied children foreigners enter and accommodate in the Republic of Latvia \(Kārība, kādā Latvijas Republikā ieceļo un uzturas nepilngadīgi ārzemnieki bez vecāku vai aizbildņu pavadības\)](#), Section 15, 16 December 2003; Latvia, Saeima, [Civil Law \(Civillikums\)](#), 1 September 1992.

²⁵ Latvia, Saeima, [Law on Orphans' Courts \(Bāriņtiesu likums\)](#), Section 36

	<p>Unaccompanied minors are not placed in the adult accommodation independently of the asylum procedure (if detained, then in a separated block in the Detention Centre, otherwise - in the social care institution for children). Regarding the after-care support only NGO “Dardedze” provides social rehabilitation services for children, parents, victims of violence. NGO “Sustento” and “Apeirons” provides assistance for persons with disability. The Ombudsperson`s Office could assist in the communication between the former child and officials, if problems with housing benefits or accommodation occur.</p> <p>According to Section 9 Part 6 of the Asylum Law²⁶, special accommodation requirements are applicable for minors. Minors in Latvia are persons under the of age 18, as provided in Section 3 Part 1 of the Law on the Protection of Children's Rights (<i>Bērnu tiesību aizsardzības likums</i>)²⁷. No exceptions are provided in the Asylum Law, therefore upon reaching the age of 18, individuals are entitled to adult accommodation, meaning that if at this age the person is still under asylum procedure, he or she will be accommodated in the Accommodation Centre together with other adults (considering safety, compatibility, health conditions etc.).</p>
<p>Return <i>Return Directive, Article 10</i></p>	<p>No developments took place in 2019. According to the Section 50⁸ Paragraph 1 of the Immigration Law, the OCMA and the State Border Guard (<i>Valsts Robežsardze</i>) inform the State Police (<i>Valsts Policija</i>) and the Orphan`s Court (<i>Bāriņtiesa</i>) before the return procedure in order to proceed with it in compliance with the rights of the child. If the identity of the unaccompanied child has been established, the State Border Guard together with the Consular Service (<i>Konsulārais dienests</i>) contact the responsible institutions in the country of origin with the purpose of delivering the child to family members or responsible institution. Persons after the age of 18 are provided the same quality of assistance, i.e., they are returned to the country of origin if it is safe and transferred to the State Border Guard.</p> <p>The Ombudsperson`s Office is responsible for monitoring the compliance of the return procedure with human rights standards with no right to interfere with the return procedure.²⁸</p>
<p>Others</p>	<p>No developments took place in 2019.</p>

²⁶ Latvia, Saeima, [Asylum Law \(Patvēruma likums\)](#), 19 January 2016.

²⁷ Latvia, Saeima, [Law on the Protection of the Children's Rights \(Bērnu tiesību aizsardzības likums\)](#), 22 July 1998.

²⁸ Latvia, [Immigration Law \(Immigration law\)](#), Section 50⁷, 1 May 2003.

Chapter 5. Information society, data protection

1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

During the first year since the implementation of the GDPR, the Data State Inspectorate (*Datu valsts inspekcija*) practised “consult first” principle aimed at providing support to public and private institutions and promoting common understanding about the GDPR instead of imposing fines.²⁹ From 1 January until 17 December 2019, Data State Inspectorate received 1,197 complaints and initiated 107 verification cases on possible violations of data processing and protection. The fines in the amount from € 300 to € 150,000 were imposed in 14 cases³⁰. According to the head of the Data State Inspectorate, despite the fact that their workload has increased since the introduction of the GDPR, funding for 2019 remained in the same amount as in 2018 and it is the lowest SAs budget among all EU member states. Low budget hinders the performance of more active informative measures and supervisory activities.³¹

Latvian Association of Information and Communication Technologies (*Latvijas Informācijas un komunikācijas tehnoloģiju asociācija, LIKTA*) in cooperation with the Data State Inspectorate elaborated guidelines on the processing of personal data of natural persons for information and communication technology area. The guidelines clarify the duties of personal data processors regarding data processing during the provision of electronic communication services and promote the implementation of good practice.³² LIKTA aims at promoting the setting-up of an information society, educating the public and individuals, informing about information and communication technology, improving and developing public awareness and capacity in the field of information and communication technology.

Data State Inspectorate conducted a number of informative activities before the European Parliament elections. It prepared an informative material about data processing during elections for political parties, including a questionnaire for the assessment of the impact of data protection measures, issued and distributed materials for voters about their rights in the context of personal data protection, took part in a number of seminars related to the elections, provided consultations to the Central Election Committee (*Centrālā vēlēšanu komisija*) on the assessment of the impact on data protection, and to the Office of Citizenship and Migration Affairs (*Pilsonības un migrācijas lietu pārvalde*) about the compliance of the planned data processing with the data protection principles.³³

²⁹ News agency LETA (2019), “Šogad par datu aizsardzības regulas pārkāpumiem piemēroti sodi 300 līdz 150 000 eiro apmērā”, 24 December 2019

³⁰ News agency LETA (2019), “Šogad par datu aizsardzības regulas pārkāpumiem piemēroti sodi 300 līdz 150 000 eiro apmērā”, 24 December 2019

³¹ News agency LETA (2019), ‘Datu valsts inspekcija 40 gadījumos piemērojusi sodus par Vispārīgās datu aizsardzības regulas pārkāpumiem’, 26 August 2019

³² Latvian Association of Information and Communication Technologies (*Latvijas Informācijas un komunikācijas tehnoloģiju asociācija, LIKTA*) (2019), [LIKTA Vadlīnijas fizisko personu datu apstrādē](#)

³³ Data State Inspectorate (*Datu valsts inspekcija*) (2019), ‘[DVI: atbilstoša fizisko personu datu aizsardzība ir ikviena vēlētāja pamattiesības](#)’, press release, 23 May 2019

In October, State Data Inspectorate issued recommendations for processing of data in small and medium size companies. The aim of the recommendations is to help companies to understand and comply with the requirements of the GDPR and to prevent data security breaches.³⁴

In November, the Association of Latvian Certified Data Protection Specialists (*Latvijas Sertificētu datu aizsardzības speciālistu asociācija*) published guidelines for schools and kindergartens “Child data in schools and kindergartens or 20 topical questions about data processing in educational establishments” (*Bērnu dati skolās un bērnudārzos jeb 20 aktuālie jautājumi par datu apstrādi izglītības iestādēs*). The guidelines provide recommendations for the arrangement of data processing and personal data protection in compliance with the GDPR in educational establishments.³⁵ The association of Latvian Certified Data Protection Specialists is a professional association of data protection specialists and its functions include raising awareness of the rights of individuals in the field of data protection and providing advice to natural persons in breach of their rights and legitimate interests.

2. Artificial intelligence and big data

MS	Actor*	Type*	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned?(yes/no)	Reference
Latvia	Government / Parlia	report	The Ministry of Environmental Protection and Regional Development (<i>Vides aizsardzības un reģionālās attīstības ministrija</i>)	Yes, it is stated that in the	Yes, it is stated that in the	Ministry of Environmental Protection and Regional Development (<i>Vides aizsardzības un reģionālās attīstības ministrija</i>) (2019), Par mākslīga intelekta risinājumu attīstību , 11 July 2019

³⁴ Date State Inspectorate (*Datu valsts inspekcija*) (2019), Rekomedācija Ceļvedis datu apstrādē maziem un vidējiem uzņēmējiem.

³⁵ Association of Latvian Certified Data Protection Specialists (*Latvijas Sertificētu datu aizsardzības speciālistu asociācija*) (2019). [Bērnu dato skolās un bērnudārzos jeb 20 aktuālie jautājumi par datu apstrādi izglītības iestādēs](#).

	mentary		<p>prepared an informative report “On Development of Artificial Intelligence Solutions”. The report will serve as a background for the Latvian Artificial Intelligence Strategy. It proposes an action plan for the introduction of AI solutions in different areas such as public governance, taxes and economy, welfare and employment, security and justice, transportation, education, e-health, environment and agriculture.</p>	<p>process of introduction of AI solutions it is important to follow European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment and the EC Ethics Guidelines for Trustworthy AI</p>	<p>process of introduction of AI solutions it is important to follow European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment, taking into account fundamental rights, includi</p>	
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					ng non-discrimination principle.	
LV	NGO	Other projects	Latvian Association of Information and Communication Technologies started an educational campaign “Smart Latvia” with an aim to stimulate the introduction of IT solutions by Latvian enterprises. The campaign includes different educational activities for enterprises.	no	No	Latvian Association of Information and Communication Technologies (<i>Latvijas Informācijas un komunikācijas tehnoloģiju asociācija, LIKTA</i>) (2019), Projekts “Gudrā Latvia”

*For the actors, please pick from the following suggestions:

- Government/ Parliamentary
- DPA
- NGO/Other Non Profit
- Academia
- Domestic Courts
- Business
- Independent State Institution
- Other

** for the type, please pick from the following suggestions:

- National Draft Acts / Adopted Acts
- report/study
- other projects

3. Data retention

There have been no developments concerning data retention in 2019.

Chapter 6. Rights of the child

1. Procedural safeguards for children who are suspects in criminal proceedings

Legislative changes	No legislative measures taken during 2019 for the transposition and implementation of Directive 2016/800. The directive was already transposed in 2018.
Policy developments	In the framework of a non-formal adult education programme for police officers, State Police College (<i>Valsts policijas koledža</i>) offers training “Child’s rights protection”. The training is aimed at proper investigation and prosecution of crimes involving children and to ensure the interests of child victims or witnesses of crime and children suspected or accused in crime. The training contains specific modules on interrogation of children and intersectional cooperation while working with children during criminal proceedings.
Other measures or initiatives	No measures or initiatives taken in 2019

2. Legal and policy measures or initiatives developed about child internet safety

In July 2019, the Cabinet of Ministers (*Ministru kabinets*) adopted the Plan for the protection of children from criminal offences against morality and sexual integrity 2019-2020 (*Par Plānu nepilngadīgo aizsardzībai no noziedzīgiem nodarījumiem pret tikumību un dzimumneaizskaramību 2019.-2020. gadam*). The Plan is aimed at primary prevention: informing all groups in the society about the risk of sexual abuse of children improving the ability to identify these crimes and raise awareness on how to act in such cases; secondary prevention: to establish a system so that persons at high risk of abuse know where to seek help; tertiary prevention: to establish a stable support system for children suffering from sexual abuse, and introduce preventive coercive measures for ex-offenders who have a high risk of committing violent or sexual crime repeatedly. The Plan includes multi-sectoral cooperation between different state institutions and NGOs. Among specific activities, the Plan provides for the set-up of a helpline for children to provide consultations about sexual violence, including child safety on the internet. According to the plan, the helpline will provide 200 consultations per year.³⁶

On 22 November, the Ministry of Culture (*Kultūras ministrija*) published draft amendments to the Law on Electronic Mass Media (*Elektronisko plašsaziņas līdzekļu likums*) for public discussion and proposals. The aim of the draft law is to transpose the Audiovisual Media Services Directive. The draft law stipulates that video-sharing platform service providers have to take appropriate measures to protect children against content which may harm their physical, mental or moral development and restrict content which contains child pornography. Electronic mass media should not distribute audio and audio-visual programmes produced on request or services containing content which may harm the physical, mental and moral development of

³⁶ Cabinet of Ministers (*Ministru kabinets*)(2019), [Par Plānu nepilngadīgo aizsardzībai no noziedzīgiem nodarījumiem pret tikumību un dzimumneaizskaramību 2019.-2020.](#), 2 July 2019.

children, except from 10 p.m. until 7 a.m. or where the electronic media provides limited access control. Such audio-visual programmes must be preceded by an acoustic warning tone and must be specifically marked with a visual symbol describing the potentially harmful nature of the content. Both video-sharing platforms and electronic mass media have to elaborate publicly accessible code of conduct setting out the basic principles of action, accepted conditions for ethical action, rules on unacceptable audio and audio-visual commercial communications, including those targeting children, which may have a negative impact on their psychological or physical health. The code of conduct should also include provisions relating to audio-visual commercial communications for children on food and drink containing nutrients and substances with a certain nutritional or physiological effect for which overconsumption is not recommended.³⁷

Latvian Safer Internet Centre (*Latvijas Drošāka interneta centrs*) is the main organisation working on child internet safety issues. In 2019, it published several informative materials on child safety on the internet for parents and children, and conducted seminars in schools. It also provides psychological consultations via Helpline 116111.³⁸

³⁷ Ministry of Culture (*Kultūras ministrija*) (2019), likumprojekts „Grozījumi Elektronisko plašsaziņas līdzekļu likumā”, 22 November 2019.

³⁸ In 2019 and 2020, the activities of the Latvian Safer Internet Centre are co-funded by the European Commission, the Ministry of Environmental Protection and Regional Development, and the Institute of Mathematics of Computer Science of the University of Latvia (*Latvijas Universitātes Matemātikas un informātikas institūts*).

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

There have been no developments concerning Victims' Rights Directive in 2019.

2. Violence against women

No major developments or negative aspects have taken place in 2019 regarding the violence against women.

A new government was formed in Latvia on 23 February 2019. However, the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul convention) was stalled as only two of the five government coalition partners were in favour of the ratification.³⁹

³⁹ LSM.LV (2019), ['Koalīcijas vairākums pret Stambulas konvenciju; ministrei Petravičai bažas par jēdzienu «dzimums»](#), 22 February 2019.

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

1. CRPD policy & legal developments

As of 1 September, assistant's service is available for persons with disabilities during the education process in higher educational establishments and in professional first level higher educational establishments. According to the amendments to the Cabinet Regulation "Procedures on granting and financing assistant's services in municipality, higher educational establishment and college" (*Kārtība, kādā piešķir un finansē asistenta pakalpojumu pašvaldībā, augstskolā un koledžā*), the assistant's service is available for students with functional disability who are not able to move independently outside of the living place. The service includes assistance in going to the educational establishment and back and assisting during learning process up to 40 hours per week. The social service of the municipality is responsible for the provision of the service.⁴⁰

The Cabinet of Ministers approved the "Plan for the development of environmental accessibility in Latvia for 2019 – 2021" (*Plāns pieejamas vides veidošanai Latvijā 2019.-2021. gadam*) elaborated by the Ministry of Welfare. The plan was elaborated in accordance with the guidelines for the implementation of the CRPD for 2014-2020 and CRPD recommendations about for environmental accessibility given to Latvia in 2017.

The aim of the plan is to increase the number of electronic services, public buildings and places designed in accordance with the principles of universal design and make those accessible to all groups of society, including persons with disabilities. The plan aims to ensure that public and local authorities and their services, including electronic, are available to persons with disabilities regardless of age and social status by 2030. The implementation of the plan names the organisation representing persons with disabilities as the main partners in the assessment of the development of universal design and its quality control.⁴¹

⁴⁰ Latvia, Cabinet of Ministers (*Ministru kabinets*), [amendments to the Cabinet Regulation No 942 of 18 December 2012 "Procedures on granting and financing assistant's services in municipality, higher educational establishment and college" \(Grozījumi Ministru kabineta 2012. gada 18. decembra noteikumos Nr. 942 Kārtība, kādā piešķir un finansē asistenta pakalpojumu pašvaldībā, augstskolā un koledžā\)](#), 1 September 2019.

⁴¹ Latvia, Ministry of Welfare (2019), ["Plan for set up of environmental accessibility in Latvia for 2019 – 2021" \(Plāns pieejamas vides veidošanai Latvijā 2019.-2021. gadam\)](#), 12 March 2019.

2. CRPD monitoring at national level

There is no information about CRPD monitoring at national level during the reporting period.

Table: Structures set up for the implementation and monitoring of the CRPD

EUMS	Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)	Coordination mechanism – Article 33 (1)	Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)
LV	Ministry of Welfare (<i>Labklājības ministrija</i>), National Council of Disability Affairs (<i>Invaliditātes lietu nacionālā padome</i>)		Ombudsperson of the Republic of Latvia (<i>Latvijas Republikas Tiesībsargs</i>)

Annex 1 – Promising Practices

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.</p>
Title (original language)	No promising practice has been identified for this thematic area

Thematic area	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p>Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.</p>
Title (original language)	Skolas pret naida runu
Title (EN)	Schools against hate speech
Organisation (original language)	Latvijas Cilvēktiesību centrs
Organisation (EN)	Latvian Centre for Human Rights
Government / Civil society	Civil society
Funding body	Education, Culture and Sports Department of the Riga City Council (Rīgas Domes Izglītības, kultūras un sporta departaments)
Reference (incl. url, where available)	https://integracija.riga.lv/lv/integracija?target=news_item&news_item=tiek-uzsakts-projekts-skolas-pret-naida-runu-2576
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	15 March 2019 – 31 October 2019
Type of initiative	Raising awareness on hate speech and intolerance
Main target group	Young people
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The aim of project is to raise awareness of young people about hate speech, teach them how to identify and respond to intolerance and hate speech online and offline, including school environment. Seven 6-hour training seminars for mostly secondary school pupils in different Riga schools and two-day training seminar for teachers are to be organised during the project. Training seminars are organised in both Latvian and minority (bilingual) schools, including mixed classes with children of migrant background. The training is conducted in either Latvian or Russian or bilingually. Formal and informal education methods are used during the training.

Highlight any element of the actions that is transferable (max. 500 chars)	Prepared training modules, training methodology and toolkit for teachers
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	Training programme is designed in a way it can be used for further training of young people and teachers not only locally but also on national and international level.
Give reasons why you consider the practice as having concrete measurable impact	The project aims at training 275 young people in Riga schools. The training is conducted in two languages (Latvian and Russian) or bilingually. Training of teachers from different schools ensures that the topic of hate speech is to be addressed in schools on a more regular basis.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Training modules and toolkit for teachers can be adapted and used in any EU member state
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The training is designed and conducted in cooperation with NGO “Participation Platform” specialising on human rights education and work with young people. The training for teachers is based on the outputs of the pupils’ training.
Explain, if applicable, how the practice provides for review and assessment.	

Thematic area	ROMA INTEGRATION Please provide one example of promising practice in relation to addressing a Roma/Travellers segregation at either national, regional or local. These could be (not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment.
Title (original language)	Latvijas romu platforma III: dialogs, līdzdalība un savstarpēja mācīšanās
Title (EN)	Latvian Roma platform III – Dialogue, participation and mutual learning
Organisation (original language)	Kultūras ministrija
Organisation (EN)	Ministry of Culture
Government / Civil society	Government
Funding body	European Commission grant for support of National Roma Platforms
Reference (incl. url, where available)	www.km.gov.lv/en/integration-and-society/roma/projects/latvian-roma-platform/latvian-roma-platform-iii Ministry of Culture (2019), Evaluation conclusions by external expert on activities implemented in the framework of the project “Latvian Roma Platform III: promoting cooperation and participation” (<i>Ārējā eksperta izvērtēšanas secinājumi par projekta „Latvijas romu platforma III: sadarbības un līdzdalības veicināšana” ietvaros īstenotajiem pasākumiem</i>)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	July 2018 – June 2019

Type of initiative	National Roma integration platform
Main target group	Roma
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The project is aimed at fostering the cooperation and dialogue between Roma representatives, local authorities, representatives of municipalities and governmental sector, as well as social partners. It includes mutual learning and exchange of best practices on Roma integration and social inclusion in key areas at the local and regional level. The project aims to facilitate capacity building, empowerment and effective involvement of the representatives of Roma community, especially Roma youth, in the implementation of Roma integration policy measures, as well as to foster the capacity and skills of representatives of Roma civil society, especially Roma youth.
Highlight any element of the actions that is transferable (max. 500 chars)	Exchange of Roma integration practices between different Latvian regions, capacity building seminars for Roma women and young people.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Project activities strengthen the cooperation of professionals, educators, public officials working for integration of Roma on a national and local level and empowers Roma promoting their civil participation and inclusion
Give reasons why you consider the practice as having concrete measurable impact	The project activities involved 213 participants, including 109 state and municipal authorities, non-Roma NGOs, as well as 90 Roma representatives from 19 Latvian cities.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Experience and model of the platform for dialogue and cooperation can be adjusted in other Member States for the integration of Roma
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Projects foresees the direct involvement of Roma as a project assistant and external experts, and mediators; activities are implemented in cooperation with Roma NGOS and NGOs working with Roma.
Explain, if applicable, how the practice provides for review and assessment.	Project is evaluated by an external expert. The report includes the results of the project, challenges, initiatives and priorities for the next Latvian Roma platform and Roma integration policy.

Thematic area	Asylum, visas, migration borders and integration
Title or short description of promising practice in original language and in English	Please provide a promising practice on the support provided to unaccompanied children when reaching majority. No promising practice has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, DATA PROTECTION Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
Title (original language)	Vispārīgā datu aizsardzības regula – iespējas un atbildība mazajiem un vidējiem uzņēmumiem (MVU); tiesības un riski nepilngadīgām personām (DPSME)
Title (EN)	General Data Protection Regulation — Opportunities and liability for small and medium-sized enterprises; rights and risks to children (DPSME)
Organisation (original language)	Datu valsts inspekcija
Organisation (EN)	State Data Inspectorate
Government / Civil society	Government
Funding body	Co-funded by the European Commission, Rights, Equality and Citizenship Programme and Latvian state budget
Reference (incl. url, where available)	www.dvi.gov.lv/lv/dpsme/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 December 2018 – 30 November 2020
Type of initiative	Awareness raising
Main target group	small and medium-sized enterprises; 13 -17 years old children
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Project aims at raising the awareness of small and medium-sized enterprises and children about the GDPR. From September to November 2019 informative seminars are organised for enterprises in 8 Latvian cities. One-day conference addressing personal data protection topics is scheduled for November 2019 in Riga. Ten (4-6 hours) training seminars for children aged 13-17 are scheduled for the second phase of the project.
Highlight any element of the actions that is transferable (max. 500 chars)	Training seminars for enterprises and children.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	The project improves data protection practices among enterprises and raises awareness of children about the risks of personal data processing. The activities will help the enterprises to arrange their data procession policies in line with the GDPR. Activities for children will raise their awareness about the principles of data protection.
Give reasons why you consider the practice as having concrete measurable impact	The practice is aimed at specific target groups and covers all Latvian regions
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Improves awareness of residents about data protection and the GDPR
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and	Informative supporters of the project are the Association of Latvian Certified Data Protection Specialists (Latvijas sertificēto personu datu aizsardzības speciālistu asociācija), association Latvian Chamber of Commerce and Industry (Latvijas tirdzniecības un rūpniecības kamera), municipalities of Rīga, Jelgava, Cēsis, Jēkabpils, Ventspils, Valmiera, Daugavpils, Liepāja, and Ludza

implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	No information available

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter.
Title (original language)	Supervaroņi internetā
Title (EN)	Superheroes on the Internet
Organisation (original language)	Valsts policija
Organisation (EN)	State Police
Government / Civil society	Government
Funding body	Co-funded by the Ministry of Culture and private insurance company „Balta”, supermarket chain “Rimi” un PR company „Deep White”
Reference (incl. url, where available)	www.vp.gov.lv/supervaronis/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Ongoing from September 2018
Type of initiative	Social campaign
Main target group	5-8 year old children
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Social campaign aimed at raising child media literacy and safety on the Internet. The campaign consists of informative materials for children, five videos aimed at 5-8 years old children helping them to understand the risks of different possible situations on the Internet. The materials were delivered to all educational establishments in Latvia calling. The campaign images – SuperAnna and SuperToms helps children to learn and remember simple safety and media literacy rules.
Highlight any element of the actions that is transferable (max. 500 chars)	Online tools and materials produced targeting small children
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	Online tools and materials are available for long-term use
Give reasons why you consider the practice as having concrete measurable impact	Online tools and materials are an attractive method to target small children
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The practice helps protect small children online security
Explain, if applicable, how the practice involves beneficiaries	The campaign is design in cooperation with the Latvian Safer Internet Centre (Latvijas Drošākā interneta centrs)

and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter
Title (original language)	Noziegumos cietušo tiesību attīstība Eiropā: Latvija
Title (EN)	The Crime Victims` Rights Development in Europe: Latvia
Organisation (original language)	Latvijas Tiesnešu mācību centrs
Organisation (EN)	Latvian Judicial Training Centre
Government / Civil society	Government
Funding body	The research was conducted in the framework of the project VOciare (The Analysis of the Implementation of the Crime Victims` Rights in Europe) funded by the Justice Programme of the European Commission
Reference (incl. url, where available)	https://jpa.gov.lv/uploads/filedir/cietuso_petijums_2018.pdf
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	May 2019
Type of initiative	Research
Main target group	Victims of the crimes, state stakeholders
Indicate level of implementation: Local/Regional/National	National, in the context of EU situation
Brief description (max. 1000 chars)	The reasearch provides legal analysis of the changes in the rights of the victims of crimes from 2007 until 2018. The changes analysed cover not only legal acts, but also the application of legal norms, the implementation of legal standards, institutional changes, cooperation of the authorities, educational needs and events, challenges, issues and opinions of the experts. One of the central subjects in the research refers to the implementation of the Directive 2012/29/EU.
Highlight any element of the actions that is transferable (max. 500 chars)	The scope of the questions analysed, keeping the core of the subject matter under the spotlight
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The research was published on the websites of the Senate (the Supreme Court), Ministry of Justice (Tieslietu ministrija), the Administration of Legal Aid (Juridiskās palīdzības administrācija) The research shall be considered as doctrine, monumental source of the secondary law with long-term impact on the rights of the victims of crime
Give reasons why you consider the practice as having concrete measurable impact	Comprehensive analyses of courts decisions and the doctrine

Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Comparable jurisprudence is relevant, while filling in the legal gaps in the legal norms in the national legal systems
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The research has been prepared and published with the support of the Ministry of Justice and the Legal Aid Administration
Explain, if applicable, how the practice provides for review and assessment.	

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.</p>
	No promising practice has been identified for this thematic area.

Annex 2 – Case law

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report</p>
Decision date	7 November 2019
Reference details	Constitutional Court, judgement in case No. 2018-25-01 “On Compliance of Section 504 of the Sentence Execution Code of Latvia with Article 91 of the Constitution of the Republic of Latvia”.
Key facts of the case (max. 500 chars)	The case was initiated with respect to an application submitted by a prisoner who is serving a prison sentence in a closed prison at the lowest level of sentence regime (maximum security). The applicant argued that the contested norm - Section 504 of the Sentence Execution Code of Latvia (Latvijas Soduzpildes kodekss) - is incompatible with the equality principle included in Article 91 of the <i>Constitution</i> because it establishes differential treatment of sentenced men i.e., men, who have been sentenced for serious and grave crimes, must serve their sentence in a closed prison, but women – in a semi-closed prison. Accordingly, the scope of the rights and obligations that these persons have in prisons, are said to differ.
Main reasoning/argumentation (max. 500 chars)	In the given case, men and women, who have committed a serious or a grave crime, have been sentenced to imprisonment and are serving their sentence, are in similar and comparable circumstances. The Court found that the contested norm envisaged differential treatment of persons who were in similar and comparable circumstances. I.e., depending on the prison, where the convicted prisoner starts serving the prison sentence, the scope of rights and restrictions defined for sentenced men and women in each level of sentence serving regime differs, first and foremost, with respect to the sentenced prisoner’s right to contacts with their relatives. Thus, most significantly, it is manifested in the restrictions on the right to private life.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	A legal regulation, which only on the basis of gender criterion, without taking into account the individual needs and risks of each sentenced prisoner, envisages a stricter regime for sentenced men for serving their prison sentence, as well as different rights and restrictions linked to it (in particular, with respect to restrictions on private life) compared to sentenced women, does not ensure that the rights of sentenced prisoners are respected. Likewise, it does not ensure that the families of sentenced men have the same protection as the families of sentenced women and, inter alia, infringes on the best interests of the children of sentenced men. A legislator may not use considerations of economic nature to justify why a regulation that envisages differential treatment of convicted men has not been reviewed for years. Thus, the Court recognised that there were no objective and reasonable grounds for the differential treatment of convicted men.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Constitutional Court held that Section 504 of the Sentence Execution Code of Latvia, insofar as differential treatment of convicted men established in it, lacks objective and reasonable grounds, as being incompatible with Article 91 of the Constitution of the Republic of Latvia and shall be declared void as of 1 May 2021.

Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Tādējādi kontekstā ar resocializāciju un iekļaušanos dzīvē pēc atbrīvošanas no ieslodzījuma attiecību saglabāšana ar ģimeni ir vienlīdz svarīga kā notiesātajām sievietēm, tā notiesātajiem vīriešiem.</p> <p>In the context of re-socialisation and adapting to life after the release from prison, maintaining relationship with the family is equally important both for convicted women and convicted men.</p> <p>Tas arī notiesāto vīriešu ģimenēm nenodrošina tādu pašu aizsardzību kā notiesāto sieviešu ģimenēm un citstarp aizskar notiesāto vīriešu bērnu vislabākās intereses.</p> <p>Likewise, this does not ensure to the families of convicted men the same protection as to the families of convicted women and, inter alia, infringes on the bests interests of the children of convicted men.</p>
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Thematic area	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p>Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.</p>
	No case law has been identified for this thematic area.

Thematic area	<p>ROMA INTEGRATION</p> <p>Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.</p>
	No case law has been identified for this thematic area.

Thematic area	<p>INFORMATION SOCIETY, DATA PROTECTION</p> <p>Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter</p>
Decision date	22 February 2019
Reference details	Senate (Supreme court) of Republic of Latvia, case No. A420236416, judgment No. SKA-921/2019
Key facts of the case (max. 500 chars)	An applicant challenged in court the refusal of the Competition Council (Konkurences padome) to admit that the processing of personal data was illegal and delete it from data registers. The first instance court partly satisfied the applicant's claim. However, the appeal instance court decided to leave the applicant's claim without consideration arguing that out-of-court proceedings were not exhausted because such violation has to be considered first by the State Data Inspectorate (Datu Valsts inspekcija).
Main reasoning/argumentation (max. 500 chars)	Through the analyses of GDPR and national regulations, the Senate concluded that the State Data Inspectorate is an independent supervisory authority in the personal data protection and its competence includes issuing of administrative acts and imposing legal obligations. However, it is not functionally superior authority vis-à-vis other national regulatory

	authorities. The data subject is not obliged to apply directly to the Inspectorate in order to challenge the conduct of another national regulatory authority in relation to the processing of personal data.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The judicial and supervisory authorities are alternative redress mechanisms and the data subject has the right to use one or the other. GDPR does not require that it is necessary to establish that the processing of personal data contradicts the GDPR in order to be able to use the right for judicial remedy. The Article 79 of GDPR stipulates that the data subject has the right for judicial remedy whenever he or she considers that his or her rights under GDPR have been infringed.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Senate cancelled the decision of the appeal instance court and sent the application for repeated revision.
Key quotation in original language and translated into English with reference details (max. 500 chars)	[..] atbilstoši minētajām normām vēršanās tiesā un uzraudzības iestādē ir alternatīvi tiesību aizsardzības līdzekļi, un datu subjektam ir tiesības izmantot kā vienu, tā otru. [..]According to the mentioned regulation, appeal to the court and supervisory authority are the alternative remedies, and the data subject has the right to use one or another.

Thematic area	RIGHTS OF THE CHILD
	Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.
	No case law has been identified for this thematic area.

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS
	Please provide the most relevant high court decisions in relation to one of the topic ad-dressed in this Chapter..
Decision date	16 May 2019
Reference details	Senate (Supreme Court) of Republic of Latvia, case No. 11100018516, judgment No. SKK-104/2019
Key facts of the case (max. 500 chars)	The criminal proceedings were initiated following the information received by the police from a medical institution about a possible criminal offence. ⁴² The information about the criminal offence was confirmed during the interview of the victim. The first instance court found the offender guilty in accordance with the Section 130 Part 2 of the Criminal Law (Krimināllikums) for committing intentional infliction of light bodily injury. The appeal court upheld the ruling. The proceedings before the Senate were opened on the basis of the cassation complaint, submitted by the defence counsel of the accused. According to the complaint the court has committed a serious violation of the Criminal Procedure Law

⁴² Since 2011 medical institutions are under an obligation to report cases to the police when an adult patient has suffered from possible violence and that can be ground for opening criminal proceedings.

	(Kriminālprocesa likums) as criminal proceedings had to be terminated because there was no application (complaint) from the victim.
Main reasoning/argumentation (max. 500 chars)	The Senate upheld the legal reasoning provided by the appeal court according to which the fact that the victim came to the police and gave his statement about the incident shows that his purpose was to report the beating and to bring the offender to justice. The victim has never changed his intention to reach a just outcome within the criminal proceedings. Therefore, the Senate decided that there is no exclusive legal argument in the proceedings provided in Section 377 Paragraph 8 of the Criminal Procedure Law that would lead to the inadmissibility of the criminal proceedings.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Criminal proceedings shall not be terminated solely due to the fact that there is no formal victim's application when the bodily harm has been medically established and the victim expressed no wish to discontinue criminal proceedings. Therefore, the accused person (offender) shall be brought to justice as a result of a fair criminal trial.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The offender has been found guilty and sentenced to 80 hours of community service.
Key quotation in original language and translated into English with reference details (max. 500 chars)	Kriminālprocesa likuma 369.pantā noteikti kriminālprocesa uzsākšanas iemesli, šā panta otrās daļas 1. un 3.punktā noteikts, ka kriminālprocesa uzsākšanas iemesli ir ziņas, kuras norāda uz iespējama noziedzīga nodarījuma izdarīšanu, ko iesniegusi noziedzīga nodarījuma rezultātā cietusī persona kā iesniegumu, vai ārstniecības personas vai iestādes iesniegušas kā ziņojumu par traumām, slimībām vai nāves gadījumiem, kuru cēlonis varētu būt noziedzīgs nodarījums. No krimināllietas materiāliem redzams, ka konkrētajā gadījumā ziņas, kuras norāda uz iespējama noziedzīga nodarījuma izdarīšanu, valsts policijai sniegusi ārstniecības iestāde [...] Nevienu no lietā esošajiem dokumentiem cietušais nav izteicis domu, ka nevēlas, lai [pers. A] nesauktu pie kriminālatbildības par nodarītajiem miesas bojājumiem. According to the Section 369 (2) 1) and 3) of the Criminal Procedure Law, the reason for initiating criminal proceedings is the submission of information indicating the commission of a possible criminal offence by a person who has suffered as a result of a criminal offence, or by a medical practitioner, or institutions by way of a report on traumas, illnesses, or cases of death, the cause of which may be a criminal offence. The materials of the criminal proceedings show that in the particular case, information about the possible criminal offence was received from a medical institution [...] In none of the case documents, the victims has expressed an opinion that he does not wish that the [person A] (the offender) would not be held criminally liable for bodily injuries.

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 making reference to the CRPD or employing the CRPD in their reasoning.
Decision date	12 July 2019
Reference details	Senate (Supreme court) of the Republic of Latvia, case No. A420291913, judgement No. SKA-9/2019

Key facts of the case (max. 500 chars)	In August 2012, the Riga City Construction Board (Rīgas pilsētas būvvalde) accepted for service the reconstructed buildings of the Latvian Art Academy. The association “Union of persons with disabilities and their friends “Apeirons”” representing a person with disabilities appealed the act on the acceptance arguing that the reconstruction does not correspond to the environmental accessibility requirements because none of the installed mobile wheelchair platforms are suitable for independent usage.
Main reasoning/argumentation (max. 500 chars)	The Senate referred to the UN CRPD and national regulations arguing that access solutions for persons with disabilities should be developed as far as possible so that access can be exercised independently. The Senate also stressed the necessity to consult with the representatives of persons with disabilities and examine their claims during the process of planning the access solutions.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The principle of accessibility is not respected if the access by using the installed technical means is too complicated or even impossible. Therefore, in assessing whether the principle of accessibility has been observed, it must be verified not only whether the relevant technical means are constructed or installed at all, but also whether these means actually provide adequate access.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Senate cancelled the decision of the appeal instance court according to which the application was turned down due to the court’s argument that the applicant does not have the subjective right to appeal the act on the acceptance of the object for service. The claim was sent for the repeated revision.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>[..] gan no konvencijas, gan Būvniecības likuma un Ministru kabineta noteikumu normām secināms, ka atbilstoši vides pieejamības principam pieejamības risinājumi personām ar invaliditāti pēc iespējas veidojami tā, lai piekļuve būtu īstenojama patstāvīgi.</p> <p>[..]the provisions of the Convention, the Construction Law and the regulations of the Cabinet of Ministers stipulate that in accordance with the principle of environmental accessibility, access solutions for persons with disabilities should be developed as far as possible so that access can be exercised independently.</p> <p>Šeit it īpaši būtiski ir pārbaudīt arī pašu personu ar invaliditāti, proti, personu, kuras tieši saskaras ar piekļuves grūtībām, izteiktās norādes uz riskiem un iebildumus, tādēļ, ka šīs personas par tiem vislabāk zina.</p> <p>It is particularly important here to examine the claims made by persons with disabilities themselves, namely those who are directly confronted with access difficulties, as well as the risks and objections, because they know the best about them.</p>