

Latvia

Country Conditions Report

Created by the Sexual Orientation and Gender Identity Working Group

International Human Rights Program

University of Toronto

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# Introduction

There have been gradual changes to the legislation in Latvia affording LGBTQI+ persons legal protection. Anti-discrimination protection for LGBTQI+ people appears to have been introduced into employment legislation. Any act with the purpose of inciting hatred based on sexual orientation appears to have been criminalised, although this is not expressly stated in the legislature. Moreover, legislation has been passed allowing for a name change due to a gender change, and a change to one’s gender marker on their birth certificate. However, this has not been without political and conservative religious opposition. Courts have ruled in favour of constitutional protection for same-sex couple families, but same-sex marriage remains outlawed.

Media reports indicate that while, in general, attitudes towards the LGBTQI+ community in Latvia have improved over the past ten years, metrics of social acceptance still lag behind most of Latvia’s contemporaries in the European Union. Hate crimes, including those which resulted in death, continue to be reported. In addition, while social progress has resulted in the commencement of pride celebrations in Riga, counter-protestors remain a ubiquitous site at such events.

Scholarship similarly notes that, while there has been an improvement in LGBTQI+ acceptance over the past decade in Latvia, the Latvian LGBTQI+ community still does not enjoy the same kinds of social acceptance or legal protection as contemporaneous European Union countries. Many sources consider Latvia to be among the worst European countries with respect to LGBTQI+ rights and acceptances.

# Legislation

1. *Constitution of the Republic of Latvia,* 1992 (revised 2018)[[1]](#footnote-1)

* **Chapter VII of the Latvian Constitution sets out fundamental human rights.**
* **Article 91 is a general equality clause, stating, “All human beings in Latvia shall be equal before the law and the courts. Human rights shall be implemented without any discrimination.”**
* **Article 110 is a clause protecting marriage, the family, and children, stating, “The State shall protect and support marriage – a union between a man and a woman – the family, the rights of parents and rights of the child. The State shall provide special support to disabled children, children left without parental care or who have suffered from violence.”**

[No case law or commentary could be located that spoke to whether Article 91 has been interpreted to include or exclude discrimination against LGBTQI+ persons. Article 110 was amended on December 15, 2005, to define marriage as a union between a man and a woman. There is a case in which the Constitutional Court contemplated the meaning of family in Article 110 and is outlined in the domestic jurisprudence section.]

1. *Civil Law,* 1992[[2]](#footnote-2)

* **Section 35 provides that “marriage between persons of the same sex is prohibited”.**

[The English translation of this document has been flagged as being outdated as of 11, 08, 2022.]

1. *Criminal Law,* 1999[[3]](#footnote-3)

* **Chapter XIV of the Latvian Criminal Law sets out criminal offences against the fundamental rights and freedoms of a person.**
* **Section 150 criminalises the incitement of hatred and enmity, stating in Paragraph (1), “for a person who commits an act oriented towards inciting hatred or enmity depending on the gender, age, disability of a person or any other characteristics, if substantial harm has been caused thereby, the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or probationary supervision, or community service, or fine.”**

[The English translation of the document has been flagged as being outdated as of 06, 23, 2022. There is reported case law on individuals’ use of section 150 in instances of hate speech against LGBTQI+ persons but these could not be located.]

1. *Law on the Change of Name, Surname and Nationality Record,* 2009[[4]](#footnote-4) online:

* **Section 2 allows for “a person who is a citizen or non-citizen of Latvia or who has been granted the status of a stateless person in the Republic of Latvia may change the given name or surname (the given name and surname) if he or she has reached 15 years of age”.**
* **Paragraph (6) names “the gender of the person has changed” as one of the valid reasons for a change of name.**

1. *Law on Registration of Civil Status Acts,* 2012[[5]](#footnote-5)

* **Chapter V sets out the registration of the fact of the birth.**
* **Paragraph (1) of section 37 allows for an entry in the birth register to be supplemented if “the person changes personal identity number, nationality, the entry of ethnicity or sex, and also if a minor person changes the given name or surname…”**
* **Paragraph (2) of section 37 states that “the birth register shall be supplemented on the basis of a court judgement, an administrative act, a medical certificate or another document confirming the change of sex, or a submission of the person.”**

1. *Labour Law,* 2002[[6]](#footnote-6)

* **Section 7 enumerates the principle of equal rights in during their employment.**
* **Paragraph (1) provides that “everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair remuneration.”**
* **Paragraph (2) states that “the rights provided for in Paragraph one of this Section shall be ensured without any direct or indirect discrimination – irrespective of a person’s race, skin colour, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation or other circumstances.”**

[The English translation of the document has been flagged as being outdated as of 08, 01, 2022.]

1. *Latvia: From Passive Voice to Action. Recent Trends in Regulating the Rights of Same-Sex Couples,* 2022[[7]](#footnote-7)

* **Marriage is the only basis for spousal property relations, co-habitation is not considered.**
* **If their partner suffers an accident, same-sex couples cannot decide on medical treatments and cannot have a right to care for their same-sex partner in the case of their disability.**
* **Same-sex couples are not entitled to tax exemptions or local/state government support as a result of their spouse’s death.**
* **Same-sex partners will have to pay personal income tax when receiving gifts from each other if their value exceeds the requisite amount.**

# Case Law

***Canadian Jurisprudence***

No relevant reported Canadian tribunal or court jurisprudence was found.

1. Westlaw Canada

* *Immigration and Refugee Board Decisions*
* Search terms: “Latvia! & homosexual! OR gay OR lesbian OR bisexual! OR sexual orientation”
* Search terms: “Latvia! /100 sex!”

1. FederalCourt of Canada

* Search terms: “Latvia! & homosexual! OR gay OR lesbian OR bisexual! OR sexual orientation”
* Search terms: “Latvia! /100 sex!”

***United Kingdom Jurisprudence***

1. *AK (Latvia)***[[8]](#footnote-8)**

**Holding:** The Tribunal dismissed the appellant’s case upholding the deportation order

* **Appellant, a Latvian national, moved to the UK purportedly for work in 2004 and formed a relationship with another man in 2006.**
* **Home Secretary issued order for deportation of the appellant following his two convictions.**
* **Tribunal upheld the finding that it would be practicable for the appellant’s partner to join him in Latvia in light of the country being bound by both the European Convention on Human Rights and the Charter of Fundamental Rights of the Union (by virtue of being a member state in the European Union)**

AK, a Latvian national, claimed to have come to the United Kingdom for work in 2004. AK formed a relationship with his same-sex partner, CA, in 2006. AK was convicted of assaulting a police officer in the execution of his or her duty and assault to injury in 2014. The Home Secretary issued a deportation order because of these convictions. AK appealed the decision of the Upper Tribunal to uphold the order. One of the arguments in front of the Tribunal was that the Upper Tribunal’s decisions had not adequately considered CA’s rights under Article 8 of the European Convention on Human Rights. The Tribunal dismissed this argument.

Since Latvia was not only bound by the Charter of Fundamental Rights of the Union, by virtue of belonging to the European Union as a member state, but also by the European Convention on Human Rights, the Tribunal decided that the proper human rights would be upheld. Even if this were not the case, the impugned legislation could be challenged either in the Court of Justice of the European Union or the European Court of Human Rights. Moreover, the appellant was not married to CA, so, the fact that Latvia did not sanction marriages between partners of the same sex was, in the Tribunal’s opinion, of no concern in this case.

1. *MB (Homosexual – Military Service) Latvia***[[9]](#footnote-9)**

**Holding:** there was little likelihood that the claimant would be required to do his military service, and if he refused, then there was still little likelihood that he would be sentenced to imprisonment.

* **The claimant was to be drafted into the Latvian military. He claimed that he fled for fear of persecution based on his sexual orientation.**
* **It was accepted that homosexuals face discrimination by the general population.**
* **While draft evasion and desertion is punishable under the criminal code, it is possible to claim an exemption from military service and many people do manage to evade military service.**
* **Tribunal found a low likelihood that the claimant would be required to fulfil his military service and that if he attempted to evade it, it was unlikely that he would be sentenced to imprisonment.**

The claimant, a gay man, fled to the United Kingdom for fear of persecution upon being conscripted into the Latvian army for his military service. The claimant attended one interview as part of the conscription process, but failed to attend a second interview and fled the country. He received a visit from the police asking why he has not done his military service.

The tribunal accepted that there is still discrimination by the general population towards homosexuals, however his claim was based specifically towards performing military service in Latvia as a gay man, or in the alternative, being imprisoned for evading military service.

Counsel for the claimant, relying on a bulletin from the United Kingdom’s Country Information and Policy Unit (CIPU), submitted that the penalty for refusing to undertake military service is twelve months imprisonment. [Please note that the CIPU bulletin referred to in this case could not be located.]

The tribunal also relied on the CIPU bulletin in finding that it is possible to claim an exemption from military service and that large numbers of people successfully evade military service. While draft evasion and desertion are punishable under the criminal code, rarely are people ever sentenced for it. The bulletin read that out of 2000 people charged for draft evasion in 1995, only two were ever sentenced.

1. *Secretary of State for the Home Department v. A (Latvia)*[[10]](#footnote-10)

**Holding:** it was unrealistic to expect the claimant to return to Latvia with his partner partially because of homophobic views in Latvia

* **Immigration Appeal Tribunal found that it would not be proportionate to interfere in the claimant’s right to family life in the interest of immigration control.**
* **The tribunal found that, given homophobic attitudes in Latvia, it would be unrealistic to expect the claimant to return to Latvia with his same sex partner.**

The claimant feared persecution based on his Armenian ethnicity and also as a homosexual, however, the appeal in this case related to the claimant’s right to family life under the Human Rights Convention. Since arriving in the United Kingdom, the claimant had met and begun living with a same-sex partner.

The tribunal considered whether it would be proportionate to interfere in the claimant’s right to family life in the interest of immigration control.

***Domestic (Latvian) Jurisprudence***

1. The Constitutional Court of the Republic of Latvia on the Meaning of Family in the Constitution[[11]](#footnote-11)

**Holding:** Section 155(1) of the Labour Law will be void as of June 1, 2022, as it conflicts with Article 110 of the Constitution

* **Although marriage has been defined in Article 110 as being between a man and a woman, family has not been defined.**
* **Positive obligation to the family, parents, and children, established in Article 110 of the Constitution, does not only apply to families formed through marriage.**
* **Keeping an eye to the social reality, the close personal ties that constitute a family can form not only through marriage and kinship but also through cohabitation.**
* **The constitutional value of human dignity dictates that a specific person or group of people should not be deprived of a right as all individuals should be granted equal protection of their rights.**

The case before the Constitutional Court addressed Section 155(1) of the Labour Law, which granted a ten day leave to the father with regards to the birth of his child. The applicant contested the statute based on its alleged non-compliance with Article 110 of Latvia’s Constitution, which provides State protection of marriage (as between that of a man and a woman), family and children. The applicant was the female partner of the mother’s child and, as such, could not be the father. Given the lack of a definition for family in Article 110, the central issue before the Constitutional Court was of what type of family was granted protection under Article 110. The Constitutional Court had already decided in 2004 that the State must protect all families with respect to biological and social reality. In this judgement, the Constitutional Court maintained the broad definition of a family and held that the protection arising from Article 110 must be granted to all families, including those of same-sex couples.

The social reality is that a child can be born to individuals who are not married and, hence, marriage cannot be the sole basis for a family. The close personal ties that establish a family can also be formed through kinship as well as cohabitation. Moreover, the Constitutional Court relies upon the principle of human dignity for further support. Accordingly, each individual must be afforded equal protection of their rights, including those of family and sexual freedom. As a result, the Constitutional Court holds that Section 155(1), insofar as it does not afford protection to the mother’s partner in relation to the birth of her child, will be void starting from June 1, 2022, as it conflicts with the first sentence of Article 110.

1. The Constitutional Court of the Republic of Latvia on Same-Sex Couple Family Protection[[12]](#footnote-12)

**Holding:** Paragraph 13 of the Cabinet Regulation No 1250 will be void as from June 1, 2022, due to it not providing protection to same-sex couple families as necessitated by Article 110

* **Since the State cannot “see” the same-sex couple family because of the inability of the latter to legally register, the State cannot ensure the legal or economic and social protection of the family as dictated by Article 110 of the Constitution**

The Ombudsman submitted an application to the Constitutional Court to contest Paragraph 13 of the Cabinet Regulation No 1250 on the grounds of its non-compliance with Articles 91, 105, and 110 of the Constitution. The provision set out the State fee, payable by the heirs of the deceased, for registering their ownership rights in the Land Register if the value of the inherited land exceeded ten minimum monthly salaries. The amount for the fee differed depending on whether the heir was a surviving spouse, was an organisation providing public goods, belonged to a certain class of heirs, or was not included in any of the preceding categories. The Ombudsman contended that the provision did not grant protection and support to the surviving same-sex partner who lived with the deceased as a family and, as such, ran contrary to the Constitution. The Constitutional Court held that the provision was void as it ran counter to Article 110 of the Constitution.

The first sentence of Article 110 provides two obligations to legislators in Latvia: 1) legal protection for the family; and 2) social and economic support of the family. Moreover, the first sentence is closely connected to the constitutional value of human dignity. Hence, the legislator must ensure a substantive rather than just formal equality for the family, including a family consisting of same-sex partners. This is, also, the case in the event of the death of a family member. Paragraph 13 provides economic support, in the form of a reduced fee, for the surviving spouse, relatives and adopted children of the deceased. The same-sex partner of the deceased is not afforded this same support. The Constitutional Court states that it is not possible for the State to provide proper legal or economic and social protection to all families as enshrined in the first sentence of Article 110 if it cannot “see” same-sex partner families due to their inability to legally register their relationship.

1. *Case No SKA-[B1]/2021,* Department of Administrative Cases on Same-Sex Couple Registration[[13]](#footnote-13)

**Holding:** The Administrative Regional Court’s decision is cancelled, and the case is sent back to be adjudicated in accordance with the Constitution

* **The Civil Registry Department refused to register the marriage of a same sex couple.**
* **An appeal by the couple to the Administrative Regional Court was dismissed as the registration of same-sex relationships is the responsibility of legislators.**
* **The Senate, in this case, annuls the Regional Court’s decision.**
* **Arguments made in favour of protecting traditional family values are refuted by the Senate, which states that same-sex couple registration would not endanger other persons.**
* **Legislators have been given up until June 1, 2022, to adopt a broad and comprehensive legislative framework to register same sex relationships.**
* **Until legislators have implemented the legal framework, the courts can recognize these relationships in accordance with the meaning of family in Article 110 and the principle of human dignity.**

1. *Zemgale* District Court on a Hate Crime Against a LGBTQI+ Individual[[14]](#footnote-14)

**Holding:** individual was convicted under Section 150(3) of the Criminal Law for inciting social hatred and enmity towards a social group, LGBTQI+ persons

* **The individual was found to be spreading hate on social media, which was “linked to violence and threats,” against LGBTQI+ persons.**

# International Law

***UN Treaties***[[15]](#footnote-15)

|  |  |  |
| --- | --- | --- |
| **Treaty** | **Date of Signature** | **Date of Ratification** |
| ***International Convention on Civil and Political Rights (ICCPR)*** | **N/A** | **1992** |
| ***ICCPR – First Optional Protocol*** | **N/A** | **1994** |
| ***ICCPR – Second Optional Protocol*** | **N/A** | **2013** |
| ***International Convention on Economic, Social and Cultural Rights (ICESCR)*** | **N/A** | **1992** |
| ***ICESCR – First Optional Protocol*** | **N/A** | **N/A** |
| ***Convention Against Torture (CAT)*** | **N/A** | **1992** |
| ***CAT – First Optional Protocol*** | **N/A** | **2021** |

***Human Rights Committee***

1. Third Periodic Report Submitted by Latvia[[16]](#footnote-16)

* **Marriage is prohibited for same sex couples.**
* **Amendments to articles 7 and 29 of the Labour Law were adopted, which included sexual orientation as one of the enumerated grounds on which discrimination, instruction to discriminate or harassment, whether indirect or direct, is prohibited.**

1. Report from Latvian Human Rights Committee on Third Periodic Report[[17]](#footnote-17)

* **No legislation is introduced to combat hate crimes against LGBTQI+ persons.**

***Committee on Economic, Social and Cultural Rights***

1. Second Periodic Report Submitted by Latvia Under Articles 16 and 17 of the Covenant Due in 2009[[18]](#footnote-18)

* **With the execution of the project entitled “Different people. Different experiences. One Latvia” in 2013-2015, a number of activities were undertaken to combat discrimination, including that pertaining to sexual orientation.**
* **Another project in 2012-2013, “Combating discrimination based on sexual orientation and gender identity”, led to the implementation of over 20 activities reading LGBTQI+ and human rights issues, including the revision of laws and seminars.**
* **In 2015, EuroPride took place in Riga.**

***Committee Against Torture***

1. Initial Report Submitted by Latvia Due in 1993[[19]](#footnote-19)

* **Prohibition of torture has been stipulated in several legal acts.**
* **Human rights in Latvia are protected by Article 89 of the Constitution**
* **All convicts are equal before the law – any discrimination on grounds of race, nationality, gender, and other criteria is prohibited.**

[The second periodic report following this one, in 2005, included no relevant information for the purposes of this report.[[20]](#footnote-20)]

1. Combined Third to Fifth Periodic Report Submitted by Latvia Pursuant to the Optional Reporting Procedure[[21]](#footnote-21)

* **Informational seminars were conducted for trade unions and mass media to eliminate discrimination against LGBTQI+ individuals.**

[Prior to the submission of the sixth periodic report, a list of issues was presented to Latvia containing the request for more information regarding the steps taken to “establish an effective and independent complaints mechanism for […] violence based on sexual orientation and gender identity.” The sixth periodic report has yet to be produced as of the date of this report.[[22]](#footnote-22)]

***Universal Periodic Review by the Human Rights Council***

1. National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21[[23]](#footnote-23)

* **This report detailed the changes implemented in Latvia following the second cycle of the UN Universal Periodic Review from 2016-2020**
* **Notable changes included Article 7 of the Labour Law (discussed under the Legislation section of this report); Part 2 of Article 3 of the Law on the Rights of Patients prohibiting discrimination on the basis of sexual orientation, among other grounds, when ensuring the rights of patients; and, the Criminal Law’s imposition of criminal liability for the incitement of hatred or strife based on sexual orientation, amongst other grounds**

***European Convention on Human Rights***

1. Report by Nils Muiznieks, Commissioner for Human Rights of the Council of Europe, Following His Visit to Latvia from 5 to 9 September 2016[[24]](#footnote-24)

* **Previous Commissioner’s report in 2007 focused on the tensions and violence surrounding two pride events in 2005 and 2006.**
* **Although there has been significant improvement in the climate surrounding pride events, without “significant incident” during the 2015 pride event, there is still a lack of comprehensive institutional framework to address the human rights of LGBTQI+ individuals as well as statistical information on LGBTQI+ individuals and violence against them.**
* **Latvia’s Constitution affords equality to all, and specific sectoral laws prohibit discrimination on the basis of sexual orientation.**
* **Insufficient efforts of officials to combat hate speech directed at LGBTQI+ individuals prompt Commissioner to propose legislative changes to the Criminal Law regarding hate speech, specifically including sexual orientation and gender identity among the protected grounds.**
* **Commissioner calls upon Latvia to develop educational programs to combat homophobia and transphobia, given the previous amendment to the Education Law “prescribing ‘morality education’ in line with the values enshrined in the Constitution, especially as concerns family and marriage.”**
* **The Commissioner found that there was a lack of legal protection for same-sex couples, which should be changed to reflect the commitment Latvia undertook with the European Convention on Human Rights and the case law which has been decided in the European Court of Human Rights**

# Government Reports

***United States of America***

1. U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, 2021 Country Reports on Human Rights Practices: Latvia[[25]](#footnote-25)

* **During the COVID-19 pandemic, there was an increase in online hate speech against LGBTQI+**
* **In 2019, the government did not collect information regarding sexual orientation and gender identity.**
* **The Ombudsman received four complaints regarding sexual orientation discrimination in August.**
* **Transgender persons to be sterilised before their gender identity is legally recognized.**
* **The Constitutional Court abolished the rule that requires a partner in a same-sex family to pay a higher state fee for the inheritance of their deceased partner’s estate than heterosexual spouses.**
* **The Supreme Court created a new possibility for same-sex partners to receive social services and economic benefits as a family through a court decision rather than by legislation.**

NGOs reported widespread stigmatisation, intolerance, and discrimination against LGBTQI+ people. As a result of the change in leadership at the Ministry of Interior, NGOs report improved relationships with the ministry. It has been expressed by several NGOs that the law lacks explicit protection against incitement to hatred and violence based on sexual orientation and gender identity.

On December 10, the Supreme Court overturned an administrative court’s refusal of a same-sex couple’s application for “family” benefits and ordered a retrial to establish whether denying the couple familial status violated their rights under Article 110 of the constitution. The court held that the state “shall protect and support…the family, the rights of the parents, and the rights of the child.”

***European Union***

1. European Union Agency for Fundamental Rights, A long way to go for LGBTQI+ equality[[26]](#footnote-26)

This report presents select findings from FRA’s 2019 survey on LGBTQI+ people in the EU and North Macedonia and Serbia. With almost 140,000 participants, it is the largest survey of its kind. It follows the agency’s first survey on LGBTQI+ people in the EU, conducted in 2012. The new survey results show little progress over the past seven years.

Openness about being LGBTQI+

* 75% avoid often or always holding hands with their same-sex partner in Latvia. For the EU-28, it is 61%.
* 38% in Latvia avoid often or always certain locations for fear of being assaulted. For the EU-28, it is 33%.
* 22% are now often or always open about being LGBTQI+ in Latvia. For the EU-28, it is 47%. Discrimination
* 23% felt discriminated against at work in the year before the survey in Latvia. For the EU-28, it is 21%.
* Discrimination affects many areas of life, such as going to a café, restaurant, hospital or to a shop. Overall, in Latvia in 2019 48% felt discriminated against in at least one area of life in the year before the survey. For the EU-28, it was 42%.

Harassment & violence

* 44% in Latvia say they were harassed the year before the survey. The EU-28 is 38%.
* 1 in 5 trans and intersex people were physically or sexually attacked in the five years before the survey, double that of other LGBTQI+ groups.
* 13% in Latvia had been attacked in the 5 years before the survey. The EU-28 is 11%.
* Reporting of hate-motivated violence and discrimination
* 10% went to the police in Latvia to report physical or sexual attacks. It is 14% across the EU-28.
* 4% reported their discrimination experiences to an equality body or another organisation in Latvia. For the EU-28 it is 11%.

Intolerance and prejudice

* 50% in Latvia say that LGBTQI+ prejudice and intolerance has dropped in their country in the last five years. It is 40% across the EU-28.
* 17% in Latvia say that prejudice and intolerance have risen. This is 36% for the EU-28.
* 9% in Latvia believe their national government effectively combats prejudice and intolerance against LGBTI+ people. For the EU-28, it is 33%.

Schooling

* Among young people (18-24), less people (41%) hide being LGBTQI+ at school. In 2012, it was 47%.
* 38% of LGBTQI+ students (15-17 years old) in Latvia say they were hiding being LGBTQI+ at school. This was 30% in the EU-28.
* 44% of LGBTQI+ students (15-17 years old) in Latvia say that in school someone often or always supported, defended, or protected their rights as an LGBTQI+ person. This was 48% in the EU-28.
* 45% of LGBTQI+ teenager respondents (15-17 years old) in Latvia say their peers or teachers have often or always supported LGBTQI+ people. In the EU-28, this was 60%.
* 14% of LGBTQI+ of teenager respondents (15-17 years old) in Latvia say their school education at some point addressed LGBTQI+ issues positively or in a balanced way. In the EU-28, this was 33%.

1. European Commission, Directorate-General for Justice and Consumers, Kamenska, A., Country report: non-discrimination: Latvia 2022, Publications Office of the European Union, 2022[[27]](#footnote-27)

* **The Labour Law and the Law on the Prohibition of Discrimination of Natural Persons Economic Operators are the only laws transposing non-discrimination directives to include sexual orientation as a prohibited ground.**
* **List of main legislation transposing and implementing the directives; Latvian anti-discrimination law remains scattered across many pieces of legislation.**
* **Many individuals feel compelled to hide their LGBTIQ+ status.**

Hate crimes and incitement to hatred are prohibited under the Criminal Law, along with racially and religiously motivated crimes. There is no mention of sexual orientation. Sexual orientation was explicitly excluded from hate motives in 2021 due to a lack of political support. Social hatred was added as an aggravating circumstance, including gender, age, disability, etc.

Latvian anti-discrimination law is scattered across many pieces of legislation transposing and implementing the directives. Despite Latvia covering most of the directives, the law often does not cover all grounds - resulting in incomplete protection. Most older laws containing an equality clause do not include all the grounds required by the directives, nor do they leave the list of grounds open. Moreover, some grounds are left uncovered by the laws implementing the directives.

According to Eurobarometer (2019), 49 % of Latvians (compared with 42 % in 2015) agree that LGBTQI+ people should have the same rights as heterosexual people, while 43 % disagree and 8 % do not know. Only 25 % (compared with 22 % in 2015) agree that there is nothing wrong in a sexual relationship between two persons of the same sex, while 68 % disagree, and 24 % (compared with 19 % in 2015) agree that same-sex marriage should be allowed throughout Europe, while 70 % disagree. 30 % of respondents think that discrimination on the grounds of sexual orientation is widespread, while 43 % think it is rare.

As many individuals feel compelled to hide their LGBTQI+ status, this may have an impact on their willingness to initiate an action for discrimination. Two recent landmark decisions by the Constitutional Court, respectively granting parental leave to a same-sex couple and requiring equality in inheritance taxes for same-sex couples may lead to a greater willingness to bring discrimination claims before the courts.

1. European Commission, Directorate-General for Justice and Consumers, Dupate, K., “Country report, gender equality: how are EU rules transposed into national law?”: Latvia 2022, Publications Office of the European Union, 2022[[28]](#footnote-28)

* **There is no distinction in the Latvian legal system between the concepts of ‘gender’ and ‘sex’.**
* **There are no explicit norms protecting transgender, intersex, or non-binary persons in the Latvian legal system.**
* **Gender reassignment and change of sex is not legally regulated in Latvia.**

Definition of ‘gender’ and ‘sex’:

The Latvian legal system does not distinguish between 'gender' and 'sex'. From a linguistic perspective, Latvian legal acts refer to 'sex' (dzimums), while 'gender' (dzimte) is not mentioned. Thus, 'sex' in Latvian legal acts protects against both biological differences (sex) and stereotypes (gender).

There is a certain part of society that refuses to acknowledge 'gender' as a concept. When Latvia tried to define gender, as in the Istanbul Convention, the majority of the Latvian Parliament refused to ratify it. Several organisations in Latvia, including the Catholic and Protestant Church, are concerned that the Istanbul Convention may alter the concept of traditional family rooted in Latvian law, which recognises the rights of homosexual couples and transgender people as well as married opposite sex couples and their biological children. Ministry of Justice opinion/research in 2016 reflects such a position.

Protection of transgender, intersex, and non-binary persons:

The Latvian legal system does not explicitly protect transgender, intersex, or non-binary individuals. Authorities and national courts are considered competent to interpret 'discrimination on the grounds of sex' according to EU law requirements, and under this concept, transgender people also should be protected against discrimination. As relevant case law of the CJEU only covers transgender persons in cases of gender reassignment, it is difficult to determine if intersex and non-binary people would also be protected from discrimination. However, the concept of 'dignity' might be used to protect intersex people. Latvian law ought to provide protection for intersex people.

Specific requirements:

Latvia does not regulate gender reassignment and change of sex. It does not comply with the Council of Europe legal documents. Currently, the law recognizes the right to change one's sex in state registers, but it does not specify conditions under which legal gender recognition may be obtained. Generally, it is an administrative decision by the Ministry of Justice. State registers are updated when such a decision is made. As reported by leading LGBTI+ NGO Mozaka, the Ministry of Justice bases its decision on the Concilium of medical doctors, which means medical treatment is a precondition.

# Reports from International Agencies and Non-Governmental Organizations

**Amnesty International**

1. Amnesty International Report 2021/22-Latvia 2021[[29]](#footnote-29)

* **Baltic Pride festival resumed in August 2021 after 2020’s cancellation due to Covid-19**
* **The Committee on Economic, Social and Cultural Rights is a United Nations (CESCR) raised concerns that sexual orientation and gender identity continue to be excluded from the legislative framework.**
* **Despite consecutive Constitutional Court rulings confirming this obligation was inherent in the Constitution, Parliament failed to legislate recognizing and protecting the rights of same-sex couples.**
* **Supreme Court ruled that administrative courts may provide temporary recognition and protection pending legislation.**
* **Latvia ranked second worst in the ILGA-Europe index for bias-motivated speech, violence, and other forms of discrimination.**

**ILGA**

1. 2022 Rule of Law Report - targeted stakeholder Consultation[[30]](#footnote-30)

* **On 2 July 2021, the Ministry of Interior set up a working group to analyse trends in hate crimes and offer ways to address them.**
* **In the past nine years, only one homophobic incident was classified as a hate crime by the Ombudsperson’s Office.**
* **The prosecutor refused to initiate criminal proceedings for the homophobic attack on Professor Denis Hanovs of Riga Stradins University**
* **On 14 January 2021, the parliament passed a draft law that plans to restrict the definition of family in the Constitution to effectively block same-sex partnerships and same-sex families.**

**Independent authorities:**

The Ombudsperson's Office has classified only one homophobic incident as a hate crime in the past nine years. A homophobic attack on Professor Denis Hanovs of Riga Stradins University occurred in 2020, and the prosecutor's office refused to initiate criminal proceedings in 2021. As the prosecutor argued, the attack did not target sexual minorities as a whole, but only Hanovs.

**The enabling framework for civil society:**

In June, former Minister of Interior Sandis Ģirģens shared false information suggesting after the appointment of openly lesbian Minister of Interior Marija Golubeva, the police would have to wear women’s uniforms. The post was widely shared and stirred hateful comments in the media and on social media.

On 14 January 2021, parliament passed a draft law that plans to restrict the definition of family in the Constitution to effectively block same-sex partnerships and same-sex families. This contravenes international human rights law and European jurisprudence, as well as Latvia's Constitution and the rulings of its Constitutional Court. The LGBTQI+ Intergroup of the European Parliament immediately condemned the move. The proposed wording of the Constitution would define marriage as a union between a man and a woman, and children’s right to “grow up in a family with a mother and a father.”

1. Annual Review of The Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia, 2022[[31]](#footnote-31)

* **Over 300 anti-LGBTQI+ posts have been removed from social media platforms this year, according to civil society.**
* **Three criminal proceedings have been initiated in response to ten of these incidents.**
* **Newly appointed Minister of Interior, Marija Golubeva announced in June that addressing hate crimes will be among her priorities.**
* **On 6 July, the parliament adopted amendments to the Criminal Law, recognising that hate crimes committed on grounds of “social hatred” amount to aggravating circumstances, including criminalising homophobic hate crimes.**
* **On 14 January, the parliament passed a draft law that plans to restrict the definition of family in the Constitution to effectively block same-sex partnerships and same-sex families. The latest citizens’ petition for legal recognition for same-sex couples, launched in January to oppose this law.**
* **On April 9, the Constitutional Court declared that regulations requiring same-sex partners to pay a higher inheritance fee on their deceased partner’s property, go against the constitutional protections awarded for families.**
* **Baltic Pride 2021 took place in Riga between 2 and 7 August**
* **On 11 November, the parliament rejected three amendments to the Law on the Protection of the Children’s Rights which would have prohibited the promotion of any materials that could lead to gender identity and homosexuality.**

**Bias-Motivated Speech:**

Three individuals were found guilty of hate speech and incitement against LGBTQI+ people online, as prohibited by Section 150 of the Criminal Code. Civil society found “No LGBTQI+ Zone'' stickers in the spring, in Riga and other cities, and asked the public to remove and report them. The police are investigating.

In June, former Minister of Interior Sandis Ģirģens shared false information suggesting that after the appointment of openly lesbian Minister of Interior Marija Golubeva, the police would have to wear women’s uniforms. The post was widely shared and stirred hateful comments in the media and on social media.

**Bias-Motivated Violence:**

The Prosecutor’s Office refused to launch criminal proceedings in the case of Professor Denis Hanovs of Riga Stradins University, who suffered a homophobic attack in 2020. The Prosecutor argued that the attack was not against sexual minorities in general, but against Hanovs only.

On 6 July, the parliament adopted amendments to the Criminal Law, recognising that hate crimes committed on grounds of “social hatred” amount to aggravating circumstances, which civil society interprets as criminalising homophobic hate crimes. Previously, only sex, age and disability were explicitly mentioned. Civil society is hopeful that the new amendments will result in higher rates of investigation and prosecution in anti-LGBTQI+ hate crimes. In the past nine years, only one homophobic incident was classified as a hate crime by the Ombudsperson’s Office.

**Family:**

Parliament passed a draft law restricting the definition of family in the Constitution on 14 January. These are in violation of international human rights law, European jurisprudence, and Latvia's Constitution. The European Parliament's LGBTQI+ Intergroup condemned the move as soon as it was announced. There are only six countries in the EU that do not recognize same-sex partnerships, and this vote is a step backwards despite recent improvements. The proposed Constitution defines marriage as a union between a man and a woman, and children have the right to grow up in a family. Attempts to legalize civil partnerships and same-sex marriage began in 1997, but all failed.

Over 23,000 signatures have been collected since the latest citizens' petition was launched in January. The amendment must be presented to parliament within one year after 155,000 signatures have been collected. Either the parliament or a referendum could approve it. Civil society believes the chances of reaching this threshold are slim.

The Constitutional Court ruled on April 9 that regulations requiring same-sex partners to pay a higher inheritance fee violate constitutional protections for families. People who are unmarried are subjected to a 60-fold higher registration fee, putting same-sex couples at a disadvantage since marriage equality has not yet been introduced. The Ombudsman's Office referred the case to the Court in 2020. Three working groups, two in parliament and one at the Ministry of Justice, are preparing proposals to implement two Constitutional Court judgments, including one from April, on recognising families outside heterosexual marriage. A progress report is expected in 2022.

Senate annuls Administrative Regional Court decision that denied family recognition to same-sex couples. A senator pointed out that same-sex couples deserve recognition as a family until parliament decides otherwise and clearly legislates.

1. CIVICUS,Latvia Overview of recent restrictions to civic freedoms, 2021[[32]](#footnote-32)

* **ILGA Rainbow Europe Index 2022 indicated a slight increase in Latvia's ranking**
* **ILGA reported the removal of over 300 anti- LGBTQI+ posts from social media platforms in 2021**
* **First openly lesbian Interior Minister Marija Golubeva was appointed on 3 June 2021.**
* **On 9 April 2021, the Constitutional Court ruled that higher inheritance fees for the deceased partner’s property in unmarried couples disproportionately affects LGBTQI+ couples**
* **The parliament rejected amendments to the Law on Protection of Children's Rights in November 2021 with the adversely affect a child's gender identity**
* **A Constitutional Court decision in December 2020 granted parental leave to the female partner of a female litigant**
* **In July 2021, parliament adopted amendments to the criminal law to recognize grounds of ‘social hatred’ as aggravating circumstances for hate crimes**
* **Response to December 2020 Constitutional Court ruling, a draft Law on Civil Union recognizing the rights of unmarried couples, which included same-sex couples was proposed to parliament but fell short of the quorum in third reading in the Parliament**

As indicated by a slight increase in Latvia's ranking in the ILGA Rainbow Europe Index 2022, the situation of LGBTQI+ rights have improved. Latvia is now ranked 36th out of 49 European countries. The country has moved up three places within the EU to now rank fourth from bottom, ahead of Poland, Bulgaria, and Romania. As of 2021, it ranked second lowest, behind only Poland.

Over 300 anti- LGBTQI+ posts were removed from social media platforms between January and December 2021, ten of which were reported to police. As a result of three of the posts, criminal proceedings have been initiated. A number of hate speech incidents were recorded, including the use of ‘No LGBTQI+ Zone’ stickers and public figures sharing inaccurate or misleading information.

On 9 April 2021, the Constitutional Court ruled that higher inheritance fees for the deceased partner’s property in unmarried couples – which disproportionately affect LGBTQI+ couples – are incomparable to family protections.

The parliament rejected amendments to the Law on Protection of Children's Rights in November 2021, which included a ban on materials that could adversely affect a child's psychological development or threaten their biological gender, or that could cause a deviation from gender identity, interest in gender reassignment, or a predisposition to homosexuality'.

A female litigant's partner was granted parental leave by the Constitutional Court in December 2020. He had previously been denied leave for not being the biological father. The court ruled that the partner was entitled to parental leave under Article 110 of the constitution, which guarantees family protection regardless of marital status. The court found that family is not limited to married couples, so the state must support same-sex families. A strong political backlash ensued after the court's decision. A proposal to amend Article 110 of the constitution would restrict the concept of family to marriages between men and women. Parliament approved the amendment in January 2021.

In May 2021, parliament’s Criminal Policy Sub-Committee rejected proposals to include sexual orientation as grounds for a hate crime and as an aggravating circumstance in a crime. However, in July 2021, parliament adopted amendments to the criminal law to recognize grounds of ‘social hatred’ as aggravating circumstances for hate crimes. This development was received by civil society as recognition of the criminalization of homophobic hate crimes.

Prime Minister Krijnis Kari of Latvia condemned a bill adopted by Hungary in mid-June 2021 that was anti-LGBTQI+, and he signed a document affirming support for the rights of LGBTQI+ people at the meeting of Ministers for European Affairs. The Prime Minister's statement was met with a strong backlash from conservative CSOs promoting 'natural family rights'.

Parliament approved a draft Civil Union Law in February 2022. It was enacted in response to Constitutional Court rulings in December 2020 that recognize the rights of unmarried couples, including same-sex couples. In heated debate, the bill passed its first and second reading. The third and final reading, scheduled for June 2022, could not take place due to insufficient quorum. This is the second time this reading has been postponed.

On 31 May 2022, the Administrative District Court recognized 'a public legal relationship between same-sex couples'. Based on mutual respect and understanding, the court interpreted the provision to include same-sex couples where there are close personal links between the couple. It implies that the state must provide a legal possibility for same-sex couples to register and strengthen their family relationships.

# Media Reports and Local Expertise

1. "Latvians march for LGBTQI+ rights, civil partnership law" in *La Prensa Latina*[[33]](#footnote-33)

* **5000 people gathered in Riga to celebrate the end of LGBTQI+ Pride week in solidarity with Ukraine.**
* **Attendees chanted slogans in favour of a bill legalising same-sex civil union, which the Latvian parliament has blocked.**
* **In June 2022, the Saeima (Latvian parliament) blocked a bill to legalise same-sex civil unions.**
* **According to 2021 polling, Latvians are still divided on LGBTQI+ issues with 42% supporting the legalisation of same-sex civil union and 43% against**
* **While organisers highlighted the celebratory nature of the event, a "handful" of counterdemonstrators were present with signs conveying that "sin will destroy you.”**
* **Riga's mayor, Martins Stakis, made statements which conveyed his desire to culturally align Latvia with "European/Western" values, in contrast to values from "beyond the eastern border.”**
* **Stakis is the first mayor of Riga to speak out in public at an LGBTQI+ pride event.**
* **Stakis was joined by other political representatives such as health minister Daniels Pavluts and European Parliament member Ivars Ijabs**

1. "Court in Latvia recognises ‘existence of public legal relationships’ of same-sex couples" by LETA in *Baltic News Network*[[34]](#footnote-34)

* **Administrative District Court has made the first ruling in Latvia that "satisfies a plea" from a same-sex couple and recognises the "existence of public legal relationships" between same-sex couples.**
* **This is in contrast with the first sentence of s 110 of the Constitution of the Republic of Latvia which delineates "the State shall protect and support marriage - a union between a man and a woman, the family, the rights of parents and rights of the child”.**
* **This development emerges in the wake of an earlier Supreme Court decision which indicates that "the state [had] a positive duty to provide same-sex families the opportunity to legally register their family relationship and be considered an official family in the eyes of the state."**
* **The court, in this case, concluded that the state has yet to do its duty, finding that "neither the Law on Registration of Civil Status Acts nor any other law includes legal regulations to allow the registration of the relationship.”**

1. "Gay Latvian man dies after 'homophobic attack', campaigners say" in *euronews*[[35]](#footnote-35)

* **Normunds Kindzulis, a gay Latvian man passed away after suffering severe burns on 85% of his body in what LGBTQI+ associations have reported was a "homophobic attack”.**
* **Juanklavins, a colleague and roommates, reported that Kindzulis had been attacked upon returning home.**
* **Kindzulis was a 29-year-old medical assistant who moved to Riga from Tukums, a town 70 km from the capital, after previously receiving homophobic threats.**
* **Local police did not rule out the possibility of suicide, although officers recognized that "[b]ringing someone to the brink of suicide [via threats] is also a crime.”**
* **Local police had originally declined to open an investigation, but subsequent reports have indicated that an investigation will be conducted.**
* **Latvian President Egils Levits tweeted, in response, that "[t]here is no place for hatred in Latvia" and that the incident comprised a "heinous crime" which should be "thoroughly investigated.”**

1. "Latvian Parliamentary Elections: Party Reform Guide" by Leo Chu in *Foreign Policy Research Institute*[[36]](#footnote-36)

* **In preparation for the Latvia parliamentary election on October 1, 2022, the following general overview of candidate parties and their proposed policies was published.**
* **Out of the 11 parties who achieved greater than 5% in the popular polling, only 2 indicated public support for the LGBTQI+ community.**
* **The Progressives (Progresīvie) "advocate for an inclusive society, including ratifying the Istanbul Convention, supporting LGBTQI+ rights and discrimination based on sex and gender identity.”**
* **Development/For! (Attīstībai/Par!) indicated "they are also supportive of laws protecting LGBTQI+ families.”**

1. "Latvian Saeima does not pass Civil Union Law" by LETA in *Baltic News Network*[[37]](#footnote-37)

* **On 2 June 2022, the Latvian parliament (the Saeima) declined to pass the Civil Union Law, which would have recognised same-sex civil unions, due to "lack of quorum”.**
* **The vote in the Saeima failed because only 40 deputies participated (a successful quorum requires at least 50 out of 100 deputies)**
* **In anticipation of the vote, "close to 100" people gathered to picket outside the Saeima to "promote the concept of natural families”.**
* **In contrast, there was a different picket organised near the Saeima to urge the passage of the law attended by "[s]everal hundred protesters.”**

1. "Latvia is worst place to be gay in EU, index shows" by Henriette Jacobsen in *Euractiv*[[38]](#footnote-38)

* **According to the Rainbow Europe 2016 Index, published by LGBTQI+ organisation ILGA, Latvia is among the three worst places in EU to be an LGBTQI+ citizen.**
* **Latvia's poor placement on this index is owed, in part, to the "morality clause" within school curriculums in accordance with the Education Law**
* **However, it is also worth noting that in 2015 Riga hosted the first Europride in a post-Soviet state.**

1. "Two Gay Men Set on Fire in Horrific Hate Crime" by Donald Padgett in *Out*[[39]](#footnote-39)

* **Reports indicate that two gay men were set ablaze in an incident which occurred in the early morning hours of April 22**
* **Artis, the roommate of the initial victim, reported that his roommate had been set ablaze by their "homophobic neighbour.**
* **Artis, himself, was injured in his attempt to abate the blaze.**
* **Artis indicated frustration with initial reporting from the State Fire and Rescue Service which reported the crime as "a pile of burning clothes.”**

1. "Burns death of homophobia victim shocks Latvia" in *Euractiv*[[40]](#footnote-40)

* **In the early hours of April 23 Normunds Kindzulis was soaked with fuel and lit on fire in what campaigners are calling a "homophobic attack"**
* **Local activist has accused the police of inaction in the investigation surrounding Kindzulis' death.**
* **Following Kindzulis' death local police have opened a formal investigation, though a separate probe into the alleged failure of the police force to investigate threats against Kindzulis is ongoing**.

1. "The Latvian artist archiving Riga's queer history" in *i-D* by Will Ballantyne-Reid[[41]](#footnote-41)

* **London based Latvian artist Konstantin Zhukov has embarked upon a "self-initiated research residency into Riga's queer history.”**
* **In his exhibition space, Zhukov has engaged in "photo experiments and works-in-progress [which] are intermingled with reference texts, archive images, and notes.”**
* **Zhukov aims to "[reinterpret] various queer histories through the lens of contemporary culture.”**
* **Zhukov's work comes in the wake of the Latvian parliament's failure to pass the country's Civil Partnership Bill as well as proposed constitutional amendments, courtesy of the far-right National Alliance, which seek to define "family" as "a union exclusively between man and woman.”**
* **Zhukov notes the disjuncture between rising public participation in pride events (i.e., 2015 Europride in Riga which drew 5000 attendees) with the "[failures of] political powers...to reflect these changes in society”.**

1. "Latvia, Lithuania and Poland worst countries to be gay in EU," in *Politico* by Zoya Sheftalovich[[42]](#footnote-42)

* **According to a report released by equal rights organisation ILGA-Europe, Latvia is among the three worst countries to be gay in the EU.**
* **Latvia's poor ranking is on account of "[r]egressive laws, targeting both individuals and the work** **of LGBTI activist and NGOs.”**

1. "Thousands take part in Latvian gay pride event" in *CP24*[[43]](#footnote-43)

* **Reports indicate that up to 5000 people participated in a gay pride event in Riga on June 19 ,2015**
* **Participants from afar as Spain, Britain, Ukraine, Georgia, and Armenia, among others, were spotted amongst the marchers.**
* **Police indicate that three counter-demonstrators were arrested for trying to throw eggs at attendees and for illegal picketing.**

1. "Latvia's foreign minister comes out as gay" in *The Guardian*[[44]](#footnote-44)

* **Latvian foreign minister, Edgars Rinkēvičs, has become the first high-ranking politician in the Baltic states to publicly come out as gay.**
* **Rinkēvičs' Twitter announcement was followed by support from Estonian president Toomas Hendrik Ilves**
* **Reports note that his announcement is "likely to be contentious" considering the "hundreds of predominantly Christian opponents" who are drawn to gay pride parades.**

1. "Same-sex couples anticipate legal recognition in Latvia" in *Eng.LSM.lv*[[45]](#footnote-45)

* **Twenty-six same-sex couples have filed requests for legal recognition in several administrative courts in accordance with Article 110 of the Constitution**
* **These actions follow a December 2021 Supreme Court decision which ruled that same-sex couples would be able to register their relationships.**
* **Legal recognition of families will not automatically guarantee that families of same-sex couples will have access to the right to the social and economic protection of families specified in other regulatory enactments.**

# Scholarship

1. Richard Mole, “Nationality and sexuality: homophobic discourse and the 'national threat' in contemporary Latvia”[[46]](#footnote-46)

* **Mole argues that "homosexuality is particularly reviled in Latvia because it has been constructed discursively as a threat to the continued existence of the nation in its desired ethnic form and to the core values defining Latvian identity.”**
* **"Tapping into established historical fears of internal and external threats to the nation and the idealisation of the nation-family, a broad range of politicians- from MPs and government ministers to the prime minister- have presented homosexuality as un-Latvia, as the negation of Latvian-ness."**

1. Conor O'Dwyer, "Minority rights after EU enlargement: A comparison of antigay politics in Poland and Latvia"[[47]](#footnote-47)

* **O'Dwyer argues that the backlash against gay rights in Latvia is related to lack of EU conditionality, consolidation of national identity, and lack of domestic institutions.**
* **O'Dwyer relates this to the project of "Europeanization", specifically arguing that antigay mobilisation in Latvia constitutes illegal governance ("a failure of Europeanization")**

1. Richard C. M. Mole, "Nationalism and Homophobia in Central and Eastern Europe"[[48]](#footnote-48)

* **Mole notes the marked differences in treatment of LGBTQI+ individuals across the EU, noting this to be a "failure of Europeanization" to liberalise attitudes towards sexual minorities in Latvia.**
* **Mole identifies the crux of this disjuncture to be the clash between LGBTQI+ rights and discursive nationalism.**
* **Mole further argues that politicians in countries, such as Latvia, use the rhetoric of heteronormativity to draw a line between the "decadent West" and "traditional East" for social and political purposes.**

1. Clinton Glenn, "’Let Them Flee to Sweden: There, Everyone Looks at Them More Politely’: Gay Propaganda and LGBTQI+ Rights in the Baltic States"[[49]](#footnote-49)

* **Glenn analyses how the concept of "gay propaganda" permeates the "often-fierce" debates over same-sex partnership legislation, same-sex families, hate crime laws, and LGBTQI+ visibility in Latvia and other Baltic states.**
* **Glenn argues that "external political and religious actors" (both from the Russian Federation as well as the EU) play a discursive role in the formation of political narratives with respect to LGBTQI+ issues.**

1. Kārlis Vērdiņš & Jānis Ozoliņš, "The Latvian LGBTQI+ Movement and Narratives of Normalisation"[[50]](#footnote-50)

* **This article examines the "struggle for normalisation" as the dominant narrative through which the struggle for LGBTQI+ rights in Latvia can be understood ("crossing the threshold of deviance toward becoming 'normal' and acceptable to the majority")**
* **The authors question why, 25 years after the decriminalisation of same-sex relationships, the level of homophobia in society remains high in Latvia and the LGBTQI+ community continues to be a focus of attacks from conservative and populist political figures in Latvia.**

1. Artūras Теrеškinas, Annija Kārkliņa & Anita Rodiņa, "Between Injustice and Legal Change: The Situation of LGBTQI+ People in Latvia and Lithuania"[[51]](#footnote-51)

* **The authors discuss the absence of legal regulation in Latvia with respect to recognition of same sex relationships.**
* **The authors note how, despite the Constitutional Court of Latvia ruling that the state has a duty to recognize same-sex relationships in 2020, Parliament has failed to take corresponding legislative action.**

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2. *Civillikums* [*Civil Law*], revised 2021, translated by Valsts valodas centrs (State Language Centre), online: <https://likumi.lv/ta/en/en/id/225418-civil-law>. [↑](#footnote-ref-2)
3. *Krimināllikums* [*Criminal Law*], revised 2022, translated by Valsts valodas centrs (State Language Centre), online: <https://likumi.lv/ta/en/en/id/88966>. [↑](#footnote-ref-3)
4. *Vārda, uzvārda un tautības ieraksta maiņas likums* [*Law on the Change of Name, Surname and Nationality Record*], revised 2021, translated by Valsts valodas centrs (State Language Centre), online: <https://likumi.lv/ta/en/en/id/191209-law-on-the-change-of-a-given-name-surname-and-nationality-record>. [↑](#footnote-ref-4)
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6. *Darba likums* [*Labour Law*], revised 2022, translated by Valsts valodas centrs (State Language Centre), online: <https://likumi.lv/ta/en/en/id/26019-labour-law>. [↑](#footnote-ref-6)
7. Agne Limante & Dovile Pūraitė-Andrikienė, eds, *Legal Protection of Vulnerable Groups in Lithuania, Latvia, Estonia and Poland: Trends and Perspectives* (Cham, Switzerland: Springer Nature Switzerland AG, 2022), online: <https://link.springer.com/content/pdf/10.1007/978-3-031-06998-7.pdf >. [↑](#footnote-ref-7)
8. [2017] CSIH 42, WL 02844341 (UK) [↑](#footnote-ref-8)
9. [2003] UKIAT 209 (UK), online: <http://www.bailii.org/uk/cases/UKIAT/2003/00209.html>. [↑](#footnote-ref-9)
10. [2003] UKIAT 189 (UK), online: < http://www.bailii.org/uk/cases/UKIAT/2003/00189.html>. [↑](#footnote-ref-10)
11. The Constitutional Court of the Republic of Latvia, November 12, 2020 (2020), No 2019-33-01 (Latvia), online: <https://www.satv.tiesa.gov.lv/web/viewer.html?file=https://www.satv.tiesa.gov.lv/wp-content/uploads/2019/12/2019-33-01\_Judgment.pdf#search=2019-33-01>. [↑](#footnote-ref-11)
12. The Constitutional Court of the Republic of Latvia, “A provision regulating state fee, applied to the estate-leaver’s same-sex partner who lived with the estate-leaver as a family, is incompatible with the Constitution”.

    (April 13, 2021), online: <https://www.satv.tiesa.gov.lv/en/press-release/a-provision-regulating-state-fee-applied-to-the-estate-leavers-same-sex-partner-who-lived-with-the-estate-leaver-as-a-family-is-incompatible-with-the-constitution/>. [↑](#footnote-ref-12)
13. Department of Administrative Cases of the Supreme Court, June 7, 2021 (2021), No SKA-[B1]/2021 (Latvia), online: <https://www.at.gov.lv/en/tiesu-prakse/judikaturas-nolemumu-arhivs?nr=SKA-%5BB1%5D%2F2021&date\_from=&date\_to=&case\_nr=&ecli\_nr=&dep=&ruling=&name=&only\_thesis=-1&only\_thesis=1&search\_phrase=-1&search\_phrase=1&search\_active=1&search\_active=1>. [↑](#footnote-ref-13)
14. *Supra* note 7 at 397. [↑](#footnote-ref-14)
15. United Nations Human Rights Office of the High Commissioner, “Status of Ratification Interactive Dashboard”, online: <https://indicators.ohchr.org/>. [↑](#footnote-ref-15)
16. United Nations Human Rights Office of the High Commissioner, “UN Treaty Body Database: CCPR/C/LVA/3” (May 23, 2012), online: <https://tbinternet.ohchr.org/\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FLVA%2F3&Lang=en>. [↑](#footnote-ref-16)
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22. United Nations Human Rights Office of the High Commissioner, “List of Issues Prior to Submission of the Sixth Periodic Report of Latvia” (January 13, 2016) at 4, online (pdf): <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/004/73/PDF/G1600473.pdf?OpenElement>. [↑](#footnote-ref-22)
23. United Nations Human Rights Council, “Universal Periodic Review – Latvia” (May 14, 2021), online: <https://www.ohchr.org/en/hr-bodies/upr/lv-index>. [↑](#footnote-ref-23)
24. Commissioner for Human Rights of the Council of Europe, “Report by Nils Muizniewks, Commissioner for Human Rights of the Council of Europe, Following His Visit to Latvia from 5 to 9 September 2016” (December 13, 2016), online (pdf): <https://rm.coe.int/ref/CommDH(2016)41>. [↑](#footnote-ref-24)
25. “Latvia”, online: *U S Dep State* <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/latvia/>. [↑](#footnote-ref-25)
26. “A long way to go for LGBTI equality”, (12 May 2020), online: *Eur Union Agency Fundam Rights* <http://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results>. [↑](#footnote-ref-26)
27. European Commission Directorate General for Justice and Consumers et al, *Country report non-discrimination: transposition and implementation at national level of Council Directives 2000/43 and 2000/78: Latvia 2022.* (LU: Publications Office, 2022). [↑](#footnote-ref-27)
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