



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
17 December 2019

Original: English
English, French and Spanish only

**Committee on the Elimination of
Discrimination against Women**

Seventy-fifth session

10–28 February 2020

Item 4 of the provisional agenda

**Consideration of reports submitted by States parties
under article 18 of the Convention on the Elimination of
All Forms of Discrimination against Women**

**Replies of Latvia to the list of issues and questions in
relation to its combined fourth to seventh periodic reports***

[Date received: 9 December 2019]

* The present document is being issued without formal editing.



1. The present document contains replies of the Republic of Latvia (Latvia) to the List of issues prior to the examination of the fourth to seventh periodic report of Latvia (Periodic Report) on the implementation of the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (the Convention), scheduled for the seventy-fifth session of the Committee on the elimination of discrimination against woman (Committee).

2. The Periodic Report was submitted to the Committee on 10 December 2018. The replies to the List of issues include update and the statistical data available for the years 2018–2019. To provide broader context, the replies refer also to the respective paragraphs of the Periodic Report, as well as the Common Core document of Latvia ([HRI/CORE/LVA/2017](https://www.unhcr.org/refugees/pdf/hri-core-lva-2017.pdf)).

Replies to the list of issues

A. Reply to paragraph 1 of the list of issues

3. The updated and additional statistical data on the current situation of women in the State party is available in Annex 1 of this document. As regards the accession to the Optional Protocol to the Convention and the amendment to Article 20 (1) of the Convention, Latvia submits that the evaluation process continues (see paragraph 221 of the Periodic Report).

B. Reply to paragraph 2 of the list of issues

4. The Convention is one of the main international instruments that Latvia refers to when elaborating policy planning documents on gender equality issues and organising public consultations.

5. The State Chancery provides a training module for the higher-level managers of the state institutions “Strategic planning of human resources”, where a specific topic “Gender Equality” is included. In 2018 and 2019, 51 persons (38 women and 13 men) were trained. The training will be provided also in the next biennium. The aim of this training module is to develop the competences of mid- and higher-level managers in the state apparatus, in particular, of those institutions working with entrepreneurs of small and medium sized companies, and indirectly involved in the improvement of the business environment and lessening bureaucracy. The of students in this module aims to create future leaders, enhancing cooperation, inter-institutional efficiency, innovations and excellence in the state institutions, indirectly influencing also the development of the business environment. The module will be implemented until 30 June 2022.

6. To supplement paragraph 11 of the Periodic Report, it should be underlined that the Continuous Legal Education and Professional Training Centre of the Faculty of Law of the University of Latvia provided multiple courses for the legal practitioners (lawyers, police officers, judges, prosecutors, military police officers and others) of Latvia since 2015. Topic of the discrimination is not covered separately, but included, for example, in the courses on Criminal Law or Criminal Procedure Law.

7. In 2014–2018 professional training courses for school personnel (teachers of social sciences, primary school teachers, heads of pre-school education institutions and methodologists, 6074 participants in total) were organized. The courses included gender equality issues, human rights, as well as value education and health education. In the process of development of the new competency-based education content, it is planned to continue organization of professional training courses for teachers in order

to ensure better implementation of the new curriculum, which inter alia includes the gender equality issues.

C. Reply to paragraph 3 of the list of issues

8. The principle of equality of men and women as a fundamental value is included in Article 91 of the Constitution, which is interpreted in accordance with the international agreements binding to Latvia, including the Convention. Latvia has chosen an integrated approach to gender equality – the prohibition of different treatment or discrimination by sex is included in various policy fields. In addition to the laws mentioned in paragraphs 178–188 of the Core document and paragraph 6 of the Periodic Report, the principle of equality is laid down also in the *Law on the Youth*, the *Law on Sports*, the *Law on Scientific Activities*, and the *Law on Judicial Power*. Apart from the list of sectoral laws where the provisions on non-discrimination and prohibition for different treatment are incorporated,¹ the principle is included also in the clause of “good faith” in the *Civil Law*. According to Article 1 of the *Civil Law*, rights are to be exercised and duties performed in good faith, thus inter alia reinforcing that in any civil relationship persons must act without discrimination of any kind.

9. According to Article 1635 of the *Civil Law*, every wrongful act (also the failure to act) per se, as a result of which harm has been caused (also moral injury) gives the person who suffered the harm the right to claim satisfaction from the infringer. Available legal remedies in civil and administrative proceedings are described in paragraphs 97–102 and 109–113 of the Core document, the information about the State compensation to victims and access to free legal aid is available in paragraphs 120–121 and 133–135 of the Core document.

10. If the prohibition of different treatment or the prohibition of causing adverse consequences is violated in employment relations, an employee, in addition to other rights specified in *Labour Law* (Article 29), has the right to request compensation for losses and compensation for moral harm. In case of dispute, a court at its own discretion determines the compensation for moral harm.

D. Reply to paragraphs 4–5 of the list of issues

11. There are number of achievements and positive developments to be noted in Latvia with regard to women’s rights and opportunities. For example, the level of economic activity and employment of women increases, and women are taking up higher positions, especially in the public sector. Health indicators in the field of sexual and reproductive health are gradually improving, increasing the average life expectancy of women; the risk of poverty decreased significantly in the recent years for households with children given the substantial increase in state-ensured monetary support for families with children. Further, there is a growing understanding in public of the need to ensure equal opportunities for women and men. There has been a significant increase in male involvement in family and household responsibilities, as evidenced by the increasing tendency to exercise the rights to take paternity leave and parental leave for men.

12. The policy action directions that were commenced in the previous gender equality policy documents continue in the Plan for the Promotion of Equal Rights and Opportunities for Women and Men for 2018–2020. The aim of the Plan is to promote integrated, purposeful and efficient implementation of sectorial policies. Five directions of activities are set for achieving the goal: 1) promotion of economic

¹ See para. 181 of the Common Core Document of the Republic of Latvia for 2002–2016.

independence and equal opportunities for women and men in the labour market; 2) promotion of equal educational opportunities for boys and girls, men and women; 3) reduction of the prevalence of gender-based violence; 4) strengthening the capacity of authorities in gender equality issues; 5) educating and raising awareness of the public in gender equality issues.

13. The plan sets out measures to ensure implementation of the equality principles, for example, by promoting the involvement of men in childcare and family responsibilities, identifying the main reasons of the gender pay gap in certain sectors, promoting zero tolerance against violence against women. Range of measures aim at promotion of comprehensive understanding of the principle of equality among experts of authorities involved in education, labour and economic policy. The measures of the Plan, especially those affecting employment, education and gender-based violence, take into account the aspect of ensuring equal opportunities and rights for women and men with disability. The plan intends to involve NGOs and social partners in implementation of the measures.

14. As regards the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Latvia informs that for the ratification of this treaty a support in the parliament is necessary.

15. At the same time, it should be noted that the Articles of the *Criminal Law* on physical and sexual violence against women have already been adapted and meet the requirements of the Istanbul Convention. For example, the list of aggravating circumstances was expanded in the *Criminal Law*, (see paragraph 39 of the Periodic Report). Further, amendments in Article 56 of the *Criminal Law* extended the limitation period in cases where the offense results in serious bodily injuries related to genital mutilation or loss of reproductive capacity, or the offense involves trafficking in human beings or forced abortion. Several Articles of the *Criminal Law* were amended with a new aggravating element (see paragraph 36 of the Periodic Report). A new Article in *Criminal Law* was introduced to establish criminal liability for repeated or lasting tracking and surveillance of another person, expressing threats to such person, or unsolicited communication with such person, if such person has had reasonable grounds to fear for his or her safety or the safety of his or her relatives. The applicable sentence for such offence is a temporary deprivation of liberty or community service, or a fine.

16. Further, with 2018 amendments in the Law “On the procedures for the entry into force and application of the Criminal Law”, the qualification of bodily injuries was widened, namely that psychiatric disorders or injuries resulting from psychological or mechanical, thermal, electrical, acoustic, radiation, chemical, biological or other effects are also to be understood as bodily injury. For example, serious bodily injuries also include injuries that have resulted in a mental disorder with a chronic course or mental trauma with permanent consequences that affect the social adaptation of a person. Female genital mutilation has also been defined as serious bodily injuries. A moderate bodily injury is a mental disorder or mental trauma affecting the social adaptation of a person on a long-term basis.

17. Since 1 January 2018, a regulation has been introduced that allows punishment of perpetrators of crime, if the crime has resulted as a psychiatric disorder or trauma of victim. Amendments to the *Criminal Procedure Law* have been introduced so that criminal proceedings for rape, sexual abuse and deliberate bodily injury can be initiated without a formal application from the person against whom the offence had been committed. The amendments introduce the category of “specially protected victim”, including minors, victims of sexual or domestic violence or intimate partner violence, victims of trafficking. In order to reduce repeated victimization of these

persons, the *Criminal Procedure Law* stipulates specific conditions. These include, for example, compulsory interrogation in a separate room or without the presence of other persons, the possibility of participating of a trustee in all procedural activities, interrogation by a person of the same sex, etc.

18. The answers to the Committee's question about adoption of the *Gender Equality law* are included in paragraphs 8–10 above.

E. Reply to paragraph 6 of the list of issues

19. As from 2018, there have been 10 court cases where individuals have directly referred to the provisions of the Convention in their claims. All these cases have been considered by the court in closed hearings. In most cases, the claims concerned family relations, namely divorce, claims for maintenance payments, return proceedings of a child and custody rights. In two cases, decisions were adopted with regard to temporary protection form violence.

20. The *Law on State Compensation to Victims* in Latvia establishes a State-paid compensation to victims of a crime (see paragraphs 120–121 of the Core document). If one of the criteria mentioned in the law is met, the women can apply and receive a State-paid compensation, even if the criminal proceedings have not concluded.

21. Further, in addition to information provided in paragraphs 133–135 of the Core document, the *Law on the State Ensured Legal Aid* includes a list of persons (e.g. refugees and asylum seekers) who have the right to legal aid, therefore access to justice is provided to a wide range of vulnerable persons. Latvia ensures State-provided legal aid also to women victims of violence. The Legal Aid Administration has granted free legal aid to all women – victims of violence so far. In 2018, there were 36 decisions to grant legal aid in cases of temporary protection against violence. If a negative decision is made, it could be appealed in court, and in this case legal aid in court would be granted in accordance with the existing regulation on legal aid in complex administrative cases for a person.

22. The applicants for provisional protection against violence in the civil proceedings are exempted from the court fee for initiation of the proceedings. In addition, according to Chapter 305 of the *Civil Procedure Law*, there is a special regulation about the provisional protection against violence.

23. Finally, the Ombudsperson's office may also provide free of charge consultations or representations of a person, inter alia in cases of discrimination.

F. Reply to paragraph 7 of the list of issues

24. Coordination of gender equality policy is the responsibility of the Ministry of Welfare, particularly, of the Social Policy Planning and Development Department. The main duties of Department are: to provide methodological support about gender equality principles for other state institutions; to identify the problematic areas, where different treatment on the basis of gender is observed; to ensure gender mainstreaming in sectorial and inter-disciplinary policy planning (within the initial impact assessments, within policy planning documents); to implementing projects and public awareness campaigns, with an aim to raise understanding about gender equality in different areas.

25. The aim of the Gender Equality Committee is to promote cooperation and participation of ministries, NGOs, social partners, municipalities and other stakeholders, as well as to discuss the implementation, monitoring and development

of gender equality policies. The Committee is a consultative body and has a key role in defining priorities of gender equality policy, as well as in monitoring the implementation of gender equality policies in other sectorial policies.

26. The Ministry of Welfare is responsible for monitoring the implementation of horizontal principle in the projects funded by the EU “Equal Opportunities” Funds. In practice, this responsibility includes defining specific criteria for project selection, assessment of compliance of draft legal acts with the horizontal principles, consulting and ensuring methodological support.

27. In 2017–2018, Ministry of Welfare provided 20 seminars on issues of equal opportunities and gender equality targeting 835 participants: policy makers, project applicants, promoters and evaluators of projects for the EU Funds, as well as to the institutions involved in the management and control of EU Funds.

28. In order to implement gender-mainstreaming approach in budget processes, a study “Analysis of gender impact in state and local government budget processes” was carried out in 2017. As the study object, the State Employment Agency and Aizkraukle Municipality budget sub-programs were analysed, to find out whether, and to what extent, budget processes are implemented taking into account the principles of gender equality. The study concluded that data disaggregated by gender is often lacking to analyse the impact, the knowledge and interest of employees is relatively limited. As the first step in the implementation of the study recommendations in practice, amendments were made to the Cabinet of Ministers instructions on the analysis of the state budget. These changes require that ministries and other central state institutions in the annual report on the results of the state budget and the performance of their performance indicators will also have to provide information about the performance indicators by gender.

G. Reply to paragraph 8 of the list of issues

29. In Latvia, women in political representation and civil service have already taken the highest public positions. Since 2010, the post of the Parliament Speaker (the official representing the Parliament of Latvia and acting also as the interim President of the State should he or she is abroad or sick) has been occupied by women. In the 13th elections of parliament (October, 2018), 31% of women were elected, which is higher number than in the previous Parliament. From 2014 to 2016, Ms. Laimdota Straujuma was the first woman – Prime Minister in the history of Latvia. In 2019, the Government consists of 14 ministers, out of which there were 3 women. The proportion of women elected in local municipality elections of 2017 was 33.7% (see Annex 2 of the Periodic report). In the elections of 2019 to the European Parliament, there were 4 women elected out of 8 seats available for Latvia.

30. With regard to the proportion of women in senior civil servants positions in Latvia, there is stable vertical gender segregation – the higher the position, the smaller the proportion of women. In total, there are 57% woman in the civil service. The highest proportion of women exists in the lowest groups of positions (experts, heads of divisions and deputies), which is gradually decreasing, while the lowest proportion of woman exist in the highest level of civil service position – State Secretaries.

31. As to the number of women in the State Police, the proportion of women increases every year. If in 2014, among 7131 police officers there were 2164 women or 33%, then in November 2019, among 6429 police officers, women are 2245 or 40.4%.

32. There are also relatively high woman representation in the judiciary, amounting to almost equal, or greater, representation of women. There are three women among the seven judges of the Constitutional Court, and a woman is currently the President

of the Constitutional Court. Since 2013, the number and percentage of women in courts of all instances has increased compared to the number and proportion of men.

33. The analysis of the gender representation in power positions shows that Latvia has good results compared to other EU countries. Taking into account that specific measures for balancing the number of women and men in decision-making positions have not been implemented so far, the comparatively good indicators of Latvia have been influenced by cultural and historical factors, as well as there are no regulatory obstacles that would hinder women's participation in decision-making.

34. The statistics about gender representation in different state institutions is provided in Annexes 1–5.

H. Reply to paragraphs 9–10 of the list of issues

35. In 2018, an ex-post evaluation of the “State Family Policy Guidelines 2011–2017” was conducted. The ex-post evaluation highlighted that currently the policy on elimination of domestic violence and violence against women is reactive rather than pro-active, as it focuses more on the identification of violence and provision of support services rather than preventive work. The authors of the evaluation report recommended concentrating more efforts on prevention of violence.

36. One of the priorities set in the “Plan for the Promotion of Equal Rights and Opportunities for Women and Men for 2018–2020” is the promotion of economic independence and equal opportunities for women and men in the labour market. This priority foresees measures specifically addressed to more active father's role in family and the importance of equal share of family responsibilities. Awareness raising, informative campaigns particularly addressing father's role, for example encouraging fathers to take paternity leave, as well as parental leave are implemented. Social partners involvement and adoption of practices to promote work life balance plays an important role.

37. The framework aimed at reconciling work and family life is constantly improving. For example, since 2014 the conditions for parental benefits are more favourable for employed parents, i.e., allowing a partial parental benefit (30%) to be paid to the income-earning person during parental leave, and allows for flexibility in combining work with childcare.

38. Extending of the period for paternity leave will be the issue for discussion for the next couple of years in regard with the transposition of EU Directive on work-life balance. Directive requires that fathers must be able to take at least 10 working days of paternity leave around the time of birth of their child.

39. The Ministry of Education and Science has started a comprehensive reform in approach to education in order to develop the new competency-based education content, which will promote successive and sustainable learning process. The new Pre-school education guidelines were implemented in 2019/2020 school year, while the new General Basic Education Standard and the General Secondary Education Standard will come into force as of the 2020/2021 school year. According to the new education approach, curriculum will include issues on respecting gender equality, values and health aspects, as well as human rights. It will be supported by the new teaching and learning materials, as well as training for teachers, helping them to successfully implement the new competency-based education content.

40. National Media policy is included in the Media Policy Guidelines for period from 2016 to 2020. Gender issues have been addressed in a number of measures, such as the creation of a common code of conduct for the media industry, the work of the media ombudsman, and the education of media professionals.

41. There have been activities aimed at promoting awareness and tolerance on diversity and non-discrimination in public and in particular on the internet. More specific activities have been targeted at young people and students to improve their knowledge on safe internet use, sexting and understanding of hate speech on the internet. One recent example is the social campaign for media literacy and child safety for children aged 5 to 8 years “Superheroes on the Internet!” launched on 2018 with the aim of promoting children’s media literacy and internet safety by informing both children and adults about the risks and opportunities of the Internet. Campaign images – children SuperAnna and SuperTom encourage children to learn and remember simple basic rules of security and media literacy. In the framework of the campaign, methodological recommendations for pre-school and primary school have been developed. The State Children Rights Protection Inspectorate also implemented informative and awareness raising measures. The videos tell about threats in the internet environment and address situations that boys and girls have faced in real life, such as rape, blackmail, request of intimate items.

42. As regards the policy planning initiatives for the next periods, currently a “National Development Plan of Latvia for 2021–2027” (NDP2027) is drafted. All the new policy planning documents, including the new State Family Policy Guidelines will be elaborated in line with this National Development Plan. The NDP2027 is Latvia’s main medium-term development planning document and aims towards three strategic goals: Equal Opportunity – important for social justice and a factor in reducing income inequality and decreasing other barriers to development. Productivity and Income – the main precondition for competitiveness and growth (in human resources, investment, governance processes, innovation). Social Trust – a critical social resource and development dimension that facilitates cooperation in the community, business and all levels of public governance; moreover, it is integral for democracy.

I. Reply to paragraphs 11-13 of the list of issues

43. In addition to information provided in paragraphs above, paragraph 102 of the Core Document and paragraphs 44–48 of the Periodic Report, Latvia informs that since 2014, mechanisms have been put in place so that victims of violence can have immediate means of redress and protection, including protection or restraining orders. Under the current framework, there are three options for those at risk. (1) Police officers have the right to make an immediate enforceable decision on separation of a person. Such decision is made in cases where there is an immediate threat that a person in, or near, the dwelling, may harm another person living in the said dwelling. (2) In order to ensure the continuity of protection in the event of a separation decision by the police, the protected person may submit an application to the court through the police, requiring for temporary protection against violence. (3) In accordance with legal provision of the *Civil Law*, the protected person may independently apply to the court and require a decision on temporary protection against violence. The court may apply a single or several temporary protective remedies to be imposed on the person who committed the violence: obligation to leave the dwelling in which the protected person resides, and prohibition on returning and staying there; prohibition to be close (distance determined by the court) to the dwelling in which the protected person resides; prohibition to remain or stay in certain places; prohibition to meet and maintain physical or visual contact with the protected person; prohibition of any form of contact with the protected person; prohibition of organising a meeting, or any form of contact, with the protected person among the other persons; prohibition to use personal data of the protected person. Temporary protection against violence is possible at any stage of the proceedings, even before a court action is brought. (see Annexes 6–10)

44. According to the latest statistics provided by law enforcement and healthcare institutions, the number of domestic violence victims remains significant. According to the Ministry of the Interior data, in year 2018, 1068 adult persons were killed, or received threats to their health and freedom. Almost one third of those victims – 382 – were women, of whom 42 were victims of sexual violence. Of the 242 people who suffered from violence by relatives, 154 were women (13 of them – victims of sexual violence), accounting for more than half. Of the 62 people killed, 35 were women, 16 have been killed by the relatives and among them, 8 were women. In year 2018, the number of women – victims of violence reached 476, of whom 108 were victims of domestic violence, and in 34 cases, the abuser was the spouse, while in 27 cases it was another relative. According to the Centre for Disease Prevention and Control data, in 2017, the number of adult victims of violence provided with medical assistance at a hospital was 781, of which 629 were men and 152 were women. 71 women, or almost half, have suffered from domestic violence. The highest number of women victims of domestic violence was recorded in the age group 45–64. Accordingly, 52 women have suffered from spouse or partners violence. In other cases, other relatives, including parents, were the abusers.

45. Analysing the police decisions on separation, it follows that the average age of the perpetrators in 2018 was 43 years, while the average age of the protected persons was 46 years. There are many young people and elderly in the groups of victims and abusers. Of all the decisions taken by the State police on separation, in 746 cases the protected person was a woman, while the protected person was a man in only 42 cases. Between 31 March 2014 and 31 December 2018, the State Police has adopted 1830 separation decisions. The number of State police decisions on separation has increased by about 90% in the recent years. The State police actively respond to the court's decisions on temporary protection against violence, and in cases of breaches, initiate criminal proceedings.

46. According to the State Police data on the initiated criminal proceedings on rape and sexual violence the number of adult victims was 60 (including 51 women) in 2014, 41 (including 40 women) in 2016, 47 (including 44 women) in 2017, 48 (including 42 women) in 2018. Significant number of victims of sexual violence have suffered from violence in their family circle. Thus, in 2014 18 people were victims of sexual violence perpetrated by relatives (including 4 women victims of sexual violence perpetrated by their husbands or partners), in 2016 3 people were victims of sexual violence perpetrated by relatives (including 3 women victims of sexual violence perpetrated by their partners), in 2017 11 people were victims of sexual violence perpetrated by relatives (including 4 women victims of sexual violence suffered from their husbands or partners), in 2018 14 people were victims of sexual violence from relatives (including 3 women victims of sexual violence suffered from their husbands or partners).

47. As from 2015, the State finances two new services for reducing the consequences of violence – social rehabilitation of victims of violence, and for reduction of repeated violence – social rehabilitation of persons who have committed violence. Services are provided in the form of a social rehabilitation course of up to 30 days in a social rehabilitation institution (with accommodation) or up to ten 45-minute counselling session of a psychologist, social worker and lawyer at the place of residence. Compared to 2015, when the services were introduced, the number of persons receiving services increased in 2018. In 2015, respectively, 114 individuals received the service for reducing the consequences of violence, of which 109 were women, while in 2018, 527 individuals were provided with service, 510 of whom were women. The service to the victims of violence are voluntary and available both individually and in groups, depending on the needs of the individual. In 2015, 99 individuals who have committed violence received the service, of which 59 were

women and 40 men, while 448 persons received the service in 2018, of whom 235 were women and 213 were men. Emotional, physical, economical violence and violent control are the most dominant violence form. In around 63% of violence cases, the perpetrator is spouse or partner.

48. The State Police has focused its attention and work on prevention of domestic violence, sexual violence, physical violence among peers and emotional violence on the Internet. Informative educational activities are carried out systematically, among them awareness raising lectures in schools on the subjects of violence, mobbing, and reducing violence. In addition, in autumn of 2018, training of national police officers on various themes, including sexual violence and domestic violence, was held. In total 184 regional police inspectors participated in the training. In order to reduce the manifestations of violence, the professional development courses for educators “Special Knowledge in the Field of Protecting Children’s Rights” were carried out, where the issue “Development of Inclusive, Safe and Non-Offensive Education for Girls” was topical. 2908 teachers participated in these courses in year 2015 (including 2050 women), and 1477 teachers participated in year 2016 (including 1000 women).

49. In addition to information provided in paragraphs above, in 2014, State Police issued 91 decisions on separation of violator, and the courts issued 337 decisions, then in 2018 the amount of State police decisions has risen to 798, and the court decisions – to 879. This improvement in practice is the result of change of procedures, organizational issues, training, prevention activities and more trust to police and courts from victims at domestic violence cases. It correlates with the indicator that more and more victims of family violence are turning to the police with requests for protection, which also increases the number of decisions taken by the police on separation.

50. As regards cases registered as family conflicts it must be underlined that the State Police registers all events involving the police. The registered Family Conflict cases are not to be understood only as cases of domestic violence that will lead to a decision on separation. These conflicts are often settled on the ground, often before the police arrives, and the parties have no claim against each other. However, this information is relevant and serves as a risk management tool for the future. In 2019, a new practice has been launched, namely, following such family conflicts, if there is no decision on separation, the police officer draws up a risk family form, which is passed on to the social services of local governments to draw attention to such family.

51. As regards the form of family relations (including sexual minorities), it must be emphasised that according to the *Civil Procedure Law* there is no difference in family status or form to adopt a decision on separation (marriage or simple cohabitation, parents and children, brother and brother, cohabitation of two persons of one gender). The basis for temporary protection against violence is the fact that any physical, sexual, psychological or economic violence has occurred between former or current spouses or other related persons regardless of whether a transgressor is living or has lived in one household with the victim. This measure is also applied in cases when violent control (infringement, sexual compelling, threats, debasing, intimidation with the purpose to punish or intimidate) is directed against a person.

52. Analysis of the status of the relationship between the protected person and the violent person in 2019 shows very stable trend. From all cases with decision on separation – 40% were cases involving married couples, 35% unmarried couples, 12% between mother and son, 4% between mother and father of a child, not living together.

53. To conclude, the protection mechanism that has been created has proved itself in practice as an available and effective tool to be used against domestic violence. Society in general, as well as practitioners (police officers and judges) are more aware and recognize various forms of domestic violence, and there is a clear trend towards non-tolerance of domestic violence. In addition, Latvia recognizes that the next

priority is discussing inter-institutional cooperation models that would allow preventive intervention in family at very early stages/signs of possible outbreaks of domestic violence.

54. Criminal liability for rape is established in Article 159 of the *Criminal Law*, which provides that for a person who commits an act of sexual intercourse taking advantage of the state of helplessness of a victim or an act of sexual intercourse against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim (rape), the applicable punishment is deprivation of liberty for a period of four and up to ten years and with probationary supervision for a period up to five years. If rape is committed by a group of persons, or a minor is raped, the applicable punishment is a life imprisonment or deprivation of liberty for a period of five years and up to twenty years and with probationary supervision for a period up to five years.

55. It should be noted that the fact that the rape was committed by the person with whom the victim is married may be recognized as an aggravating circumstance (see paragraph 38 of the Periodic Report).

56. Criminal liability for persecution is established in Article 132¹ of the *Criminal Law* – for repeated or lasting tracking and surveillance of another person, expressing threats to such person, or unsolicited communication with such person, if such person has had reasonable grounds to fear for his or her safety or the safety of his or her relatives, the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

57. Criminal liability for female genital mutilation is envisaged in Article 125 of the *Criminal Law* for intentional infliction of serious bodily injury. The annex 3 of the law “On the procedures for the entry into force and application of the Criminal Law” establishes the criteria for the specification of the level of seriousness of bodily injury. For example, serious bodily injuries are such bodily injuries, which have been the reason for loss of reproductive capacity (the loss of ability to perform sexual intercourse, impregnation and fertilisation capacity, capability to give birth), and also full or partial removal of external genital organs, except for manipulations carried out due to medical indications.

58. Criminal liability for psychological violence is envisaged in Article 125 of the *Criminal Law* for intentional infliction of serious bodily injury and Article 126 for intentional infliction of moderate bodily injury. Serious bodily injuries are such bodily injuries, which have been the reason for mental disorder with a chronic course or mental trauma with permanent consequences which affects the social adaptation of a person significantly, whereas moderate bodily injuries are mental disorder or mental trauma affecting the social adaptation of a person on a long-term basis.

59. Article 74 (1) of the *Civil Law* expressly prohibits all forms (physical, sexual, psychological or economic violence) of violence against a spouse. Instead of limiting the development of concepts by definitions, it is left to the court to interpret the concepts in accordance with other legal acts, international agreements binding to Latvia, recommendations and other legal sources in order to allow to adapt these concepts broadly, respecting changing over time circumstances and appropriately to each individual situation.

60. According to the *Civil Law*, a marriage may be dissolved if the marriage has disintegrated, that is if the spouses have lived apart for at least three years, or less than three years if a reason is physical, sexual, psychological or economical violation of the spouse against the other spouse who has requested the divorce, or against his or her child or joint child of the spouses.

61. During the implementation of the Plan for Implementation of the State Family Policy Guidelines for the period 2016–2017 with the support of the European Commission co-financed projects, information and education activities have been organised, as well as activities that promote inter-institutional cooperation.

62. Between 2017 and 2018, The Ministry of Welfare implemented two projects – the project “One Step closer: Unified community response to cases of violence against women” and the awareness campaign on zero tolerance for violence against women “Violence thrives in silence”. The first project developed professional competencies of specialists (officers of the State police and local government employees, social workers, children’s rights protection specialists, health care and NGO experts) who face daily, or might face persons, who have suffered from domestic violence or other persons in close relationships with them. The second project contained activities aimed at raising public awareness and understanding of violence against women, as well as to prevent or avert violence in mutual relations between women and men. Special attention was devoted to young people in the project to promote respectful and equal relationships between boys and girls.

63. Adults who are victims of violence (either physical, sexual, economic or emotional acts of violence, or threats of physical or sexual violence, or violent control) are granted social rehabilitation services (government funded) that provide psychological, social and legal assistance (to assess the threat and to plan security measures, to motivate the person to recover or enhance his or her social functioning capabilities). The rehabilitation can be provided either in any municipality of person’s choice or in a crisis centre. Services are provided in the form of a social rehabilitation course of up to 30 days in a social rehabilitation institution (with accommodation) or up to ten 45-minute counselling session of a psychologist, social worker and lawyer at the place of residence. Some of the crisis centres provide the social rehabilitation also for men, but mainly men receive this social service as consultations at one’s place of living (see Annexes 12–13).

64. There are 7 shelters that provide State funded social rehabilitation services for children and women that have suffered from violence. They are freely available for any victim of violence.

65. In 2015, the *Social Services and Social Assistance Law* was amended in order to improve the social situation of refugees and persons of alternative status, including women, by providing for the right to social services and social assistance. Persons with alternative status were granted the right to receive a guaranteed minimum income, counselling by social worker, as well as shelter and night shelter services. Children who have been granted alternative status have received access to social care and social rehabilitation services. However, persons who have been granted refugee status, have social services and social assistance available at the same extent as other permanent residents of Latvia. In turn, asylum seekers have access to a service centre for asylum seekers.

66. In addition to that, the Legal Aid Administration provides informational support to victims of crime – by calling the phone-line 116006, victims of crime, including victims of violence, have access to emotional and psychological support, information on procedural rights of victims, and to support measures.

67. The aim of the annual informative report about the prevalence of domestic and gender-based violence against women and girls drawn up by the Ministry of Welfare in cooperation with other state, municipal and non-governmental stakeholders is to provide actual information on the international developments and current situation in Latvia. The report usually includes information on the topical international research and where relevant particularly highlights the results on Latvia (e.g., results of the EU Fundamental Rights Agency report “Violence against women” or Eurobarometer

surveys), recommendations of the international organisations to Latvia on the relevant topics, as well as available statistical data provided by the State Police, Ministry of the Interior and other institutions. The report also identifies areas where further interventions are necessary. The report is publicly available and its information may be used by media, students and anyone else interested.

J. Reply to paragraphs 14–16 of the list of issues

68. Latvia continues active participation in international exchange of information and intelligence with foreign law enforcement authorities. There were 491 information exchange cases in 2017, and 495 information exchange cases in 2018 related to trafficking in human beings. Because of previous international cooperation, in 2018 several organized criminal groups for trafficking in human beings were convicted in the United Kingdom. These groups mainly consisted of Latvian nationals, who through fraud, intimidation and violence recruited Latvian nationals to work in the UK. Criminals paid those people only a small part of actual salary earned, provided housing unfit for living and opened accounts in their name in the UK for money laundering using victim's identity documents.

69. In 2017, the first criminal proceedings against Latvian citizens for domestic exploitation of a group of persons involving them into criminal type of debts, was sent for prosecution. The first joint investigation on the Eurojust platform was initiated on the recruitment, transportation and accommodation of Latvian citizens in an organized group for work exploitation in UK flower nurseries. In 2018, five adult citizens (3 men and 2 women) of Latvia were detained in Latvia on the basis of the Joint Investigation Team activities.

70. In 2017, there were 8 criminal proceedings under Article 154¹ of the *Criminal Law* initiated in Latvia. These criminal proceedings were initiated for labour exploitation in Latvia, for sexual exploitation in Latvia, for labour exploitation abroad (also in organized group) and for exploitative fictitious marriage abroad in organized group. In the framework of these criminal proceedings, 4 Latvian nationals, including 3 women and 1 man, were declared suspects. In 2018, 4 criminal proceedings for exploitative fictitious marriages abroad and for sexual exploitation (including vulnerable persons) were initiated in Latvia. During the investigation, 12 Latvian nationals, including 7 men and 5 women were declared suspects, and 5 Latvian nationals, including 3 women and 2 men, were recognised as victims. In 2018, 1 criminal case concerning labour exploitation was sent for prosecution. Between 1 January 2017 and 31 December 2018, prosecutors sent for adjudication 3 human trafficking cases against 4 persons: in 2017, 2 criminal cases against 3 persons (1 adult woman and 2 adult men) were referred to the court, while in 2018, 1 criminal case against 1 adult man was referred to the court. (see also Annex 11)

71. The *Law on Social Services and Social Assistance* and the Cabinet Regulation "On the procedures by which victims of the trafficking in human beings receive social rehabilitation services" envisage the victims of human trafficking the state funded social rehabilitation services. There is also a possibility to provide government funded safe shelter for victims of human trafficking if necessary. Both NGOs that provide state funded social rehabilitation services for the victims of human trafficking – the Centre "Marta" and the society "Shelter "Safe House"" are able to provide safe housing as it is one of the important criteria for the NGOs to participate in the public procurement procedure. Likewise, the NGO that provides the state funded social rehabilitation service may recognize a person as a victim (there are 3 different types of criteria that should be met none of whom is a cooperation with a police or witnessing in criminal proceedings). State funded social rehabilitation services are

available to all persons who are recognized as victims of trafficking in human beings regardless their age, sex or citizenship.

72. As regards the awareness-raising measures for health and safety, sex workers and their clients are one of the target groups who visit HIV prevention points. HIV prevention points provide rapid testing, needle and syringe exchange, condom distribution, as well clients receive the required social and medical aid, consultations about infectious diseases and prevention measures. These services are free of charge and anonymous for clients.

73. With support of the European Social Fund “To improve accessibility to health promotion and disease prevention services, especially to persons who are subject to the poverty and social exclusion risk” the Ministry of Health will carry out campaigns to promote sexual and reproductive health especially for persons who are subject to the poverty and social exclusion risk.

K. Reply to paragraph 17 of the list of issues

74. Significant efforts were made by the Ministry of Education and Science in order to improve the monitoring mechanism and data collection methods to obtain correct data on education of Roma children, including a questionnaire on education opportunities for Roma children that was disseminated in 2016.

75. The following data is currently available on Roma children in education: there are 900 Roma students in mainstream general education programmes, out of which 322 are girls. There are 65 Roma children attending compulsory pre-school education programmes, while in primary education programmes (1–9 grade) there are 698 Roma children. 33 Roma students attend secondary education programmes (10–12 grade) while 65 students acquire vocational educational programmes (tourism, crafts, etc.). 21.4% of total number of Roma students are provided with additional training activities.

76. The information regarding gender stereotypes and education reform is provided in paragraphs 39, 41 above, statistical data is available in Annexes 14–17.

L. Reply to paragraphs 18–19 of the list of issues

77. The Inclusive Employment Guidelines for years 2015–2020 envisaged implementation of several targeted activities. For example, support for long-term unemployed and support for social entrepreneurship was provided, employment of senior workers promoted, integration and motivation of persons with disabilities into the employment as well as mentor services for people with disabilities provided, subsidized jobs for the unemployed made available. Active labour market policy (ALMP) measures particularly training for the unemployed has had positive effects on labour market outcomes. Participants in formal trainings (aimed to build specific, accredited skills) and non-formal trainings (aim to build more general skills, such as languages and communications technology) experienced an increase in their chances of finding a job and in their earnings. While these effects differed according to the gender, age, and social assistance received, virtually all participants benefited from taking part. In addition, combining training for the unemployed with other active labour market policy measures, especially measures to support regional mobility, appeared to boost effectiveness. Finally, the mid-term evaluation concluded that the engagement of the population into employment was facilitated and integration into labour market has become more inclusive, in particular with regard to reducing the unemployment of the groups at risk of social exclusion and targeted implementation of active labour market policy measures. Both vocational and non-formal training courses for registered

unemployed are allocated through a voucher system. The vouchers specify the kind of training that they are valid for, and their value reflects the length of the training. Courses may be offered by accredited private or public training providers.

78. Since year 2017, workers, including those with a low level of education, have the opportunity to increase their professional competence and competitiveness by applying for project “Improvement of Vocational Competence of Employed Persons”. The project implements vocational adult education, professional development and non-formal curriculums. The project also implements the assessment of professional competences acquired outside the formal education system for persons aged 25 years or over, including those with low educational attainment, with education in a profession with labour shortages, or education in a profession where the supply of human resources exceeds demand. Priority support is given to workers in social risk groups. In order to promote involvement of employees at risk of social exclusion, additional support is available during the training – including sign language interpretation and assistant for disabled persons. In addition to that, support is provided for regional mobility, for workers who have been granted a status of low or poor income. By the end of the project implementation period, 31 December 2022, it is expected that 36 000 people will have benefited from the project.

79. In order to promote a longer and higher-quality participation in the labour market for senior workers, labour market support measures for people aged 50 and over are being implemented, such as the awareness raising about the ageing trends of the society and the workforce, as far as possible use the potential of senior workers, by assessing the knowledge, skills and health status of senior workers; providing training and lifelong learning opportunities, adapting workplaces and introducing flexible forms of work.

80. Regarding the integration in labour market of persons with disabilities, it still remains a challenge, mostly due to existing stereotypes by employers or education system. There is a wide range of State Employment Agency’s provided ALMP measures – wage subsidies, specialized guidance for the target groups. In reply to OECD recommendations it is planned to consider differentiating the programme of employment subsidies for persons with disabilities according to the degree of assessed disability or work capacity. The number of persons with disabilities continues to increase each year, and their proportion continues to increase each year as well (see Annexes 18–25).

81. On 1 April 2018, the Social Enterprise Act came into force, which aims to promote the improvement of the quality of life and promotion of the employment of groups at risk of social exclusion, creating a favourable social business environment.

82. The State Labour Inspectorate receives complaints about breaches of the equal treatment principle (hereinafter – SLI). In 2016, the SLI examined 34 applications alleging unequal treatment in employment relations. On three occasions, the allegations were confirmed, in eight cases – partially confirmed. In order to prevent the violations, the officials of the SLI (depending on the severity of a violation in the particular case) have imposed an administrative fine, expressed an oral remark, a warning, as well as imposed an obligation to prevent violations. These penalties were imposed for the violations of the Articles 32 (discriminatory job advertisement) and 7 (violation of the principle of equal rights to work and working conditions) of the *Labour Law*.

83. In 2017, the SLI examined 31 application alleging unequal treatment, as well as possible discrimination cases, including two applications of alleged discrimination based on gender, four applications alleging differential treatment based on age, one application alleging differential treatment based on disability. In 24 cases other grounds of possible differential treatment (bossing, mobbing, requirement for knowledge of the Russian, requesting photos, etc.) were indicated. In three cases the

facts mentioned in the applications were confirmed, in five cases – partially confirmed, in 23 cases – not confirmed. In reply to these applications, the officials of the SLI imposed an administrative fine, administrative sanctions, or took a decision to terminate the administrative violation procedure.

84. In 2018, the SLI examined 28 applications alleging unequal treatment. In three cases, the facts mentioned in the applications were confirmed, in six cases – partly confirmed. Based on the violations found, the officials of the SLI imposed administrative fines for violations of Articles 7, 29, 60 (violations of the principle of equal rights to work and working conditions) of the *Labour Law*.

85. During the first five months of 2019, the SLI has examined 42 applications alleging unequal treatment, as well as possible cases of discrimination, including 15 applications alleging differential treatment due to unreasonable requirements for foreign language skills. There have been no violations found during the examination of the applications for which the person would be held administratively liable.

M. Reply to paragraph 20 of the list of issues

86. Full evaluation of the Public Health Guidelines for 2014–2020 will be carried out after the implementation of guidelines. A mid-term evaluation of Public Health Guidelines was carried out in 2016, and proved that maternal and child health improved in many indicators, such as infant mortality, proportion of smoking pregnant women, infant mortality from sudden infant death syndrome.

87. Vaccination is an effective measure in preventing and controlling the spread of vaccine-preventable diseases. In general, children vaccination coverage is high (> 90%) and morbidity of vaccine preventable diseases is low. The mid-term evaluation of the Public Health Guidelines for 2014–2020 showed that the vaccination coverage for children up to 7 years increased by 2% compared to 2013 (95% in 2013, 97% in 2016). The immunisation coverage for adolescents against diphtheria, tetanus and poliomyelitis increased by 2.1% compared to 2013 (91.4% in 2013, 93.5% in 2016).

88. In 2016 the Ministry of Health and the Centre for Disease Prevention and Control organised an informative diphtheria vaccination awareness-raising campaign “Protected because vaccinated” for adults with an emphasis on a regular booster vaccination as a long-term protection. As a result of this campaign, the number of adults vaccinated against diphtheria increased by 49.2% in comparison to the previous three years. Because of human papillomavirus vaccination campaign (2017–2018), 12-year-old-girls’ vaccination coverage increased approximately by 10%.

89. Vaccination coverage for the seasonal influenza vaccination in children and seniors have increased during the mentioned mid-term evaluation. Due to the regular seasonal influenza vaccination campaigns, the number of persons in different risk groups (vaccinated against influenza using a reimbursable vaccine) increased by nearly 65% in comparison to the previous three years. The number of pregnant women vaccinated against influenza increased significantly – almost 10 times more than in two previous influenza seasons together. Starting from 2019/2020 flu season, seasonal influenza vaccine is included in the vaccination calendar for children aged from 6 to 24 months and for pregnant women.

90. Access to safe and legal abortions covered from the state budget is provided for all women if there are medical indications for abortion. The Maternal and Child Health Improvement Plan 2018–2020, adopted to improve maternal and child health and to reduce maternal and infant mortality, plans to provide women belonging to the most disadvantaged groups with access to contraception covered from the state

budget. It has to be noted that the rate of induced abortion decreases. The induced abortion incidence rate per 1000 women in 2017 was 9.3 but in 2018 – 8.8.

N. Reply to paragraph 21 of the list of issues

91. Latvia has accelerated the access to antiretroviral therapy from CD4<200 cells/mm³ to the “test and treat” approach. Each HIV-infected person can receive antiretroviral treatment with no limits for CD4 immune cells in prescribing the ARV therapy.

92. According to statistical data, 596 HIV-positive women received antiretroviral therapy in 2015; 710 women – in 2016; 871 women – in 2017 and 1 008 women – in 2018. In 2018, there were 326 new cases of HIV, in 2017 – 371 new cases of HIV. As of January 2019, 5 635 HIV-positive persons have been registered in Latvia, around 1 909 of them are women. Based on the study data from 2018 the estimated number of HIV-positive people is 7 400 persons, meaning that close to 1 800 HIV infected people in Latvia do not know that they are infected with HIV.

93. Starting from August 2019, a new service is provided for those in need for a support when receiving positive HIV and/or hepatitis B rapid test at the HIV prevention point. This support person may help to inform HIV-positive person about health care and social services, may help to visit a doctor and explain the need for antiretroviral therapy etc. Service is provided by the NGO “DIA+LOGS” with the support of the Centre for Diseases Prevention and Control.

94. Adherence supportive service (in Riga East University Hospital) is implemented for HIV-infected persons where a qualified support personnel can provide competent advice to the HIV-infected patient on the need for antiretroviral therapy, the correct usage of the medicinal product, risks associated with using or not using antiretroviral therapy, to assist in the organisation of re-visits to the doctor.

95. Medical care of HIV-infected women and women with AIDS is not centralised in one hospital. HIV treatment can be provided by any infectologist in any medical treatment institution where a state-paid infectologist works. Historically HIV-infected persons chose to receive a medical care in Riga East University Hospital, because of the concentration of most experienced specialists and developed methodological management of HIV treatment. However, the patients’ also choose other, for example, Pauls Stradiņš Clinical University Hospital, Daugavpils Regional Hospital.

96. Regarding HIV related programmes mentioned in paragraph 187 of the Periodic report, the Action Plan for the Elimination of HIV Infection, Sexually Transmitted Infections and Hepatitis B and C for 2018–2020 is now the applicable policy-planning document.

97. HIV prevention points network is not homogeneous; local municipalities or NGOs organize the work of HIV prevention points and assist with premises. The Centre for Diseases Prevention and Control on its part provides methodological support, training and provision of goods (syringes, condoms, rapid tests, informative materials, disinfectants). There are also mobile harm reduction services providing rapid testing, syringe distribution, condoms distribution, consulting closer to the gathering places of risk groups involving specially equipped transport and trained personnel. These services are organized by NGOs.

O. Reply to paragraphs 22–23 of the list of issues

98. As regards the criminal convictions related for fictitious marriages, there are eight convictions (in total 22 people) under Article 285² of the *Criminal Law* (Ensuring, in bad faith, a possibility to acquire the right to stay legally in the Republic of Latvia, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation). Three persons were sentenced to deprivation of liberty (5 years and 2 months, 6 months and 4 months respectively). One person was sentenced to 6 months of deprivation of liberty and with deportation from the Republic of Latvia. Eight persons were sentenced to deprivation of liberty with suspended sentences (3 years and 6 months, 3 years, 1 year and 6 months, two persons were sentenced to 2 years of deprivation of liberty, while other two were sentenced to 6 months of deprivation of liberty). Seven persons were sentenced to community service ranging from 260 hours to 60 hours of community service. Three persons were sentenced to a fine (5 590 EUR fine, and two 4 730 EUR fines).

99. The Constitutional Court of Latvia, referring to the case law of the European Court of Human Rights, has recognised that notion “family” is to be interpret broadly and not as including only relationship based on marriage, but encompassing also de facto “family” relations in the cases when persons live together without marriage. Accordingly, the Constitutional Court of Latvia has established that the State must protect any family.²

100. According to Article 250⁴⁴ of the *Civil Procedure Law*, an application for provisional protection against violence may be submitted by spouses or former spouses; persons between whom children and parent relations exist, guardianship or other out-of-family care relations exist or have existed; persons between whom kinship or affinity relations exist; persons who are living or have lived in one household; persons who have or are expecting a common child, regardless of whether such persons have ever been married or lived together; persons between whom close personal or intimate relations exist or have existed. Respectively, protection against violence is available to any person in that need without any exception (e.g. also persons forming same-sex partnerships are protected).

² Judgement of the Constitutional Court, 11 October 2004, Case No. 2004-02-0106.