

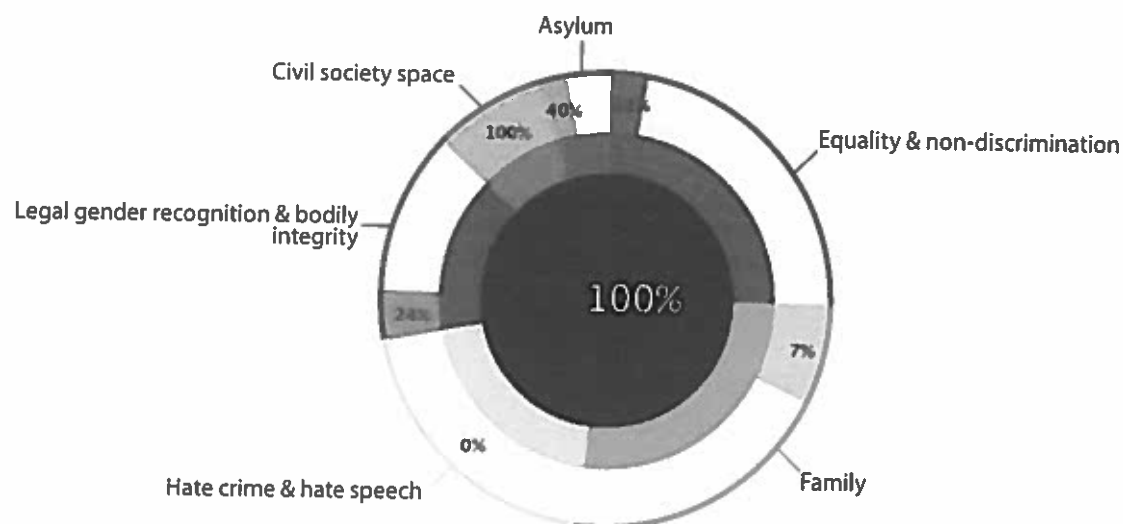
Latvia



The limited stock of LGBTI-inclusive laws and policies was not extended in any significant way in 2016. Equality, family and hate crime legislation still omit sexual orientation, gender identity and sex characteristics from most (if not all) of their provisions, although changes to asylum law that included references to LGBT asylum seekers were finalised. Queries around how the 2015 'moral upbringing' amendments to the Education Law would be implemented in practice were answered with the publication of guidelines. Disagreement reigned around whether or not Latvia would sign up to the Istanbul Convention, as the justice minister and church officials opposed the move – motivated by the mention of sexual orientation and gender identity within a non-discrimination clause. The convention was finally signed in May. In addition, another question was raised by the Supreme Court; it ruled that even though Latvian law does not permit equal marriage, same-sex couples who want to register their marriage carried out elsewhere should at least have their applications considered.

For more information on developments in 2016, visit www.rainbow-europe.org where you can read the full country chapter.

Legal and policy situation in **Latvia** as of 31 December 2016



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Explicitly including all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in an equality action plan, accompanied by specific measures of progress.
- ➡ Adopting legal measures to recognise and protect same-sex couples, such as cohabitation legislation.
- ➡ Including express mentions of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in policies designed to tackle hate crime.

Access to goods and services

- LGBT NGO Mozaika submitted a complaint to the Ombudsman's office in February over a promotion run by public transport company Rigas Mikroautobusu Satiksme (RMS). On Valentine's Day, couples could pay for bus journeys by kissing, but the deal was only available to different-sex couples. An RMS spokesperson said that the initiative was "...only meant to support relationships established as traditional." The Ombudsman found that the initiative violated the prohibition on discrimination on the grounds of sexual orientation. It recommended that RMS ensure that any future campaigns they run are done so on the basis of equal treatment.

Asylum

- In January, new asylum legislation was signed into law (after being adopted by parliament in December 2015). The new law includes sexual orientation and gender identity as qualification criteria.
- The Office of Citizenship and Migration Affairs received two applications for asylum on grounds of persecution because of the individual's sexual orientation. In both cases, refugee status was granted during 2016.

Bias-motivated violence

- On 18 May, Latvia signed the Istanbul Convention. It was the final European Union member state to sign the Council of Europe's convention on preventing violence against women. Various Christian church leaders, parents' organisations such as Association 'Family', and justice minister Dzintars Rasnacs (National Alliance, NA; right-wing) had opposed signing up. Opposition centred around the non-discrimination clause contained in Article 4 of the convention, which refers to sexual orientation and gender identity as protected grounds. Rasnacs said that his critics had not "...taken into account the conservative stance of the greater part of society". When the Convention was signed, a declaration was added to align the text with the Latvian Constitution.

Data collection

- In January, the Baltic Centre for Investigative Journalism (*Re:Baltica*) published a report entitled 'The

Rise of Latvia's Moral Guardians', outlining the development of several parents movement NGOs since 2013, set up to defend 'traditional values' against LGBTI 'propaganda'.

Education

- The Cabinet of Minister approved guidelines on 15 July which detailed how the 2015 amendments to the Education Law can work in practice. The 2015 changes introduced a responsibility to ensure 'moral upbringing' for school children. The guidelines state that schools must foster a positive attitude among students in relation to several values – including family, marriage, culture and the Latvian nation. There was no reference to sexual orientation, gender identity or sex characteristics in the guidelines' anti-discrimination clause. The guidelines prohibit sharing materials which feature "propaganda of degrading or immoral activities". On 23 November, a so-called 'loyalty' clause was added to the guidelines, allowing schools to dismiss teachers who do not foster positive attitudes towards the listed values. Although some NGOs were consulted as part of this process, LGBTI NGO Mozaika was not among them; however, association "Family", a vocal opponent to human rights of LGBTI people, was.
- Following a petition from parents, in September the director of the International School of Latvia instructed the organisers of a Gay-Straight Alliance that the initiative would have to stop its work. Before the end of 2016, the director of the school left their position, and the future of the Gay-Straight Alliance was unclear. (The alliance, run by students and supervised by teachers, had since changed its name to the 'open minded group').

Equality and non-discrimination

- Council of Europe Commissioner for Human Rights Nils Muižnieks visited Latvia in September and published the recommendations of his country visit on 13 December. The Commissioner urged Latvia's authorities to introduce greater protection for women, children and LGBTI people. In particular, the Commissioner recommended the introduction of public policies to protect the human rights

of LGBTI people and to legislate for hate crime and hate speech motivated by anti-LGBTI bias.

- A final report under the UN's Universal Periodic Review process was adopted for Latvia in 2016 (see **United Nations**).

Family

- A signature collection campaign in favour of introducing a cohabitation law for all couples, initiated in 2015, continued. 10,000 signatures are required to have a plenary debate in parliament on the issue, but this total had not been reached by the end of the year.
- On 27 May, the Supreme Court ruled that an application from a same-sex couple to register their marriage should be examined. This decision overturned the administrative court's earlier ruling which refused to consider the application at all. The Supreme Court acknowledged that existing regulations mean that marriages between same-sex couples cannot currently be registered but that the application should be considered in the context of registering family relationships.
- During 2016, five same-sex couples were involved in litigation initiatives, in an attempt to register their marriages. After they were refused, the couples applied to the Administrative Court of First Instance. One of the applications was accepted and four were refused by the Court of First Instance. The negative decisions were appealed in the Supreme Court, which required the Court of First Instance to initiate and hear the cases. The hearings were due to take place in the autumn of 2016.

Participation in public, cultural and political life

'Somebody Out There' (a short film on the LGBTQ* community in Latvia, produced for the Riga Summer School) received the Riga Summer School 2016 Audience Award.