

LATVIA**BIAS-MOTIVATED SPEECH**

Civil society reports that over 300 anti-LGBT posts were removed from social media platforms this year. Ten of these were reported to the police and three criminal proceedings have started.

Three individuals were found guilty of hate speech and incitement against LGBT people online, as prohibited by Section 150 of the Criminal Code.

Civil society found “No LGBT 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.

Newly appointed Minister of Interior, Marija Golubeva announced in June that addressing hate crimes will be among her priorities. Golubeva is Latvia’s first openly lesbian (and second LGBT) minister.

On 2 July, the Ministry of Interior set up a working group to analyze trends in hate crimes and offer ways to address them. The working group does not include members of civil society and there is no information available about their work so far.

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-LGBT hate crimes. In the past nine years, only one homophobic incident was classified as a hate crime by the Ombudsperson’s Office.

FAMILY

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. This contravenes international human rights law and European jurisprudence, as well as Latvia’s Constitution and the rulings of its Constitutional Court. The LGBTI Intergroup of the European Parliament immediately condemned the move. Latvia is one of only six countries in the EU that provides no recognition of partnership for same-sex couples and while there have been promising developments in the last two years, this vote is a worrying step backwards. 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”. The first initiative to legalise civil partnerships or same-sex marriage was launched in 1997, but all have failed to date. The latest citizens’ petition for legal recognition for same-sex couples, launched in January, has collected 23,000 signatures. 155,000 signatures, a tenth of all voters in Latvia, would have to be collected within a year for the amendment to go before the parliament. The parliament could then approve it right away, or would have to put it up for a referendum otherwise. Civil society assesses that the chances of reaching this threshold are rather slim.

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. The law set out a 60 times higher registration fee for people who are unmarried, placing same-sex couples in a disadvantaged position as marriage equality has not been introduced in Latvia. The case was referred to the Court by the Ombudsman’s Office in 2020.

Currently, three working groups, two in parliament and one at the Ministry of Justice, are preparing proposals to implement two Constitutional Court judgments, including the one from April, on the need to recognise families outside heterosexual marriage. Civil society anticipates progress on this in 2022.



On 10 December, the Senate annulled a judgment of the Administrative Regional Court that denied family recognition to a same-sex couple and returned the case back to the Court for reconsideration. The Senate pointed out that same-sex couples are entitled to be recognised as a family, in line with Constitutional Court judgments, until the parliament would decide otherwise and clearly legislate on the issue.

FREEDOM OF ASSEMBLY

Baltic Pride 2021 took place in Riga between 2 and 7 August. The events were successful, and were held partly online. The Parade did not take place due to COVID-19 restrictions.

FREEDOM OF EXPRESSION

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 "pose a threat to the psychological development of a child" and/or "pose a threat to a child's biological gender" and/or "may lead to a deviation from gender identity, interest in gender reassignment, and a predisposition to homosexuality".

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

On 3 June, Marija Golubeva was appointed as Minister of Interior, becoming the first openly lesbian (and second LGBT) minister in the government.



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