

LIBERTIES

RULE OF LAW REPORT

2024

LATVIA

#ROLREPORT2024



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FOREWORD

This country report is part of the Liberties Rule of Law Report 2024, which is the fifth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Latvia.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2024 report was drafted by Liberties and its member and partner organizations, and it covers the situation during 2023. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2024 report includes 19 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Thirty-seven member and partner organisations and one independent human rights expert contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2024 here](#)

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LATVIA

About the authors

Latvian Centre for Human Rights



The Latvian Centre for Human Rights (LCHR) was established in 1993 as an independent non-governmental organisation. Over three decades, the LCHR has worked on integration (minority rights and promotion of tolerance) issues, elimination of discrimination and hate crimes/speech, asylum, migration and fundamental rights issues, as well as human rights observation in closed institutions (prisons, immigration detention facilities).

The LCHR conducts human rights monitoring, research and policy analysis, training of different target groups, and provides legal aid to victims of human rights violations, including their representation before domestic and international courts. The LCHR provides expert opinions both locally (to government, Parliament, media, educational institutions, courts, and lawyers), as well as internationally. The LCHR is involved in advocacy for change, ranging from raising public awareness to specific policy or legislative change.

Key concerns

Regarding the justice system, in 2023 the Parliament confirmed a new judge to the Supreme Court, reversing the previous Parliament's vote against her candidacy. However, in terms of safeguards in the appointment procedure for Supreme Court judges, potential unsuccessful candidates cannot request judicial review against the Parliament's decision, which also does not have to contain

reasons for a rejection. Progress in this area was not satisfactory in relation with the recommendations made by the European Commission, as no process was initiated to introduce such safeguards to appointment procedure.

Corruption remains a concerning issue in Latvia. By November 2023 there were ongoing investigations in more than 33 criminal proceedings related to the crimes of embezzlement of EU structural funds. Some cases involve the

apparent collusion of public officials with private entities, with one case focusing on alleged illegal acts to obtain more than €4 million from the European Regional Development Fund Plans to adopt the Cabinet of Ministers regulations concerning the practical implementation of the Law on Transparency of Representation of Interests, widely known as the ‘Law on Lobbying’, were set for September 2023, however they have been postponed to the first half of 2024.

Regarding the media environment and media freedom, generally, public trust in Latvian media remains above the EU average, and has ticked up slightly in recent years. However, there is concern that public authorities are misusing excuses such as national security to justify the unlawful blocking of freedom of information requests made by the journalists. There has been criticism over amendments in 2023 by the Latvian legislature to move the category “information for service needs” from the Freedom of Information Law to the Law on State Secrets, as it will increase the number of restricted documents.

In the civic space, hate speech against civil society organisations and rights defenders remains a problem. According to a 2023 survey, 17 NGOs responded that they themselves (their staff or members) had been subjected to hate speech during the last three years. Despite laws, regulations, and policy documents that include various mechanisms for the involvement of civil society in the decision-making process, citizen participation in decision-making processes remains low, including at the local and regional levels.

As it relates the disregard of human rights obligations and other systemic issues affecting the rule of law environment, on 9 November, the Parliament amended eight laws introducing a new partnership institution to legally strengthen relations between two adults, including same-sex couples. They were adopted three years after the Constitutional Court judgement obligating the legislature to adopt a legal framework for the protection of all families. The amendments, though, fail to address the issues of property relations and adoption, and therefore the EU’s 2022 recommendation can be considered only partially fulfilled.

Justice system

Judicial independence

Appointment and selection of judges, prosecutors and court presidents

On 5 October 2023, the Parliament confirmed Sanita Osipova, the former Chairperson of the Constitutional Court as a Supreme Court judge. Fifty-one MPs voted for her candidacy, while 41 MPs voted against. In 2022, the previous Parliament rejected her candidacy for the same post in an unexpected and controversial move. The vote in 2023 was preceded by a debate, which, like that of the previous Parliament, referred to the decisions taken in the Constitutional Court during Osipova's presidency of that court. In particular, there was much debate over the Constitutional Court's decision allowing more rights to same-sex couples, and the resulting instruction on the legislature to develop a legal framework to protect all families in Latvia, including those formed by same-sex couples.¹

The 2022 Rule of Law Report recommended to Latvia to “initiate a process in view of ensuring adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointment.” In terms of safeguards in the appointment procedure, potential unsuccessful candidates cannot request judicial

review against the Parliament's decision, which also does not have to contain reasons for the rejection.

In 2023, no process was initiated to introduce adequate safeguards against undue political influence in the appointment procedure to the Supreme Court. Hence, no progress has been made on the implementation of the recommendation made in the 2022 Rule of Law Report.

Anti-corruption framework

Framework to prevent corruption

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

Plans to adopt the Cabinet of Ministers regulations concerning the practical implementation of the Law on Transparency of Representation of Interests, widely known as the ‘Law on Lobbying’, were set for September 2023, however they have been postponed to the first half of 2024.

According to the national authorities the time frame set for developing and implementing interest representation registry and interest

1 LSM.LV (2023). [Osipovu pretēji iepriekšējās Saeimas lēmumam apstiprina par Augstākās tiesas tiesnesi](#), 5 October.

representation declaration system is 1 January 2025.

Investigation and prosecution of corruption

Effectiveness of investigation and application of sanctions for corruption offences (including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.

According to the European Public Prosecutor's Office (EPPO), in Latvia by November 2023 there were ongoing investigations in more than 33 criminal proceedings related to the crimes of embezzlement of EU structural funds. During the last two and half years, criminal proceedings have been opened in 40 cases, five cases have reached the courts, and in three cases sentences have been handed down. The majority of these are VAT fraud cases.²

In 2023, the EPPO, in cooperation with the Corruption Prevention and Combating Bureau (KNAB), began investigating several cases regarding possible fraud in several Latvian municipalities.

On 19 June, the EPPO carried out 16 searches and seized up to €6 million in assets during an investigation into a case of suspected VAT fraud totaling €14 million.³ Specifically, the investigation is focused on a municipal company, based in the capital Riga, suspected of colluding with private companies to artificially inflate the prices of goods and services delivered. The suspected scheme inflated the operating costs of the municipal company, thus increasing the deductible expenses and allowing the company to pay less tax.

In 2023, several investigations into suspected EU money fraud involved production buildings in industrial parks, where it has been suspected that projects were aimed at specific entrepreneurs.

On 12 September 2023, the EPPO, in cooperation with KNAB, carried out searches of 20 locations in a probe into possible fraud involving state officials of the municipality of Valmiera. Together with representatives of several companies, they are suspected of committing illegal acts to obtain more than €4 million from the EU's European Regional Development Fund (ERDF), for a project implemented by the municipality.

2 LSM.LV (2023), *Eiropas Prokuratūra izmeklē 33 lietas par ES naudas izkrāpšanu Latvijā*, 28 November.

3 European Public Prosecutors Office (EPPO) (2023), *Latvia: EPPO carries out 16 searches in probe into €14 million VAT fraud – €6 million seized*, <https://www.eppo.europa.eu/en/news/latvia-eppo-carries-out-16-searches-probe-eu14-million-vat-fraud-eu6-million-seized>

On 7 November, the EPPO, in cooperation with KNAB, carried out searches and detained three persons for possible fraud involving state officials from the Municipality of Valka.⁴ The suspects, together with representatives of a private company, are alleged to have committed illegal actions to obtain more than €740,000 from the ERDF and over €30,000 from Latvia's state budget, for a project implemented by the municipality.

The investigative programme De Facto, presented by Latvian Television, the state-owned public service television broadcaster, reported in October that the State Police Economic Crimes Combatting Administration launched criminal proceedings with the street restoration project, where it could turn out that no business needed repairs to the streets in question. The case goes back to 2017 and the repairs cost a combined €800,000, half a million which came from ERDF.⁵

On 20 December, former governor of the Bank of Latvia and European Central Bank governing council member I. Rimšēvičs was sentenced to six years in prison for taking bribes, with a ban on holding state and local government

positions for five years and a probationary period of one year, as well as confiscation of property. He claimed that he would appeal the verdict. Rimšēvičs's arrest by KNAB in February 2018 caused major international headlines.⁶

Media environment and media freedom

Public trust in media

Trust in public media is gradually, albeit slowly, increasing: 56% trust Latvian Television and 53% trust Latvian Radio. This is higher than the EU average of 48%.⁷

In a public opinion survey commissioned by the State Chancellery in July 2023,⁸ 57% of inhabitants trusted Latvian media information about the war in Ukraine, up by 10% compared to December 2022, and by 4% compared to March 2023. Latvians have higher levels of trust (71%) compared to non-Latvians (34%). Only 25% of respondents in eastern Latvia (Latgale) trust the Latvian media about the issue.

4 European Public Prosecutors Office (EPPO) (2023), Latvia: Three detained in probe into possible fraud involving Municipality of Valka.

5 LSM.LV (2023). Jauna ES fondu kriminālieta Līvānos: izmeklē ielas noasfaltēšanu līdz graustā iecerētām SPA, 8 October.

6 TIESAS.LV (2023). Rīgas rajona tiesa Jūrmalā apsūdzētos Ilmāru Rimšēviču un Māri Martinsonu atzīst par vainīgiem, 21 December; LSM.LV (2023). Former Latvian central bank governor Rimšēvičs sentenced to 6 years in prison, 6 December.

7 Eurobarometer (2022). Media & News Survey. <https://europa.eu/eurobarometer/surveys/detail/2832>

8 State Chancellery (*Valsts kanceleja*), Kvantitatīva Latvijas iedzīvotāju aptauja par attieksmi pret aktuāliem jautājumiem "Kvantitatīva Latvijas iedzīvotāju Omnibusa aptauja interneta vidē (CAWI)"

Safety and protection of journalists and other media actors

Access to information and public documents

In June 2023, Balticada Investigations Studio, with the support of Reporters Without Borders, published a study⁹ based on a comparative analysis of 15 disputes between journalists and civil servants in Estonian, Latvia and Lithuania. The study found that freedom of information in the Baltics suffers from significant shortcomings, despite their high ranking in the World Press Freedom Index. Private data, business secrets, and national security, despite being all legitimate reasons for the denial of access to information, are also being misused as an excuse for the unlawful blocking of freedom of information requests made by the journalists. Research has also shown that a lack of resources and skills and resistance from officials leads journalists to surrender to challenging information bans. As a result, only a few experienced and determined reporters in the Baltic countries challenge the ban on information and defend the public interest.

The study recommends media regulators, legislators, journalist organisations, and media

owners should agree on a balanced freedom of information regime, including a national security safeguard, whilst retaining the right to information for all journalists across ethnicities or regions in order for them to be able to access information equally freely. The study also criticises the amendments in 2023 by the Latvian legislature to move the category “information for service needs” from the Freedom of Information Law to the Law on State Secrets, as it will increase the number of restricted documents. The study argues that imposing on heads of institutions the responsibility for decisions on whether the restricted information can be issued to journalists will potentially result in more disputes. It also argues that the current model for appealing decisions to a higher institution is ineffective due to its long, 30-day response term.

The study also recommends legislators to update the term ‘journalist’ to include everyone conducting journalistic activities, pointing to the practice in several nearby countries (e.g. Estonia, Sweden).

Other

The National Electronic Mass Media Council (NEPLP) imposed an administrative fine of €8,500 on the Internet news portal tvnet.lv¹⁰ for

9 RSF (2023). Disputes over access. [A Study on Journalists’ Access and Practises and Freedom of Information Policies in the Baltic States](#), 129 p.; RSF (2023). [Access to information in the Baltics: RSF asks the authorities to address a weak spot of press freedom](#).

10 LSM.LV (2023). [Media watchdog fines news portal for alleged word misuse](#), May 23.

the alleged misuse of the word “deportation”.¹¹ The word was not used by Tvnet.lv but by the interviewee, Member of Parliament Aleksejs Roslikovs, on a webcast carried by TVNet.lv, in which he referenced a nationalist party in the Latvian government as trying to inaugurate “the first wave of deportations in the history of the re-independent Latvia.”

According to the NEPLP decision of 18 May,¹² the news portal had provided deliberately incorrect information, namely that possible amendments to the Immigration Law provide for the deportation of residents of Latvia if they have not applied for the Latvia language proficiency check and for the status of permanent resident of the European Union. The NEPLP argues that the correct word to use in this case is not ‘deportation’ but ‘expulsion’ in the context of Russian and Belarusian citizens to their country of nationality if they fail to comply with the requirements of the law for claiming the status of a long-term resident of the European Union. According to the document, the portal has been fined for “failing to respect due precision and neutrality” by not changing the course of the conversation or explaining the topic to the audience when the word appeared.

The editor-in-chief noted that the word “deportation” is a widely used legal term for national immigration policy and does not apply only to historical events before and after World War II in Latvia.

The Latvian Media Ethics Council criticised the decision to fine Tvnet.lv for this alleged misuse of the word “deportation” as “disproportionate, undemocratic and bureaucratic.”¹³

On 6 October, the Council of Europe Safety of Journalists platform¹⁴ published a Level 2 alert – a statement by six media freedom and journalists organisations¹⁵ warning against the ‘National Security Concept’, a policy-planning document approved by the Latvian Parliament (Saeima) on 28 September 2023 according to which all content created by the public media after 1 January 2026 must only be in the Latvian language or other languages belonging to the European cultural space, i.e. the EU, candidate countries and countries of the European Economic Area (EEA).¹⁶ The move would essentially prohibit Latvian TV and Latvia Radio from producing content in the Russian language as of 2026. The Russian language is spoken by over a third of Latvia’s

11 The word “deportation” is strongly associated with the mass deportations of the Baltic people to Gulag camps by the Soviet regime in 1941 and 1949

12 NELPL (2023). LĒMUMS Nr. 199/1-2 (18012000000723-2), 18 May.

13 Latvijas Mēdiju Ētikas padome (2023). Latvijas Mēdiju ētikas padome uzskata par nesamērīgu, nedemokrātisku un birokrātisku NEPLP lēmumu par TVNET piemēroto sodu, 24 May

14 <https://fom.coe.int/en/alerte/detail/107640028>

15 RSF (2023), RSF and its partners are extremely concerned by Latvian proposal to ban Russian-language content on public service media.

16 Vestnesis.lv (2023). Par Nacionālās drošības koncepcijas apstiprināšanu, 28 September.

population, including not only ethnic Russians but also other minorities as well as some of the refugees from Ukraine. Currently, Latvian TV and Latvian Radio provide content in a range of minority languages through a variety of platforms, including the RUS.LSM portal and Latvia Radio 4, which reaches around 150,000 listeners a week and has around 1.3 million listeners per year to their podcasts. The authors of the statement express their concern that this change risks depriving Russian speakers in Latvia of access to credible and fact-checked information, leaving them exposed to disinformation and propaganda which is especially critical in light of the Russian war of aggression in Ukraine. It would also undermine citizens' fundamental human rights to access the media and impart and receive information including in their own language.

Objections to the proposal were earlier expressed by the Public Electronic Media Council.

Civic space

Online civic space

Attacks, threats and hate speech online

In 2023, the Latvian Centre for Human Rights conducted a survey on the experiences on NGOs with hate speech,¹⁷ and whether they themselves become targets of hate speech.

Twenty-six NGOs, most of them leading NGOs at national level working on women's rights, the rights of asylum seekers and refugees, integration and equality issues, the rights of persons with disabilities, patients' rights, minority rights issues, and other human rights issues responded to the survey. Seventeen NGOs responded that they themselves (staff or members) had been subjected to hate speech during the last three years. NGO activities focusing on sensitive and controversial issues, the rights of national minorities, asylum seekers/refugees and migrants are most often targets of hate speech. Several NGOs indicated that hate speech was connected with their support for Ukraine and Ukrainian refugees, and several in connection with their support for the ratification of Istanbul Convention, their participation in the debates on themes such as "residence permits to citizens of Russia, Russian speakers in Latvia, situation on the Latvian/Belarus border, " work with newcomers or that this is not directly in the interests of Latvians, on compensation to the Jewish community for loss of property during the Holocaust and Soviet regime, for persons in wheelchairs, etc. In most cases, hate speech against NGOs occurs on social networks and in comments to articles on internet news portals come from anonymous users. Seven NGOs have also received letters and e-mails containing threats, seven have received personal threats during an event, and four NGOs have been subjected to hate speech in the media.

17 Latvian Centre for Human Rights (2023). Hate Speech in Latvia – Trends and Challenges (unpublished, forthcoming in March-April 2023).

Public participation

Rules on access to and participation in consultations and decision-making processes

The entry into force of the Law on Local Government Referenda has been postponed until 1 September 2024. Provisions which foresee electronic voting in local government referenda will come into force on 1 August 2025 when relevant provisions in the Law on Population Register come into force.¹⁸

Other

According to the 2023 audit of the State Control on Citizen Participation,¹⁹ Latvia's laws, regulations, and policy documents include various mechanisms for the involvement of civil society in the decision-making process, however, citizen participation in decision-making processes is low, including at local and regional levels. Eleven local and regional governments were included in the audit sample. The report cites a lack of a strategic vision of local and regional governments regarding the benefits of citizen participation. In the near future, local and regional governments plan to implement several important infrastructure projects, including those for people with functional disabilities, at a cost of at least €21 million. The audit findings raise concerns as to whether this infrastructure will be respectfully usable and accessible to all residents of a local or regional

government. Almost no local or regional government anticipates citizen participation in the development of binding regulations and other regulations affecting citizens and municipal budgets. As it follows from the results of the population survey conducted as part of the collaboration between the State Audit Office of Latvia and the students of the Communications Department of Riga Stradins University, factors such as the lack of information about the possibilities of citizen participation or their complexity, as well as the lack of confidence that an opinion will be taken into consideration as a result of participation, are the reasons why the majority (85%) of surveyed residents do not participate in municipal decision-making processes. Each of the surveyed 11 municipalities have been issued deadlines to comply with the recommendations to increase citizen participation in the decision-making process.

18 Latvijas Vēstnesis (2023). *Grozījumi Vietējo pašvaldību likumā*.

19 Valsts kontrole (2023). *Iedzīvotāju līdzdalība – neizmantota iespēja kvalitatīvu lēmumu pieņemšanai pašvaldībās*, 17 May, 132 p.

Disregard of human rights obligations and other systemic issues affecting the rule of law environment

Systemic human rights violations

Partnership law

On 9 November, the Saeima (Parliament) amended eight laws introducing a new partnership institution aimed at legally strengthening relations between two adults, including same-sex couples. The package of amendments were adopted three years after the Constitutional Court judgement²⁰ obligating the legislature to adopt a legal framework for the protection of all families.

Two persons of legal age will be able to legally register their relationship before a notary, and enter into a partnership.²¹ The amendments provide for the legal and social protection of these persons. The law also stipulates that partnership does not equate to marriage. With the amendments to the Law on the Rights of Patients,²² people in partnership will have the right to decide on consent to the partner's medical treatment, treatment method, or refusal of it. Amendments to the Law on State Pensions²³ provide that partners will have the right to receive social guarantees, including, in the event of the death of the other partner, the calculated amount of pension, which has not been paid up to the death of the relevant person. The Law on Personal Income Tax²⁴ also provides for tax relief from various property transactions, including gifts, as well as loans, if the transactions take place between people in partnership. With amendments to the Law on Prevention of Conflict of Interest in Activities of Public Officials,²⁵ it is stipulated that the official's partner will be subject to the same restrictions already imposed on the relatives of the official.

20 Constitutional Court of the Republic of Latvia (2021). *Case No 2020-34-03*, 8 April.

21 Saeima (2023). Amendments to the Notariate Law (*Grozījumi Notariāta likumā*), <https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/0/F3275831F10924A0C2258AA9002B6B98?OpenDocument>

22 Saeima (2023). Amendments to the Law on the Rights of Patients (*Grozījumi Pacientu tiesību likumā*), <https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/0/D25C5D65D01EA5A9C2258A6E00512464?OpenDocument>

23 Saeima (2023). Amendment to the Law on Personal Income Tax (*Grozījums likumā "Par iedzīvotāju ienākuma nodokli"*), <https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/0/B67C6E0B6FEF283EC2258A6E00507B6C?OpenDocument>

24 Saeima (2023). Amendments to the Law on State Pensions (*Grozījumi likumā par valsts pensijām*), <https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/0/546F9D28345ACCC0C2258A6E004FE76B?OpenDocument>

25 Saeima (2023). Amendments to the law On Prevention of Conflict of Interest in Activities of Public Officials (*Grozījumi likumā "Par interešu konflikta novēršanu valsts amatpersonu darbībā"*), <https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/0/195910ECBBF3FA28C2258A6E0050F5D8?OpenDocument>

The partnership will have to be indicated in the public official's declaration.

Thirty-four MPs asked the President not to promulgate the Notariate Law to begin the collection of signatures for passing the laws to a referendum. At least 154,241 eligible voters had to sign up to hold a referendum (10% of the total number of registered voters in the country). Despite the efforts of the opposition to stall the amendments, the attempt failed as only 35,191 signatures, or 2.28% of eligible citizens, were collected.²⁶ The amendments will come into force on 1 July 2024. According to the LGBT+ community, the amendments fail to address the issues of property relations and adoption.

Other systemic issues

Access to the territory for asylum seekers

Access to the territory for asylum seekers remained a concern due to the declared and extended emergency situation in the areas bordering Belarus since August 2021. Latvia was called upon by international organisations to ensure effective access to an asylum procedure.

In 2023, 13,863 people were prevented from illegally crossing the Latvian border, while 428 were admitted for humanitarian reasons. Most of these incidents occurred along the border with Belarus, where 5,286 crossing attempts were blocked and 217 people were allowed to enter Latvia on humanitarian grounds. In September 2023, the Silene border crossing point was temporarily closed due to the high volume of migration from Belarus. The number decreased significantly in December. In January 2024, there were multiple consecutive days with no reported crossing attempts.²⁷

In July 2023, the European Committee against Torture (CPT) published its 2022 report on its country visit to Latvia.²⁸ CPT recommends that the Latvian authorities take the necessary measures to ensure that irregular migrants arriving at the border or present in the territory of Latvia are not forcibly returned to Belarus prior to an individualised screening with a view to identifying persons in need of protection, assessing those needs, and taking appropriate action. CPT also emphasised that it is essential that foreign nationals have effective access to an asylum procedure (or other residence procedure) which involves an individual assessment of the risk of ill-treatment in case of expulsion of the person concerned to the country of origin

26 Central Electoral Commission (2024). Tautas nobalsošana par apturētā likuma "Grozījumi Notariāta likumā" atcelšanu netiks rīkota, 11 January.

27 <https://etias.com/etias-countries/latvia-etias>

28 European Committee for the Prevention of Torture and Inhuman and Degrading Treatment (2023). CPT/Inf (2023) 16. Report to the Latvian Government on the periodic visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 20 May 2022.

or a third country, on the basis of an objective and independent analysis of the human rights situation in the countries concerned. CPT considers that the relevant provisions of the Cabinet of Ministers' Decree No. 518 on the Declaration of a State of Emergency should be revised accordingly.

The European Court of Human Rights case *M.A. and Others v Latvia*,²⁹ lodged on 6 January 2023, has been communicated to the Latvian authorities. Five Syrian nationals complained that from December 2022 to January 2023 they were returned to Belarus without their asylum claims having been registered and reviewed by the Latvian authorities. They also claim that Latvian officials intentionally subjected them to physical and psychological suffering to coerce them to abandon their intention to seek international protection in Latvia and that the conditions in the tent were inadequate (no basic amenities such as food, water, adequate medical care, appropriate shelter or new clothing). They also claim that they suffered violent and repeated pushbacks to Belarus.

On 10 August 2023, the Cabinet of Ministers issued an order declaring an enhanced regime of border protection for six months, from 11 August 2023 until 10 February 2024, in several regions bordering Belarus.³⁰ On 28 November the enhanced regime was broadened and is now also in force in several regions bordering Russia

due to some evidence that the persons who illegally cross the Latvian-Belarusian border and their traffickers often try to hide in these parts of the country.

UNHCR expressed concern about the fact that amendments to the State Border Law and the State Border Guard Law will effectively authorise pushbacks³¹ – and therefore may lead to individuals not being granted effective access to territory and the right to seek asylum, which would constitute a breach of international and European law. The amendments authorise Latvian border guards to prevent entry to the country in a case where an asylum seeker has entered the territory in an irregular manner and without an objective reason for not crossing at an official border crossing point. UNHCR also expressed serious concern that the law amendments do not specify how assessments to refuse entry for asylum seekers arriving irregularly should be conducted, and that the assessments will be undocumented. This approach may lead to decisions lacking procedural safeguards, not being individualised nor appropriate with a risk of collective expulsions, where individual circumstances, rights and needs are not taken into account.

Criminalisation of humanitarian work

Criminal proceedings continued in the case of two human rights defenders from the NGO 'I

29 *M.A. and Others against Latvia*, Application no. 1134/23, lodged on 6 January 2023

30 *Latvijas Vēstnesis* (2023). *Ministru kabineta rīkojums No 541 Par Par pastiprināta robežapsardzības sistēmas darbības režīma izsludināšanu*

31 UNHCR (2023). *UNHCR concerned with new legislation in Latvia*, 27 June.

want to help refugees' (Gribu palīdzēt bēgļiem) for their potential engagement in organising the 'illegal movement of a group of persons across the state border', under article 285, part 2, of the Latvian Criminal Code.

A statement was issued by the UN Special Rapporteur on the situation of human rights defenders, the Independent Expert on human rights and international solidarity and the Special Rapporteur on the human rights of migrants,³² who voiced their concern about the initiation of criminal proceedings as a direct response to their legitimate acts of solidarity with asylum seekers, undertaken with the sole aim of seeking to prevent human rights violations.

32 Mandates of the Special Rapporteur on the situation of human rights defenders; the Independent Expert on human rights and international solidarity and the Special Rapporteur on the human rights of migrants (2023), 2 March 2023. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27907>

Contacts

Latvijas Cilvēktiesību Centrs (LCC) *Latvian Centre for Human Rights*

Skolas street 21, 6 floor, 609c,
Rīga, LV - 1010, Latvia
office@humanrights.org.lv
<https://cilvektiesibas.org.lv/en>

The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 19 national civil liberties NGOs from across the EU.

Ebertstraße 2. 4th floor
10117 Berlin
Germany
info@liberties.eu
www.liberties.eu



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