LATVIA
OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS

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INTRODUCTION

Freedoms of association, peaceful assembly and expression are guaranteed in Latvia in law and in general in practice. While restrictions to freedom of peaceful assembly were put in place during the state of emergency due to the COVID-19 pandemic, they were gradually removed with the easing of restrictions and finally terminated when the state of emergency ended.

There are processes and frameworks for the participation of civil society in decision-making, which are followed by institutions and administrations. However, civil society – most notably Civic Alliance – Latvia (CAL) – the largest network of civil society organisations (CSOs) in the country – believes that engagement with local and national decision-makers needs to be more structured, deliberative and meaningful.

CSOs face difficulties in achieving and maintaining financial sustainability, which has an impact on the type and breadth of activities they can carry out, as well as on their public visibility. Nevertheless, the strong advocacy work carried out by CSOs means that over the years, funding and partnerships between state institutions and CSOs have been steadily increasing.

The pandemic has contributed to increasing government transparency, with meetings being conducted online and accessible to civil society and other external actors. This practice has continued after the end of the state of emergency: meetings are broadcast live, offering the opportunity to follow and participate in debates.

Press freedom, confidentiality of journalistic sources and access to public information are guaranteed by law. However, during the pandemic, misinformation has been spread on social networks, and the overall trustworthiness of the media and information have been undermined. Journalists who cover topics perceived to be controversial, such as vaccines, migration, or same-sex relations, are routinely subjected to hate or harmful speech online.

Several media channels broadcasting from Russia, considered to be agents of misinformation that pose a threat to Latvia’s security, have been banned. The spreading of misinformation is criminalised under the charge of ‘hooliganism’ and criminal proceedings have been brought against several Latvian people for spreading COVID-19 misinformation and conspiracy theories.

There have been slight improvements in the rights for LGBTQI+ people, including a draft Civil Union Law, which – despite considerable opposition from the most conservative parts of society – is due for its final reading in the parliament by the end of 2022. In May 2022, an Administrative District Court recognised ‘the existence of a public legal relationship’ for a same-sex couple. The judgment recognised that the state has an obligation to provide a same-sex couple with the opportunity to strengthen their family relationship legally and to be recognised as a family by the state.

FREEDOM OF EXPRESSION AND MEDIA FREEDOM

The media landscape in Latvia is substantially free, according to an assessment by Reporters Without Borders. Press freedom, confidentiality of journalistic sources and access to public information are guaranteed by law. Media operates mostly in the Latvian and Russian languages, but several broadcast licences for Russian-speaking media have been revoked, leaving limited options for Latvia’s Russian-speaking population. During the pandemic, misinformation has spread on social networks and the overall trustworthiness of the media and information have been undermined.

ABOUT THE CIVICUS MONITOR

The CIVICUS Monitor, an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Latvia as “Narrowed”.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:
The ownership of media, both traditional and digital, is highly concentrated and the editorial autonomy of private media can be influenced by business interests and political meddling. Public media relies largely on state budget allocations.

In 2021, a new Law on Public Electronic Media and Administration entered into force, creating a new Public Electronic Mass Media Council (SEPLP), thus allowing for a higher level of independence. Previously, the National Electronic Mass Media Council (NEPLP) held both supervisory and budgetary powers - as holder of public media shares. With this law, the SEPLP will be the holder of public media shares, separating the two functions. The three members of the SEPLP were confirmed by parliament in August 2021. One of the members was nominated by parliament, one by the State President and one by CSOs in consultation with the Cabinet of Ministers.

Journalists mostly operate freely in Latvia, but they also receive online threats and are subject to online hate and harmful speech, especially if they cover issues perceived as controversial, such as same-sex relations, migration, gender equality and vaccination. Media trying to cover the humanitarian crisis at the border with Belarus during the state of emergency in 2021 and 2022 – see below – were frequently attacked by politicians, who blamed journalists for threatening national security.

As reported by Mapping Media Freedom, in April 2022 Russian journalist Leonid Ragozin was accused by Aris Pabriks, Latvia’s Defence Minister, of being an agent of Russian propaganda and threatened with expulsion from Latvia. The threats came after Ragozin gave an interview on public Latvian television, LSM, on 29 March 2022, in which he denounced Russia’s aggression towards Ukraine. Latvia’s regulatory body considered the minister’s accusations to be unfounded and LSM criticised the pressure from Pabriks to influence the editorial content of its programmes. Pabriks, invited onto the same television programme to explain his position, reiterated his claims and suggested that Ragozin’s work permit may not be renewed. Since 2019 Ragozin has been investigating links between the Latvian National Alliance party and Ukrainian neo-Nazi movement Azov, which has made him the target of death and rape threats.

On 3 December 2020, Latvian state security service VDD searched the homes of five Russian-speaking journalists from Baltnews.lt and Sputnik Latvia, and detained and charged them. The five targeted were Alla Berezovskaya, Vladimir Linderman, Andrei Solonenko, Andrei Yakovlev and photographer Sergey Melkonov, who reported critically on Latvia’s policy in relation to national and language minorities. A travel ban was issued against the journalists, who were charged with violating EU sanctions on Russia. It was alleged that the charges were related to the journalists’ links to Russian media group Rossiya Segodnya’s General Director Dmitry Kiselyov, targeted by EU sanctions for supporting the violation of Ukraine’s territorial integrity. Sputnik is one of its brands.

Related to this, during the raid on journalist Vladimir Linderman’s home, journalist Oksana Chelysheva, who is a member of the Union of Journalists in Finland, had her equipment seized by the state security service. While she was not questioned, her laptop and phone were confiscated until 7 January 2021.

The National Electronic Mass Media Council (NEPLP) banned the transmission of Russian Rossija RTR in February 2021 for a year for incitement of hatred, violence and provocation of a military conflict. The television channel was previously suspended on three occasions for a maximum of six months. Rossija RTR is considered to be one of the main propaganda channels for the Kremlin. The European Commission found the decision compatible with EU law in May 2021.

In February 2022, after Russia’s invasion of Ukraine, the NEPLP suspended the broadcasts of Rossija RTR for five years, Rossija 24 for four years and TV Centr International for three years. The decision was taken on emergency grounds, and in a faster fashion than usually required, as it was considered that the channels posed a threat to national security. Bans are usually in place for a maximum of one year, but special derogations from this provision were taken due to the emergency situation. Over the previous years, 41 Russia-related channels were suspended or limited through various decisions.

On 17 March 2022, the NEPLP blocked 71 websites, including the official Russian Kremlin website, sparking a heated debate among journalists on whether the decision was justified in light of the circumstances, or whether the extension of such censorship power could be a worrisome trend.

On 6 June 2022, the NEPLP blocked all remaining Russian media channels from operating in Latvia. The decision was taken on the basis of newly adopted amendments to the Electronic Mass Media Law, which state that channels registered in a country ‘threatening the territorial integrity and independence of another country should not be operational in Latvia’. The decision concerned all Russia-based TV channels. A week later, the Administrative Regional Court decided to partly reverse the ban and allow the broadcasting of five Russian TV channels in Latvia, after the ban was challenged in court by
the channels’ transmitter. However, the five channels were immediately banned again by the NEPLP on the same grounds. According to the NEPLP’s decision, the channels will be able to operate again in Latvia when Russia removes itself from Ukraine and returns occupied Crimea to Ukraine.

At the same time, a number of independent Russian journalists have found a new home in Latvia, after being forced to leave their country. The NEPLP authorised broadcasting from Latvia for independent Russian TV channel TV Rain, whose journalists relocated to Latvia from Russia. Russian independent newspaper Novaya Gazeta has been operating from Latvia since May 2022, with editions available in Latvian and Russian.

**CRIMINALISATION OF MISINFORMATION**

Latvia criminalises the spreading of misinformation under the Criminal Code, with sentences of up to two years in prison under the charge of ‘hooliganism’ when spreading of misinformation results in ‘a gross disturbance of public order, disturbing the peace of persons or the work of institutions, undertakings (companies) or organisations’. There have also been proposals for amendments to the Criminal Law that would criminalise the spreading of fake news with up to five years in prison, by drawing a distinction between the general ‘hooliganism’ charge and the more specific charge of ‘deliberate distribution of false information and fictions’. The amendments are, at the time of writing, being considered by parliament.

Even while further amendments are under discussion, there are a number of criminal proceedings against individuals for spreading misinformation. In January 2020, Niks Endziņš, a social media influencer, published a video about a woman who allegedly flew from China to Latvia and brought the COVID-19 virus into the country. Endziņš also called for the extermination of Chinese people. He was immediately detained and charged with ‘hooliganism’ and incitement to ethnic hatred. He was sentenced to seven months in prison on both charges in April 2021, but was later acquitted of ‘hooliganism’ on appeal, while the sentence for incitement to ethnic hatred was upheld.

In December 2020, Valentīns Jeremejevs, a known agitator and spreader of misinformation, and Marina Kornatovska, a physician’s assistant and employee of the Riga East Clinical University Hospital, were detained for false reports on COVID-19 on Facebook. In a video conversation between the two, Kornatovska shared well-known conspiracy theories about the virus and the not-then available vaccines. Jeremejevs used his social media presence to spread false information and conspiracy theories about COVID-19, calling for protests against pandemic-related restrictions.

The state police started criminal proceedings against both of them on charges of ‘hooliganism’. Kornatovska was released shortly after being detained, but Jeremejevs’ bail was set at €50,000 (approx. US$50,100). Kornatovska was fired from her job and has appealed against the decision to dismiss her. Both criminal proceedings are ongoing.

**FREEDOM OF PEACEFUL ASSEMBLY**

Freedom of peaceful assembly is guaranteed by the constitution and in practice, although several restrictions were put in place during the state of emergency declared for the pandemic.

Huge protests took place in 2020 and 2021 against COVID-19-related restrictions and proposals for mandatory vaccinations. In December 2020, the People’s Power Front foundation led by Valentīns Jeremejevs organised a protest against pandemic restrictions. In January 2021, Riga City Council decided to terminate the operation of the foundation after it found that it had systematically failed to comply with legal norms and publicly invited people to protests, creating risks to public health and to public and state security. Among the evidence reviewed to reach the decision was a video by Jeremejevs that purported that COVID-19 is fictional, statistics of those infected are fake and vaccines are deadly.

In March 2021, several hundred people from People’s Power Front gathered in Riga to protest against COVID-19 restrictions. Police stopped several people gathering in larger groups due to assembly restrictions and the requirement to observe a two-metre distance. The gathering was declared unauthorised following the decision to end the activities of the People’s Power Front foundation.

After being held online in 2021, due to COVID-19 restrictions, Riga Pride Week took place in June 2022. Around 5,000 people attended the march on 18 June, expressing solidarity with the LGBTQI+ community and with Ukraine, the focus of
2022 Pride. The march was supported for the first time by Riga’s mayor, Martins Stakis. A handful of people protested against the Pride march but the atmosphere was generally peaceful.

On 5 March 2022, CAL organised a march in support of Ukraine, with more than 30,000 participants. CAL has organised several peaceful activities in support of Ukraine and Ukrainian refugees since the start of Russia’s invasion.

On 10 May 2022, several hundred people gathered at the Riga Victory Park monument to praise Russia’s invasion of Ukraine. The demonstration was strongly condemned by CAL.

**FREEDOM OF ASSOCIATION**

The constitution recognises the right to association, and registration processes for CSOs are easy and accessible.

There is a favourable framework in place for civic participation, and local and national public administrations follow the framework. In 2006, Latvia’s parliament, the Saeima, issued a Declaration on Civil Society Development. In 2014, the government developed a Co-operation Memorandum between the Cabinet of Ministers and Non-Governmental Organisations and a Statute of the Council for Implementation of the Memorandum of Co-operation, which governs the operation of the Council.

Institutionalised tools for communicating with policy-makers, as well as advocacy and lobbying procedures, are in place. Legislation foresees several ways in which civic participation can take place, both at the local and national levels. Examples are participation in working groups, advisory councils and public consultations, and the issuing of opinions, proposals and objections during the drafting of legal and political acts. Every ministry has a consultative council, and CSO representatives are invited to take part in parliamentary commissions to provide input on legislative processes.

Civil society nevertheless highlights the need to create more participatory, meaningful and deliberative consultative processes. According to civil society, the public administration needs to find a balance between professional civic dialogue and deliberative processes with different groups.

CAL has conducted research on public participation in the decision-making process, which culminated in the publication of a report in 2021. The research pointed out that participation is low and diversity in the representation of interests is often not ensured. Only four per cent of all associations and organisations are active in national-level participation mechanisms, and the 10 most active ones represent local government, businesses and professional interests.

In 2020, parliament approved the National Development Plan of Latvia 2021-2027. The plan recognised the role played by civil society during the pandemic and included a commitment to provide ‘support programmes for strengthening civil society, civic initiative and promotion of volunteering, and establishing an equal approach to dialogue with civil society at all stages of decision-making – thus strengthening democracy, increasing mutual trust among people and confidence in the state’.

In March 2022, parliament rejected civil society’s proposal for the recognition of International NGO Day in Latvia. The proposal was backed by over 50 organisations. CAL believes that official recognition of the day would be an important step in acknowledging and recognising the importance of the work done by civil society in Latvia.

In October 2020, CAL, in cooperation with the State Chancellery and the Icelandic Citizens Foundation, launched the joint initiative ‘Public Participation – Key to the Future of Democracy’. The initiative aimed to create innovative solutions for and effective dialogue between public administration and civil society, a more meaningful involvement in decision-making processes and an increase in CSO participation in the development of planning documents, policies and legislation. Among the results of the project, which continues at the time of writing, are the creation of guidelines on how to engage in civic participation for state officials. The guidelines were developed collaboratively by civil society and state officials and propose creative engagement options. The working group on accountability in civil society developed guidelines on good governance, together with a self-assessment that CSOs can take to identify areas of further development in terms of accountability¹.

¹ Interview with Civic Alliance – Latvia, 4 July 2022

More information at [www.monitor.civicus.org](http://www.monitor.civicus.org) / Twitter: [@civicusmonitor](https://twitter.com/civicusmonitor) / Email: monitor@civicus.org
Anti-Money Laundering laws and frameworks created an overly generalised burden for CSOs. Regulations included strict and often disproportionate provisions that meant that several CSOs were viewed as ‘high risk entities’ in terms of rules against money laundering, affecting their abilities to open bank accounts and hold current accounts. However, following long and effective work carried out by civil society, cooperation between civil society, banks and state institutions significantly improved. Civil society’s own work on good governance led to the preparation of guidelines for banks to correctly estimate the risks affecting a CSO’s financial viability. This cooperation was publicly praised by banks and the state, which highlighted civil society’s willingness and availability to work on good governance².

CSOs still face difficulties in creating sustainable financial models and therefore lack resources for effective communications campaigns to inform communities about the work they do and encourage participation in activities. Thanks to strong CSO advocacy work, funding and partnerships between state institutions and CSOs have been steadily increasing. The Social Integration Foundation, established by the government in 2016 to support CSOs in promoting civic participation and strengthening democratic values, has increased the budget available for civil society over the years from €400,000 (approx. US$399,000) in 2016 to €1.8 million (approx. US$1.79 million) in 2022. The NGO Fund of the Social Integration Foundation is set to increase for 2023, and since 2021 calls for proposals have been published the year before the implementation of activities, allowing more planning and execution time for civil society. From 2022, the fund will also accept proposals for projects of up to two years, contributing to facilitating resources and activities planning for CSOs.³

In January 2022, CAL called on the Budget and Finance (Tax) Commission of parliament to include civil society in discussions on the state budget law. The proposal, started within the think tank on ‘public participation in planning and monitoring of public financing’, aims to ensure that civil society is consulted on the priorities included in the state budget law. This process is ongoing at the time of writing. A good practice in this regard is being set by the Ministry of Culture, which has agreed to consult with civil society on budget priorities before submitting them to the Ministry of Finance.⁴

**COVID-19 Recovery Funds**

Since 2020 CSOs have been included in funding available to support recovery from and reduce the negative impact of the pandemic. A major challenge over the past two years has been civil society’s involvement in the drafting of the COVID-19 recovery plan. At first, when drafting started in 2020, CSOs were not involved, despite this being a mandatory requirement set by the European Commission. After successful advocacy by CAL, the consultation started, and CSO representatives were invited to meetings on the development of the recovery plan.

The plan was approved for submission to the European Commission in April 2021. The final plan included proposals made by civil society to reduce inequalities. These proposals are: equality of access to funding for all, including all associations and foundations, and equality of treatment of different sectors and economic actors; socially responsible public procurement, giving preference to those who employ people from underrepresented communities; and channelling CSO funding through CSOs themselves, thereby strengthening the representation of CSOs in decision-making and monitoring of public interests.

However, despite the inclusion of CSO-proposed provisions in the Recovery Plan, Latvian civil society has objected to the programmes that are being set up by the State Chancellery and the Social Integration Foundation to implement the European Union (EU) funding mechanism. According to CAL, ‘the current proposal is substantially different from the conceptual agreement reached during the drafting process – to strengthen platforms and cooperation between organisations in representing the interests of vulnerable groups and in the areas of public monitoring’.

**Local governance and representation**

In December 2020, the Ministry of Environmental Protection and Regional Development held an inter-institutional conciliation meeting regarding a new Law on Local Governments. The new law proposes to reduce 119 local government districts to just 40. CSOs expressed concern that the reduction could result in local administrations being further away from citizens, leading to limited space for participation and consultation. However, the draft law proposed positive mechanisms

² Ibid.
³ I Ibid
⁴ Ibid.
to encourage civil society participation, such as the creation of citizen councils, which would provide input and guidance on laws and decision-making. It also foresaw the possibility of local governments enabling participatory budgeting, allowing residents to decide directly how to use public funds in their local government.

CSOs raised concerns about the current proposed mechanism for citizens to be selected for these councils, which is via elections conducted by politicians, potentially leaving them open to conflicts of interest. On 8 September 2022, the law was adopted in Parliament. However, in a letter to the speaker of the Saeima, State President Egils Levits sent the law for a second review, indicating that three important problematic issues related to the regulations included in Article 58 of the law. He noted that the second part of Article 58 must be harmonised with Article 101 of the Constitution, clarifying that only citizens of Latvia and citizens of the European Union who are permanently residing in Latvia can be elected as members of the residents’ council. The Law on Local Governments has yet to be reviewed in the Saeima session for a second review.

In March 2022, parliament adopted the Local Self-Government Referendum Law, which allows for referendums to be called on proposals related to new public buildings put forward by municipal councils within their sustainable development strategies. The referendum decisions will have to be implemented within a month of the date of the vote. The law, which has been in the making for around 20 years, will come into effect on 1 January 2024 and is considered an important step in promoting public participation and the development of democracy.

GOVERNMENT TRANSPARENCY

A draft Law on Transparency of Representation of Interests is under parliamentary discussion. The Law includes a proposal to institute a lobby register where, according to current debates, organisations and individuals should register if they have conducted three lobbying activities within 12 months. The Ministry of Justice proposed 2025 as the deadline for the institution of the lobbying register. The bill’s third reading is scheduled to take place in September 2022.

Governmental transparency has improved as a consequence of the pandemic. As state institutions resorted to online meetings to continue to carry out their work, this increased accessibility for civil society and the public as a whole, who could, for example, listen to and participate in parliamentary committee meetings. The end of the state of emergency did not affect this new approach, and meetings of the cabinet of ministers, parliamentary plenaries and commissions are broadcast live. This makes policy-making more accessible for a wide range of people, who are able to follow debates directly.

In September 2021, a new Unified Legislative Drafting and Coordination Portal (TAP portal), became operative as part of efforts to modernise public administration processes. The portal is an electronic national information system for the sharing of government documents and data, aiming to give citizens more opportunities to follow up on the drafting of legislation at all stages. Once draft legislation has been approved by the responsible ministry, it becomes available on the TAP portal for comments, which can be submitted by any institution or public representative. While the transparency benefits of this new initiative are clear, CAL has questioned the extent of civic participation that the portal could bring, including due to some of the population not being online. The portal is, at the time of writing, being trialled and updated following feedback from civil society and citizens, who encountered accessibility issues with the system. There is willingness by the State Chancellery to improve the portal and ensure participation.

In March 2022, the Open Government Partnership (OGP) published an update on its evaluation of Latvia’s Action Plan 2019-2021. The report positively evaluated commitments on public procurement, lobbying transparency and open local government. Additionally, since the pandemic forced a shift in working from home and a larger use of digital technologies, it pushed further the commitment on digitisation, transparency and open data.

The OGP, which Latvia joined in 2011, is a global partnership that brings together government reformers and civil society leaders to develop action plans with the aim of making governments more inclusive, responsive and accountable. Since joining, Latvia has introduced several significant improvements in open governance, including reforms in public procurement, protection of whistleblowers and transparency of company ownership (beneficial owners).
LGBTQI+ RIGHTS

There have been improvements in the situation of LGBTQI+ rights in Latvia, as attested by a slight increase in the country’s ranking in the ILGA Rainbow Europe Index 2022. Latvia is now placed 36th out of 49 European states. Within the EU, it moved up three slots, now placing fourth from bottom, ahead of Poland, Bulgaria and Romania. In 2021, it was placed second-lowest, ahead only of Poland.

From January to December 2021, ILGA reported the removal of over 300 anti-LGBTQI+ posts from social media platforms, 10 of which were reported to the police. Criminal proceedings were initiated for three of the posts. Hate speech incidents recorded included the use of ‘No LGBT Zone’ stickers and public figures sharing false and misleading information.

Marija Golubeva, the first openly lesbian Minister of Interior, appointed on 3 June 2021, announced that addressing hate crimes would be among her priorities.

On 9 April 2021, the Constitutional Court ruled that higher inheritance fees for the deceased partner’s property in non-married couples – which disproportionately affect LGBTQI+ couples – are incompatible with family protections.

In November 2021, parliament rejected proposed amendments to the Law on Protection of Children’s Rights, which called for the prohibition of materials that could ‘pose a threat to the psychological development of a child’ or ‘pose a threat to a child’s biological gender’, or that ‘may lead to a deviation from gender identity, interest in gender reassignment, and a predisposition to homosexuality’.

Previously, a Constitutional Court decision in December 2020 granted parental leave to the female partner of a female litigant. The partner had earlier been refused leave for not being the biological father of the child. The court entitled the partner to parental leave under article 110 of the constitution, which guarantees protection to all families, whether married or not. The court stressed that the concept of family is not limited to families who are married, and therefore there is a duty on the state to support same-sex families as well.

Following the court’s decision, strong political backlash was fomented, particularly by the far-right National Union party. The party proposed amendments to article 110 of the constitution to restrict the concept of family to being a union between a man and a woman. The amendment was approved by parliament in January 2021.

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

During summer 2021, Latvia’s Prime Minister Krišjānis Kariņš condemned an anti-LGBT+ law adopted in Hungary in mid-June 2021 and signed a document at the meeting of Ministers for European Affairs affirming support for the rights of LGBTQI+ people. This statement was met with a strong backlash from conservative CSOs working on what they characterise as ‘natural family rights’, including calls for the Prime Minister’s resignation.

In February 2022, a draft Law on Civil Union was prepared and put forward in parliament. The bill recognises the rights of unmarried couples, which include same-sex couples, and is seen as a legislative response to the December 2020 Constitutional Court ruling. The bill passed its first and second reading amid heated debate. The third and final reading, scheduled for June 2022, could not take place because attendance at parliament fell short of the quorum required to validate the vote. This was the second time this reading was postponed for this reason. Fifty members of parliament need to be present to vote on a draft law, and only 40 attended. Of those who participated, 39 voted in favour of the bill. The bill is likely to be debated in October 2022, after elections for a new parliament. On the established dates of debates, protests were organised outside parliament both by groups supporting the proposed law and groups opposing it.

On 31 May 2022, the Administrative District Court issued a judgment recognising ‘the existence of a public legal relationship’ in a same-sex couple, within the meaning of article 110 of the constitution, and despite the amendment to the definition of family previously adopted. In the judgment, the court referred to the interpretations of the provision as provided by the Constitutional Court and Senate, which include same-sex couples where there are close personal links.
between the couple based on mutual respect and understanding. The decisions also imply that there is an obligation on the part of the state to provide a legal possibility for a same-sex couple to register and strengthen their family relationship.

The case was one of 27 brought by same-sex couples, with the help of the LGBTQI+ organisation Mozaika and the movement Dzīvesbiedri (‘life partners’). The couples have filed their cases with administrative courts to establish the existence of a family, in a move meant to accelerate access to rights for LGBTQI+ couples and to push the legislative branches of government to approve laws granting full rights to LGBTQI+ couples, without the need to go to court.

LATVIA – BELARUS BORDER

On 10 August 2021, the Cabinet of Ministers issued an order declaring a state of emergency in the municipalities of Augšdaugava, Daugavpils, Krāslava and Ludza, border areas between Latvia and Belarus. The state of emergency, in place since 11 August 2021, has been renewed a number of times. In August 2022, the state of emergency was renewed a fourth time, remaining in place until 10 November 2022.

The perceived emergency was triggered by an increase in the number of irregular border crossings from Belarus into Latvia. Belarusian President Alexander Lukashenko, in an alleged bid to ‘destabilise’ EU countries, allowed asylum seekers with tourist visas to fly into Belarus and then facilitated their onward journey into the EU. Prime Minister Kariņš defined the arrival of asylum seekers at the Latvian border as a ‘hybrid attack’.

Since the introduction of the state of emergency, 126 people have been allowed to cross into Latvia on ‘humanitarian grounds’, 478 have been detained for ‘illegal crossing’ and an alleged 6,000 people have been denied entry. According to independent research, however, the number of people attempting to cross is likely to have been much lower, as the same people tried to cross multiple times.

The state of emergency allows Latvian border guards to summarily return asylum seekers to Belarus, without allowing them to apply for asylum – a measure that in practice legalises pushbacks, illegal under international and European law. The right to asylum in the four provinces at the border has been effectively suspended. In November 2021, Latvia announced the construction of a ‘temporary’ 37 kilometres-long fence at the border with Belarus. It also announced it is considering constructing a permanent, much longer, fence over the next few years. The United Nations (UN) Refugee Agency, UNHCR, urged the Latvian government to allow admission to the territory and access to asylum procedures for asylum seekers.

At the end of August 2021, when representatives from UNHCR visited Latvia to take stock of the situation, a group of asylum seekers was allegedly removed from the Latvian-Belarusian border by Latvian authorities and pushed back to Belarus, according to Latvian television’s investigative broadcast De Facto. As a result, UN representatives could not meet migrants at the border.

Nationalist groups shamed and blamed CSOs for providing help to asylum seekers. For example, Inese Vaivare, director of the Latvian Platform for Development Cooperation (LAPAS), received hateful comments on social media that stated she was an ‘enemy of her country’ and that CSOs should not receive government funds after she expressed her view in a podcast debate.
RECOMMENDATIONS

To the government of Latvia

- Ensure that the programmes delivered under EU Recovery Funds include civil society in a meaningful way, as agreed during the consultation and drafting processes.

- Provide adequate funding to CSOs through open and transparent calls, and including long-term funding, to contribute to the professionalisation of Latvian civil society.

- Ensure that restrictions on freedom of expression, including on broadcasting media from foreign countries, are legitimate and temporary, in line with international and regional laws that protect freedom of expression.

- Revise the concept of hooliganism from the Criminal Code in line with the best standards put forward by the UN Special Rapporteur on Freedom of Opinion and Expression.

- Refrain from adopting amendments to the Criminal Code that would provide for criminalisation of misinformation, in line with the best standards put forward by the UN Special Rapporteur on Freedom of Opinion and Expression.

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