LATVIA

1. Discriminatory family code

The statutory minimum age of marriage for women and men is 18. However, it is possible for a person aged 16 or 17 to marry if he or she has parental permission and if he or she is marrying someone who is over the age of 18.

Customary law is not legally recognized under the Constitution in relation to marriage or any other area. To be legally valid, marriages must be registered at a General Registry office. Religious marriages are also legally valid provided that they are performed by a minister of religion who is registered to perform weddings and who belongs to one of the following churches: Evangelical Lutheran, Roman Catholic, Orthodox, Old Believers, Methodist, Baptist, or Seventh Day Adventist. Marriages performed in a synagogue by registered rabbis are also legally valid. The same statutory minimum age of marriage applies in religious marriages as in civil marriages.

According to the information provided by the Central Statistical Bureau of the Republic of Latvia, the number of children born into unregistered marriages has been growing since 1994 (in 2009, 2010 and in 2011 there was a drop in the number of children born into unregistered marriages, however, 2012 data show renewed indication of growth).

Women and men have equal parental authority over children during marriage, and Latvian law provides that both women and men can be the head of the household. Women and men have equal decision-making authority over their children following a divorce.

Customary and religious law are not considered valid sources of law under the Constitution, in relation to parental authority or any other area.

Women have equal inheritance rights as wives and as daughters under Latvian law.

Customary and religious law are not considered valid sources of law under the Constitution, in relation to inheritance or any other area.

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1 Civil Law of Latvia, Article 32
2 Civil Law of Latvia, Article 33
4 Civil Law of Latvia, Articles 51, 53
5 Central Statistics Bureau statistics database
6 Civil Law of Latvia, Article 178
7 International Bank for Reconstruction and Development/The World Bank (2011), p.100
8 Civil Law of Latvia, Article 178(1)
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Women and men have the same right to initiate a divorce under Latvian law.\textsuperscript{12}

According to the World Bank, women undertake the bulk of domestic and care work in Latvian households (67% of total time spent on such activities).\textsuperscript{13}

2. Restricted physical integrity

Latvia has not signed the Council of Europe ‘Convention on preventing and combating violence against women and domestic violence’.\textsuperscript{14}

There does not appear to a specific law in place criminalising domestic violence in Latvia. However, following changes to the law in 2011, if an act or threat of violence is committed by someone who is a close relative, spouse, former spouse, cohabiting partner, or member of the same household, it is considered to be an aggravating circumstance that can be taken into consideration in the prosecution of the case.\textsuperscript{15, 16}

Since 2013, violence against a close relative of a child in the presence of the child is legally defined as emotional violence towards the child himself/ herself.\textsuperscript{17}

Under the Criminal Code, penalties for the crime of ‘slight bodily injury’ (which appears to be the article under which most acts of domestic violence are prosecuted\textsuperscript{18}) are a fine, community service, or up to three years’ imprisonment.\textsuperscript{19} Charges can also be brought for serious bodily injury; in this case, penalties range from between three and fifteen years imprisonment.\textsuperscript{20} Police are required to record and investigate all reports of domestic violence. However, in cases where the victim has sustained light injuries, police can only proceed with a prosecution at the request of the victim.\textsuperscript{21} Restraining orders within criminal proceedings can also be issued in domestic violence cases.\textsuperscript{22}

On 31 March 2014, comprehensive legislative amendments introducing protection measures, in particular restraining orders against perpetrators of domestic violence, have entered into force in Latvia.\textsuperscript{23}

These include amendments to the Law on Police\textsuperscript{24} which extends police powers in intervening in domestic violence cases. In cases of high risk situations of domestic violence, the police have the right to vacate the aggressor from his place of residence for up to eight day at the request of the victim. In

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\textsuperscript{11} International Bank for Reconstruction and Development/The World Bank (2011) p.100
\textsuperscript{12} Civil Law of Latvia, Article 70
\textsuperscript{13} World Bank (2011) p.219
\textsuperscript{14} Council of Europe Treaty Office (2013) ‘
\textsuperscript{15} Criminal Code of Latvia, Article 48
\textsuperscript{16} Human Rights Council (2011) Geneva, p.4
\textsuperscript{17} Protection of the rights of the Child Law, Article 1
\textsuperscript{18} Hagemann-White, Carol (2010) ‘p.14, 40
\textsuperscript{19} Criminal Code of Latvia, Article 130
\textsuperscript{20} Criminal Code of Latvia, Article 125
\textsuperscript{21} Hagemann-White, Carol (2010) ‘p.14, 40
\textsuperscript{22} Human Rights Council (2011), p.4
\textsuperscript{23} Human Rights committee (2014)
\textsuperscript{24} Law on Police, Article 10, 12, 12
addition, upon the request of the victim of violence, police is also able to forward all the materials of a particular violence case to the civil court in order to de facto prolong the ban set by the police to the aggressor.  

Since 2013, emotional, physical, sexual and economic violence are clearly mentioned in the Civil law as reason to request a divorce without observing a mandatory reconciliation period for spouses. Before the amendments, the language of the law was quite vague in this respect and there was a lot of room for interpretations.

Changes in legislation also include amendments to the Civil Procedure Law introducing the following restraining orders against perpetrators available under civil proceedings: obligation to the defendant to leave and prohibition to return and stay in the house (place of residence); prohibition to the defendant to be closer than the distance specified by the court to the house (place of residence); prohibition to the defendant to stay at specified places; prohibition to the defendant to meet/have physical or visual contact with the claimant; prohibition to the defendant to communicate with the claimant by any means; prohibition to the defendant to organize meeting by using the mediation of other persons; prohibition to the defendant to use personal data of claimant; other types of restrictions and obligations to the defendant specified by the court.

Restraining orders under the Civil Procedure Law are available even before action is brought. There is no obligation for the victim of violence in case the restraining order is granted to bring the action afterwards.

Immediately after entering into force, the legal amendments proved to be effective in practice. During the first two months, 55 restraining orders had been issued. Out of these, 44 restraining orders have been issued by court, including 34 cases when the perpetrator was ordered out of his house.

Between 2008 and 2011, the National Programme for Eliminating Domestic Violence was implemented. The three main focus areas of activity were ‘identification, prevention and institutional cooperation in the provision of assistance and rehabilitation services’. Currently, some support to victims of domestic violence is provided by NGOs, such as the Marta Women’s Resource Centre.

Based on reports from local women’s rights NGOs, the US Department of State notes that the legal provisions in regard to domestic violence are not effectively implemented. The report also notes that women are often reluctant to seek help from the police in case of domestic violence, often because they are unaware of their rights to protection. Respondents interviewed by the Marta Women’s Resource Centre.

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25 Human Rights Committee (2014)
26 Civil law, Article 74
27 Civil Procedure Law, Section 30°
28 Civil Procedure Law, Section 30°
29 Hagemann-White, Carol (2010), p.42
30 Human Rights Council (2011), p. 4, 7
32 US Department of State (2013)
Centre stated that financial dependence on the abuser, fear of not being able to provide for themselves and their children, and lack of alternative accommodation were also factors limiting reporting.\(^{33}\)

According to the Women Against Violence Europe (WAVE) network, in 2010, there were 12 convictions in cases of male violence against women by a partner or ex-partner, and a further 314 convictions in cases of family violence. 202 criminal protection orders were also issued.\(^{34}\)

According to the annual report on domestic violence prepared by the Ministry of Welfare of the Republic of Latvia, police receive approximately 13 calls per day on the cases of “family conflicts”, but 97% of these cases do not end up with criminal proceedings. This means that many reported cases are classified as non-crimes by police. Due to different reasons, many criminal cases are terminated after being initiated.\(^{35}\)

The report published by the Council of Europe notes that police and judiciary routinely receive training on domestic violence and other forms of violence against women.\(^{36}\)

According to the Marta Women’s Resource Centre, 46.5% of people questioned in a survey saw domestic violence as a private matter, and would be reluctant to intervene if they were aware that domestic violence was taking place.\(^{37}\)

According to the European Union Agency for Fundamental Rights’ survey “Violence against women: an EU-wide survey”, Latvia is among the countries with the highest rate of physical and/or sexual partner violence since the age of 15 among the EU countries with 32%, as compared to an EU average of 22%. This amounts to 270 thousand women in Latvia who have suffered intimate partner violence during their life course.\(^{38}\)

**Rape** is a criminal offence in Latvia.\(^{39}\)

The law does not specifically include spousal rape. However, when the victim of a crime is the spouse or former spouse of the perpetrator, this is considered to be an aggravating factor in the crime.\(^{40}\)

According to a research report published by the Council of Europe, in cases of spousal rape, as well as in all other cases of rape, a prosecution can only proceed if the victim gives her consent.\(^{41}\)

There is no clause in the Criminal Code to indicate that a perpetrator can escape prosecution by marrying the victim.

Amendments to the Criminal Law entered into force on 14 June 2014. The legal definition of rape has been amended to introduce an element of non-consent: “As act of sexual intercourse, taking advantage of the state of helplessness of a victim, or an act of sexual intercourse against victim’s will, by means of

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\(^{33}\) Marta Women’s Resource Centre (n.d.)
\(^{34}\) WAVE (2011)
\(^{35}\) European Union Agency for Fundamental Rights (2014)
\(^{36}\) Hagemann-White, Carol (2010), p.52
\(^{37}\) Marta Women’s Resource Centre (n.d.)
\(^{38}\) European Union Agency for Fundamental Rights (2014)
\(^{39}\) Criminal Code of Latvia, Article 159
\(^{40}\) Criminal Code of Latvia, Article 48
\(^{41}\) Hagemann-White, Carol (2010) p.15
violence, threats or using trust in bad faith, authority or any other influence on a victim”. The minimum penalty for rape was increased and is now between 4 and 10 years, following with probation for up to 3 years.  

According to the Council of Europe’s report, as of 2010, there was a national action plan in place to address violence against women, including rape and sexual violence, and a dedicated governmental body to oversee implementation and evaluation. 

The tasks aimed to reduce domestic violence are included in the Guidelines of the State Family Policy 2011- 2017 and the Action Plan on the Guidelines of the State Family Policy 2011- 2017. Guidelines of the State Family Policy 2011- 2017 are a medium term policy planning document for the next seven years. It states the aim of the family policy, which is to facilitate family formation, stability, welfare and to promote fertility. One of the action directions of the current Action Plan (2012-2014) of the Guidelines is “to reduce family destabilising factors”, which comprises such tasks as regular statistical data collection on the domestic violence, including specifically on the violence against women; awareness-raising about domestic violence; training of specialists for work with victims; improvement of the regulatory framework; provision of State funded rehabilitation programs for victims. In the framework of the Action Plan, the social rehabilitation program for perpetrators has been developed in 2011 with the main aim to reduce the risk of repeated violence. The documents referred represent the efforts to consolidate a gender-based analysis about violence against women with the wider understanding of domestic violence, which comprises harmful actions within the family or household. 

Local NGOs cited in the US Department of State’s Human Rights’ report noted that rapes are underreported in Latvia. 

According to the Women Against Violence Europe (WAVE) network, in 2010, 79 cases of rape were reported to the police, and there were 19 convictions. 

According to the report on cases of domestic violence that is annually prepared by the Ministry of Welfare of the Republic of Latvia, in 2012 the police has received 253 calls about sexual violence, including 92 calls on cases of rape. 

According to the EU Agency for Fundamental Rights’ survey “Violence against women: an EU-wide survey”, 14% of women in Latvia have experienced sexual violence by partner or non-partner since the age of 15. 

The US Department of State notes that local NGOs reported that police often blame victims of sexual violence, and that this is a significant factor in underreporting. 

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42 Criminal Code of Latvia, Article 159  
43 Hagemann-White, Carol (2010) g, p.34  
46 US Department of State (2013)  
47 WAVE (2011)  
49 European Union Agency for Fundamental Rights (2014)
The Parliament in the first reading has adopted a new Law on Forensic Experts where it is clearly stated that forensic examination of victims of sexual violence can be made only by an expert of the same gender (with exceptions of cases when the sexual violence perpetrator has the same sex as the victim)\textsuperscript{51}.

**Sexual violence** that is defined as sexual acts in physical contact with the victim, anal or oral penetration, is also criminalised\textsuperscript{52}. The US Department of State found that local NGOs reported that laws pertaining to rape were inadequately enforced.\textsuperscript{53} A report by the Council of Europe published in 2010 noted that at that time, there were no dedicated services for victims of rape and sexual assault.\textsuperscript{54}

Article 29 of the Labour Law sets out the principles of prohibition of differential treatment and harassment of a person. It defines harassment as actions which are unwanted from the point of view of the person, which are associated with his or her belonging to a specific gender, including actions of a sexual nature if the purpose or result of such actions is the violation of the person’s dignity and the creation of an intimidating, hostile, humiliating, degrading or offensive environment.\textsuperscript{55}

The Labour Law and other regulatory enactments that regulate employment legal relationships are binding on all employers irrespective of their legal status and on employees if the mutual legal relationships between employers and employees are based on an employment contract. In addition to other rights specified in this Law, if the prohibition against differential treatment and the prohibition against causing adverse consequences are violated, an employee has the right to request compensation for losses and compensation for moral harm. In the case of a dispute, a court at its own discretion shall determine the compensation for moral harm.\textsuperscript{56}

The US Department of State 2012 human rights report notes that sexual harassment is rarely reported, due to stigma and the bureaucracy involved.\textsuperscript{57} In addition, they reported that only the Ombudsman’s Office in Riga (the capital) was able to take complaints of sexual harassment.\textsuperscript{58}

According to a report published by the Council of Europe, the current national action place to address gender-based violence does not include sexual harassment.\textsuperscript{59}

There is no evidence to indicate that **female genital mutilation** is practised in Latvia.

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**Abortion** is available on demand in Latvia.\textsuperscript{60}

\textsuperscript{50} US Department of State (2013)
\textsuperscript{51} Draft Law on Forensic Experts (Nr.739/Lp11)
\textsuperscript{52} Criminal code of Latvia, Article 160
\textsuperscript{53} US Department of State (2013)
\textsuperscript{54} Hagemann-White, Carol (2010), p.21
\textsuperscript{55} Labour Law of Latvia, Article 29
\textsuperscript{56} Article 29 of Labour Law
\textsuperscript{57} US Department of State (2013)
\textsuperscript{58} US Department of State (2013)
\textsuperscript{59} Hagemann-White, Carol (2010), p.34
\textsuperscript{60} United Nations Department of Economic and Social Affairs, Population Division (2013)
3. Son bias

The male/female sex ratio for the working age population in 2013 is 0.86 while the sex ratio at birth is 1.05. There is no evidence that missing women is a problem in Latvia.

According to 2011 data from the World Bank’s Development Indicators Database, the ratio of female to male primary school enrolment was 99.5 and 96.6 for secondary education.

4. Restricted resources and assets

Women and men have equal rights to own and access land according to the Civil Code. Customary laws are not considered valid sources of law under the Constitution in relation to land rights or any other area.

According to the Food and Agricultural Organization (FAO), women made up 45% of landowners in Latvia in 2010.

Women and men have equal rights to own and access property other than land, and a woman’s marital status does not affect her property rights. Following marriage, each spouse retains ownership and control of any property that she or he bought before the marriage; any property bought following the marriage by the spouses together, or by one of them, but from the resources of both spouses, or with the assistance of the actions of the other spouse, is the joint property of both spouses. However, spouses can agree that one spouse will administer joint property.

Customary laws are not considered valid sources of law under the Constitution, in relation to property rights or any other area.

According to the 2004 official CEDAW report, women and men have equal rights to apply for credit and bank loans.

According to the World Bank’s financial inclusion data, 92% of women in Latvia had a bank account in 2011, as did 89% of men. In the same year, 7% of adults had taken out a loan in the past year from a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative), but these data were not disaggregated by sex.

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There are no gender restrictions on receiving microfinance loans in Latvia. For the Start-up program, 41% of loans were given to women in 2013 and 59% to men,\footnote{http://www.hipo.lv/lv/attistibas_programmas/starta_programma} and for the Micro-lending program, 43% were given to women and 57% to men.\footnote{http://www.hipo.lv/lv/attistibas_programmas/mikrokreditesanas_programma}

5. Restricted civil liberties

Women have the same rights to \textbf{access to public space} and to freedom of movement as men. Women are free to choose where to live, apply for a passport, and travel within and outside the country.\footnote{International Bank for Reconstruction and Development/The World Bank (2011), p.100}\footnote{International Bank for Reconstruction and Development/The World Bank (2011)., p.100}

Amnesty International reports that hate crime legislation does not protect lesbian, gay, bisexual, transgender and intersex people, disabled people, or victims of gender-based hate crimes.\footnote{Amnesty International (2013), p.156}

There do not appear to be any \textbf{quotas} in place to promote women’s political participation, at national or sub-national level. In 2011, former Latvian president Vaira Vike-Freiberga stated that in her view, quotas to encourage women’s representation in politics and other fields were ‘demeaning’, as they imply that women cannot succeed on their own merits.\footnote{Pop, Valentina (2011)} The proportion of women in the Parliament of Latvia was 23% in 2013.\footnote{OECD (2014), Gender, Institutions and Development Database, http://stats.oecd.org} In 2013, 31.33% or 507 women and 68.67% or 1,111 men were elected to the local government.\footnote{The Central Election Commission, http://www.cvk.lv/pub/public/}

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In its Concluding Observations on Latvia, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee noted the high degree of gender stereotyping in the Latvian \textbf{media} as an area of concern. Media monitoring carried out in Latvia up to 2004 also recorded conventional stereotypes regarding gender roles, that female politicians and experts were almost always interviewed on ‘soft’ subjects, and that female politicians received less coverage than men.\footnote{Pantti, Mervi (2006)}

Concerning \textbf{workplace rights}, women are protected against differential treatment on the basis of gender under the Labour Law. Differential treatment based on the gender of an employee is prohibited when establishing employment legal relationships, as well as during the period of existence of employment legal relationships, in particular when promoting an employee, determining working conditions, work remuneration or occupational training or raising of qualifications, as well as when giving notice of termination of an employment contract.\footnote{Labour Law of Latvia, Article 7, 29}

Regarding \textbf{citizenship}, women belonging to minority groups may face multiple forms of discrimination. Approximately one sixth of the population (over 300,000 people) are officially considered to be ‘non-
citizens’ by the Latvian state; for the most part, these are people of Russian origin. Women and men who are ‘non-citizens’ do not have political rights, and cannot vote in local or national elections.⁸²

Pregnant women in Latvia are entitled to up to 112 days of paid **maternity leave**.⁸³⁻⁸⁴ Maternity benefits are financed through the State Social Insurance fund.⁸⁵ As of 2009, the payments made to women on maternity leave were 100% of the average insurance contribution wage.⁸⁶ However, according to the *Women, Business, and the Law* report for 2012, Latvia subsequently reduced the percentage of wages paid during maternity leave, in response to the global financial crisis.⁸⁷

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⁸² Amnesty International (2013), p.156
⁸³ Labour Law of Latvia, Article 154; ILO (2011)
⁸⁴ Law On Maternity and Sickness Insurance, article 5
⁸⁵ Law on Maternity Sickness and Insurance, Article 3; Law on State Social Allowances, Articles 7, 11, 14 and 18
⁸⁶ Law on Maternity Sickness and Insurance, Articles 1, 10, 31
**Sources**


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