



Alternative Report
of the Ombudsman's Office of the Republic of Latvia
on the International Covenant on Civil and Political Rights
regarding List of issues in relation to the fourth periodic report of Latvia

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Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (Article 7)

For several years, the Ombudsman had been receiving letters from prisoners, in which persons pointed to various forms of prisoner self-government (hierarchy) in Latvian prisons and related problems. The prison administration did not see the institution's actual actions and deliberate violation of rights in this situation, because the establishment of prisoner self-government is not stimulated and created by the prison administration, but rather a form of prisoners' self-determination and a module of mutual relations. Both from the applications received and during monitoring visits meeting with prison staff and prisoners, a tendency can be observed that within the framework of the resocialization plan, not all prisoners voluntarily want to attend addiction reduction programs at the Addiction Centre in Olaine Prison, thus reducing their chances of progressive sentence execution and early release.

In 2019, the Ombudsman found that there is emotional and physical violence among prisoners. This is due to the internal hierarchy system of prisoners, in which prisoners with the 'lowest status' regularly suffer from violence. Both prison staff and management are informed about the existence of this system. Prisoners who are or may be subjected to violence cannot always be isolated from others for various reasons – insufficient staff, outdated infrastructure, large-capacity cells. New infrastructure and effective supervision are essential factors in combating the hierarchy among prisoners and the violence that follows. Following the Ombudsman's recommendations to eradicate these systems, the Prison Administration had not taken effective action. The prisoner hierarchy system also negatively affects the resocialization of prisoners.

In 2023, the Ombudsman established that there is still self-governance and hierarchy of prisoners in Jēkabpils prison, resulting in a high risk of violence among convicted persons. In this context, an anonymous survey of convicted persons was carried out. After the visit, the Ombudsman immediately informed the Prison Administration about a possible criminal offence against one convicted person committed by another convicted person.¹ The Prison Administration initiated criminal proceedings.

The Ministry of Justice has prepared an information report on actions to reduce the informal hierarchy of prisoners in prisons². The information report must include measures/actions that would prevent the recurrence of similar violations in the future. Upon reviewing the information report, it outlines the main directions for reducing the existence of the informal hierarchy of prisoners: strengthening the capacity of prison staff; resocialization of prisoners; prison infrastructure; other measures; training of judges.

¹ [Report of the National Preventive Mechanism of the Ombudsman's Office of Latvia on the institutional culture in Jēkabpils prison from 30 June 2023](#) and answers from the Ministry of Justice and Prison Administration (available in Latvian)

² [Informative report on actions to reduce the informal hierarchy of prisoners in prisons \(project ID 24-TA-2168\). Ministry of Justice](#) (available in Latvian)

The Ombudsman's Office has contributed to the information report of the Ministry of Justice considering findings from the: 1) information included in the Ombudsman's report from 2023 on the institutional culture in Jēkabpils Prison and the established system of prisoner self-government and the resulting high risk of violence among prisoners; 2) findings contained in the ECHR judgment in Case of D v. Latvia³; 3) findings contained in the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of 18 July 2024 to the Government of Lithuania on the visit of February 2024; as well as 4) observations of the representatives of the Ombudsman's Office during monitoring visits to prisons.

Elimination of slavery, servitude and trafficking in persons (Articles 2, 7, 8 and 26)

Human Trafficking Prevention Plan for 2021-2023 included the following measures: to prepare a draft law on national cooperation and coordination mechanism for the prevention of human trafficking and to develop a draft Cabinet Regulation on the procedure for implementing cooperation and information exchange in identifying victims of human trafficking, providing assistance and support, ensuring protection and referring them to social service providers. In other words, to develop a so-called National Referral Mechanism. However, the measures mentioned in the Human Trafficking Prevention Plan for 2021-2023 were not implemented and no regulatory act has been adopted to regulate this area to date.

Currently, internal regulations have been developed within the framework of individual institutions or mutual agreements have been concluded, which stipulate the procedure for the referral mechanism to social service providers⁴, however, this cannot be called a systemic and comprehensive State's approach to referring identified victims of human trafficking to service providers.

On 17 July 2024, Directive (EU) 2024/1712⁵ entered into force. As a result of the amendments, Article 11(4) of Directive 2011/36/EU was worded as follows: "Member States shall take the necessary measures to establish by laws, regulations or administrative provisions one or several mechanisms aimed at the early detection and identification of, assistance to and support for identified and presumed victims, in cooperation with relevant support organisations, and to appoint a focal point for the cross-border referral of victims". Consequently, by 15 July 2026, the Republic of Latvia will have to comply with the obligation imposed by the amendments to Directive 2011/36/EU to develop a national referral mechanism formalized by regulatory or administrative acts, which will provide all parties involved in the prevention of human trafficking with an understandable model of action in the identification of victims of human trafficking, the transfer of information and the exchange between state institutions and social service providers, so that victims of human trafficking are effectively identified and referred to social service providers for assistance.

³ [European Court of Human Rights judgement in the Case of D v. Latvia](#) (Application no. 76680/17)

⁴ [Recognition, identification and protection of third-country nationals - victims of trafficking in human beings. Report on the situation in Latvia, 2021 // Office of Citizenship and Migration Affairs, Latvia's European Migration Network \(EMN\) National Contact Point](#)

⁵ [Directive \(EU\) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)

The Ombudsman is currently informed that the Ministry of Interior is actively working on the development of a regulatory act that regarding the national referral mechanism.

Starting from 2019, the Ombudsman regularly participates in the school program "Ready for Life" (Dzīvei gatavs) to give lectures on human trafficking issues for elementary and secondary school students. The aim of the lectures is to strengthen students' knowledge of the various forms of trafficking in human beings, to develop their ability to recognize the possible risks and to improve their knowledge about the redress mechanisms available to them. For example, a total of 5 lectures were conducted in 2022, 9 lectures in 2023 and 12 lectures in 2024, 6 of which were conducted in cooperation with the Ministry of Foreign Affairs. The Ombudsman continues these activities also in 2025, including in cooperation with the Ministry of Foreign Affairs.

Continuing the work started in 2021, the employees of the Ombudsman's Office trained legal professionals (police officers, prosecutors, judges, sworn attorneys and sworn bailiffs) and psychologists on the topic "Children - Victims of Human Trafficking", organized by the Latvian Municipal Training Centre until the summer of 2024. During lectures, officials were educated on the legal framework for trafficking in human beings, the concept of trafficking (forms of trafficking in human beings, means and types of actions), signs (indicators) of human trafficking, risk factors for becoming a victim of trafficking and an offender, human trafficking in the digital environment, inter-institutional cooperation and social services granted to victims of trafficking in human beings. In 2022, there were a total of 21 lectures delivered, 14 lectures in 2023 and in 3 lectures 2024.

In the end of 2022, the Ombudsman launched a new initiative on educating children and personnel in childcare facilities about the risks of trafficking in human beings. Representatives of the Ombudsman's Office educated about 20 young people and around 50 staff members about the risks of human trafficking in two children and youth centres of Riga municipality. In 2023, the staff of the Ombudsman's Office in cooperation with the association "MARTA Centre" continued the activity and visited 18 childcare facilities across Latvia to educate children about the risks of trafficking in human beings and to inform where to turn for help. A total of 140 young people aged 13 and above were educated. In 2023, the Ombudsman delivered two online lectures to staff of childcare facilities training around 70 employees about the risks of trafficking in human beings.

In the end of 2022, the campaign "All that glitters is not gold!" (Latvian "Ne viss ir zelts, kas spīd!")⁶ was launched on social media to explain the problem of trafficking in human beings in Latvia. The Ombudsman paid particular attention to the digital environment, where people often see very tempting job or dating offers, but are not careful enough, make mistakes and find themselves in terrible or even life-threatening circumstances. As a result of the campaign, an informative educational material on the risks of trafficking in human beings in the digital environment was developed and published on the Ombudsman's web page.

⁶ [Ombudsman's information campaign "All that glitters is not gold!" \(Latvian "Ne viss ir zelts, kas spīd!"\), 2022](#)

In 2023, the Ombudsman organized a two-day training for Orphan's and Custody Courts on the recognition of human trafficking risks. A total of 59 employees from 26 Orphan's and Custody Courts were trained, including educating officials about the risks of trafficking in human beings in relation to asylum seekers, in particular unaccompanied minors.

In 2024, in four separate seminars the Ombudsman in close cooperation with the Ministry of Foreign Affairs, social service providers for victims of human trafficking – the association “MARTA Centre” and the association “Shelter “Safe house”” and with the financial support of the International Organization for Migration (IOM), trained social service employees of Latvian municipalities on recognizing the risks of human trafficking. During the training, each institution, in accordance with its expertise, provided social service employees with both theoretical and practical knowledge, jointly solving tasks on recognizing human trafficking. A total of 93 social workers were trained.

In 2024, the Ombudsman in cooperation with the Ministry of the Interior and the Procurement Monitoring Bureau developed guidelines for preventing the risks of human trafficking and labour exploitation in public procurement. In this regard on 24 October 2024 the Ombudsman in cooperation with the Ministry of the Interior and the Procurement Monitoring Bureau organized a workshop “Risks of human trafficking and labour exploitation in public procurement”, which was attended by both the institutions announcing the procurements and their executors, i.e. representatives of the private sector. The participants of the discussion received information about what risks may arise in the execution of the procurement contract, in various supply chains and how to prevent them preventively, as well as practical examples were shown how to apply these guidelines. In 2025, the guidelines will be supplemented with the findings obtained from this workshop tank and then distributed and presented to the wider public.

In 2025, the Ombudsman together with the Ministry of Foreign Affairs and “MARTA Centre” has begun visiting boarding schools throughout Latvia, including the regions. By 1 April 2025, five boarding schools have been visited, training a total of approximately 90 children and 40 educators. The visits will continue for the rest of 2025.

Access to justice, independence of the judiciary and fair trial (arts. 2, 9 and 14)

In 2024, the Ombudsman's Office completed a study regarding respect for human rights in the process of determination of the compulsory measures of medical nature (applicable to persons with intellectual and/or psychosocial disabilities, deemed unfit to stand trial/not criminally responsible).⁷ To study the situation, more than 70 % of court cases that were heard in 2019 and 2020 in all first instance courts of the Republic of Latvia were analysed. Based on the conclusions of the study, the Ombudsman recommended to amend the Criminal Procedure Law, excluding the norm that determines that a person's participation in the process depends on the opinion of a forensic psychiatric expert and to ensure that necessary adjustments should be made to the court process so that persons with various types of disabilities can fully participate in the process.

⁷ [Ombudsman's study on the observance of human rights in determination of the compulsory measures of medical nature, 2024](#) (available in Latvian)

State of emergency (Article 4)

[1] In August 2021, the Cabinet of Ministers (Government) declared the state of emergency in certain municipal territories in Latvia near the border with Belarus. This Government Order No. 518 “On the declaration of a state of emergency” of 10 August 2021 initially restricted all access to asylum in certain territories near the Latvia – Belarus border (including border crossing points as well as the detention centre for foreigners in Daugavpils). Then following the judgements of Administrative District court, the Order was amended with a provision allowing asylum applications to be accepted at the official border crossing points with Belarus, as well as in detention centre in Daugavpils. The Order stipulated that irregular border crossings must be prevented and any person who is trying to cross the border in an illegal manner must be returned. While in practice the State Border guards evaluate if there are any humanitarian grounds on which a person should be allowed to remain in the territory of Latvia (and later subsequently apply for asylum, for instance) asylum requests that were made outside the official border crossing points by themselves were not considered a sufficient reason to allow the person to remain in the territory of Latvia. The Cabinet Order No. 518 ceased to be force on 11 August 2023.

As a reaction to the introduction of Cabinet Order No. 518 and its amendments, the Ombudsman stressed the importance of protecting national security while still respecting the human rights, especially when it comes to the vulnerable groups. Any limitation of rights must be proportionate to ensure that the overall public benefit outweighs restrictions on individual rights, including during the emergency. Similarly, it should be clear to both the public and other bodies not directly involved in the decision-making how this proportionality is ensured and whether regulatory review is carried out on a regular basis. The Ombudsman also reminded the Parliament and the Government on Latvia’s duties that stem from international law and European Union Law i.e. that the access to the asylum procedure must be ensured, the principle of non-refoulement must be respected, as well as the prohibition of collective expulsion.⁸ Later on, Ombudsman stressed the importance of making sure that alternatives to the existing measures are truly analysed and considered, because in a situation where the emergency has been in existence for more than a year, this assessment becomes even more important.⁹

In summer of 2023, the Law on the State Border of the Republic of Latvia¹⁰ was amended with the Article 35.¹ that would allow the Government to declare an enhanced mode of operation of the border guarding system. The enhanced mode of operation of the border guarding system (i.e. enhanced border-protection regime) was then declared on 10 August 2023 in certain municipalities near the Latvia – Belarus border by the Order No. 514. This Order ceased to be in force on 10 February 2024 and then shortly after with the Order No. 184 from 12 March 2024 the enhanced mode of operation of the border guarding system was again reintroduced in certain municipalities near the Latvia – Belarus border. Orders introducing the enhanced mode of border guarding system do not explicitly mention access to asylum or immediate returns. However, at the same time as introducing the amendments in the Law on

⁸ [Letter of the Ombudsman to the Latvian Parliament and Government](#)

⁹ [Letter of the Ombudsman to the Parliament on the extension of the state of emergency at the Latvian - Belarusian border](#)

¹⁰ [Law on the State Border of the Republic of Latvia](#)

the State Border of the Republic of Latvia, amendments were introduced also in the State Border Guard Law. Amendments concerned Article 15(1) subparagraph 5¹ of this Law, stating that the border guards have the right and duty to prevent a person from entering the country at a place and time which is not intended for such purpose (where necessary by providing the person with primary provisions according to possibilities) unless there are objective circumstances that require immediate entry. Since the preparatory materials for this amendment include information that simply requesting asylum would not always mean that the person should be allowed to enter and remain in the State territory, the Ombudsman had proposed to formulate this provision to clearly state that asylum seekers would be allowed to enter the territory of Latvia.¹¹ The goal was to prevent any interpretation of this provision that would be contrary to European Union Law and would restrict access to asylum, that could lead to the breach of the principle of non-refoulement. The Parliament did not accept the Ombudsman's proposal and currently access to asylum is *de facto* limited in certain regions in Latvia which accordingly impacts the safeguards designed to ensure the respect for principle of non-refoulement.

Violence against women and domestic violence (Articles 2, 3, 6, 7 and 26)

On 14 May 2024, the European Parliament and the Council of the European Union adopted Directive (EU) 2024/1385 on combating violence against women and domestic violence.¹² Article 17 of the Directive specifically addresses cyberviolence, stressing that it particularly affects women politicians, journalists and human rights defenders. Cyberviolence not only reduces women's involvement, but also hinders their participation, undermining equality with men. The spread of hate speech in the digital environment is reinforced by the apparent anonymity and sense of impunity. Women often become the targets of sexist hatred online, which can escalate into hate crimes also offline.

The situation in Latvia shows that women researchers, doctors and representatives of NGOs become victims of aggression online, depending on the topicality of the topic expressed. Targeting journalists, which particularly affects women journalists, has a major chilling effect on the development of freedom of expression. On 27 November 2024, Ombudsman's Office organised a discussion on aggression on the Internet against recognizable women in Latvia¹³, with the help of practical examples, debating the impact of aggressive behaviour on the Internet on the observance of various human rights, as well as the availability and suitability of existing legal mechanisms for the protection of individual rights. The discussion analysed manifestations of aggression on the Internet in Latvia, examined the role of gender in manifestations of aggression on the Internet, and discussed a strategy for action.

¹¹ [Ombudsman's proposal for amendments in the State Border Guards Law](#)

¹² [Directive \(EU\) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence](#)

¹³ [Ombudsman organises a discussion on aggression on the Internet against recognizable women in Latvia //26 November 2024 news on the Ombudsman's web page](#) (available in Latvian)

Non-discrimination (arts. 2, 19, 20 and 26)

[1] In 2022, the Ombudsman emphasised the need for administrative responsibility for hate speech as Latvian regulatory framework criminalised hate speech. In his 16 January 2023 letter to the Parliament, amongst other, the Ombudsman drew the attention of the Members of the Parliament that Latvian legislation established criminal liability for hate speech. Article 78 of the Criminal Law provides for liability for inciting national, ethnic and racial hatred, while Article 150 of the Criminal Law provides for liability for inciting social hatred and discord. In most cases, certain public statements that are considered hate speech, could be subject to administrative liability.

[2] On 28 February 2023, the Constitutional Court initiated the case was initiated based on an application by citizens of the Russian Federation who had been issued permanent residence permits. According to the contested provision, as of 1 September 2023, the permanent residence permits issued to them would expire. To obtain a permanent residence permit again, the Applicants had to submit a document certifying their knowledge of the official language by 1 September 2023. The Constitutional Court found that the currently effective version of Section 58 of the Transitional Provisions of the Immigration Law complies with the Constitution. The Court concluded that the contested provision, when viewed systemically in the context of other legal provisions, gives citizens of the Russian Federation a real ability to obtain a new legal justification for continuing to reside in Latvia, provided that the person in question is motivated to take the necessary steps. Thus, these individuals are made possible to continue to maintain the social ties they have already established.¹⁴ Upon the request of the Constitutional Court, the Ombudsman had submitted his opinion on the matter of the case.¹⁵

Freedom of expression (arts. 19 and 20)

In the context of the decision of the National Electronic Media Council of revocation of the broadcast license of TV Rain and the public debate that had already taken place, it is important to emphasize that Latvia, as a democratic state, is also characterized by such a protective mechanism as the right to a fair trial. These rights include fundamental principles such as the independence of the judiciary and access to justice. TV Rain challenged the Media Council's decision in court. The court emphasized that in times of war it is crucial to provide accurate information and that systematic distribution of inaccurate statements and calls for help to Russian army endangers security of Latvia and other European countries. The proceedings in the TV Rain case are ongoing.

¹⁴ [Permanent residence permits for citizens of Russia provision ruled compatible with Constitution // 18 February 2024 news from the Constitutional Court of the Republic of Latvia](#)

¹⁵ [Ombudsman's opinion to the Constitutional Court of 30 June 2023 on Compliance of Paragraph 58 of Transitional Provisions of the Immigration Law with Article 1, the First Sentence of Article 91 and Article 96 of the Constitution of the Republic of Latvia](#) (available in Latvian)

In general, the Ombudsman supports the view of the National Electronic Mass Media Council that the distribution of Russian propaganda channels which spread hate speech in Latvia is contrary to the Latvian national law, international obligations and national interests of the country and has a negative impact on the national information space.

During 2024, several interdisciplinary working groups took place to discuss and improve the measures concerning the media space. Ministry of Culture coordinated a working group focusing on journalist safety and additionally concluded the work on Media Policy Guidelines for 2024-2027.

The safety plan for journalists and other media professionals for 2025-2027 developed by the working group of the Ministry of Culture includes specific measures to improve the safety of journalists. It includes promoting accountability for online attacks on journalists, organising training for law enforcement officers on the protection of journalists, raising public awareness of freedom of expression. The Ombudsman is ready to engage in awareness-raising and educational activities, stressing the importance of freedom of expression and high-quality, pluralistic discussion in a democratic society.

In December 2024, a working group coordinated by the Ministry of Justice started working on draft legislation to transpose the EU's Anti-SLAPP directive. Additionally, Latvian Public Media has positively referred to an increase in their budget.

Participation in public affairs (arts. 25 and 26)

In 2025, the Ombudsman's Office surveyed all branches of the State Social Care Centres and prisons, as well as several municipal and private social care centres (nursing homes) in total almost 80 institutions covering practically all regions of Latvia to determine whether the institutions are ready for municipal elections¹⁶.

On 20 November 2024 amendments in Law on the Election of Local Government Councils entered into force, among other stating that the election commission can decide to organise absentee voting¹⁷; 11 municipalities informed the Central Election Commission about organising absentee voting on the day of elections 7 June 2025¹⁸.

In June 2024, representatives of the Ombudsman's Office participated in observation of the elections to the European Parliament by visiting the state social care centres and polling stations visited by the clients of the care centres (accessibility of the polling stations, access to information).

¹⁶ [The Ombudsman takes preventive measures so that everyone can fully participate in the elections // 4 June 2025 news from the Ombudsman's Office](#) (available in Latvian)

¹⁷ [Section 33.3 of the Law on the Election of Local Government](#) (available in Latvian)

¹⁸ [Bauska municipality also informs about the decision to organize absentee voting // 10 May 2025 news from the Central Election Commission](#) (available in Latvian)

Conscientious objection to military service (arts. 2, 18 and 26)

Since 2022, the Ombudsman's Office have been involved in the drafting of the State Defence Service Law, participated in the work and discussions of the relevant Parliamentary Committees and submitted opinion on the draft law including regarding criteria for civil service.¹⁹ Until this date, the Ombudsman has not received any complaints regarding state defence service.

In June 2024, representatives of the Ombudsman's Office had a meeting with the European Association of Jehovah's Witnesses and discussed the situation on the state defence service and alternative possibilities of civil service. The representatives of the Ombudsman's Office encouraged the members of the organization to use the mechanisms of administrative process for contesting decisions regarding recruitment as provided for in the National Defence Service Law and the procedures laid down in the Administrative Procedure Law.

On 17 January 2025, the Ombudsman applied to the Ministry of Welfare and Ministry of Defence regarding the right of the National Defence Service soldiers receiving survivor's pension.²⁰ Law "On State Pensions" stipulates that the right to a survivor's pension is granted to a person who has not reached the age of 24, if at the time of the death of the provider or later he/she is studying full-time at general, vocational education institutions, colleges or universities, except for the time when the person has interrupted his/her studies. According to the National Defence Service Law the educational institution releases the soldier of the state defence service from training (studies) during the performance of the state defence service. The person who has interrupted his/her studies for the period of service retains the right to continue them under the same conditions as before conscription. The legal norms stipulate that the continuation of the payment of the survivor's pension after reaching the age of 18 is directly linked to full-time studies. In turn, if a young person has interrupted his studies (for example, due to academic leave), the payment of the aforementioned pension is also suspended. This currently applies to those who have interrupted their studies in order to participate in national defence service. After resuming studies, the payment of the survivor's pension continues, but no longer than until reaching the age of 24. This may result in a situation where the soldier of the state defence service is limited in his/her right to receive the survivor's pension for the maximum possible time.

To motivate young people to voluntarily apply for national defence service, the legislator has imposed on educational institutions the obligation to guarantee a study place financed from the state budget to a person who has voluntarily applied and completed the service, if he or she meets the admission requirements of the chosen study programme. When examining two applications from persons who were refused admission to studies, the Ombudsman found that educational institutions have different opinions on the interpretation of the legal provision. At the time when the Ombudsman became involved in resolving the issue, the responsible ministries took action to ensure that educational institutions made a decision favourable to the persons. Both young people were admitted to the chosen study programmes with state budget funds.

¹⁹ [Ombudsman's opinions on the draft law National Defence Service Law from 13 October 2022 and 10 January 2023](#) (available in Latvian)

²⁰ [Ombudsman's letter to the Ministry of Welfare and the Ministry of Defence on survivor's pension to state defence service soldiers](#) (available in Latvian)