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Business and human rights

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Latvia

Latvia

1. What kind of judicial protection do I have in your country as a victim of business- related human rights violations? Does this protection include compensation?

Pursuant to [Article 1\(1\) of the Law on civil procedure](#), each private individual and legal entity has a right to judicial defence of their infringed or contested civil rights or legitimate interests. If the individual believes that they have become a victim of business related human rights violations that infringe their civil rights, the individual may bring a civil claim in a general jurisdiction court.

Pursuant to Article 1635 of [the Civil Law](#), every infringement of rights, every wrongful act per se, which results in damage (also moral damage), gives the victim the right to seek remedy from the perpetrator insofar as they can be blamed for this act. Moral damage denotes physical or psychological suffering caused by the infringement of the victim's non-material rights or non-material benefits resulting from the wrongful acts. The scope of remedy for moral damage shall be established by the court at its discretion, taking account of the gravity and consequences of the moral damage. If the wrongful doing is manifested as a criminal act against the life, health, morality, sexual inviolability, freedom, honour or respect of an individual, or against a family, or a minor, it is assumed that the victim has suffered moral damage as a result of such act. In other cases, the victim must prove moral damage. An act here is to be understood in a wider sense, which includes not only the act, but also failure to act, i.e. omission.

2. Do you have specific rules for gross human rights violations? Do these rules apply to environmental crimes or severe labour exploitations?

Liability for wrongful acts enshrined in the Civil Law covers any infringement of rights and criminal offence, including gross violation of human rights.

3. I am the victim of a human rights violation resulting from activities carried out outside the European Union by a European transnational corporation. Do I have access to the courts in your country if I am not an EU citizen or I don't live in the EU? Under what conditions can I claim a violation of my rights? Where can I find additional information?

If neither the defendant nor the claimant have their place of residence or legal address in Latvia, and if the infringement did not occur in Latvia, in all likelihood, Latvian courts will not have jurisdiction over the civil claim.

4. Can ombudsman institutions, equality bodies or national human rights

institutions support victims of business-related human rights violations committed by European transnational corporations outside the European Union? Can these bodies investigate my case if I am not an EU citizen or I don't live in the EU? Are there other public services (such as a labour or environmental inspectorate) in your country that can investigate my case? Where can I find information about my rights?

The name of the Ombudsman in Latvia is '[tiesībsargs](#)'. The Ombudsman operates in accordance with the aim established by [the Ombudsman Law](#), i.e. promoting the protection of human rights and ensuring that the authority of the state is exercised in a legitimate and expedient manner and in accordance with the principle of good governance.

The Ombudsman may only be involved in resolving issues where State administration authorities infringe human rights of an individual established in the *Satversme* (the Constitution) of the Republic of Latvia and in international documents in the field of human rights when making a decision or, in the case of the legislature, when adopting a legislative act. In the context of exercising the powers of the Ombudsman, an authority is a government administration or a local government authority, or their officials, as well as persons performing tasks delegated by the state administration.

In cases where the individual is a victim of violation of the non-discrimination principle, the Ombudsman may give their assessment and recommendations also to legal entities and private individuals governed by private law.

However, the powers of the Ombudsman do not extend to assessing acts of European transnational corporations outside the EU.

Control and monitoring of the conduct of undertakings with regard to employment relationships falls within the remit of [the State Labour Inspectorate](#).

The conduct of undertakings in the area of the environment is controlled by [the State Environmental Service](#), which is responsible for monitoring compliance with the law in the areas of environmental protection, radiation safety and nuclear safety, as well as the use of natural resources.

If an individual files a claim about a wrongful act with the authority in error, i.e. they are not aware that it is not within the remit of the authority in question to respond with regard to the matter referred to in the individual's claim, in accordance with the provisions of the Law on Submissions, the authority must inform the individual as to the authority competent in the matter, or, where appropriate, forward the claim to the authority competent to examine the claim.

It should be noted, therefore, that the institution of the Ombudsman is an alternative dispute settlement mechanism for the protection of infringed human rights, which is based on the personal authority of the Ombudsman, because recommendations of the Ombudsman are not legally binding. An appeal to the Ombudsman is not considered as instituting appeal proceedings, and the party to the proceedings should take into account the fact that such appeal does not suspend either the validity of the administrative regulation or the deadline for appeal. However, the task of the Ombudsman is to promote public awareness and understanding of human rights, mechanisms for their protection, and the work of the Ombudsman. Therefore, the Ombudsman can advise an individual on the mechanisms for protection of the infringed rights in each individual case.

Every individual who believes that their human rights have been infringed, without prejudice to their nationality, can appeal to the Ombudsman.

5. Does your country impose obligations on European transnational corporations to establish complaint mechanisms or mediation services for

violations resulting from their business activities? Do these obligations also apply to violations that occur outside the European Union? Who is in charge of monitoring these activities in your country? Are there public reports available providing information on the functioning of the system?

There is no information on legislative acts that impose obligations on European transnational corporations to establish complaint mechanisms or mediation services for violations resulting from their business activities.

6. Do I have specific rights if I am a vulnerable victim seeking a remedy for business-related human rights violations? Can I have access to legal aid, and under which conditions? Which costs will be covered by the legal aid? Do I have access to legal aid under the same conditions if I am not an EU citizen or I don't live in the EU?

Eligibility for State-funded legal aid depends on the category of the case and the status of the individual. Legal aid includes legal consultations, drawing-up of procedural documents for the court, and legal aid at the court hearing. An individual who is party to a civil case is exempt from the court costs payable to the national budget, and the court must provide State-funded translation services if the individual does not speak the language of the proceedings.

In civil cases (with exceptions set forth in the law) and in administrative cases where a decision of the family tribunal with regard to the protection of the rights and legal interests of a child is contested, the individual who legally resides in Latvia is entitled to legal aid if they have obtained the status of a low-income person or a person in need from local government social services or if they are in a special situation, i.e. they unexpectedly and for reasons beyond their control find themselves in such circumstances and financial situation that prevents them from ensuring the protection of their rights, or the individual is fully dependent on the State or the local government.

The individual residing in an EU Member State is entitled to legal aid in cross-border disputes in civil cases if their special circumstances and the level of their income prevent them from protecting their rights.

Other individuals (including individuals residing outside the EU) are entitled to legal aid in accordance with international commitments of Latvia and if their special circumstances and the level of their income prevent them from protecting their rights.

In civil cases that individuals pursue on their own or with a lawyer's assistance (i.e. civil cases that fall within the jurisdiction of the Economic Affairs Court stemming from contract law, if the amount of the claim exceeds EUR 150 000, and cases dealing with protection of commercial secrets from illegal acquisition, use and disclosure), the individual is entitled to legal aid if their income does not exceed the minimum monthly wage in Latvia, their financial situation makes them eligible for receiving legal aid, and they have paid the fee for the provision of legal aid.

Legal aid in administrative cases is granted by the court (the judge) upon the individual's request, taking into account the complexity of the case and financial situation of the individual.

Legal aid in criminal proceedings is granted by the party that pursues the proceedings (the investigator, the prosecutor or the judge). Legal aid is provided upon request to individuals who are eligible to defence and to victims in cases where the law so provides.

Additional information is available on the website of the Judicial Administration:

- [Infographics - Legal aid provided by the state in various case categories](#) (LV)
- [Information - State ensured legal aid](#) (EN)
- [Overview - Legal aid provided by the State](#) (EN)
- [Legal aid in cross-border disputes](#) (EN)

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