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## Protection of the Family in Latvia: Recent Developments

**Abstract:** This article examines the development of the understanding of the concept of the family in Latvia during the last few years, and reflects the contribution made by the Constitutional Court of the Republic of Latvia to the development of this concept. The article analyses the judgment of the Constitutional Court of 12 November 2020 (case no. 2019-33-01), in which the legislature was determined to regulate the legal relations of same-sex partners (families) and provide for the economic and social protection of all families. The article outlines the problems that were encountered during the execution of this judgment and the constitutional mechanisms with which the conservative parties represented in the Parliament tried to delay the entry into force of the law. Finally, the authors reflect on the changes in the regulatory acts that entered into force on 1 July 2024 introducing the regulation of partnership relations in Latvia, i.e. providing that adult persons will be allowed to register their partnership or cohabitation in accordance with the procedure established by law (a right which will apply also to same-sex partners). Thus, by registration of their partnership, individuals will enjoy wider social protection in various aspects, such as the other partner's ability to make decisions about the treatment of the partner injured in an accident, the partner's right to receive support from the state or municipality in cases specified by law, more favourable provisions regarding inheritance processes, taxes, etc.

**Keywords:** Constitutional Court, family, partnership, same-sex partners, the Constitution

## Introduction

The understanding of the concept of the family in Latvia has developed over the past few years, and several times questions related to the scope of the concept have been evaluated by the Constitutional Court and have been included in the agenda of the Parliament. The Constitutional Court has played a very important role in shaping the understanding of the family in Latvia. It was this Court that, by interpreting the concept of the family, highlighted the problematic nature of the regulation of legal relations between same-sex partners – or more precisely, the lack of regulation – and its incompatibility with Article 110 of the Constitution of Republic of Latvia (in Latvian, the *Satversme*). It can be said that the *erga omnes* legal nature of the Constitutional Court's judgments has ensured that same-sex legal regulation has been created in Latvia. Although the adoption of this regulation has been difficult, the first step in protecting all families has been taken, and it is no doubt a huge success in the quite conservative society of Latvia. In the development of the understanding of the concept of the family, international law and findings expressed in the jurisprudence of the European Court of Human Rights have also undoubtedly played a significant role.

Within the framework of this article, the authors will analyse step by step the regulation of the family and its protection in the Constitution of the Republic of Latvia, as well as the findings of the Constitutional Court regarding issues of the family and same-sex partnerships, with a more in-depth focus on the content of the 2020 Constitutional Court judgment (which was viewed critically by the most conservative part of society) and the problems with the implementation of this judgment. Over time, the Parliament of Latvia has adopted progressive amendments to the regulatory acts in this context: in November 2023, amendments to the Notariate Law were adopted, which provide for the possibility, from 1 July 2024, for any adult persons (including persons of the same sex) to register their partnership. The final part of the article will analyse the new regulation on the procedure for partnership registration, its termination and the advantages of partnership registration.

### 1. The concept of the family in Latvia: The regulation established in the Constitution

The understanding of the concept of the family in Latvia is established at the constitutional level, in the Constitution of the Republic of Latvia. It should be explained that Latvia has one of the oldest constitutions in force; it was adopted in 1922. It did not include a separate section on human rights until 1998, but in that year it was supplemented with Chapter 8, 'Fundamental Human Rights', and since then it has also included regulation on the family. Legal protection of the family is defined in Article 110 of the Constitution. Initially in 1998, this article was adopted with the following wording: 'The state protects and supports marriage, family, parents' and

children's rights. The state especially helps disabled children, children left without parental care or victims of abuse' (Constitution of the Republic of Latvia).

In 2005, the Parliament adopted amendments to the Constitution, supplementing Article 110 with a sentence that emphasizes that marriage is a union between a man and a woman, i.e. since then, the article stipulates that '[t]he State shall protect and support marriage – a union between a man and a woman – the family, the rights of parents and rights of the child. The State shall provide special support to disabled children, children left without parental care or who have suffered from violence' (Republic of Latvia, 2005). At that time, many lawyers and senior state officials criticized the adoption of such an amendment; it was pointed out that considering that Article 35 of the Civil Law of Latvia already clearly states that '[m]arriage between persons of the same sex is prohibited', there was no need to repeat it in the Constitution.

In the annotation of the amendments to the Constitution, the authors of the draft law justified the need for amendments by the fact that in the course of cultural and historical development in Latvia, a view of marriage over the family and constant threats to this traditional value have been formed. Therefore conservative forces also advocated for strengthening the ban on same-sex partnership in the highest legal act – the Constitution – in order to reduce the discussion over whether Article 35 of the Civil Law complies with the norms of the highest force, which provide for the prohibition of discrimination. The president of the state at the time characterized these amendments as trivial and called on the Parliament not to accept them, pointing out that they would conflict with internationally recognized human rights. The prime minister also stated that 'according to the laws of Latvia, same-sex marriage is already prohibited, so we should not play with the Constitution' (Jurista Vārds, 2005).

It should be noted that since 2005, amendments to Article 110 of the Constitution have not been adopted, although they have been initiated several times. An initiative to amend Article 110 also followed as a reaction to a 2020 judgment of the Constitutional Court: at that time, the conservative political parties from the opposition in parliament wanted to unequivocally write into the Constitution that 'the foundation of the family is formed by the mother (woman) and the father (man)', but these amendments were not adopted by the Parliament (see Republic of Latvia, 2021). Basically, political developments often show that Article 110 of the Constitution is a legal norm that certain political forces want to use to increase their popularity during pre-election periods, thus attracting the sympathy of the most conservative voters.

In 2014 the Constitution was supplemented with an extended preamble, which also emphasizes the significance of the family, i.e. that 'the family is the basis of a cohesive society and [...] everyone takes care of their loved ones and the common good of society, acting responsibly towards others and future generations'. This means that in the sense of the Constitution, the family is a social institution based

on close personal ties found in social reality, which are based on understanding and respect (see Judgment of the Constitutional Court of 12 November 2020, case no. 2019–33–01). The judge and professor Jautriete Briede has pointed out that the characteristics of a family can be compared to the characteristics of a state: it has its own territory (most often a shared home), people (a family consists of at least two members) and sovereign power (in a family many issues related to cohabitation are decided collegially or patriarchally) (Briede, 2022).

## **2. Understanding of the family in the case law of the Constitutional Court of the Republic of Latvia**

Since 1996, the Constitutional Court exercises the constitutional review or protection of the Constitution in Latvia.<sup>1</sup> Individuals can also protect their fundamental human rights at the Constitutional Court by submitting a constitutional complaint if a violation is caused by a legal norm. The Constitutional Court has often been seen as the ‘last hope’ for private persons, therefore it has always enjoyed great public confidence. However, particularly in the context of family-related cases, it has been criticized both by the public and by politicians. Moreover, in the context of this exact case, proposals were made to liquidate the Court.

The criticism of the Constitutional Court was triggered by the judgment in case no. 2019–33–01, in which the Court assessed the compliance of Section 155(1) of the Labour Law with the first sentence of Article 110 of the Constitution. This provision regulated the right of the father of a child to take leave after the birth. However, in this case, the mother’s partner wished to exercise the right provided for in the contested norm, which had not been foreseen. In other words, it was not the father who wished to take the leave provided for by the Labour Law, but the person with whom the mother of the child had established a relationship. The Constitutional Court shocked the public not because it declared the contested legal norm unconstitutional, but because it made a historical conclusion about the scope of the state’s obligation in the context of family protection, and more precisely, how the term ‘family’ as included in Article 110 of the Constitution should be understood.

First of all, it should be noted that it is a misleading perception that the judgment in case no. 2019–33–01 was the first in which the Court emphasized the legal protection of every family. A few years before this judgment, in 2016, the Constitutional Court had already emphasized that the state must protect every family, without specifying how the term ‘every family’ should be understood (Judgment of the Constitutional Court of the Republic of Latvia, 2016). It should also be clarified that, unlike the

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1 The competence of the Latvian Constitutional Court is regulated in the Constitutional Court Law, Article 16. See Constitutional Court of the Republic of Latvia (1996).

concept of marriage, the concept of the family is not specified in Article 110 of the Constitution and does not make gender the criteria for determining the persons to be recognized as family. Therefore interpreting the concept of the family included in Article 110 of the Constitution, and also in the Introduction to the Constitution,<sup>2</sup> the Court recognized that the family is the foundation of a cohesive and solidary society and that it is based on close personal ties observable in social reality, which are based on understanding and respect (Judgment of the Constitutional Court of the Republic of Latvia, 2019, p. 16). In other words, the family is not only based on legal or relational ties, but also on the close personal ties that have developed between persons if they live together. Moreover, it is not only persons of the opposite sex who can live together and form close ties, but also two persons of the same sex. Thus family in the Constitution means family in a broader sense, including that a family may also consist of two persons of the same sex. It means that the first sentence of Article 110 of the Constitution covers the state's positive obligation to protect and support every family, including a de facto family (Judgment of the Constitutional Court of the Republic of Latvia, November 2020). The legislature is also obliged to ensure legal protection for same-sex families and to provide appropriate economic and social support measures for such families. According to the Constitutional Court, such an obligation to protect and support the family of same-sex partners also follows from the principle of human dignity and the right to protection of private life (Judgment of the Constitutional Court of the Republic of Latvia, November 2020).

This judgment is unquestionably the most discussed judgment in the history of the Constitutional Court, as it theorized the concept of the same-sex partner family, which is protected by the Constitution. Moreover, the line of interpretation of the Constitutional Court's norms draws parallels with the findings of the European Court of Human Rights in the case of *Fedotova and Others v. Russia*, which found a violation of Articles 8 and 14 of the Convention because the state had failed to provide a legal framework to protect the rights of same-sex couples (Judgment of the European Court of Human Rights, 2023).

It was clear to everyone that it would be a great challenge for the legislature to execute this judgment of the Constitutional Court, because first of all it needed to create a legal framework for the recognition of same-sex families. Moreover, in a case heard six months later, the Court once again expressed its arguments on the content of the family. In this latter case the Court assessed the compatibility of the provisions of the Cabinet of Ministers' Regulations with a number of constitutional norms, which did not provide for the right to pay a reduced state fee in the event of inheritance by a partner. In particular, if the surviving partner received the inheritance, the state fee was 60 times higher than for a surviving spouse. In this case, the contested norms

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2 The Preamble of the Constitution says that the family is one of the foundations of a cohesive society.

were also found to be incompatible with Article 110 of the Constitution, in essence reaching similar conclusions to case no. 2019–33-01, acknowledging once again that the state does not ‘legally see’ the same-sex partner families that actually exist (Judgment of the Constitutional Court of the Republic of Latvia, April 2021).

### 3. The execution of the judgment of the Constitutional Court: Theory

Constitutional law theory has devoted much attention to analysis of the legal relationship between courts and the legislature. Indeed, exactly these relationships determine whether a court is strong or weak. It has been explained that a court is strong if its judgment is final, binding on all persons and institutions, and no one can overrule its judgment, except if the court overrules itself in another case or the constitution is changed (Chen & Maduro, 2013, p. 102). In Latvia, the judgment of the Constitutional Court is final; it has *erga omnes* effect and cannot be overridden by the legislature. It can be said that the dialogue between the Constitutional Court and the legislature has always been constructive, respectful and consistent with the principle of separation of powers and the competence of each institution. The Constitutional Court’s judgments have, in most cases, been implemented because a democratic state governed by the rule of law cannot allow a situation in which one of the state institutions does not implement what the Court has decided (Judgment of the Constitutional Court of the Republic of Latvia, December 2020).<sup>3</sup>

In accordance with Article 32(3) of the Constitutional Court Law, a legal norm which the Constitutional Court has recognized as incompatible with a legal norm of higher legal force shall be considered null and void as of the date of publication of the Constitutional Court judgment, unless the Court has decided otherwise. This means, firstly, that the Court itself may determine when the unconstitutional norm becomes invalid, taking into account all considerations; secondly, the Court must argue why the norm becomes invalid not from the date of publication of the judgment, but from another moment. This ‘other’ moment may, according to the case law of the Court, be a certain time in the future (*pro futuro*) or in the past (*ex tunc*). To decide on the moment when the norm loses its legal force, the Constitutional Court takes into account, for example, the principles of justice, legality and separation of powers, legal expectations and legal certainty (Judgment of the Constitutional Court of the Republic of Latvia, June 2021; Judgment of the Constitutional Court of the Republic of Latvia, October 2023). In particular, the Constitutional Court is not only empowered by law, but also has a responsibility to ensure that its judgments bring legal stability, clarity and peace to social reality (Judgment of the Constitutional Court of the Republic of Latvia, 2009).

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3 For example, the Ombudsman has criticised the implementation of Constitutional Court judgments in the field of social rights. See Jurista Vārds (2020).

The Court recognized that the legislature needed time to prepare a complex and in-depth study on the best way to regulate the legal family relations of same-sex partners. It was obviously aware that, in general, the legal regulation of same-sex partners' family relationships could have a significant impact on the entire legal system. Consequently, the contested legal norm, Section 155(1) of the Labour Law, insofar as it does not provide for protection and support for the mother's partner in connection with the birth of a child, was declared incompatible with the first sentence of Article 110 of the Constitution and null and void as of 1 June 2022. The Constitutional Court gave the Parliament one and a half years to adopt the necessary legislation. Also, in the second case, no. 2020-34-03, the Court, being aware of the need to first establish a mechanism to 'see' same-sex families, ruled that the unconstitutional provisions of the Cabinet of Ministers would lose their force *pro futuro* as of 1 June 2022.

Moreover, in case no. 2019-33-01, the Constitutional Court took into account the fact that the case was initiated by the application of a private person.<sup>4</sup> Therefore the Court had to decide how to eliminate the infringement of the fundamental rights of the submitter, because under the Court's case law, a constitutional complaint is a subjective legal method, meaning that the person turns to the Court to prevent violation. The Court ruled that the contested norm of the Labour Law should be recognized as null and void from the moment the infringement of the fundamental rights of the person who applied to the court occurred (*ex tunc*). This is the Constitutional Court's usual method of ensuring that the violation of the applicant's fundamental rights is prevented, which in this case meant the possibility of taking leave.

Taking into account the principle of separation of powers, the adoption of legislation is the exclusive competence of the legislature. However, if in a given case the normative regulation should be adopted in order to implement a judgment of the Constitutional Court, the principle of good legislation requires the legislature to take the findings expressed in the judgments of the Constitutional Court into account (Judgment of the Constitutional Court of the Republic of Latvia, 2014). Formal implementation of the judgment is not permissible (Judgment of the Constitutional Court of the Republic of Latvia, June 2023). Moreover, if a judgment is executed ignoring the findings expressed in another judgment, this may lead to a re-examination of the issue before the Constitutional Court, and such a situation or actions of the legislature may raise a question of compliance with the principle of good legislation (Judgment of the Constitutional Court of the Republic of Latvia, June 2023).

In this particular situation, in the context of the execution of the judgment of the Constitutional Court in case no. 2019-33-01, different opinions were expressed on what the execution means. Does it mean that only the Labour Law should be amended, since only this provision of the Law has been declared unconstitutional?

4 Case no. 2020-43-03 was initiated after the application of the Ombudsman.

Or does it mean that the Constitutional Court's judgment will only be enforced if a solution is found for all families to be 'visible' by the state?

Taking into account the fact that the Constitutional Court declared a provision of the Labour Law (Section 155(1)) unconstitutional, the legislature, in order to comply with the judgment, included a regulation in the Labour Law on 16 June 2022 providing for the possibility for a person other than the father of a child to take ten working days of leave (Republic of Latvia, 2022). The opinion was expressed that the legislature had thereby complied with the judgment and nothing more needed to be done. However, such an implementation of the Constitutional Court's judgment would mean a conflict with the Court's statement that implementation of the judgment cannot be formal. Namely, according to the Constitutional Court Law (Article 32(2)), a judgment, and the interpretation of the relevant legal norm provided therein, shall be obligatory for all state and local government authorities (including courts) and officials, as well as natural and legal persons. The 'relevant legal norm' means both the norm that is challenged and also the norm of the Constitution or a higher legal norm. In this judgment, the Constitutional Court provided an interpretation of the 'family' – the constitutional norm (Article 110) – noting that the state shall protect all families. This means that the judgment would only be implemented if the legislature also regulated the legal status of same-sex families (Jansons, 2021; Libiņa-Egnere, 2021). In the following case, no. 2020–34-03, the Court, taking into account the diversity of public opinion, reiterated that the legislature is expected to establish a unified and harmonious legal framework, which includes both the legal regulation of family relations and a set of measures for the economic and social protection and support of the family.

#### **4. The execution of a judgment of the Constitutional Court in a particular case: The administrative court as a legal remedy if the law keeps silent**

Administrative courts in Latvia are an important tool for protecting fundamental human rights, and their role became particularly prominent after the above-mentioned judgments were passed. Namely, as the legislature could not agree on the appropriate regulation (see further), people used the existing mechanism for protecting their rights. In particular, they applied to administrative courts in order to establish a public-law relationship – family – between two persons of the same sex, in accordance with the Law on Administrative Procedure. The first such historical court judgment was delivered on 31 May 2022 (see Jurista Vārds, 2022).

The administrative courts, taking into account that there is no regulation on the basis of which such persons could enjoy family protection, have, at the request of the applicants and by directly applying a constitutional norm (Article 110), created legal



protection for certain persons. The courts' task was essentially to establish whether a family relationship had been established between the persons concerned. As the court stated in one case, it is irrelevant whether the two persons actually live together or share a household; 'The decisive factor is that two adults have freely expressed their will to have family relations' (see Judgment of the Administrative District Court, 2022; Judgment of the Senate of the Republic of Latvia, 2021). If it is established that two people freely desire to maintain a family relationship, it is sufficient to recognize such relations as a family relationship.

It can be considered that it is not the legislature but the courts that have performed the function of protection of the Constitution. Publicly available information shows that by mid-2023, 39 couples had established a family relationship (see Apollo, 2023). However, administrative courts can deal with the legal remedies of specific couples who apply to the court. The legal protection of others or of whole people was a matter which had to be decided by the legislature.

### **5. The amendment of normative acts of the Parliament in order of urgency, and the rights of minorities to request suspension of the proclamation of a law**

Proposals to adopt a regulation of same-sex couples' partnerships had been on the agenda of the Parliament several times before the above-mentioned Constitutional Court judgment, but they had always been rejected. It should be explained here that in Latvia, in addition to a right to legislative initiative for voters (which stipulates that one-tenth of voters have the right to submit a fully developed bill to the Parliament), there is also the so-called collective submission procedure (see Chapter 5(3) of the Rules of Order of the *Saeima*), which stipulates that 10,000 Latvian citizens who have reached the age of 16 have the right to submit a collective submission, including in it a request to the Parliament. By collecting more than 10,000 signatures on the online initiative platform, several initiatives regarding registration of partnership were submitted. The Parliament rejected all of them, on the pretext that the existing legislation already allows different legal arrangements of relationships (meaning, for example, individuals' rights to issue power of attorney and make wills for inheritance) and stating that the registration of same-sex partnerships would be contrary to Article 110 of the Constitution (LSM.lv, 2020).

Rapid progress in the implementation of the institution of partnership took place in the autumn of 2023. Finding that there could be sufficient support for the regulation of partnership relations in the convocation of the relevant parliament, the Ministry of Justice developed a package of regulatory acts, submitting to the Parliament eight draft laws relating to the regulation of partnership (including proposing relevant amendments to the Notariate Law, the Law on Patients' Rights, the

Law on State Pensions, etc.) (see LSM.lv, October 2023). The draft laws provided that two adults will have the rights to legally strengthen their relationship, i.e. registering their partnership with a sworn notary, thus ensuring the legal, social and economic protection of these persons. It is interesting that the above-mentioned draft laws were even considered in the Parliament as a matter of urgency, i.e. adopted in two readings instead of three, as other laws usually are. The law stipulated that the amendments enter into force on 1 July 2024.

The opposition parties represented in the Parliament (approximately 30–40 members) did not support the regulation of this law, primarily expressing objections directly to the fact that same-sex persons will be able to register partnerships.<sup>5</sup> The members of the opposition also expressed the opinion that the registration of partnerships of different sexes will reduce the interest of couples in getting married and thus will nullify the institution of marriage. Therefore, by implementing the procedures provided for in the Constitution, opposition parties tried to stop the entry into force of these laws and put the question of partnerships to a referendum (see LSM.lv, November 2023).

It should be explained that in Latvia, the Constitution provides two separate rights to the president of Latvia before the publication of a law, which can be used within ten days of its adoption. Firstly, the president may, in accordance with Article 71 of the Constitution, use the suspensive veto by returning the adopted law to the Parliament for reconsideration. Secondly, according to Article 72 of the Constitution, the president on his/her own initiative, or if one-third of the members of the Parliament so request, must suspend the publication of the adopted law. Thus, if such a request is submitted by one-third of the members of the Parliament, the president of the Republic has no right to refuse to fulfil his/her duty under the Constitution.

The right of one-third of the members of Parliament to request suspension of the publication of a law is a serious tool that opposition members of Parliament can use to influence the outcome of a particular law. If the publication of a law is suspended, the signatures of the electorate shall be collected in order to call a national referendum on the cancellation of the law. To hold a national referendum, the signatures of one-tenth of the electorate (around 154,241 signatures) must be collected. This means that the issue has to be important enough to make voters interested in going to sign; it has been possible to get the required number of votes only three times in the last 30 years. If the signatures are not collected, the law is published, but if they are, a national referendum is held. As stipulated in Article 74 of the Constitution, a suspended law is cancelled in a national referendum if the number of voters is at least half of the number of voters who participated in the last parliamentary elections and if a majority has voted in favour of cancelling the law. It means that the people exercise their absolute veto, as explained by the pro-monumental constitutional law scholar Dišlers (1929).

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5 The Parliament of Latvia – the *Seima* – consists of 100 members.

After the president of the Republic of Latvia, Edgars Rinkēvičs, received the adopted law ‘Amendments to the Notariate Law’ for promulgation, on 9 November 2023 a request was received from 34 opposition members of Parliament to suspend the publication of the law. In accordance with the Constitution, the promulgation of the law was suspended (see Republic of Latvia, 13 November 2023). The collection of signatures took place between 7 December 2023 and 5 January 2024 (see Republic of Latvia, 16 November 2023). According to the information provided by the Central Election Commission, only 35,191 signatures were collected during this period, or 2.28% of the total number of people entitled to vote (see Central Election Committee of Latvia, 2024). Obviously, no referendum was therefore held, and the law was published.

Although in this case no national referendum was held, such a theoretical possibility raised the question of whether in such a case the people could decide on the issue on which the Constitutional Court had ruled and whether the people could theoretically have the right to override the Constitutional Court’s judgment. While no sociological studies are available on the reason why the necessary number of signatures was not collected, it is possible to assume that for the majority of people in Latvia this issue (the need to annul the law) is not topical, and it is accepted that there are different families in Latvian society that need to be equally protected. Notwithstanding the attempts of various political forces to block the law, Latvia has a legal framework to register partnership that is a major step forward in ensuring the protection of all families.

## **6. Regulation of partnership: Long-awaited amendments and the partnership registration procedure**

As mentioned above, the regulation of partnership relations was finally adopted in Latvia in 2023 and entered into force on 1 July 2024. Earlier, in 2022, one unified bill was submitted to the Parliament, the Civil Union Law; it was planned in this law to determine almost all aspects regarding registration of partnerships, but the Parliament did not accept it. However, now the regulation of partnership is prescribed in eight different laws.

The most detailed regulation is included in the Notariate Law; it defines the subjects who have the right to register a partnership as well as prescribing the registration procedure and the cases of termination of partnership relations. Article 107(12) stipulates that a sworn notary will draw up a notarial deed on a partnership if two adult persons come to him/her together in person and certify that they have a close personal relationship, a common household and the intention to take care of it, as well as providing for and supporting each other. At the same time, the law emphasizes that partnership is not comparable to marriage (see Republic of Latvia, 2023, Amendments to the Notariate Law). People who are married, relatives in direct line, as well as brothers

and sisters, half-brothers and half-sisters will not be able to form a partnership (Article 107(13)). The partnership will end with the death of one person or if a court declares one of the persons to be dead, with the marriage of one or both persons, with the expression of the will of both persons to a notary or with a court judgment (Article 107(15)). A sworn notary will include information about the partnership in the Register of Natural Persons, thus the state and municipal authorities will be able to identify the persons who have registered or terminated the partnership. The notary prepares a notarial deed on establishing and terminating the partnership.

With the amendments to the Law on Patients' Rights, it is established that people in a partnership will have the right to make a decision on consenting to the other's treatment, the method used in the treatment or the refusal of it. In turn, amendments to the Law on State Pensions provide that the partner will have the right to obtain social guarantees, including, in the event of the death of the other partner, to receive the calculated pension amount that has not been paid out before the person's death. But the Law on Personal Income Tax provides relief for various transactions concluded by partners (for example, gifts, loans or property sales). At the same time, in order to exclude the risk of conflicts of interest, the Law on the Prevention of Conflicts of Interest in the Activities of Public Officials stipulates that a state official's partner will be subject to the same restrictions as the official's relatives, and the partnership will have to be indicated in the public official's declaration (see Article 1(16), 24).

Thus the aforementioned amendments adopted in 2023 have finally resulted in the implementation of the 2020 judgment of the Constitutional Court and are a significant step in the field of ensuring equal human rights for all people. Although, initially, organizations representing the interests of same-sex couples actively required the registration of partnerships in particular, the amendments adopted by the Parliament apply identically to partnerships of all persons (also to persons of different sexes), and thus all partnerships will receive the same protection and will be considered as equal families.

## **Conclusion**

The road to partnership registration in Latvia has been long. Undoubtedly, the settlement of this issue was most directly stimulated by the 2020 judgment of the Constitutional Court, according to which the Court decided that 'family' in the Constitution means family in a broader sense, including that a family may also consist of two persons of the same sex, and emphasized that it means that Article 110 of the Constitution covers the state's positive obligation to protect and support every family, including a *de facto* family. Such an obligation to protect and support the families of same-sex partners also follows from the principle of human dignity and the right to

protection of private life. The aforementioned judgment of the Constitutional Court caused widespread criticism from the more conservative part of society.

However, in 2023, the political situation in the Parliament was suitable for execution of the judgment, and a package of laws which introduced the institution of partnership in Latvia was even adopted as a matter of urgency, granting the right to register both homosexual and heterosexual partnerships. The registration of the fact of partnership is entrusted to sworn notaries, who are equivalent to state officials in their duties. It is important to emphasize that the registration of a partnership does not provide the same rights as marriage. Registration of the fact of partnership is a good option for those couples who do not want to or cannot get married but still want to officially and legally confirm their relationship. Normative acts adopted in the field of partnership balance the rights of individuals (in the spheres of medical care, property rights and taxes) and their obligations (for example, establishing an obligation to comply with the requirements for prevention of conflicts of interest).

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