

## NATIONAL REPORT: LATVIA

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### A. General

- 1. What kinds of formal relationships between a couple (e.g. different/same-sex marriage, different/same-sex registered partnership, etc.) are regulated by legislation? Briefly indicate the current legislation.**

Latvian national laws and other legislative acts only regulate the legal order of marriage.

Article 110 of the Constitution of the Republic of Latvia stipulates that the State protects and supports marriage – a union between a man and a woman – the family, the rights of parents and the rights of the child.<sup>1</sup>

Part One of the Civil Law on Family Law Chapter 1 on Marriage<sup>2</sup> contains the detailed legal order of marriage including engagement, entering into and termination of marriage, personal rights of spouses, as well as the property rights of spouses.

- 2. To what extent, if at all, are informal relationships between a couple regulated by specific legislative provisions? Where applicable, briefly indicate the current specific legislation. Are there circumstances (e.g. the existence of a marriage or registered partnership with another person, a partner's minority) which disqualify the couple?**

Latvian national laws and other legislative acts do not contain a general legal order of informal relationship.

However, there are some separate legislative acts in which the legislature has regulated the legal status of two persons living together. For example, since 2009 the Latvian Criminal Procedure Law has contained the term 'immediate family' (*tuvinieki*) – a person with whom the relevant natural person is living together and with whom he or she has a common (joint) household.<sup>3</sup> This was proposed in 2008 by the Ministry of Justice, indicating that, in criminal procedure, a person with whom the relevant natural person is living together and has a common household can be considered as 'immediate family' (*tuvinieki*). For example, a family living in a cohabitation that has common children, but which has not registered their relationship according to the procedure prescribed by law for marriage, can be

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<sup>1</sup> Constitution of the Republic of Latvia: Law of the Republic of Latvia. Latvijas Vēstnesis, 1 July 1993, no.43.

<sup>2</sup> Civil Law. First part. Family rights. Law of the Republic of Latvia. "Ziņotājs", 10 June 1993, no.22.

<sup>3</sup> Criminal Procedure Law: Law of the Republic of Latvia. Latvijas Vēstnesis, 11 May 2005., no. 74, at S. 12, Part 5.

regarded as 'immediate family'. Therefore, it was stated that these people must have the same rights in criminal procedure as people living in a legal marriage.<sup>4</sup> Then, since 29 October 2014 the Latvian Criminal Law has stipulated that not only the betrothed, spouse, parents, children, brothers and sisters, grandparents and grandchildren of a person who has committed a crime (i.e. the accused), but also the person with whom the accused is living and with whom he or she has a common (joint) household, are not liable for previous unpromised concealment or failure to inform.<sup>5</sup> Likewise, the person with whom the accused is living and with whom he or she has a joint (single) household is not held liable for refusal to testify.<sup>6</sup>

Similarly, the Latvian Administrative Violations Code stipulates that a witness has the right to refuse to testify against the person with whom the relevant natural person is living and with whom he or she has a joint (single) household.<sup>7</sup> Also, more severe punishment is likely if intentional minor bodily injury is inflicted upon the person with whom the offender is in the first or second degree of kinship, or upon the spouse or former spouse, or upon the person with whom the offender is or has been in an unregistered spousal relationship (*neregistrētas laulāto attiecības*), or upon the person with whom the offender has a joint (single) household.<sup>8</sup>

Also, since 31 March 2013 in the Latvian Civil Procedure Law there has been in force the principle of provisional protection against domestic violence which provides that an application for provisional protection against domestic violence may be brought not only by spouses, but also by people who are living or have lived in a common household; people who have or are expecting a common child regardless of whether these people have ever been married or lived together; and people between whom there are or have been close personal or intimate relationships.<sup>9</sup>

**3. In the absence of specific legislative provisions, are there circumstances (e.g. through the application of the law of obligations or the law of property) under which informal relationships between a couple are given legal effect (e.g. through the application of the law of obligations or the law of property)? Where applicable briefly indicate the leading cases**

The Senate of the Supreme Court of the Republic of Latvia, Department of

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<sup>4</sup> Ministry of Justice letter No. 1-7.2/3609 of 13 August 2008 to Legal Affairs Committee of Saeima. Available at: [titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/38b91523a30b8184c22574b00036ac5b/\\$FILE/2972-Jur.pdf](http://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/38b91523a30b8184c22574b00036ac5b/$FILE/2972-Jur.pdf).

<sup>5</sup> The Criminal Law. Law of the Republic of Latvia. *Latvijas Vēstnesis*, 8 July 1998, no.199/200, at S. 22, Part two.

<sup>6</sup> S. 303 Latvian Criminal Law.

<sup>7</sup> Latvian Administrative Violations Code: Law of the Republic of Latvia. "*Ziņotājs*", 20 December 1984, no.51, at Para. 3 S. 264.

<sup>8</sup> S. 167<sup>2</sup> Part 2 Latvian Administrative Violations Code.

<sup>9</sup> Civil Procedure Law: Law of the Republic of Latvia. *Latvijas Vēstnesis*, 3 November 1998, no. 326/330, at S. 450.<sup>44</sup>

Administrative Cases, in a judgment<sup>10</sup> of 28 February 2008, has analysed the meaning of the word 'family' within the social sphere. The case was about assistance in solving a housing issue. The Court pointed out that, in social rights, the solution to many questions and the provision of assistance applies to the concept of 'the family'. In this judgment the Court referred to the European Court of Human Rights (*for example, see judgement of the European Court of Human Rights in the case Keegan v. Ireland*) where, according to Art. 8 of the European Convention on Human Rights, it has been recognised that the concept of 'the family' is not limited to relationships based on marriage; it can contain other *de facto* family ties when people live together without entering into marriage.

Then on 27 July 2010, in a later judgment<sup>11</sup> in the same case the Department of Administrative Cases of the Senate of the Supreme Court pointed out that, since it had ascertained that the people concerned actually created a common family, refusal of assistance to one of the people in a family for an obviously formal reason was impermissible (including the reason that people have not formally registered their marriage). In assessing whether there actually was a family, the Court heard the explanations of the applicant and third parties regarding the existence of extended cohabitation, that within this cohabitation two sons had been born, that the family had common expenses (family budget), and that all the members of the family shared psychological and emotional links. Accordingly, the Court concluded that, for an extended period, there had been a *de facto* family life, without a marriage. In this case the Court viewed the concept of the family in a broader sense and context, detecting the existence of a joint family and its right to qualify for assistance regarding housing issues.

On 25 January 2011 a State Police Officer (AZ) died while on duty, arresting a group of criminals for committing armed robbery. According to the Latvian Law on Remuneration of Officials and Employees of State and Self-Government Authorities, if the official (employee) has died in an accident due to injuries, his forced heirs receive a lump sum benefit. According to the Latvian Civil Law the forced heirs are the spouse and descendants, but if there are no descendants, then ascendants of the nearest degree of kinship. In this particular case the person had no forced heirs, but an application was received from DV in which she stated that she was cohabiting with the deceased police officer. The judgment of the District Court of Jēkabpils in case No.C16073311<sup>12</sup> on 4 August 2011 recognised the fact that DV had cohabited with the deceased for more than one and a half years and that they had a common household.

The Court, however, pointed out that currently Latvian laws and other legislative acts do not regulate the beginning, amendment or termination of any legal

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<sup>10</sup> Senate of the Supreme Court of the Republic of Latvia Department of Administrative cases judgement of 28 February 2008 No. SKA-53/2008. Available at: [tiesas.lv/nolemumi](http://tiesas.lv/nolemumi).

<sup>11</sup> Senate of the Supreme Court of the Republic of Latvia, Department of Administrative Cases, judgment of 27 July 2010 No. SKA-307/2010. Available at: [tiesas.lv/nolemumi](http://tiesas.lv/nolemumi).

<sup>12</sup> District Court of Jēkabpils judgment on 4 August 2011 in case No.C16073311 (not published).

relationship that is based on living together and having a common household outside a formal marriage. But simultaneously the Court indicated that, without actually deciding on this question, in essence there was no reason to restrict the realisation of the rights of DV. In the judgment the Court stated that there was enough evidence in the case proving that DV and the deceased police officer were living together and had a common household. All the witnesses told of circumstances proving that between DV and the deceased police officer there was a personal, close and long-term relationship.

This was also confirmed by the photos taken over an extended period of time that were submitted with the case. They were accepted by the Court. Furthermore, the Court ascertained that DV and AZ had given a mutual promise to get married. This was confirmed by witnesses and by DV's testimony. Though the legislature had not prescribed rules that would provide assistance for the deceased person's relatives who were not his forced heirs, but between whom there had been close, continuous, family-like ties, in this specific case the Cabinet of Ministers issued an order to pay a lump sum benefit to DV. The annotation of the Cabinet of Ministers order<sup>13</sup> contains a reference to the Constitutional court's judgment where it recognises that the formal application of the law, ignoring the actual conditions that substantially differentiate this case from other typical cases, is unacceptable. Therefore in atypical cases the authority has the right to depart from the legal consequences prescribed by law. In this specific case during the life time of AZ there had been established a personal, close and long-term relationship with a person, DV, who was not his forced heir.

As a turning point in the solution of this issue in the practice of the court, can be regarded the 1 February 2012 judgment No.SKC-4/2012<sup>14</sup> of the Senate of the Supreme Court of the Republic of Latvia, Department of Civil Cases. In this case the Court had to assess whether the cohabiting partner was a member of the tenant's family according to the first part of S. 9 of the Latvian Law on Residential Tenancy. This part of the Section provides that a tenant has the right to accommodate his or her spouse, parents (adopters), brothers and sisters incapable of work and adult children who do not have their own family in the residential space which the tenant is renting. The court established that, according to the stated section of the Law, other persons cannot be recognised as a tenant's family members. The Senate pointed to the legislature's decision for the time being to regulate the legal status of two people living together only in certain legislative acts, and not to equate partnerships to the concept of marriage.

The Senate considered that the legislature must make a clear decision on the issue of whether an actual cohabitation of two people has the same legal consequences as a registered marriage. Taking into account that the periodically updated discussions

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<sup>13</sup> The annotation of the Cabinet of Ministers order. Available at: [tap.mk.gov.lv/lv/mk/tap/?pid=40219042&mode=mk&date=2012-12-18](http://tap.mk.gov.lv/lv/mk/tap/?pid=40219042&mode=mk&date=2012-12-18).

<sup>14</sup> Senate of the Supreme Court of the Republic of Latvia, Department of Civil Cases, judgment of 1 February 2012 No.SKC-4/2012. Available at: [at.gov.lv/lv/judikatura/judikaturas-nolemumu-arhivs/senata-civillietu-departaments/hronologiska-seciba\\_1/2012-hronologiska-seciba/](http://at.gov.lv/lv/judikatura/judikaturas-nolemumu-arhivs/senata-civillietu-departaments/hronologiska-seciba_1/2012-hronologiska-seciba/).

on this issue in the public domain and in Parliamentary commissions had not led to a shared opinion, the Senate concluded that amendments to Latvian national laws and other legislative acts, or the creation of a new legislative act or laws was being considered but had not yet been made. That in turn meant that neither the Senate, nor the other court authorities which hear civil cases, in essence has the jurisdiction so far as advancing the development of the law is concerned, to equate the actual cohabitation of two people to registered marriage or to give the cohabiting partner the same rights as a spouse. This derives from the principle of the division of power which separates the legislature from the judiciary and legitimises the creation of new law only in cases when it does not interfere with the legislative powers. The Senate emphasised that, within the courts' authority lie rights and laws, but not decisions on political questions.

Soon after this judgment came into force the City of Riga Latgale Urban District Court on 4 November 2014 refused the application of IV to recognise the fact that IV was sharing a common household as a spouse with ER who died fulfilling his duties at the State Fire and Rescue Service of Latvia.<sup>15</sup> The Court did not question that IV and ER had lived together, had a personal and close relationship, a common budget and hence a common household. But the Court objected to the applicant's request to recognise the fact that they led the common household as spouses. And the reason for claiming this was to receive a lump sum benefit. Consequently, though the actual conditions of this case were very similar to those in the judgment of the District Court of Jēkabpils in 2011, the judgment in the earlier case reached a completely opposite conclusion.

In the City of Riga case, the Court referred to the Senate of the Supreme Court of the Republic of Latvia, Department of Civil Cases' judgment of 1 February 2012 No. SKC-4/2012, stating that unlike marriage which is based on a legal agreement about cohabitation, actual cohabitation in a partnership has no legal basis. And that is exactly why the legal consequences of a marriage agreement in the field of personal rights and property relations cannot be applied to partnership. Thus, from the perspective of law, one can talk about partnership only as a fact in itself that does not create any legal relationship. Also, since the Senate had pointed out that the legislature must make a clear decision on the issue of whether an actual cohabitation by two people has the same legal consequences as a registered marriage, in this specific case the Court's opinion was that the finding as a legal fact that IV shared a common household with ER would not create any legal consequences, namely that the finding of such a fact did not include IV in the circle of people who have a right to the lump sum benefit.

Therefore, after 2012 when the Senate of the Supreme Court of the Republic of Latvia, Department of Civil Cases, made the judgment in case No.SKC-4/2012, the courts have stated very clearly that, in the absence of a legal order, they do not have the authority in the field of law advancement to equate the actual cohabitation of two

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<sup>15</sup> City of Riga Latgale Urban District Court judgment of 4 November 2014 in case No. C 29 5802 14 (not published).

people to registered marriage or to give the cohabiting partner the same rights as a spouse. Therefore, it is most likely that it cannot be expected, without the necessary legal order, that the courts would grant any legal consequences to existing informal relationships. The Cabinet of Ministers of the Republic of Latvia in the response letter to the Ombudsmen of the Republic of Latvia pointed out that it agrees with the judgment of the Senate of the Supreme Court of the Republic of Latvia, Department of Civil Cases, of 1 February 2012 in case No.SKC-4/2012 that the issue of whether an actual cohabitation of two people has the same legal consequences as a registered marriage, must be resolved by the legislature instead of being left up to the decision of the court.<sup>16</sup>

**4. How are informal relationships between a couple defined by either legislation and/or case law? Do these definitions vary according to the context?**

Since Latvian national laws and other legislative acts do not contain a general legal order on informal relationships, there is also no general definition of informal relationships.

However, in previously mentioned cases when the court has had to assess whether there is an actual cohabitation between the parties, the focus was mostly on whether the persons had lived in a common household, how long they had so cohabited, whether there had been common expenses (common budget), and whether they had shared psychological and emotional links.<sup>17</sup> In certain cases, it was also taken into account as to whether children had been born in the course of the cohabitation.<sup>18</sup> The Court<sup>19</sup> has taken the preconditions for establishing an actual cohabitation from the Latvian Civil Law S. 84 which states that 'Marriage creates a duty on the part of a husband and a wife to be faithful to each other, to live together, to take care of each other and to jointly ensure the welfare of their family'. The Court suggested that from this provision of law follows the obligation to live together in a single family dwelling and to conduct a *de facto* cohabitation. Accordingly, the Court assessed the existence of a common life and a common household, indicating that since partnership in Latvia is not defined, there are no other preconditions for detecting the existence of such relationship.

**5. Where informal relationships between a couple have legal effect:**

- a. When does the relevant relationship begin?
- b. When does the relevant relationship end?

Latvian national laws and other legislative acts do not contain a legal order on informal relationships.

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<sup>16</sup> Cabinet of Ministers of the Republic of Latvia letter No. 18/TA-219/5175 of 3 May 2012. Available at: [tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/](http://tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/).

<sup>17</sup> Senate of the Supreme Court of the Republic of Latvia, Department of Administrative Cases, judgment of 27 July 2010 No.SKA-307/2010. Available at: [tiesas.lv/nolemumi](http://tiesas.lv/nolemumi).

<sup>18</sup> Senate of the Supreme Court of the Republic of Latvia, Department of Administrative Cases, judgment of 27 July 2010 No.SKA-307/2010. Available at: [tiesas.lv/nolemumi](http://tiesas.lv/nolemumi).

<sup>19</sup> District Court of Jēkabpils judgment on 4 August 2011 in case No.C16073311 (not published).

**6. To what extent, if at all, has the national constitutional position been relevant to the legal position of informal relationships between a couple?**

With the amendments of 15 December 2005 to the Constitution of the Republic of Latvia the legislature amended Art. 110 to provide that 'The 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', and thus decided that the union of unmarried people cannot be equated to marriage. In the annotation of the amendments of 15 December 2005 to the Constitution of the Republic of Latvia it was indicated that Latvian national laws and other legislative acts do not define what marriage is. Therefore, taking into account the traditional views about marriage and family that have been established in the course of Latvian history and culture, as well as the continuous threats to this traditional value, it is important to include the definition of marriage in Latvian national laws.<sup>20</sup>

Nevertheless, it must be emphasised that Art. 110 of the Constitution of the Republic of Latvia contains the concept of family, which is wider than the concept of marriage. Section 214 of the Latvian Civil Law stipulates that, in the narrow sense of its definition, a family consists of the spouses and their children while they are still part of a common household, but from international human rights documents it follows that the concept is wider.

The Constitutional Court has indicated that, when interpreting the fundamental rights mentioned in the first part of Art. 110 of the Latvian Constitution, one must also take into account the norms of international human rights documents and their application in practice. The Constitutional Court followed this when it was assessing whether the prohibition to challenge or appeal a voluntary recognition of paternity can interfere with the right to family life, namely the court made a reference to the practice of the European Court of Human Rights (ECtHR). The ECtHR stated that, according to Art. 8 of the European Convention on Human Rights, it has been recognised that the concept of 'family' is not limited to relationships based on marriage; it can contain other *de facto* family ties such as in cases when people live together without entering into marriage. Thus, the ECtHR interprets the concept of family life more widely, emphasising that the conformity of a particular relationship to the concept of family life can be dependent on many factors, namely whether the couple is living together, the duration of the relationship, whether both parties are faithful to one another, or whether they have common children etc.<sup>21</sup>

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<sup>20</sup> Annotation of the draft law on 'Amendments in the Constitution of the Republic of Latvia'. Available at: [helios-web.saeima.lv/bi8/lasa?dd=LP1400\\_0](http://helios-web.saeima.lv/bi8/lasa?dd=LP1400_0).

<sup>21</sup> Constitutional Court of the Republic of Latvia judgment No. 2004-02-0106 of 11 October 2004. Available at: [satv.tiesa.gov.lv/upload/spriedums\\_2004-02-0106.htm](http://satv.tiesa.gov.lv/upload/spriedums_2004-02-0106.htm).

Accordingly, in certain cases when there is a reference in the legal provision to family or members of the family, this explanation of the concept of family by the Constitutional Court can also cover unmarried persons living in a union.

For example, in comparison with other procedural laws, the Latvian Civil Procedure Law holds a somewhat different legal order for the right to refuse to testify, namely the persons who may refuse the duty to testify are relatives in a direct line and of the first or second degree in a collateral line, spouses, spouse and affinity relatives of the first degree, and family members (*ģimenes locekļi*) of parties.<sup>22</sup> Similarly, the Ministry of Justice in its response letter on the legal order of actual cohabitation of 29 June 2012 to the Ombudsmen of the Republic of Latvia points out that, although S. 214 of the Latvian Civil Law stipulates the definition of family in the narrow sense, that does not prevent the legislature from including the wider concept of family in specific laws. Therefore, in the opinion of the Ministry of Justice the concept of family is not solely confined to the relationship based on marriage, but can also include other *de facto* family ties when people are living together without entering into marriage.<sup>23</sup>

For example, on the interpretation of Para. 4 of the first part of S. 74 of the Latvian Labour Law (an employer has a duty to pay remuneration in the case where the employee does not perform work for not more than two working days due to the death of his or her spouse, parents, child or other close family member (*tuvs ģimenes loceklis*)), the Ministry of Welfare has indicated that the legislative acts do not contain the definition of the 'close family member' and hence the Ministry made a reference to the Constitutional Court's previously mentioned judgment and the ECtHR's interpretation of the concept of family. Accordingly, the Ministry of Welfare came to the conclusion that, within the context of the abovementioned legal provision, a close family member can be regarded as any person with whom the employee maintains a close link and regular contact, including unmarried persons living in a union.<sup>24</sup>

State family policy guidelines 2011-2017 indicate that, in Latvia's legal system, referability to the explanations and the interpretation of the concept of family depends on the legal field in which the concept is applied. The concept of family is applied according to the abovementioned practice of international law especially in those areas that are concerned with providing state aid in certain situations. It is applied recognising legal reality, implementing the principle of legal equality and without discrimination against human rights. For instance, the first part of S. 33 of the Latvian Law on Social Services and Social Assistance on the recognition of a family (person) to be in need, stipulates that the Cabinet must determine the level of income and the material situation of a family, consisting of spouses, people who have common expenses for food and who live in one dwelling or a person living

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<sup>22</sup> S. 450.<sup>44</sup> Latvian Civil Procedure Law.

<sup>23</sup> The Ministry of Justice letter No.1-12/2448 of 29 June 2012. Available at: [tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/](http://tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/).

<sup>24</sup> Cabinet of Ministers of the Republic of Latvia letter No.18/TA-219 of 16 March 2012. Available at: [tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/](http://tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/).

separately, who by failing to reach that level of income etc. is recognised to be in need and must also specify the procedures by which a family (person) is to be recognised as being in need.<sup>25</sup>

It has been indicated that, in order to successfully introduce the legal order of partnership, it is necessary not only to clearly define it, but also to clearly define the concept of family.<sup>26</sup>

**7. To what extent, if at all, have international instruments (such as the European Convention on Human Rights) and European legislation (treaties, regulations, and directives) been relevant in your jurisdiction to the legal position of informal relationships between a couple?**

With regard to the practice of the ECtHR, it has already been mentioned that Latvian courts have made references to the judgments of the ECtHR when clarifying the concept of family life within the context of Art. 8 of the European Convention on Human Rights.<sup>27</sup> At the same time it was indicated that the Convention does not oblige a country to provide to people living in a partnership the same rights as spouses.<sup>28</sup>

**8. Give a brief history of the main developments and the most recent reforms of the rules regarding informal relationships between a couple. Briefly indicate the purpose behind the law reforms and, where relevant, the main reasons for not adopting a proposal.**

Though Latvian national legislation does not have a general legal order for informal relationships, this issue has been repeatedly raised in recent years.

The Ministry of Justice action strategy 2007-2009 indicated that the Latvian Civil Law lacks a legal order for unregistered partnerships. Thus, it was decided that someone should be given the task of preparing a concept about the legal order for unregistered partnerships.<sup>29</sup> In 2008 the Ministry of Justice signed a contract with Eversheds Bitans Law Office for the conducting of a legal study to identify the existing issues and challenges in the sphere of male/female unregistered partnerships, as well as to offer possible solutions to the identified issues in order to

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<sup>25</sup> State family policy guidelines 2011-2017. Available at [lm.gov.lv/upload/berns\\_gimene/lmpamn\\_200111\\_gvp.pdf](http://lm.gov.lv/upload/berns_gimene/lmpamn_200111_gvp.pdf).

<sup>26</sup> Eversheds Bitans Law Office, Legal study on 'Male and female registered partnership legislation in Europe and Latvia' 2008.

<sup>27</sup> Constitutional Court of the Republic of Latvia judgment No. 2004-02-0106 of 11 October 2004. Available at: [satv.tiesa.gov.lv/upload/spriedums\\_2004-02-0106.htm](http://satv.tiesa.gov.lv/upload/spriedums_2004-02-0106.htm). Senate of the Supreme Court of the Republic of Latvia, Department of Administrative Cases, judgment of 28 February 2008 No. SKA-53/2008. Available at: [tiesas.lv/nolemumi](http://tiesas.lv/nolemumi).

<sup>28</sup> Senate of the Supreme Court of the Republic of Latvia, Department of Civil Cases, judgment of 1 February 2012 No. SKC-4/2012. Available at: [at.gov.lv/lv/judikatura/judikaturas-nolemumu-arhivs/senata-civillietu-departaments/hronologiska-seciba\\_1/2012-hronologiska-seciba/](http://at.gov.lv/lv/judikatura/judikaturas-nolemumu-arhivs/senata-civillietu-departaments/hronologiska-seciba_1/2012-hronologiska-seciba/).

<sup>29</sup> The Ministry of Justice action strategy 2007-2009. Available at: [jpa.gov.lv/uploads/filedir/strategjija.pdf](http://jpa.gov.lv/uploads/filedir/strategjija.pdf).

create an applicable legal order for unregistered partnerships in the Latvian legal system. As a result a legal study was made on 'Male and female registered partnership legislation in Europe and Latvia'.<sup>30</sup>

In May 2011 the Human Rights and Public Affairs Committee of the Saeima (Parliament of the Republic of Latvia) and non-governmental organisations called on the Ombudsman to pay attention to the legal order of partnership and a joint meeting was held.<sup>31</sup>

In 2011 the Ombudsman created the Advisory Council on the legal order for partnership. The aim of this Advisory Council was to evaluate, amongst lawyers and experts, the proposals on the legal order of partnership and the need for amendments to the national laws and other legislative acts. The Ombudsman also widened the issue to include unregistered cohabitation (union outside marriage), thus taking account of the broader interests of society. At that time it was indicated that, according to the statistics, in the past 20 years the number of children born outside marriage had increased from 17 to 45 percent.<sup>32</sup>

The work of the Ombudsman's Advisory Council concluded with the Ombudsman's opinion that the majority of Latvian society was not ready to equate same-sex partnerships to the institution of marriage nor to normatively recognise homosexual relationships as an acceptable lifestyle. Therefore it was suggested that amendments should be made in several legislative acts that would bring the legal protection of a people living together outside marriage closer to the legal protection accorded to spouses. On 26 January 2012 the Ombudsman sent his opinion on the legal order of partnership to the Human Rights and Public Affairs Committee of the Saeima and the Legal Affairs Committee of the Saeima, as well as to the Cabinet of Ministers and called for amendments in several legal provisions relevant to: the protection of the rights of patients; prevention of conflicts of interest; procedural law; a person's social rights; and the right to information.<sup>33</sup>

The Cabinet of Ministers, in the response letter to the Ombudsman, analysed the legal provisions suggested by the Ombudsman and indicated that, for most of them, no amendments were needed because it was possible to interpret the existing legal provisions in a way that would cover people living together in a union outside marriage. In certain cases it was noted that those applying the law could variously interpret the legal order contained in the law, for example, as previously mentioned, the right to refuse to testify in procedural laws. Consequently, amendments should

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<sup>30</sup> Eversheds Bitans Law Office, Legal study on 'Male and female registered partnership legislation in Europe and Latvia' 2008.

<sup>31</sup> The Ombudsman of the Republic of Latvia letter No.1-8/4. of 26 January 2012. Available at: [tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/](http://tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/).

<sup>32</sup> The Ombudsman of the Republic of Latvia letter No.1-8/4. of 26 January 2012. Available at: [tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/](http://tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/).

<sup>33</sup> The Ombudsman of the Republic of Latvia letter No.1-8/4. of 26 January 2012. Available at: [tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/](http://tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/).

be considered to the procedural laws to establish common procedural guarantees for persons who have a common household.

With regard to a person's social rights, an opinion was expressed that, in certain cases, legislative acts already provided legal protection for persons living together in a union outside marriage; for example, in Question 6, Para. 4 of the first part of S. 74 of the Latvian Labour Law and the first part of S. 33 of the Latvian Law on Social Services and Social Assistance. At the same time it was indicated that it would be necessary to develop a concept for persons living together in a union outside marriage to be granted the right to receive the amounts of State social allowance calculated for disbursement that are not disbursed until the death of the recipient of the allowance (Para. 5 S. 17 of the Latvian Law on State Social Allowances) and also the right to disbursement of a pension not received in relation to the death of the recipient of that pension and to a funeral allowance (Para. 1 and 3, S. 37 of the Latvian Law on State Pensions).<sup>34</sup>

In turn, when the Ombudsman objected to the claim that the principle of legal equality could be ensured by way of interpretation (referencing the judgment of the Senate of the Supreme Court of the Republic of Latvia, Department of Civil Cases, of 1 February 2012 No. SKC-4/2012), the Cabinet of Ministers agreed that the issue of rights that should be assigned to the people living in a union outside marriage should be addressed through legislation, rather than being left to the Court. Also, it should be evaluated as to whether it was necessary to begin actively drafting a law on the legal order on partnership.<sup>35</sup>

#### **9. Are there any recent proposals (e.g. by Parliament, law commissions or similar bodies) for reform in this area?**

In October 2014 the Judicial Policy Subcommittee of the Legal Affairs Committee of the Saeima assessed the proposal of the Council of Sworn Notaries of Latvia on entering into marriage by way of a procedure before a sworn notary besides procedures in the civil registry and in the church. Although this proposal is not directly related to the sphere of informal relationship, the Council of Sworn Notaries based its proposal on the results of a sociological inquiry about legal security in unregistered relationships and marriage. In the inquiry it was concluded that people choose to live in unregistered partnerships because they do not see the point of getting married. People feel discouraged from registering a marriage because of the supposed difficulty of the procedure, the large financial investment it would require and also because people have not yet faced a situation when the status of spouses would have been necessary. The inquiry also showed that 22% of respondents would feel encouraged to get married if entering into marriage was simple and quick. In the Subcommittee meeting no concrete decision was taken to support or to reject this

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<sup>34</sup> Cabinet of Ministers letter No.18/TA-219 of 16 March 2012. Available at: [tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/](http://tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/).

<sup>35</sup> Cabinet of Ministers letter No.18/TA-219/5175 of 3 May 2012. Available at: [tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/](http://tiesibsargs.lv/par-mums/konsultativas-padomes/par-partnerattiecibu-tiesisko-regulejumu/).

proposal, but it was indicated that work on this issue must be continued and that it was necessary to have a wider discussion on such matters in society.<sup>36</sup>

In November 2014 the discussion in society and among politicians about the necessity for the legal order on unregistered relationships was stimulated by the already mentioned court judgment by which the application of IV to recognise a *de facto* marriage with ER who died fulfilling his duties at the State Fire and Rescue Service of Latvia, was refused. To date, no concrete proposals have been developed. However, in December 2014 when the law on the 'Medium Term Budget Framework for 2015, 2016 and 2017' was passed, financial means were marked out for conducting a study on the problems of unregistered marriage.

## B. Statistics and estimations

### **10. How many marriages and, if permissible, other formalised relationships (such as registered partnerships and civil unions) have been concluded per annum? How do these figures relate to the size of the population and the age profile? Where relevant and available, please provide information on the gender of the couple.**

According to the Central Statistical Bureau of Latvia's database of information, from 2000 to 2007 the number of registered marriages has increased by an annual average 896 registered marriages. For example, in 2000 9,211 marriages were registered, in 2001 9,258 marriages were registered, in 2002 there were 9,738 registered marriages, and in 2003 there were 9,989 marriages. In turn, from 2007 a decline in the number of registered marriages can be observed. Up to 2010 the number of registered marriages had decreased to 9,290 and then increased to 11,436 in 2013. (See Table No. 1)

The highest increase in the number of registered marriages can be observed in 2005 when the registration of marriages in comparison with 2004 had increased by 2,174. The highest number of concluded marriages was in 2007, namely 15,486 marriages.<sup>37</sup> In this same year a new marriage registration record was achieved when, in one day (07.07.07), 748 couples registered their marriage.<sup>38</sup> On average 68 couples a day registered their marriage in July 2007.

Table No. 2 and 3 show the population age structure and the number of married persons in certain age groups.

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<sup>36</sup> Judicial Policy Subcommittee of the Legal Affairs Committee of the Saeima, 14 October 2014 record of meeting (not published).

<sup>37</sup> Central Statistical Bureau of Latvia database information: Number of concluded marriages and the average age of married person. Available at: [data.csb.gov.lv/pxweb/lv/Sociala/Sociala\\_\\_ikgad\\_\\_iedz\\_\\_laulibas/IL0020.px/table/tableViewLayout1/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0](http://data.csb.gov.lv/pxweb/lv/Sociala/Sociala__ikgad__iedz__laulibas/IL0020.px/table/tableViewLayout1/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0).

<sup>38</sup> Central Statistical Bureau of Latvia database information, 'Nozīmīgākie fakti Latvijā pēc 1990. gada (Most important facts on Latvia after 1990 in the view of CSB)', available at: [csb.gov.lv/sites/default/files/dati/csp\\_2012.pdf](http://csb.gov.lv/sites/default/files/dati/csp_2012.pdf).

**Table No. 1: Number of concluded marriages and the average age of married persons<sup>39</sup>**

Year	Marriages	Average age of married persons	
		Men	Women
2004	10,370	32.1	29.4
2005	12,544	32.8	30.0
2006	14,616	33.0	30.4
2007	15,486	33.3	30.7
2008	12,946	33.5	30.9
2009	9,925	34.0	31.3
2010	9,290	34.1	31.4
2011	10,760	34.4	31.6
2012	11,244	34.8	32.0
2013	11,436	35.1	32.5

**Table No. 2: Population age structure<sup>40</sup>**

Year	Total population	Age structure of population			
		20-24	25-29	30-34	35-39
2004	2,276,520	165,593	154,783	157,690	153,963
2005	2,249,724	168,612	152,140	156,450	151,168
2006	2,227,874	170,392	150,265	154,709	151,582
2007	2,208,840	173,133	149,340	151,690	151,758
2008	2,191,810	175,520	151,015	149,315	151,962
2009	2,162,834	171,794	152,409	145,528	149,783
2010	2,120,504	163,497	150,828	140,253	147,049
2011	2,074,605	155,706	147,966	135,044	142,973
2012	2,044,813	149,364	148,320	132,353	138,898
2013	2,023,825	143,614	149,365	132,349	135,424
2014	2,001,468	134,223	147,024	134,101	132,003

**Table No. 3: Number of married persons in certain age groups<sup>41</sup>**

Year	20-24		25-29		30-34		35-39	
	Men	Women	Men	Women	Men	Women	Men	Women
2004	2,503	3,562	3,195	2,834	1,804	1,355	966	692
2005	2,733	4,036	3,778	3,430	2,314	1,754	1,164	923

<sup>39</sup> Central Statistical Bureau of Latvia database information: Concluded marriages and divorces. Number of concluded marriages and the average age of married person. Available at: [data.csb.gov.lv/pxweb/lv/Sociala/Sociala\\_ikgad\\_iedz\\_laublicas/IL0010.px/table/tableViewLayout1/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0](http://data.csb.gov.lv/pxweb/lv/Sociala/Sociala_ikgad_iedz_laublicas/IL0010.px/table/tableViewLayout1/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0).

<sup>40</sup> Central Statistical Bureau of Latvia database information: Population by age, sex and marital status at the beginning of the year. Available at: [data.csb.gov.lv/pxweb/lv/Sociala/Sociala\\_ikgad\\_iedz\\_iedzskaitis/IS0110.px/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0](http://data.csb.gov.lv/pxweb/lv/Sociala/Sociala_ikgad_iedz_iedzskaitis/IS0110.px/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0).

<sup>41</sup> Central Statistical Bureau of Latvia database information: Population by age, sex and marital status at the beginning of the year. Available at: [data.csb.gov.lv/pxweb/lv/Sociala/Sociala\\_ikgad\\_iedz\\_iedzskaitis/IS0110.px/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0](http://data.csb.gov.lv/pxweb/lv/Sociala/Sociala_ikgad_iedz_iedzskaitis/IS0110.px/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0).

2006	2,991	4,527	4,361	4,074	2,772	2,069	1,519	1,137
2007	3,058	4,666	4,575	4,188	2,864	3,058	4,666	4,575
2008	2,392	3,802	3,959	3,650	2,402	1,878	1,414	1,090
2009	1,570	2,634	3,135	3,003	1,850	1,498	1,139	870
2010	1,455	2,402	2,865	2,872	1,816	1,410	1,044	812
2011	1,389	2,539	3,456	3,465	2,143	1,709	1,278	993
2012	1,331	2,428	3,624	3,736	2,177	1,801	1,386	1,091
2013	1,161	2,163	3,488	3,811	2,488	1,912	1,412	1,190

**11. How many couples are living in an informal relationship in your jurisdiction?  
Where possible, indicate trends.**

According to the Central Statistical Bureau of Latvia's database of information, in 2011 76,780 families were living in informal relationships and 26,564 of them had at least one child. (See Table No. 4)

**Table No. 4. Family nuclei belonging to private households in statistical regions, cities under state jurisdiction and counties by type and number of children; in March 2011<sup>42</sup>**

	<b>Total number of families</b>	<b>Married couples</b>	<b>Cohabiting partners</b>	<b>Single parent (father)</b>	<b>Single parent (mother)</b>
Total number of families	587,691	314,739	76,780	25,301	170,871
No (under-age) children	156,000	124,956	31,044	0	0
1 child	276,809	101,218	26,564	20,667	128,360
2 children	122,084	69,523	13,857	3,996	34,708
3 children	25,270	15,095	3,719	511	5,945
4 children	5,075	2,682	1,034	90	1,269
5 children	1,547	802	342	27	376
6 children	544	252	135	7	150
7 children	200	123	42	1	34

In 2011, compared with the Population Census of 2000, the proportion of unregistered cohabiting partners/families had increased, but the proportion of married couples/families had decreased. In 2000 unregistered cohabiting couples

<sup>42</sup> Central Statistical Bureau of Latvia database information: Family nuclei belonging to private households in statistical regions, cities under state jurisdiction and counties by type and number of children; in March 2011. Type of family nucleus, Indicators, Number of children. Available at: [data.csb.gov.lv/pxweb/lv/tautassk\\_11/tautassk\\_11\\_\\_tsk2011/TSG11-281.px/table/tableViewLayout1/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce](http://data.csb.gov.lv/pxweb/lv/tautassk_11/tautassk_11__tsk2011/TSG11-281.px/table/tableViewLayout1/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce).

with or without children was 6% of the total number of families; in 2011 it was 13% of the total number of families.<sup>43</sup>

In 2011 in Latvia 153,560 people lived in unregistered cohabitation while 629,478 people lived in registered marriage. (See Table No. 5)

**Table No. 5: Resident population in statistical regions, cities under state jurisdiction and counties by gender and family status; on 1 March 2011<sup>44</sup>**

	Sum total	Men	Women
All inhabitants	2,070,371	946,102	1,124,269
Married couples	629,478	314,739	314,739
Partners in unregistered cohabitation	153,560	76,752	76,808

In a joint study between the Latvian Sworn Notary Council and the marketing and public opinion research centre SKDS in 2014, the majority, i.e. 52.5%, of respondents who live together with their partners, but are not married, indicate that they are not certain (30.9%) or they are somewhat uncertain (21.3%) that a legal form of partnership would provide them with protection in problematic situations.<sup>45</sup>

The results of this particular research show that the most common reason (in 41% of cases) why people choose to live in unregistered partnerships, is the opinion that there is no need to get married because marriage will not change their relationship. This kind of view is more common amongst men. A slightly smaller number of respondents (32%) indicate that the marriage ceremony is a complex process, requiring a large financial investment. The same number of respondents indicate that there has not yet been a situation in their lives where marital status would have been necessary. 26% of respondents indicated that they live in an unregistered partnership only temporarily and soon plan to get married.<sup>46</sup>

## 12. What percentage of the persons living in an informal relationship are:

- a. Under 25 years of age?
- b. Between 26-40 years of age?
- c. Between 41-50 years of age?
- d. Between 51-65 years of age?
- e. Older?

<sup>43</sup> Central Statistical Bureau of Latvia, '2011.gada tautas skaitīšana- Galvenie rādītāji (Population census 2011 - Main indicators)', 11.04.2014, available at: [csb.gov.lv/statistikas-temas/2011gada-tautas-skaitisana-galvenie-raditaji-33608.html](http://csb.gov.lv/statistikas-temas/2011gada-tautas-skaitisana-galvenie-raditaji-33608.html).

<sup>44</sup> Central Statistical Bureau of Latvia database information: Resident population in statistical regions, cities under state jurisdiction and counties by gender and family status; on 1 March 2011 - Names of statistical regions and administrative territories, family status, and gender. Available at: [data.csb.gov.lv/pxweb/lv/tautassk\\_11/tautassk\\_11\\_\\_tsk2011/TSG11-27.px/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce](http://data.csb.gov.lv/pxweb/lv/tautassk_11/tautassk_11__tsk2011/TSG11-27.px/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce).

<sup>45</sup> In 2014 a joint study was made between the Latvian Sworn Notary Council and the marketing and public opinion research centre SKDS, 'Legal security of non-marital relationship and marriage, population experience'.

<sup>46</sup> The Latvian Sworn Notary Council and research centre SKDS, 'Legal security of non-marital relationship and marriage, population experience'.

There are no such statistics available. However, in evaluating attitudes to unregistered partnership, the following tendencies have been observed: the living together of two opposite sex partners without marriage is acceptable to 70% of respondents (fully acceptable 29.7% and partially acceptable 40.5%). This kind of relationship model is more acceptable to the age range 25 to 34, where cohabitation is fully acceptable to 44% of respondents, and to the age range 35 to 44, where cohabitation is fully acceptable to 39% of respondents. However, 32% of respondents, who are in a marriage, indicate that cohabitation without marriage is partially or fully unacceptable.<sup>47</sup>

**13. How many couples living in an informal relationship enter into a formal relationship with each other:**

- a. Where there is a common child?
- b. Where there is no common child?

Such statistics are not collected. However, in 2014 the joint study between the Latvian Sworn Notary Council and the marketing and public opinion research centre SKDS showed that 23% of respondents name pregnancy as one of the reasons that could encourage them to officially register their relationship. This kind of view is held by 20% of female respondents and 27% of male respondents.<sup>48</sup>

**14. How many informal relationships are terminated:**

- a. Through separation of the partners?
- b. Through the death of one of the partners?

There are no such statistics available.

**15. What is the average duration of an informal relationship before its termination? How does this compare with the average duration of formalised relationships?**

There are no statistics on the average duration of informal relationships. Table No. 6 presents the number of divorces by duration of marriage.

**Table No. 6: Divorces by duration of marriage.<sup>49</sup>**

Year	Duration of marriage in years							
	0	1-2	3-4	5-9	10-14	15-19	20-29	30+
2004	6	247	463	1,311	1,250	980	821	193

<sup>47</sup> The Latvian Sworn Notary Council and research centre SKDS, 'Legal security of non-marital relationship and marriage, population experience', at p. 4-5.

<sup>48</sup> The Latvian Sworn Notary Council and research centre SKDS, 'Legal security of non-marital relationship and marriage, population experience', at p. 13-14.

<sup>49</sup> Central Statistical Bureau of Latvia database information: Divorces by duration of marriage. Available at: [data.csb.gov.lv/pxweb/lv/Sociala/Sociala\\_ikgad\\_iedz\\_laulibas/IL0061.px/table/tableViewLayout1/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0](http://data.csb.gov.lv/pxweb/lv/Sociala/Sociala_ikgad_iedz_laulibas/IL0061.px/table/tableViewLayout1/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0).

2005	19	371	618	1,410	1,436	1,250	994	243
2006	24	445	689	1,532	1,414	1,435	1,415	295
2007	29	519	698	1,559	1,257	1,447	1,534	360
2008	24	538	681	1,271	908	1,135	1,321	336
2009	21	404	724	,106	758	780	1,012	294
2010	3	364	803	1,180	655	638	1,009	278
2011	26	491	1,247	2,215	1,066	907	1,733	617
2012	66	425	785	2,094	931	795	1,617	598
2013	38	457	684	2,217	970	695	1,970	553

**16. What percentage of children are born outside a formal relationship? Of these children, what percentage are born in an informal relationship? Where possible, indicate trends.**

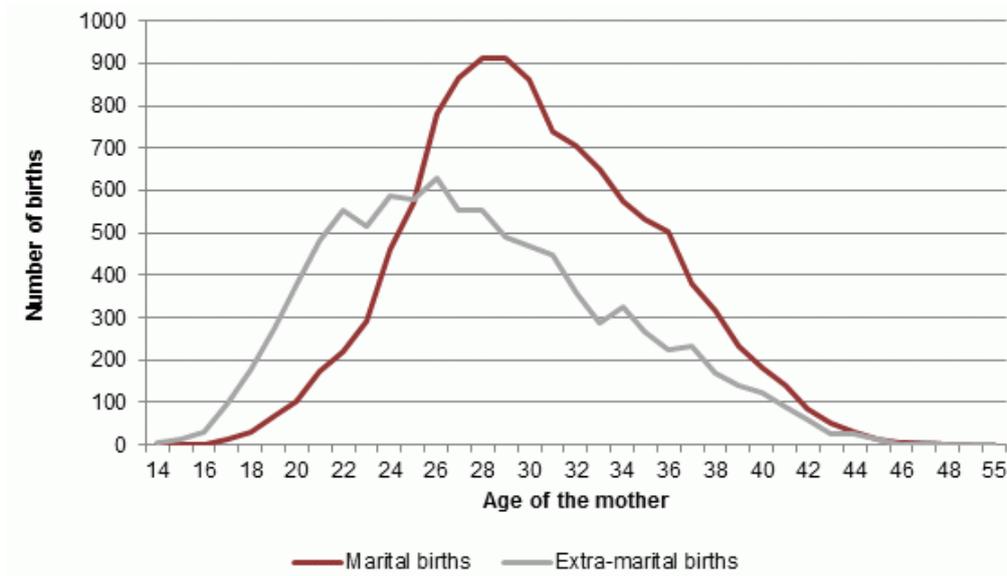
Data of the Central Statistical Bureau (CSB)<sup>50</sup> show that in 2013, a total of 20,600 children were born in Latvia, 9,200 or 44.6% of which were extra-marital births. The majority (53%) of first-born children were born outside marriage.

11,400 or 55.4% of children were born in a registered marriage. Compared with 2012, the number of marital births out of the total number of births increased by just 0.4%. In 2013 the increased number of babies born in a registered marriage can be explained by the growth in the number of second and third children. Out of the total number of second and third children, 62.6% and 64.6% respectively, were born to a married couple.

In 2013 a larger number of extra-marital births were registered to women under 26 years of age, when usually the first baby is born.

**Graph 1. Number of births by marital status and age of the mother in 2013**

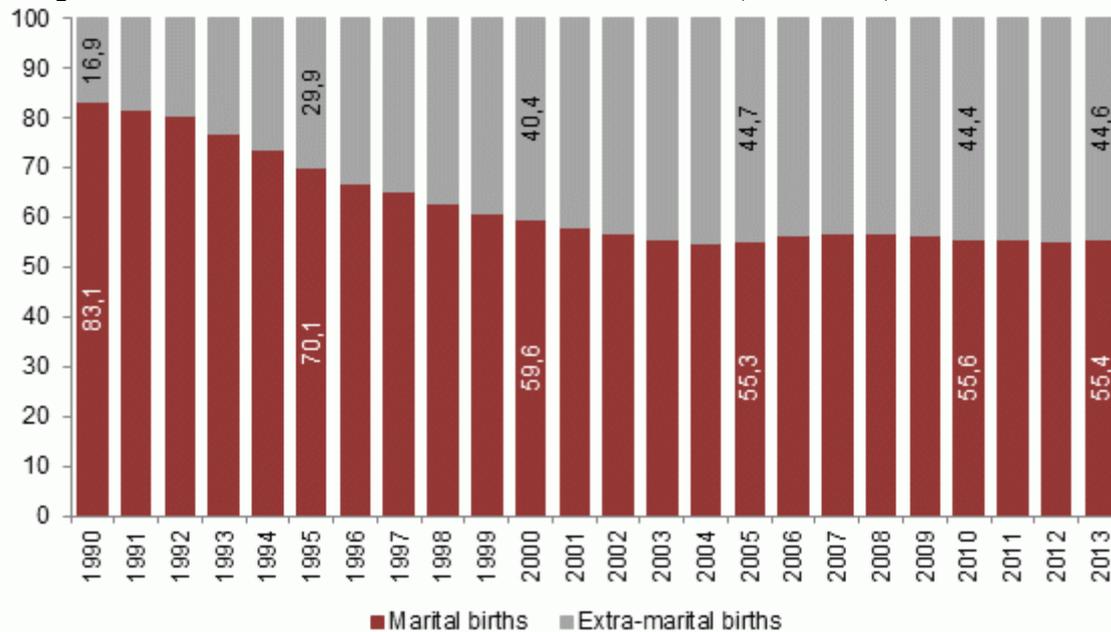
<sup>50</sup> Central Statistical Bureau of Latvia, 'Last year 53% of the first-born children were born outside marriage', 29.10.2014, available at: [csb.gov.lv/notikumi/pern-53-pirmo-bernu-dzimusi-arpus-laulibas-40972.html](http://csb.gov.lv/notikumi/pern-53-pirmo-bernu-dzimusi-arpus-laulibas-40972.html).



Source: Central Statistical Bureau of Latvia

In 1990, 83.1% of all babies were born to a married family; in 2000 this was 59.6%, and in 2013 it was only 55.4%. Since 1980, when 87.5% of all children were born in a registered marriage, the share of marital births has been decreasing nearly every year. A slight growth was registered only between 2005 and 2008, when the share of marital births reached 56.8% (an increase of 1.5% compared with 2005).

Graph 2. Share of marital and extra-marital births (1990-2013)

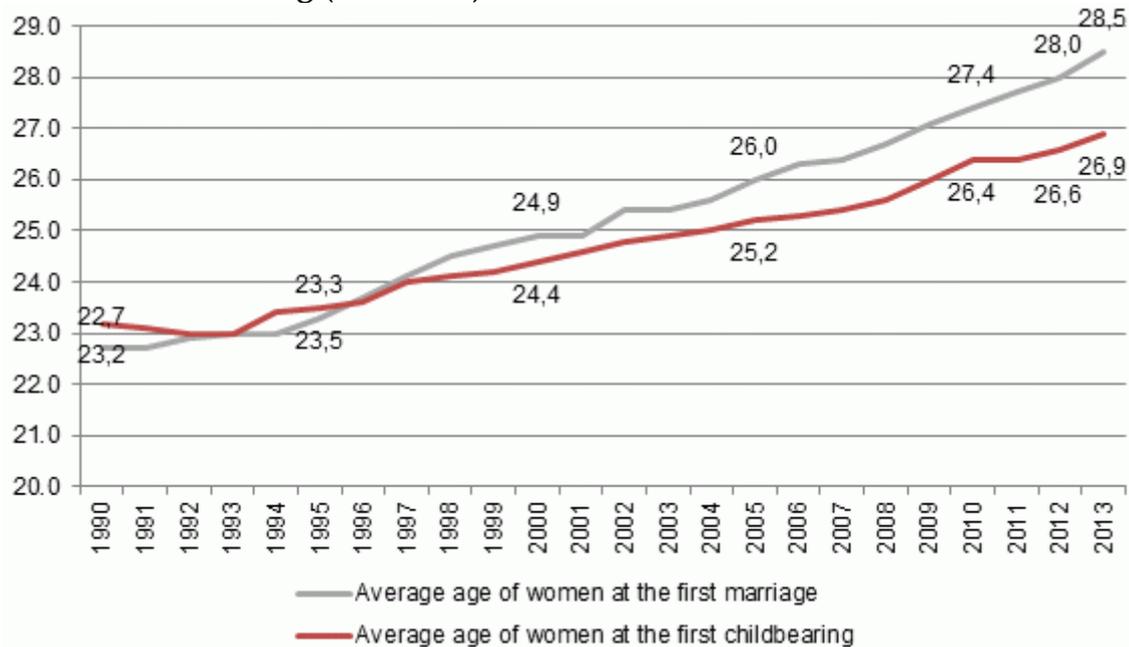


Source: Central Statistical Bureau of Latvia

Before 1996 there was no distinct difference between the average age of women at the birth of the first child and the average age at entering marriage. Since 1997 the average age at the birth of the first child has been lower than that at the first marriage.

In 2000 the average age of women at the first marriage was 24.9 years, and at the birth of the first child – it was 24.4 years. In turn, in 2013 the average age of women at the first marriage was 28.5 years, and at the birth of the first child it was 26.9 years.

**Graph 3. Average age of women at the first marriage and average age of mother at the first childbearing (1990-2013)**



Source: Central Statistical Bureau of Latvia

Data of the Population Census show that a total of 587,700 families were registered in Latvia in 2013, of which 232,700 (39.6%) were families with underage children. Of the total number of families with underage children, 106,500 (45.8%) were families of a married couple, 35,700 (15.3%) were families of cohabiting partners, 12,400 (5.3%) were families of a single father, and 78,200 (33.6%) were families of a single mother.

In 2011, 340,400 underage children were living in families. Of these 49% lived in a family of a married couple, 31% in a family of a single mother, 16% in a family of cohabiting partners, and 4% in a family of a single father.

Extra-marital births in 2004 were 9,307, in 2005 they were 9,780, in 2006 they were 10,012, in 2007 they were 10,348, in 2008 they were 10,542, in 2009 they were 9,578, in 2010 they were 8,761, in 2011 they were 8,367, in 2012 they were 8,938, and in 2013 they were 9,181. (See Table No. 7)

**Table No. 7: Live births by marital status and age of mother<sup>51</sup>**

<sup>51</sup> The number of births also includes children born abroad to a mother (permanent resident of the Republic of Latvia) temporarily residing in a country outside the Republic of Latvia. Central Statistical Bureau of Latvia database information. Available at: [data.csb.gov.lv/pxweb/lv/Sociala/Sociala\\_ikgad\\_jedz\\_dzimst/ID0030.px/table/tableViewLayout1/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0](http://data.csb.gov.lv/pxweb/lv/Sociala/Sociala_ikgad_jedz_dzimst/ID0030.px/table/tableViewLayout1/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0).

	Age of the mother	Total births	Marital births	Extra-marital births	Percentage of extra-marital births
2004	≤ 19	1,462	357	1105	75.58%
	20-24	5,957	2,619	3338	56.03%
	25-29	6,237	3,814	2423	38.84%
	30-34	4,361	2,839	1522	34.90%
	35-49	1,981	1,282	699	35.28%
	40-44	519	312	207	39.88%
	≥ 45	29	16	13	44.82%
2005	≤ 19	1,443	323	1,120	77.61%
	20-24	5,949	2,561	3,388	56.95%
	25-29	6,743	4,788	2,555	37.89%
	30-34	4,955	3,223	1,732	34.95%
	35-49	2,245	1,466	779	34.69%
	40-44	504	309	195	38.69%
	≥ 45	34	23	11	32.35%
2006	≤ 19	1,572	354	1,218	77.48%
	20-24	6,187	2,717	3,470	56.08%
	25-29	7,004	4,346	2,658	37.94%
	30-34	5,089	3,435	1,654	32.50%
	35-49	2,411	1,612	799	33.14%
	40-44	572	373	199	34.79%
	≥ 45	32	18	14	43.75%
2007	≤ 19	1,519	349	1,170	77.02%
	20-24	6,354	2,815	3,539	55.69%
	25-29	7,445	4,721	2,724	36.58%
	30-34	5,272	3,515	1,757	33.32%
	35-49	2,708	1,776	932	34.41%
	40-44	618	407	211	34.14%
	≥ 45	33	18	15	45.45%
2008	≤ 19	1,500	291	1,209	80.60%
	20-24	6,151	2,655	3,496	56.83%
	25-29	7,709	4,893	2,816	36.52%
	30-34	5,521	3,688	1,833	33.20%
	35-49	2,847	1,896	951	33.40%
	40-44	634	415	219	34.54%
	≥ 45	33	15	18	54.54%
2009	≤ 19	1,142	186	956	83.71%
	20-24	5,145	2,141	3,004	58.38%
	25-29	7,132	4,426	2,706	37.94%
	30-34	5,110	3,446	1,664	32.56%
	35-49	2,779	1,803	976	35.12%
	40-44	681	423	258	37.88%
	≥ 45	42	27	15	35.71%
2010	≤ 19	860	124	736	85.58%

	<b>20-24</b>	4,363	1,656	2,707	62.04%
	<b>25-29</b>	6,481	4,011	2,470	38.11%
	<b>30-34</b>	4,837	3,168	1,669	34.50%
	<b>35-49</b>	2,492	1,588	904	36.27%
	<b>40-44</b>	692	434	258	37.28%
	<b>≥ 45</b>	40	23	17	42.5%
<b>2011</b>	<b>≤ 19</b>	831	136	695	83.63%
	<b>20-24</b>	3,883	1,425	2,458	63.30%
	<b>25-29</b>	6,146	3,746	2,400	39.05%
	<b>30-34</b>	4,726	3,118	1,608	34.02%
	<b>35-49</b>	2,531	1,599	932	36.82%
	<b>40-44</b>	656	394	262	39.93%
	<b>≥ 45</b>	29	17	16	55.17%
<b>2012</b>	<b>≤ 19</b>	783	118	665	84.93%
	<b>20-24</b>	3,908	1,354	2,554	65.35%
	<b>25-29</b>	6,632	3,911	2,721	41.03%
	<b>30-34</b>	5,057	3,332	1,725	34.11%
	<b>35-49</b>	2,788	1,790	998	35.79%
	<b>40-44</b>	683	424	259	37.92%
	<b>≥ 45</b>	33	17	16	48.48%
<b>2013</b>	<b>≤ 19</b>	710	115	595	83.80%
	<b>20-24</b>	3,759	1,243	2,516	66.93%
	<b>25-29</b>	6,848	4,040	2,808	41.00%
	<b>30-34</b>	5,417	3,529	1,888	34.85%
	<b>35-49</b>	2,997	1,965	1,032	34.43%
	<b>40-44</b>	811	489	322	39.70%
	<b>≥ 45</b>	45	25	20	44.44%

**17. What is the proportion of children living within an informal relationship who are not the couple's common children (excluding foster children)?**

Such statistics are not collected.

**18. How many children are adopted within an informal relationship:**

- a. By one partner only?
- b. Jointly by the couple?
- c. Where one partner adopted the child of the other?

Such statistics are not collected.

**19. How many partners in an informal relationship have been in a formal or an informal relationship previously?**

Such statistics are not collected.

**C. During the relationship**

- 20. Are partners in an informal relationship under a duty to support each other, financially or otherwise:**
- a. Where there are no children in the household?**
  - b. Where there are common children in the household?**
  - c. Where there are other children in the household?**

In Latvia there is no such specific legal order on informal relationships.

By way of comparison one can consider the following. In connection with marriage in the Latvian Civil Law this legal order is included: marriage creates a duty on the part of a husband and a wife to be faithful to each other, to live together, to take care of each other and to jointly ensure the welfare of their family.<sup>52</sup>

Personal relations of parents and children are regulated by the Latvian Family Law (Chapter 2. 'Personal Relations of Parents and Children'). Section 179 of the Latvian Civil Law determines that parents, commensurate with their financial state, have a duty to maintain their child. Such duty lies upon the father and the mother until such time as the child is able to provide for itself.<sup>53</sup>

- 21. Are partners in an informal relationship under a general duty to contribute to the costs and expenses of their household?**

In Latvia there is no such specific legal order on informal relationships.

By way of comparison one can consider the following. In connection with marriage in the Latvian Civil Law it is determined that both spouses have a duty to cover the family and joint household expenses out of the joint property of the spouses. If the joint property of the spouses is insufficient to support the family, each spouse may require that the other spouse share the family and joint household expenses commensurately with his or her own separate financial resources.<sup>54</sup>

- 22. Does a partner in an informal relationship have a right to remain in the home against the will of the partner who is the owner or the tenant of the home?**

In Latvia there is no such specific legal order on informal relationships.

- 23. Are there specific rules on a partner's rights of occupancy of the home:**
- a. In cases of domestic violence?**

From 31 March 2013 the rule on temporary protection against violence has been in force in the Latvian Civil Procedure Law. It provides that an application for temporary protection against violence may be submitted not only by spouses but also by: people who, for example, live or have lived in the same household; people

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<sup>52</sup> S. 84 Latvian Civil Law.

<sup>53</sup> S. 84 Latvian Civil Law.

<sup>54</sup> S. 95 Latvian Civil Law.

who have or are expected to have children, irrespective of whether these people have been married or have lived together; and people between whom personal or intimate relations exist or have existed.<sup>55</sup> An order for the violent person to leave the habitual residence of the victim may be established as a temporary protection, as well as a prohibition against staying in specified places and within a specified distance of the victim's house.

**b. In cases where the partner owning or renting the home is absent?**

In Latvia there is no such specific legal order on informal relationships.

**24. Are there specific rules on transactions (e.g. disposal, mortgaging, subletting) concerning the home of partners in an informal relationship:**

- a. Where the home is jointly owned by the partners?
- b. Where the home is owned by one of the partners?
- c. Where the home is jointly rented by the partners?
- d. Where the home is rented by one of the partners?

In Latvia there is no such specific legal order on informal relationships.

However, if the home is in the joint ownership of both partners, the general legal order of property rights as stated in the Latvian Civil Law would be applicable. Section 1067 of the Latvian Civil Law determines that ownership rights which belong to several people in respect of one undivided property, not as shares divided in actuality but as undivided shares – so that only the substance of the rights is divided – are joint ownership rights (*kopīpašuma tiesības*). Section 1068 of the Latvian Civil Law states that the consent of all the joint owners is required in order to deal with the subject-matter of the joint ownership, either as a whole or with respect to stated individual shares and if one of the joint owners acts separately then such action not only has no effect, but also imposes a duty on that joint owner to compensate the others for losses caused to them by the sole action. No individual joint owner may, without the consent of the others, encumber the subject-matter of joint ownership with property rights, nor alienate it as a whole or in part, nor alter it in some way. Therefore, every joint owner has the right to protest against such actions by one or all of the other joint owners, and this right may not be revoked by a majority vote. Section 1072 of the Latvian Civil Law provides that each joint owner's undivided share of a joint property belongs exclusively to such joint owner. Therefore, the joint owner is allowed to act with it in every way which conforms with its substance, as long as this action does not apply to the shares of the other joint owners. On this basis, each joint owner also has the right to alienate or pledge the share of the common property belonging to such joint owner. Section 1073 provides that if any of the joint owners of an immovable property alienate his or her share to a person who is not a joint owner, then the rest of the joint owners are to have a right of first refusal for a period of two months, calculated from the date that a copy of the purchase agreement is received, but in cases where it has not been possible to exercise the right

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<sup>55</sup> S. 450<sup>44</sup> Civil Procedure Law.

of first refusal due to the fault of the alienor, then there is to be a right of pre-emption. If several joint owners apply at the same time to exercise rights of first refusal or pre-emption then they will acquire the alienated share jointly and must divide it among themselves in equal shares, unless they themselves agree otherwise.<sup>56</sup>

If living accommodation is rented only by one partner, then S. 17 of the Latvian Law on Residential Tenancy determines that a tenant has the right to sub-rent all the residential space or a part of it that he or she occupies, only with the consent of the landlord and the adult family members living together with the tenant.<sup>57</sup> However, it must be taken into account that, according to the first part of S. 9 of the Latvian Law on Residential Tenancy, a cohabiting partner (i.e. not a spouse) is not considered to be a family member (analysed in response to Question 3).

**25. Under what circumstances and to what extent can one partner act as an agent for the other?**

In Latvia there is no such specific legal order on informal relationships.

Therefore the general legal order of the management of property of other people as laid down in the Latvian Civil Law is applicable.<sup>58</sup>

Section 2289 of the Latvian Civil Law determines that, pursuant to an authorisation contract, one party (authorised person, assignee) undertakes to perform a certain assignment for the other party (person granting the authorisation, authorising person, assignor), and the person granting the authorisation undertakes to recognise the activity of the authorised person as binding on him or her. The legal order of unauthorised management may also be applicable. Accordingly, S. 2325 of the Latvian Civil Law, which provides that if a person undertakes, without being invited to do so, to manage another person's affairs in accordance with the true interests of such person and under such circumstances as where it could be accepted that such person, if he or she had been given an opportunity to express his or her volition, would have consented to this agency, then with such management legal relations are established, similar to those regarding a contract, between the manager and the represented person.

In 2013 a new legal order on continuing powers of attorney came into force. With continuing powers of attorney the assignor gives the assignee the right to manage his or her effects, in the case where the assignor, due to health problems or other reasons

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<sup>56</sup> Civil Law. Part Three. Property rights. Law of Republic of Latvia. "Valdības Vēstnesis", 24 February 1937, no.44.

<sup>57</sup> Law On Residential Tenancy. Law of Republic of Latvia. "Latvijas Vēstnesis", 29 February 1993, no.19.

<sup>58</sup> Civil Law. Part Four. Law of Obligations. Law of Republic of Latvia. "Valdības Vēstnesis", 26 February 1937, no.46.

or circumstances, will not be able to understand the meaning of his or her actions and would not be able to manage his or her affairs.<sup>59</sup>

**26. Under what circumstances can partners in an informal relationship become joint owners of assets?**

In Latvia there is no such specific legal order on informal relationship. A general legal order on obligation rights is applicable.

**27. To what extent, if at all, are there specific rules governing acquisitions and/or transactions in respect of household goods? In answering this question briefly explain what is meant by household goods.**

In Latvia there is no such specific legal order on informal relationships.

**28. Are there circumstances under which partners in an informal relationship can be regarded as joint owners, even if the title belongs to one partner only?**

As there is no legal order on informal relationships in Latvia, there is no such legal order on property relations of the partners in an informal relationship.

**29. How is the ownership of assets proved as between partners in an informal relationship? Are there rebuttable presumptions?**

In Latvia there is no such specific legal order on informal relationships.

By way of comparison one can consider the following. In lawful property relations of spouses, everything acquired during 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; in a case of uncertainty, it is to be presumed that such property belongs equally to both spouses.<sup>60</sup> The burden of establishing that certain property is separate lies upon the spouse who asserts that fact. The fact that immovable property is the separate property of one spouse is to be recorded in the Land Register.<sup>61</sup>

**30. How is the ownership of assets proved as regards third parties? Are there rebuttable presumptions?**

In Latvia there is no such specific legal order on informal relationships.

**31. Under what circumstances, if any, can partners in an informal relationship become jointly liable for debts?**

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<sup>59</sup> S. 2317<sup>1</sup> Latvian Civil Law.

<sup>60</sup> S. 89 para. 2 Latvian Civil Law.

<sup>61</sup> S. 91 para. 2 Latvian Civil Law.

In Latvia there is no such specific legal order on informal relationships. Therefore the general law of obligations of the Latvian Civil Law is applicable. Section 1670 of the Latvian Civil Law provides that a claim or an obligation is to be recognised as joint or solidary when each of several creditors may claim the entire subject-matter, or when each of several debtors has the duty to perform it all; the subject-matter may, however, be claimed and be required to be performed only once. In such cases the former are called joint creditors and the latter joint debtors. Section 1671 of the Latvian Civil Law determines that included in the essential nature of every solidary obligation is that it is based on one and the same basis and all parties have one and the same subject-matter of performance. Section 1672 of the Latvian Civil Law determines that solidary obligations may be established pursuant to a contract, a will or by law.

By way of comparison one may consider the following. In lawful property relations of the spouses, S. 96 of the Latvian Civil Law provides that for obligations that the spouses have entered into jointly for family or joint domestic financial needs, they are to be held liable to the extent of their joint property, and each to the extent of their separate property, if the joint property does not suffice.

For obligations regarding family or joint domestic financial needs that have been entered into by one of the spouses, such spouse is to be held liable to the extent of his or her property if the joint property of the spouses does not suffice. For these obligations, the other spouse is to be held liable to the extent of his or her property only if the consideration pursuant to such obligations has been used for family and joint household needs.

**32. On which assets can creditors recover joint debts?**

See the answer to Question 31 above.

**33. Are there specific rules governing the administration of assets jointly owned by the partners in an informal relationship? If there are no specific rules, briefly outline the generally applicable rules.**

In Latvia there is no such specific legal order on informal relationships.

By way of comparison one may consider the following. In lawful property relations of the spouses, S. 93 of the Latvian Civil Law determines that a spouse may assign his or her property, or his or her share of the joint property of the spouses, to be administered by the other spouse who must preserve and protect such property with all of his or her resources. If the joint immovable property of the spouses is recorded in the Land Register in the name of one of the spouses, it is presumed that the other spouse has assigned his or her share in such property to be administered by him or her.

**D. Separation**

**34. When partners in an informal relationship separate does the law grant maintenance to a former partner? If so, what are the requirements?**

As there is no legal order on informal relationships in Latvia, there is no legal order on separation in an informal relationship.

By way of comparison one may consider the following. In dissolving a marriage or after dissolution of a marriage, a former spouse may claim maintenance from the other spouse commensurate with his or her financial state to ensure or maintain the previous level of welfare.<sup>62</sup>

**35. What relevance, if any, upon the amount of maintenance is given to the following factors/circumstances:**

- a. **The creditor's needs and the debtor's ability to pay maintenance?**
- b. **The creditor's contributions during the relationship (such as the raising of children)?**
- c. **The standard of living during the relationship?**
- d. **Other factors/circumstances (such as giving up his/her career)?**

As there is no legal order on informal relationships in Latvia, there is no legal order on maintenance following separation in an informal relationship.

By way of comparison one may consider the following. In connection with the divorce of a married couple, S. 81 of the Latvian Civil Law determines that the duty to ensure the previous level of welfare or maintenance of the former spouse ceases if the income of the former spouse ensures the previous level of welfare or maintenance; the former spouse avoids obtaining the means for maintenance through his or her own work; and there are other circumstances which show that the need to obtain maintenance from the former spouse no longer exists.

**36. What modes of calculation (e.g. percentages, guidelines), if any, apply to the determination of the amount of maintenance?**

As there is no legal order on informal relationships in Latvia, there is no legal order on maintenance following separation in an informal relationship.

**37. Where the law provides for maintenance, to what extent, if at all, is it limited to a specific period of time?**

As there is no legal order on informal relationships in Latvia, there is no legal order on maintenance following separation in an informal relationship.

By way of comparison one may consider the following. In connection with the divorce of a married couple, S. 81 of the Latvian Civil Law determines that the duty to ensure the previous level of welfare or maintenance of the former spouse

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<sup>62</sup> S. 80 Latvian Civil Law.

terminates when the same amount of time has passed subsequent to the dissolution of the marriage, or the declaration of the annulment of the marriage, as the duration of the relevant dissolved marriage or cohabitation in the marriage, which has been declared annulled.

**38. What relevance, if any, do changed circumstances have on the right to continued maintenance or the amount due?**

As there is no legal order on informal relationships in Latvia, there is no legal order on maintenance following separation in an informal relationship.

**39. Is the maintenance claim extinguished upon the claimant entering:**

- a. Into a formal relationship with another person?**
- b. Into an informal relationship with another person?**

As there is no legal order on informal relationships in Latvia, there is no legal order on maintenance following separation in an informal relationship.

By way of comparison one may consider the following. In connection with the divorce of a married couple, S. 81 of the Latvian Civil Law determines that the duty to ensure the previous level of welfare or maintenance of the former spouse ceases if the former spouse has entered into a new marriage.

**40. How does the creditor's maintenance claim rank in relation to:**

- a. The debtor's current spouse, registered partner, or partner in an informal relationship?**
- b. The debtor's previous spouse, registered partner, or partner in an informal relationship?**
- c. The debtor's children?**
- d. The debtor's other relatives?**

As there is no legal order on informal relationships in Latvia, there is no legal order on maintenance following separation in an informal relationship.

**41. When partners in an informal relationship separate, are specific rules applicable to the determination of the ownership of the partners' assets? If there are no specific rules, which general rules are applicable?**

As there is no legal order on informal relationships in Latvia, there is no legal order on the determination of ownership of partners' assets following separation in an informal relationship. Part 1 of S. 93 of the Latvian Civil Procedure Law determines that each party must prove the facts upon which they base their claims or objections. Claimants must prove that their claims are well-founded. Defendants must prove that their objections are well-founded.

For example, with regard to real estate, the principle of public credibility is in force. Namely, in the Latvian Civil Law it is determined that only such persons as are

registered in the Land Register as owners are to be recognised to be the owners of immovable property.

The general legal order of the Latvian Civil Law on Unjust Enrichment is also applicable.

For example, S. 2389 determines that if a person, without any basis therefor, is in possession of some item of another person's property, it may be reclaimed from the first-mentioned person. It will not matter, with respect to such reclaim, whether there did not exist from the beginning any basis for the acquisition of such item of property or whether the basis initially existing later ceased. Section 2391 provides that no one has the right to unjustly enrich himself or herself by harming and at the expense of another person. If a person has thus suffered loss in connection with an item of their property, he or she may demand the return of that property and the amount by which the other person has been enriched. Section 2392 determines that only that which is still part of the property of the defendant at the time when an action to reclaim is brought against him or her, whether or not it exists naturally or in the form of objects that the person has acquired in exchange for what was alienated or consumed in good faith, is to be considered as enrichment. The right to reclaim is not to be applicable to all that which the defendant, prior to that time and without acting in bad faith, has given away as a gift, consumed or accidentally lost.

**42. When partners in an informal relationship separate, are specific rules applicable subjecting all or certain property (e.g. the home or household goods) to property division? If there are no specific rules, which general rules are applicable?**

As there is no legal order on informal relationships in Latvia, there is no legal order on property division following separation in an informal relationship.

**43. Do the partners have preferential rights regarding their home and/or the household goods? If so, what factors are taken into account when granting these rights (e.g. the formal ownership of the property, the duration of the relationship, the needs of each partner, the care of children)?**

In Latvia there is no such legal order on separation following an informal relationship.

**44. How are the joint debts of the partners settled?**

There is no specific legal order on separation following an informal relationship. However, the general law of obligation of the Latvian Civil Law is applicable. Section 1670 of the Latvian Civil Law provides that a claim or an obligation is to be recognized as joint or solidary when each of several creditors may claim the entire subject-matter, or when each of several debtors has the duty to perform it all; the subject-matter may, however, be claimed and is required to be performed only once. Section 1682 of the Latvian Civil Law provides that each of the joint debtors or

solidary obligors may be compelled to perform the whole obligation, and their performance will release the others from their obligations. Section 1683 of the Latvian Civil Law provides that a creditor may, pursuant to his or her discretion, request the performance of the whole obligation from all or from only a few joint debtors, or from only one debtor. Section 1686 provides that a joint debtor who has satisfied a creditor may request respective compensation from the others, if there are no special restrictions against this. If the joint debtor who has paid acted in bad faith, he or she will thereby lose the right to compensation from the others.

- 45. What date is decisive for the determination and the valuation of:**
- a. The assets?**
  - b. The debts?**

As there is no legal order on informal relationships in Latvia, there is no legal order on separation following an informal relationship.

- 46. On what grounds, if any, and to what extent may a partner upon separation claim compensation upon the basis of contributions made or disadvantages suffered during the relationship?**

In Latvia there is no such legal order on separation following an informal relationship.

#### **E. Death**

- 47. Does the surviving partner have rights of inheritance in the case of intestate succession? If yes, how does this right compare to that of a surviving spouse or a registered partner, in a marriage or registered partnership?**

No, if there is not a will or inheritance contract, a partner does not have such rights.

- 48. Does the surviving partner have any other rights or claims on the estate (e.g. any claim based on dependency, compensation, or maintenance) in the case of intestate succession?**

No, if there is not a will or inheritance contract, a partner does not have such rights.

- 49. Are there specific rules dealing with the home and/or household goods?**

No, there are no such specific rules on this for informal relationships.

- 50. Can a partner dispose of property by will in favour of the surviving partner:**
- a. In general?**
  - b. If the testator is married to or is the registered partner of another person?**
  - c. If the testator has children?**

Section 422 of the Latvian Civil Law provides that a testator may freely determine the disposition of his or her whole estate in case of his or her death, with the restriction that his or her forced heirs (*neatņemamās daļas tiesīgie*) must be bequeathed their preferential shares (*neatņemamās daļas*).<sup>63</sup>

According to S. 423 of the Latvian Civil Law forced heirs are the spouse and descendants, but if there are no descendants, then forced heirs are the ascendants of the nearest degree of kinship.

**51. Can partners make a joint will disposing of property in favour of the surviving partner:**

- a. In general?
- b. If either testator is married to or is the registered partner of another person?
- c. If either testator has children?

Section 604 of the Latvian Civil Law provides a type of reciprocal will, namely, a will whereby two or more people, in the form of one joint document, reciprocally appoint each other as heir, is termed reciprocal. But, if in such a will the appointment of one person as heir has occurred with the condition that the appointment of the other person must exist and must be valid, such that one appointment may or may not be valid only jointly with the other, then the will is termed mutual. However, testamentary inheritance is also subject to the requirements of forced heirs.

**52. Can partners make other dispositions of property upon death (e.g. agreements as to succession or gifts upon death) in favour of the surviving partner:**

- a. In general?
- b. If either partner is married to or is the registered partner of another person?
- c. If either partner has children?

Section 639 of the Latvian Civil Law provides that contractual inheritance must be founded by contract pursuant to which one party grants the rights to his or her future inheritance or a part of it to another party, or several parties grant such rights to each other. Such a contract is termed an inheritance contract.

However, according to S. 642 in inheritance contracts as well, the provisions concerning preferential shares must be complied with, unless those who are concerned themselves directly or as parties to the contract have relinquished their rights. If this has not been complied with, then forced heirs may contest the contract after the death of the person leaving the estate.

Section 500 of the Latvian Civil Law provides that if someone has not been bequeathed the whole estate, nor a share in relation to the whole of the estate, but only a separate inheritance object, then the bequest is called a legacy, and the person to whom it has been bequeathed, is termed a legatee. Section 501 provides that a

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<sup>63</sup> Civil Law. Part two. Inheritance Law. Law of Republic of Latvia. "Vadības Vēstnesis", 22 February 1937, no.42.

legacy may be bequeathed in a will either directly, or by imposing its execution upon the heir or another legatee. According to S. 503 the bequest of a legacy must not infringe on the rights of forced heirs.

**53. Is the surviving partner entitled to a reserved share<sup>64</sup> or to any other rights or claims on the estate (e.g. any claim based on dependency, compensation, or maintenance) in the case of a disposition of property upon death (e.g. by will, joint will, or inheritance agreement) in favour of another person?**

As mentioned above, in accordance with S. 423 of the Latvian Civil Law, forced heirs are the spouse and descendants, but if there are no descendants, then ascendants of the nearest degree of kinship. It does not refer to partners in an unregistered cohabitation.

**54. Are there any statistics or estimations on how often a relationship is terminated by the death of one of the partners?**

There are no such statistics collected about partners in an informal relationship.

**55. Are there any statistics or estimations on how common it is that partners in an informal relationship make a will in favour of the other partner?**

There are no such statistics collected about partners in an informal relationship.

**56. Are there any statistics or estimations on how common it is that a partner in an informal relationship is the beneficiary to the other partner's life insurance?**

There are no such statistics collected about partners in an informal relationship.

## **F. Agreements**

**57. Are there specific rules concerning agreements between partners in an informal relationship? Where relevant, please indicate these specific rules. If not, which general rules apply?**

In Latvia there is no special legal order on partners in an informal relationship. The law of obligations of the Latvian Civil Law is applicable.

**58. Are partners in an informal relationship permitted to agree on the following issues:**

In Latvia there is no special legal order on partners in an informal relationship. Therefore the general law of obligations of the Latvian Civil Law is applicable. The general law of obligations does not prohibit partners from entering into various types

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<sup>64</sup> See Regulation no. 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession [2012] OJ L 201/107.

of agreements, provided that their object is not against religion, legislation or moral principles, or directed to go outside the law.

**a. The division of tasks as between the partners?**

Yes.

**b. The contributions to the costs and expenses of the household?**

Yes.

**c. Their property relationship?**

Yes.

**d. Maintenance?**

Yes.

**e. The duration of the agreement?**

Yes.

**59. Are partners in an informal relationship permitted to agree on the legal consequences of their separation?**

In Latvia there is no particular legal order on partners in an informal relationship. However, the general law of obligations does not prohibit partners from entering into an agreement, for example, to adjust their property relations.

**60. Are the agreements binding:**

**a. Between the partners?**

**b. In relation to third parties?**

A contract between partners has the same binding effect as any other contract. Section 1587 of the Latvian Civil Law determines that a contract legally entered into imposes on a contracting party a duty to perform that which was promised, and neither the exceptional difficulty of the transaction, nor difficulties in performance arising later, give the right to one party to withdraw from the contract, even if the other party is compensated for any loss.

**61. If agreements are not binding, what effect, if any, do they have?**

In Latvia there is no particular legal order on partners in an informal relationship.

**62. If specific legislative provisions regulate informal relationships, are the partners permitted to opt in or to opt out of this specific regulation?**

In Latvia there is no particular legal order on partners in an informal relationship.

**63. When can the agreement be made (before, during, or after the relationship)?**

In Latvia there is no particular legal order on partners in an informal relationship.

**64. What formal requirements, if any, govern the validity of agreements:**

- a. As between the partners?**
- b. In relation to a third party?**

In Latvia there is no particular legal order on partners in an informal relationship.

Section 1473 of the Latvian Civil Law determines that the form of a lawful transaction depends on the discretion of the participants in the matter, except in instances specifically indicated by law. Section 1474 provides that the participants to a transaction may enter into it in accordance with the procedures provided for by a notary public or by the Latvian Law on Orphans' Courts or a private procedure, may accept an oral agreement or draw up a written deed, may enter into the transaction in the presence of witnesses or without them, and the participants to a transaction may make it public or not. This provision does not apply to those instances in which the law requires a specific procedure for entering into a transaction.

**65. Is independent legal advice required?**

In Latvia there is no particular legal order on partners in an informal relationship.

**66. Are there any statistics or estimations on the frequency of agreements made between partners in an informal relationship?**

There are no such statistics collected.

**67. Are there any statistics or estimations regarding the content of agreements made between partners in an informal relationship?**

There are no such statistics collected.

**G. Disputes**

**68. Which authority is competent to decide disputes between partners in an informal relationship?**

In Latvia there is no particular procedure of dispute solving between partners in an informal relationship. Disputes are decided in the claims' procedure in the general jurisdiction court.

**69. Is that the same authority as for spousal disputes?**

In cases of marriage annulment or divorce as well, the court reviews claims in accordance with general rules, taking into consideration statutory exceptions.

**70. Can the competent authority scrutinise an agreement made by the partners in an informal relationship? If yes, what is the scope of the scrutiny?**

The court reviews claims in accordance with general rules. There is no particular legal order on partners in an informal relationship.

**71. Can the competent authority override or modify the agreement on account of fairness towards a partner, the rights of a third party, or on any other ground (e.g. a change of circumstances)?**

The court reviews claims in accordance with general rules. There is no particular legal order on partners in an informal relationship.

**72. What alternative dispute-solving mechanisms (e.g. mediation or counselling), if any, are offered or required with regard to disputes arising out of informal relationships?**

All civil disputes are subject to the courts, unless the law provides otherwise. This does not deprive the parties of the right that, by mutual agreement, they can turn to the court of arbitration to solve the dispute or use mediation. From 1 January 2015 the courts' derived mediation order is in force. The courts' derived mediation is performed by a mediator, and is initiated by the court, and it is recognised as an initial and primary model for providing an effective connection between the proceedings and mediation.

**73. What are the procedural effects of an agreement on ADR between partners in an informal relationship? Can any partner seize the competent authority in breach of the ADR clause?**

There is no specific legal order on partners in an informal relationship.

**74. Are there any statistics or estimations on how common it is that partners in an informal relationship include an ADR clause in their agreement?**

There are no such statistics collected.