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Meeting: 1411<sup>th</sup> meeting (September 2021) (DH)

Item reference: Action Report (28/07/2021)

Communication from Latvia concerning the case of Rodina v. Latvia (Application No. 48534/10)

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Communication de la Lettonie concernant l'affaire Rodina c. Lettonie (requête n° 48534/10) (**anglais uniquement**)

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Ārlietu ministrija

*Ministry of Foreign Affairs of the Republic of Latvia*

DGI

28 JUIL. 2021

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

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Riga

28 July 2021

No.03- 16271

**Mr Pavlo Pushkar**

**Head of Division**

Department for the Execution of Judgments

of the European Court of Human Rights

DGI – Directorate General of Human Rights and Rule of Law

Council of Europe

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Sent by e-mail only: [dgi-execution@coe.int](mailto:dgi-execution@coe.int)

Dear Mr Pushkar,

Please find enclosed the Consolidated Action Report by the Government of the Republic of Latvia in the cases of *Rodina v. Latvia* (applications nos.48534/10 and 19532/15), judgment of 14 May 2020, and *Dupate v. Latvia* (application no.18068/11), judgment of 19 November 2020. Please be informed that this letter and the attachment thereto have been sent by e-mail only.

Yours sincerely,

**Kristine Līce**

Agent of the Government of the Republic of Latvia

## **CONSOLIDATED ACTION REPORT**

**of the Government of the Republic of Latvia  
on the execution  
of the judgments of the European Court of Human Rights  
in the cases of**

DGI

28 JUIL. 2021

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

**RODINA v. LATVIA  
(applications nos.48534/10 and 19532/15)**

**Judgment of 14 May 2020  
Final on 14 August 2020**

**DUPATE v. LATVIA  
(application no.18068/11)**

**Judgment of 19 November 2020  
Final on 19 February 2021**

## I. INTRODUCTION

1. In light of the working methods for the supervision of the execution of the Court's judgments and decisions adopted by the Committee of Ministers on 4 December 2010, the Government of the Republic of Latvia ('the Government') presents the Consolidated Action Report outlining individual and general measures taken to execute the Court's judgments in the cases of *Rodina v. Latvia* and *Dupate v. Latvia*.

## II. DESCRIPTION OF THE CASES

### II.1. The case of *Rodina v. Latvia*

#### *Disputed article in a newspaper*

2. On 31 January 2005, the Russian-language newspaper "*Час*" (*Čas*) published an article about a family dispute, portraying the applicant as an ungrateful and evil daughter. The article contained the applicant's maiden name, her profession and place of residence. A photograph of the family including the applicant accompanied the article.
3. On 10 November 2005, the applicant brought proceedings against the publisher and two members of the family before the Riga City Centre District Court. The applicant requested that 14 statements in the article be declared false and that the publication of her family's photograph be declared unlawful. The applicant further sought retraction of the offensive information, an apology and a compensation for non-pecuniary damage. On 6 June 2007, the Riga City Centre District Court partly upheld the applicant's claim against the publisher, but dismissed it against the family members. The court concluded that the applicant's right to private life had been infringed. On 27 May 2009, the Riga Regional Court quashed the aforementioned judgment and dismissed the applicant's claim. On 18 February 2010, the Supreme Court decided against instituting appeal proceedings on points of law.

#### *Disputed feature on television*

4. On 4 November 2005, a television programme entitled "*Bez Tabū laiks*" aired a short feature about the conflict in the applicant's family that was similar to the one published in the newspaper ten months earlier. In the disputed feature, the applicant was mentioned twice by her full name. The family photograph, which had previously been published in the newspaper, was also broadcasted.
5. On 20 December 2005, the applicant brought proceedings against the television channel and her sister before the Riga City Zemgale District Court. The applicant requested that eight statements be declared false and offensive to her honour and dignity as well as sought retraction of the offensive information, an apology and a compensation for non-pecuniary damage. On 23 September 2008, the Riga City Zemgale District Court dismissed the applicant's claim. It accepted the defendant's argument that "*No Time for Taboos*" was an informative news programme, which was devoted to issues of importance to the public. The court concluded that the

journalist and the applicant's sister had expressed their opinions, which, in turn, had been based on facts and factual statements made by the applicant's mother. On 28 June 2010, the Riga Regional Court upheld the aforementioned judgment, and on 4 July 2011, the Supreme Court decided against instituting proceedings on points of law.

### *Application before the Court*

6. On 17 August 2010, the applicant lodged an application before the Court regarding the publication in the newspaper "Čas", and, on 27 December 2011, the applicant lodged another application before the Court regarding the story featured by the programme "No Time for Taboos". In both applications, the applicant alleged that the domestic courts in both sets of civil proceedings had failed to protect her right to respect for her private life under Article 8 of the Convention.
7. The Court found a violation of Article 8 of the Convention and ordered the Government to pay the applicant 6 500 EUR in respect of non-pecuniary damage, and 3 800 EUR in respect of costs and expenses. The Court concluded that the domestic courts in both sets of civil proceedings failed to strike a fair balance between the applicant's right to respect for her private life under Article 8 of the Convention and her relatives' right to freedom of expression as reported by the mass media under Article 10 of the Convention. In particular, the Court noted that as a private individual unknown to the public, the applicant could claim particular protection of her private life. The Court observed that only the first-instance court in the first set of civil proceedings examined the impugned publication as a whole, noting the overly negative tone and the context in which the impugned statements had been made. All other domestic courts in both sets of civil proceedings assessed each of the disputed statements separately. Further, the Court doubted whether both journalists strived to provide accurate and reliable information or had tried to find out what had happened, as the notion of responsible journalism would require. The Court did not find that family dispute discerned any contribution to a debate of public interest.

## **II.2. The case of *Dupate v. Latvia***

8. On 30 November 2004, a journal "Privātā Dzīve" published an article about the birth of the applicant's second child. The article was accompanied by nine covertly taken photographs all showing the applicant and her husband J.N. leaving hospital. The photographs were supplemented with captions addressing, *inter alia*, the quantity and type of belongings the applicant had had while in hospital and the fact that the applicant and her partner had arrived and departed in their own cars.
9. On 10 March 2006, the applicant lodged a civil claim against the publisher, the editor-in-chief, and the journalist who had written the piece. She argued that by covertly taking photographs of an important and intimate moment of her life – leaving hospital with a new-born baby – and publishing them in a magazine without her consent and in the absence of any public interest, the defendants had infringed her right to respect for her private life. On 10 January 2007, the Riga City Central District Court upheld the applicant's claim. On 11 December 2007, the Riga Regional Court overturned the first-instance court's judgment and dismissed the

applicant's claim. On 10 September 2008, the Supreme Court quashed the appellate court's judgment. It pointed out that the applicant had relied on the Court's judgment in the case of *Von Hannover v. Germany*<sup>1</sup>, and the appellate court had failed to provide reasons as to why this judgment had not been relevant for deciding the case.

10. On 11 December 2008, the Riga Regional Court adopted a new judgment again dismissing the applicant's claim, and concluded that the applicant's right to private life had not been breached. The court noted that the pictures had been taken to illustrate a specific event – the birth of the applicant's and J.N.'s second child –, these photos had not been taken whilst following the applicant's everyday private life. The court concluded that as a partner of a public person and a mother of that person's child, the applicant had to consider that she could attract media attention and that articles might contain information about the family members of said person, as had happened in the impugned "photo story". In addition, the court took into account that the applicant's attitude towards publicity had also been demonstrated in a subsequent interview published in a different magazine in 2005, a year after the impugned article, where the applicant had given information about her private life. On 22 September 2010, the Senate of the Supreme Court dismissed the applicant's appeal on points of law. The court stated that the appellate court had correctly applied the principles established by the Court in its 2004 judgment in case of *Von Hannover v. Germany*.
11. On 17 March 2011, the applicant lodged an application before the Court alleging that the domestic courts had failed to protect her right to respect for her private and family life under Article 8 of the Convention on the account of the publication of 30 November 2004 in the magazine "*Privātā Dzīve*".
12. The Court found a violation of Article 8 of the Convention and ordered the Government to pay the applicant 7 000 EUR in respect of non-pecuniary damage, and 532 EUR in respect of costs and expenses. The Court considered that while the domestic courts did engage in the balancing exercise between the right to private life and freedom of expression, this exercise had not been carried out in conformity with the criteria laid down in the case law of the Court. Most importantly, sufficient attention had not been paid to the limited contribution the article had made to issues of public importance and the sensitive nature of the subject matter shown in the photographs. In addition, the Court concluded that no distinction had been made between information partially falling within the public sphere and the publication of covertly taken photographs depicting an essentially private moment of the applicant's life. Moreover, the Court found that the assessment of the applicant's prior conduct had been flawed and the intrusive manner of taking the photographs – which had been the focus of the article – had not been considered.

### III. INDIVIDUAL MEASURES

13. The Court awarded the applicants just satisfaction in the amount as indicated below. The sums awarded by the Court have been paid to the applicants within the time limit set in the respective judgments of the Court. The Government has

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<sup>1</sup> *Von Hannover v. Germany* (application no.59320/00), judgment of 24 June 2004.

notified the Execution Department thereof, as well as submitted evidence concerning the payments of just satisfaction.

Case	Just satisfaction (EUR)	Deadline for the payment	Date of payment
<i>Rodina v. Latvia</i>	10 300	14 November 2020	11 September 2020
<i>Dupate v. Latvia</i>	7 532	19 May 2021	11 March 2021

14. Taking into account the nature of the violations found by the Court, the Government considers that no further individual measures are required in the present cases.

#### IV. GENERAL MEASURES

15. From the outset, it must be recalled that pursuant to Article 89 of the Constitution of the Republic of Latvia, which reads “[t]he State shall recognize and protect fundamental human rights in accordance with this Constitution, laws and international agreements binding upon Latvia”, the Convention has a direct effect in the Latvian legal system.
16. In the present cases, a violation of Article 8 of the Convention resulted from insufficient balancing of the interests of the applicants and the right of the media to freedom of expression including their right to publish information that could contribute to the public debate. Namely, national courts in these cases failed to strike a fair balance between both applicants’ rights to respect for their private life under Article 8 of the Convention and rights of others to freedom of expression under Article 10 of the Convention. The violations found by the Court in the above cases were isolated events resulting from insufficient knowledge by the judicial authorities of the recent case law of the Court.
17. The Government believes that in order to avoid similar violations in the future, regular training of judges on topical human rights issues as well as dissemination of the Court’s judgments in the cases of *Rodina v. Latvia* and *Dupate v. Latvia* are the most appropriate measures. Therefore, in the present Consolidated Action Report the Government provides relevant examples of the case law of the domestic courts to demonstrate that more than 10 years after the events in question in the cases of *Rodina v. Latvia* and *Dupate v. Latvia* the case law of the domestic courts as to the application of the standards set out in Article 8 of the Convention has developed. Namely, the domestic courts have significantly adapted their approach, and apply the conclusions of the Court as formulated in its most recent judgments regarding similar matters as well as properly weigh and balance all the interests at stake for the particular individual and the media.

*Awareness raising and training of the judiciary on topical human rights issues*

18. Constantly and on a regular basis, the Latvian Judicial Training Centre (“the Training Centre”)<sup>2</sup> provides continuing education and professional development courses for judges and employees of the judiciary, including on human rights issues. Each year the Training Centre creates a training programme and organizes seminars that provide judges with the latest information on topical issues of human rights. In this regard, the table below reflects the training sessions on topical human rights issues provided to judges by the Training Centre from January 2012 until June 2021. All of the lectures provided by the Training Centre and reflected in the table below had some aspects of training on issues relating to the right to respect for private life.

No.	Date	Topic of lectures
1	14 March 2012	1. Media Law I 2. Media Law II 3. Current Judgments of the ECHR in Criminal cases
2	1 June 2012	1. Discrimination (form, case law) I 2. Discrimination (form, case law) II
3	21 September 2012	Person’s Right to Private Life
4	22 October 2012	The System of Human Rights and the detection of Human Rights violations
5	7 November 2012	Current Judgments of the ECHR in Civil cases
6	12 December 2013	1. Current Judgments of the ECHR in Administrative cases 2. Protection of Personal Data
7	17 January 2014	1. Current Judgments of the ECHR in Civil cases I 2. Current Judgments of the ECHR in Civil cases II
8	24 January 2014	The Charter of Fundamental Rights of the European Union
9	12 February 2014	What a judge must take into account so that the case would not end up at the ECHR
10	15 May 2014	The Charter of Fundamental Rights of the European Union
11	27 November 2014	1. What a judge must take into account so that the case would not end up at the ECHR; 2. Current Judgments of the ECHR in Civil cases; 3. Current Judgments of the Courts of the European Union.

<sup>2</sup> The Latvian Judicial Training Centre is a foundation that provides legal education and training, as well as improves the level of professional knowledge and ethics for all judges, court employees, bailiffs and other legal professionals in Latvia; more information on the website of the LJTC: <https://www.ljtc.lv/home-1/>.



12	10 December 2014	1. The Charter of Fundamental Rights of the European Union 2. What a judge must take into account so that the case would not end up at the ECHR 3. Current Judgments of the ECHR in Administrative cases
13	24 April 2015	The Case law of the ECHR in cases against Latvia
14	6 May 2015	Competences of the ECHR, the Courts of the European Union and the Constitutional Court
15	14-18 September 2015	1. What a judge must take into account so that the case would not end up at the ECHR 2. Protection of Personal Data
16	08 December 2015	1. Application of Human Rights in Civil proceedings 2. The Case law of the ECHR in cases against Latvia
17	14-18 September 2015	1. What a judge must take into account so that the case would not end up at the ECHR 2. Protection of Personal Data
18	28 October 2015	Application of Human Rights in Civil proceedings
19	01 December 2015	1. Current Judgments of the ECHR in 2015 (Including cases against Latvia), Compensations awarded by the ECHR 2. Current case law regarding Compensations for Non-Pecuniary Damage
20	16 November 2016	1. The Case law of the Court on hate crimes and on issues relating to honour and dignity 2. Qualification of hate crimes 3. Hate crimes and freedom of speech
21	12 April 2017	1. Limits of the freedom of speech, the current Case law of the ECHR 2. Protection of honour and dignity in the context of Human Rights, the Case law of the ECHR
22	16 June 2017	1. Protection of Personal Data, Human Rights aspects, the Case law of the ECHR 2. New EU Regulation on Data Protection 3. Panel discussion on topical issues of Data Protection
23	19-23 February 2018	What a judge must take into account so that the case would not end up at the ECHR
24	25 May 2018	1. Sources of International law 2. The Case law of the ECHR – source of inspiration and source of law 3. Practical advice on the search and methodology of the rulings of the ECHR
25	17-20 September 2018	1. Current Judgments of the ECHR in Civil cases, Procedural standards 2. Current Judgments of the ECHR in Civil cases, Procedural standards (continued)

26	22 November 2018	1. Respect for Human Rights in Criminal proceedings: the role of Investigating judges 2. Decisions of the Investigating judge in the Pre-trial Investigation
27	24-28 February 2020	1. What a judge must take into account so that the case would not end up at the ECHR 2. Problems with application of Fundamental Rights: the Constitution, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights 3. Practical Methodology in working with the Case law of the ECHR

19. The Government notes that the above-mentioned lectures, training sessions and seminars were read and provided by well-known legal experts in the field of human rights. In particular, some of the lectures were read by the Agent of the Government before the Court, some by Ms. Ineta Ziemele, a former judge at the Court, the Constitutional Court of Latvia, and the current judge at the CJEU, and some by Mr. Mārtiņš Mits, a judge at the Court, as well as other legal experts and judges. These training sessions are usually well attended by judges and assistant judges. Moreover, in addition to the training provided by the Training Centre, the Government notes that judges from the domestic courts of Latvia have access to the trainings on topical human rights issues including lectures on the right to respect for private life that are provided by the European Judicial Training Network<sup>3</sup> and the Academy of European rights<sup>4</sup>.

### *Development of the case law*

20. The Government notes that in the event of an alleged violation of a person's right to respect for private and family life, pursuant to Article 1635 of *the Civil Law*, any individual may lodge a complaint before the domestic court of general jurisdiction<sup>5</sup>. However, in the event of an alleged violation of an individual's honour and/or dignity, any person may lodge a complaint before the court of general jurisdiction pursuant to Article 2352<sup>1</sup> of the *Civil Law*<sup>6</sup>. Considering that

<sup>3</sup> More information on the official website of the European Judicial Training Network: <https://www.ejtn.eu>.

<sup>4</sup> More information on the official website of the Academy of European rights: [https://www.era.int/cgi-bin/cms?\\_SID=NEW&\\_sprache=en&\\_bereich=ansicht&\\_aktion=detail&schluessel=era](https://www.era.int/cgi-bin/cms?_SID=NEW&_sprache=en&_bereich=ansicht&_aktion=detail&schluessel=era).

<sup>5</sup> Article 1635 of the Civil Law:

*"A delict is any wrongful act as a result of which damage (including non-pecuniary damage) has been caused to a third person. The person who has suffered the damage has a right to claim satisfaction from the person who caused the damage, insofar as he or she may be held responsible for such an act.*

*A non-pecuniary damage is a physical or mental suffering, which is caused as a result of the unlawful act committed against the person's non-pecuniary rights or non-pecuniary interests. The amount of compensation for non-pecuniary damage shall be determined by a court at its own discretion, taking into account the seriousness and the consequences of the caused non-pecuniary damage. (...)"*

<sup>6</sup> Article 2352<sup>1</sup> of the Civil Law:

*"Everyone has a right to seek retraction of information that injures his or her honour and dignity by instituting court proceedings, if the disseminator of the information fails to prove that such information is true.*

the case law of the domestic courts and the lack of sufficient weighing and balancing of the interests at stake in cases that were brought before the domestic courts pursuant to the above provisions of the *Civil Law* were the main reason why the Court found a violation of Article 8 of the Convention in the present cases, in the following paragraphs, the Government will provide examples of how the domestic case law under Articles 1635 and 2352<sup>1</sup> of the *Civil Law* has developed in similar cases.

*As to the case law of the national courts under Article 1635 of the Civil Law regarding person's right to private life (publishing of photos, images, and articles)*

21. In the civil case no.C30472918, relying on Article 1635 of the *Civil Law*, the claimant invoked the liability of the journal "SANTA" that published an article disclosing information about the claimant's property that at the time was for rent. Photos of the claimant's property that were taken from advertisements on real estate websites accompanied the published article, and the claimant was mentioned as the owner of the property. The publication indicated the claimant's name, surname, how long the claimant had lived in the property, the price of the property and the date of the purchase of the property, the project author of the property. Moreover, the article made an assumption that the claimant intended to change his place of residence. The court concluded that information about the claimant's private life was published without the claimant's consent, thereby unlawfully processing the personal data of the claimant (a natural person), and awarded the claimant compensation for non-pecuniary damage in the amount of 700 EUR. The judgment entered into force on 4 February 2020.
22. In the civil case no.C30526711<sup>7</sup>, relying on Article 1635 and 2352<sup>1</sup> of the *Civil Law*, the claimants invoked the liability of a newspaper "Lauku Avīze" that had published a photograph of a sauna festival in which both claimants were seen revealing intimate body parts. The picture was published without the claimants' consent, and therefore the claimants complained that their rights to respect for private life as well as their honour and dignity had been violated. The claimants stated that they – a doctor and a state official – were known in the vicinity of their place of residences, and the publication interfered with their works and adversely affected their personal life. The court noted that the society's right to know about public events would have been also respected if the contested photograph had not accompanied the article. The court further recognized that nudity is not only private but also intimate information about a person, and the publication of intimate information was not allowed according to the law. The court concluded that by publishing the contested photograph without the claimants' consent the newspaper had violated the claimants' rights to respect for private life, and awarded the

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*If the press publishes information that injures a person's honour and dignity, it shall also be retracted in the press, provided that the contested information is false. If a document contains information that injures a person's honour and dignity, such document shall be replaced. In other cases, a court shall determine the procedures for retraction.*

*If someone unlawfully injures a person's honour and dignity orally, in writing or by acts, he or she shall provide for compensation (financial compensation). A court shall determine the amount of the compensation."*

<sup>7</sup> The judgment of the Riga Regional Court of 29 February 2016 in the case no.C30526711 available at: <https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/280546.pdf>.

claimants compensation for non-pecuniary damage in the amount of 3 000 EUR each. The judgment entered into force on 20 September 2016.

23. In the civil case no.C30744419, relying on Article 1635 of the *Civil Law*, the claimant invoked the liability of the journal “*SANTA*” that had published without his consent a photograph, in which the claimant was seen attending a music festival. The published article was accompanied by information about the claimant’s past sexual offenses against minors for which the conviction had been removed. The claimant argued that disclosure of the information about his previous convictions had not been justified and had violated his right to respect for private life, his honour and his dignity. The court agreed with the claimant and awarded him compensation for non-pecuniary damage in the amount of 5000 EUR.
24. In the civil case no.C33444516<sup>8</sup>, relying on Articles 1635 and 2352<sup>1</sup> of the *Civil Law*, the claimant invoked the liability of a State limited liability company “*Latvijas Televīzija*” that aired a video on television programme entitled “*De Facto*” deliberately showing the claimant’s home with a clearly legible address number as well as mentioning in the video the street and the city where the claimant lived. The court noted that information about the claimant’s home address was personal data that related to the claimant’s private life. The court concluded that “*Latvijas Televīzija*” had disproportionately interfered with the claimant’s right to respect for private life because the processing of personal data had taken place without a legitimate aim. Further, the court noted that information about the claimant’s home address was not relevant to the story, and thus the court concluded that the interference with the claimant’s privacy was not necessary to achieve the aim of the broadcast. The court awarded the claimant compensation for non-pecuniary damage in the amount of 500 EUR. The judgment entered into force 27 March 2021.

*As to the case law of the national courts under Article 2352<sup>1</sup> of the Civil Law regarding person’s right to respect for honour and dignity (the publishing of photos, images, and articles)*

25. In the civil case no.C30566519<sup>9</sup>, relying on Article 2352<sup>1</sup> of the *Civil Law*, the claimant invoked the liability of a limited liability company that published an article on the website [www.kompromat.lv](http://www.kompromat.lv) titled “*Versions about the burning of a jeep for the most influential woman in Daugavpils [...]: from fights between the smugglers to the love triangle*”. The article indicated that in the last few years the claimant “*had appeared in at least five criminal cases regarding burning of cars and apartments in Daugavpils*”. The claimant alleged that by publishing the aforementioned information the company had damaged her honour and dignity. The court took into account the overall context of the article when assessing whether the information in the article was an opinion or an information. The court concluded that the company had published information about the claimant that was false and therefore damaged the claimant’s honour and dignity. The court awarded

<sup>8</sup> The judgment of the Riga Regional Court of 24 February 2021 in the case no.C334444516 available at: <https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/444679.pdf>.

<sup>9</sup> The judgment of the Riga Regional Court of 21 September 2020 in the case no.C30566519 available at: <https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/423988.pdf>.

the claimant compensation for non-pecuniary damage in the amount of 100 EUR. The judgment entered into force on 22 October 2020.

26. In the civil case no.C12265117<sup>10</sup>, relying on Article 2352<sup>1</sup> of the *Civil Law*, the claimant invoked the liability of a limited liability company that published an article on the website [www.gorod.lv](http://www.gorod.lv) stating false information about the claimant. Namely, the article claimed that the claimant had been convicted for burning vehicles calling the claimant a “repeatedly tried recidivist”. The claimant alleged that by publishing the aforementioned false information the company had damaged his honour and dignity. The court concluded that the company had published false information about the claimant because at the time of the event the claimant’s criminal record had been cleared, and thus the article damaged his honour and dignity. The court awarded the claimant compensation for non-pecuniary damage in the amount of 100 EUR. The judgment entered into force on 1 April 2019.
27. In the civil case no.C29410517<sup>11</sup>, relying on Article 2352<sup>1</sup> of the *Civil Law*, the claimant invoked the liability of a State limited liability company “Latvijas Televīzija” that had broadcasted a feature about a company registered in Estonia alleging that the company was most likely laundering money, and falsely associated the company with the claimant. The claimant alleged that it damaged his reputation and could have damaged the views of his partners and customers about the claimant as the claimant was a businessman. The court found that the feature presented information about the claimant in a negative light. Analysing the context of the feature, the court concluded that the feature gave a false impression that the claimant had been involved in criminal activities and thus damaged the claimant’s honour and dignity. The court awarded the claimant compensation for non-pecuniary damage in the amount of 500 EUR. The judgment entered into force on 4 July 2019.
28. In the civil case no.C30763518<sup>12</sup>, relying on Article 2352<sup>1</sup> of the *Civil Law*, the claimant invoked the liability of person B who had published an article about a family dispute on the website [www.pietiek.com](http://www.pietiek.com). The impugned article stated that the claimant for greedy purposes had been fighting against the family of the person B, had forbidden the person B to meet with her grandchildren as well as the claimant had wished to confiscate the property of the person’s B family. The court found that the article contained information rather than an opinion of the person B. The court also found that the article portrayed the claimant in a negative light as well as alleged that the claimant had taken part in criminal activities. The claimant was a socially active person; therefore, the publication had negatively affected his reputation. Overall, the court concluded that the claimant’s right to respect his honour and dignity had been violated. The court of first instance awarded the claimant compensation for non-pecuniary damage in the amount of 500 EUR. The judgment entered into force on 7 June 2019.

<sup>10</sup> The judgment of the Latgales Regional Court of 22 February 2019 in the case no. C12265117 available at: <https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/397121.pdf>.

<sup>11</sup> The judgment of the Riga Regional Court of 9 January 2019 in the case no. C29410517 available at: <https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/387575.pdf>.

<sup>12</sup> The judgment of the Vidzemes District Court of the City of Riga of 17 May 2019 in the case no. C30763518 available at: <https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/412631.pdf>.

29. In the civil case no.C31386210<sup>13</sup>, the Supreme Court of the Republic of Latvia assessed the amount of compensation for non-pecuniary damage awarded by the court of appeals under Article 2352<sup>1</sup> of the *Civil Law* for publishing in a newspaper false and defamatory information about the claimant. In this case, the Supreme Court stated that, when determining compensation, the domestic courts must also take into account the compensation awarded by the Court in similar cases. Thus, the Supreme Court underlined that when determining the compensation that should be awarded to individuals for violation of their rights, domestic courts should not only take into account the economic possibilities of the State, but the compensation for non-pecuniary damage should not, in principle, be significantly lower than the minimum determined by the Court in similar cases.
30. In 2021, the Supreme Court of the Republic of Latvia released a case law guide on civil cases regarding the protection of honour and dignity under Article 2352<sup>1</sup> of the *Civil Law* in the period between 2000 and 2021.<sup>14</sup> The case law guide systemizes the conclusions of the Supreme Court under Article 2352<sup>1</sup> of the *Civil Law* as well as contains conclusions of the Court under Article 8 of the Convention with regard to protection of a person's honour and dignity together with references to the relevant case law of the Court. The guide is published on the official website of the Supreme Court, and is an authoritative and publicly known source of information on the application of legal norms.<sup>15</sup>

### *Dissemination of the judgments*

31. The Government informs that on the day of the delivery of the judgments in the cases of *Rodina v. Latvia* and *Dupate v. Latvia*, press releases on the Court's judgments were issued, summarising the facts of the cases, the Court's conclusions and reasoning, including references to the judgments and a web link to the website of the Court's case law and published on the official website of the Ministry of Foreign Affairs.<sup>16</sup> Summaries of both cases were added to the collection of the case law on Article 8 of the Convention on the official page of the Supreme Court of

<sup>13</sup> The judgment of the Supreme Court of 19 December 2014 in the case no.C31386210, para.9.2, available at: <https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/196734.pdf>.

<sup>14</sup> The case law guide of the Supreme Court: "Goda un cieņas civiltiesiskā aizsardzība. Tiesu prakses apkopojums 2000.-2021.gada maijs", available at: <https://at.gov.lv/en/tiesu-prakse/tiesu-prakses-apkopojumi/civiltiesibas>.

<sup>15</sup> Ibid.

<sup>16</sup> The press release of the case of *Rodina v. Latvia* is available at:

<https://www.mfa.gov.lv/aktualitates/zinas/65996-eiropas-cilvektiesibu-tiesa-pasludina-spriedumu-lieta-rodina-pret-latviju>; The press release of the case of *Dupate v. Latvia* is available at: <https://www.mfa.gov.lv/aktualitates/zinas/67030-eiropas-cilvektiesibu-tiesa-pasludina-spriedumu-lieta-dupate-pret-latviju>.

the Republic of Latvia<sup>17</sup> as well as on website for legal professionals *Jurista Vārds*<sup>18</sup> and on website portals.lv<sup>19</sup>.

32. Moreover, on 27 November 2020, the Riga Graduate School of Law in cooperation with the Ministry of Foreign Affairs of the Republic of Latvia hosted the annual conference devoted to the topical issues on human rights<sup>20</sup>. During the conference, the Court's judgments in the cases of *Rodina v. Latvia* and *Dupate v. Latvia* were discussed. The conference is held annually, and is attended by representatives of various legal professions – judges and their assistants, prosecutors, lawyers, ministry officials, members of the parliament and representatives of its Legal bureau, representatives of the Ombudsman's Office and non-governmental organisations, as well as students.

## V. CONCLUSIONS OF THE MEMBER STATE

13. The Government believes that no further individual measures, in addition to the payment of just satisfaction already made, are necessary or required in the present case. Moreover, in the Government's strong view, the general measures undertaken, including but not limited to the dissemination of the Court's judgments, and the development of the domestic case law in similar cases fulfil the requirements arising from the Court's judgments in the present cases and will prevent similar violations in the future. Accordingly, the measures taken are sufficient to conclude that Latvia has complied with its obligations under Article 46, paragraph 1, of the Convention concerning the violations of Article 8 of the Convention found by the Court in the cases of *Rodina v. Latvia* and *Dupate v. Latvia*, and therefore the examination of the present cases should be closed.



**Kristīne Līce**

Agent of the Government of the Republic of Latvia  
Riga, 28 July 2021

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<sup>17</sup> The summary of the Court's judgment in the case of *Rodina v. Latvia* in Latvian is available at: <https://at.gov.lv/lv/tiesu-prakse/ect-nolemumu-arhivs/eiropas-cilvektiesibu-un-pamatbrivibu-aizsardzibas-konvencija/pec-pantiem?list=2344&etclaw=true&page=10>; The summary of the Court's judgment in the case of *Dupate v. Latvia* in Latvian is available at: <https://at.gov.lv/lv/tiesu-prakse/ect-nolemumu-arhivs/eiropas-cilvektiesibu-un-pamatbrivibu-aizsardzibas-konvencija/pec-pantiem?list=2344&etclaw=true&page=3>.

<sup>18</sup> The summary of the Court's judgment in the case of *Dupate v. Latvia* in Latvian is available at: <https://juristavards.lv/zinas/277679-eiropas-cilvektiesibu-tiesa-pasludina-spriedumu-lieta-dupate-pret-latviju>.

<sup>19</sup> The summary of the Court's judgment in the case of *Rodina v. Latvia* in Latvian is available at: <https://lvportals.lv/dienaskartiba/316158-eiropas-cilvektiesibu-tiesa-pasludina-spriedumu-lieta-rodina-pret-latviju-2020>.

<sup>20</sup> Information regarding the conference available at the official website of the Riga Graduate School of Law: <https://www.rgsl.edu.lv/news-and-events/news/rja-rikota-ikgadeja-cilvektiesibu-konference-27novembri-linki-uz-video>.