Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

23 September 2021 [shall come into force on 29 September 2021].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on the Prohibition of Discrimination of Natural Persons – Participants to a Legal Transaction**

[*23 September 2021*]

**Section 1.** The purpose of the Law is to determine the prohibition of differential treatment in respect of:

1) a natural person who is not conducting economic activity or a natural person who publicly offers goods or service to another natural person outside his or her economic activity for remuneration or purchases goods or service from another natural person for remuneration;

2) a natural person who will conduct or conducts economic activity for remuneration (hereinafter the person referred to in Clauses 1 and 2 – the participant to a legal transaction).

[*23 September 2021*]

**Section 2.** (1) Differential treatment of the participant to a legal transaction due to his or her gender, age, religious, political, or other conviction, sexual orientation, disability, race, or ethnic origin in relation to his or her access to economic activity, access to goods and services, supply of goods and provision of services is prohibited.

(2) Within the meaning of this Law, access to economic activity shall also include the commencement, expansion, or equipping of economic activity or the commencement or expansion of an activity of any other kind.

[*23 September 2021*]

**Section 3.** (1) Differential treatment of the participant to a legal transaction shall be permitted if access to economic activity and access to goods and services, supply of goods and provision of services only or mainly to persons of the same gender, age, religious, political, or other conviction, sexual orientation, disability, race, or ethnic origin is objectively justified with a legal purpose the means selected for the achievement of which are commensurate.

(2) Differential treatment of the participant to a legal transaction due to disability shall be permitted if it is objectively justified with a legal purpose the means selected for the achievement of which are commensurate or if ensuring of equal treatment imposes incommensurate burden on the other party.

(3) The prohibition of differential treatment of the participant to a legal transaction shall not concern the freedom of entering into contracts, except for the case when the choice of the participants to a legal transaction is justified by the gender, age, religious, political, or other conviction, sexual orientation, disability, race, or ethnic origin of the person.

[*23 September 2021*]

**Section 4.** (1) If in case of a dispute the participant to a legal transaction points towards circumstances which might be the grounds for his or her direct or indirect discrimination due to gender, age, religious, political, or other conviction, sexual orientation, disability, race, or ethnic origin, the defendant has an obligation to prove that the prohibition of differential treatment has not been violated.

(2) Direct discrimination is the treatment towards a person which is, has been or would be less favourable than towards another person in a comparable situation due to the gender, age, religious, political or other conviction, sexual orientation, disability, race, or ethnic origin thereof. Indirect discrimination is an evidently neutral provision, criterion or practice which creates or could create an unfavourable outcome for a person due to the gender, age, religious, political or other conviction, sexual orientation, disability, race, or ethnic origin thereof, except for the case where such provision, criterion or practice is objectively justified with a legal purpose for the achievement of which the selected means are commensurate.

(3) Discrimination shall also be considered to be the harassment against or intention to discriminate a person.

(4) Harassment is the subjection of a person due to the gender, age, religious, political or other conviction, sexual orientation, disability, race, or ethnic origin thereof to a conduct which is unwanted in the opinion of this person (including a conduct of a sexual nature), with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, humiliating or degrading environment.

(5) Discrimination due to gender shall also be considered to be the less favourable attitude towards a woman during pregnancy or in the period following the birth up to one year, but if a woman is breastfeeding, throughout the period of breastfeeding.

[*23 September 2021*]

**Section 5.** If the prohibition of differential treatment is violated, the participant to a legal transaction has the right to request that he or she is ensured access to economic activity or goods or services are offered or sold, or provided, and also to request a compensation for losses and a compensation for moral damages. In case of a dispute the amount of compensation for moral damages is determined by the court.

[*23 September 2021*]

**Section 6.** It is prohibited to directly or indirectly cause unfavourable consequences for the participant to a legal transaction if he or she is defending his or her rights in accordance with the procedures laid down in this Law.

[*23 September 2021*]

**Section 7.** If the prohibition of differential treatment or prohibition to cause unfavourable consequences is violated, the participant to a legal transaction may receive legal aid in accordance with the Ombudsman Law, and also to turn to the court in accordance with the procedures laid down in the law.

[*23 September 2021*]

**Transitional Provision**

With the coming into force of this Law the Law on the Prohibition of Discrimination of Natural Persons – Performers of Economic Activity (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2009, No. 13; *Latvijas Vēstnesis*, 2010, No. 43), is repealed.

**Informative Reference to European Union Directives**

This Law contains legal norms arising from:

1) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;

2) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;

3) Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services;

4) Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation;

5) Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC.

This Law has been adopted by the *Saeima* on 29 November 2012.

President A. Bērziņš

Rīga, 19 December 2012