

**Reply of the Republic of Latvia to the UN OHCHR
questionnaire on National Human Rights Institutions and Human Rights
Defenders¹**

1.	<p>a) Please provide a brief overview of the legislative framework adopted to establish a National Human Rights Institution (hereafter „the Institution”) in your country. Please cite the names of any such laws or regulations in full</p> <p>National Human Rights Office (NHRO) was established 1995 in accordance with the UN Paris Principles as a state institution with a mandate to raise awareness and promote understanding and observance of human rights. In 2007, using the institutional basis of the NHRO, through reinforcing the institution’s independence and expanding its competence, the Ombudsman’s Office, which is Latvian National Human Rights Institution (NHRI) was established. The Ombudsman Law regulates the performance of the Ombudsman Office. The Ombudsman Law was adopted by the Parliament on 6 April 2006 and it came into force on 1 January 2007.</p> <p>The Ombudsman Office was established in accordance with the Paragraph 1 of the Section 18 of the Ombudsman Law:</p> <p>„In order to ensure the activities of the Ombudsman, the Ombudsman’s Office shall be established.”</p> <p>b) Please indicate how these laws and regulations comply with international human rights standards, and in particular, the Paris Principles</p> <p>The Ombudsman Law ensures the functional authority of the Institution at the decision making level, however full functional authority until now has been dependent on the Government’s decision on the allocation of the financial resources (detailed explanation is provided under the section 5a)</p> <p>According to the Paris principles, the Institution should be adequately funded and it must be available to the general public. The additional financial resources might be necessary in order to improve the performance of these two tasks.</p>
2.	<p>a) Please provide details outlining the mandate adopted by the Institution in relation to the protection of and promotion of human rights in accordance with the range of competences and responsibilities specified in the Paris Principles</p> <p>According to the Section 11 of the Ombudsman Law, <u>the Ombudsman Office have the following functions:</u></p> <p>1) to promote the protection of the rights and lawful interests of a private individual;</p> <p>2) to promote the compliance with the principles of equal treatment and prevention of</p>

¹ Information provided by the Ombudsman Office of the Republic of Latvia

any kind of discrimination;

3) to evaluate and promote the compliance with the principles of good administration in the State administration;

4) to discover deficiencies in the legislation and the application thereof regarding the issues related to the observance of human rights and the principle of good administration, as well as to promote the rectification of such deficiencies; and

5) to promote the public awareness and understanding of human rights, of the mechanisms for the protection of such rights and the activities of the Ombudsman.

In the performance of the functions and tasks specified by the Ombudsman Law, the Ombudsman has the right:

1) to request and receive free of charge from an institution the documents necessary for a verification procedure (administrative acts, procedural decisions, letters), explanations and other information;

2) to visit institutions in order to obtain the information necessary for a verification procedure;

3) at any time and without a special permit to visit closed-type institutions, to move freely within the territory of the institutions, to visit all premises and to meet in private the persons held in closed-type institutions;

4) to hear the opinion of a child without the presence of his or her parents, guardians, employees of educational or child care and instructional institutions, if the child so wishes;

5) to invite any private individual to submit documents, provide explanations and other information regarding the issues of fundamental importance in a verification procedure;

6) to initiate a verification procedure on his or her own initiative;

7) to request and receive opinions of specialists in a verification procedure;

8) to submit an application regarding the initiation of proceedings in the Constitutional Court if an institution that has issued the disputable act has not rectified the established deficiencies within the time limit specified by the Ombudsman;

9) upon termination of a verification procedure and establishment of a violation, to defend the rights and interests of a private individual in court, if that is necessary in the public interest;

10) upon termination of a verification procedure and establishment of a violation, to apply to a court in such civil cases, where the nature of the action is related to a violation of the prohibition of differential treatment;

11) on the basis of the materials at his or her disposal, to consult other competent institutions in order to decide the issue regarding the initiation of proceedings;

	<p>12) to participate in sittings of the Cabinet of Ministers with advisory rights</p> <p>b) Please indicate whether the Institution is mandated to consider and/or adjudicate individual complaints of human rights violations</p> <p>The Ombudsman's Office is authorized to accept and examine submissions, complaints and proposals of private individuals and to give an opinion of an advisory nature.</p> <p>c) If relevant, please indicate whether the mandate is limited to specific rights or whether complaints against the Government, the police and/or the military are permitted and how they are dealt with</p> <p>The Ombudsman Office is not authorized to initiate disciplinary proceedings against a person, however it can invite the head of institution (responsible person) to evaluate the possibility of finding the solution in the cases when problematic situations occur, on the basis of given instructions and complaints.</p> <p>d) In this regard, please indicate whether the Institution is empowered to carry out protection related functions including providing remedies to victims of human rights violations, witness protection mechanisms and conducting visits to detention facilities</p> <p>The Ombudsman Office conducts regular monitoring visits to closed-type institutions, including detention facilities. The visits can be conducted at any time and without a special permit to visit, representatives of the Ombudsman Office have a right to move freely within the territory of the institutions, to visit all premises and to meet in private the persons held in closed-type institutions.</p> <p>Funding for remedies to victims of human rights violations or witness protection mechanisms is not included in the budget of the Ombudsman Office.</p>
3.	<p>a) Please indicate what specific activities and programmes the Institution carries out in relation to the protection of human rights defenders</p> <p>Paragraph 3 of the Section 23 of the Ombudsman Law stipulates that it is prohibited to apply sanctions to a submitter or to otherwise directly or indirectly cause adverse consequences for him or her due to the fact that a submission, complaint or proposal has been submitted to the Ombudsman's Office or due to the co-operation with the Ombudsman's Office.</p> <p>Special programmes are currently not implemented, as the Ombudsman Office has not received any applications to provide protection of human rights defenders and it is not aware of the need for such protection.</p> <p>The Ombudsman's Office supervises the implementation of the principles of equality and nondiscrimination regarding the defenders of human rights.</p>

	<p>b) Please indicate what mechanisms, if any, are in place within the Institution to ensure that human rights defenders at risk are protected (e.g. through protection programmes, early warning systems or by submitting complaints to regional/international bodies on specific cases)</p> <p>Please see the section 3a.</p>
4.	<p>a) Please indicate whether any member of the Institution’s staff has ever been the victim of threats or harassment as a result of work carried out on behalf of the organisation</p> <p>No, there have been no such cases.</p> <p>b) Please specify what mechanisms, if any, are in place to protect Institution members investigating human rights violations. If applicable, please specify what mechanisms at the institutional, national, regional and international level have been employed to protect Institution members</p> <p>The Institution is guarded by a physical security system for prevention of potential threats and attacks. The Ombudsman Office in the coming months will also provide health insurance for its employees.</p>
5.	<p>a) Please indicate the main sources of funding for the Institution</p> <p>The main sources of funding are :</p> <ul style="list-style-type: none"> - State budget; - Revenues from lease of the premises; - Funding of foreign partners for research and specific projects; - Financial resources from the European Return Fund (01.11.2011.- 30.06.2012.) <p>The Ombudsman’s Office does not have full financial authority, the Ombudsman’s Office is financed from the State budget and the Cabinet of Ministers determines allocation of financial resources, considering the national priorities. The opinion of the Ombudsman’s Office representatives is taken into consideration during the sittings of the Cabinet of Ministers, when the budgetary issues are being addressed. In 2012 for the first time the Ombudsman’s Office prepared additional budgetary request, which was submitted to Saeima so that final decision on the budget of the Ombudsman’s Office of 2013 could be made.</p> <p>The Ombudsman’s Office participates in various fund projects (for example, Friedrich Ebert Foundation, Nordic – Baltic Mobility program), which help to attain additional funding for different projects, research, and exchange of experience visits.</p> <p>The supervision function of the forced returnees has been delegated to the Ombudsman’s Office in July, 2011, within already allocated budget. To cover part of the expenses related to the supervision function, the Ombudsman’s Office submitted a project application to the Interior Ministry and requested funding was received from the</p>

	<p>European Refugee Fund.</p> <p>b) In this regard, please indicate whether any challenges exist, particularly in relation to the functional autonomy of the organisation and how this impacts on the work of the Institution</p> <p>The additional financial resources would be necessary to provide sufficient staffing capacity, to improve capability to examine applications, to examine cases in shorter periods of time and overall to ensure full efficiency of the Ombudsman's Office, including conduct of preventive measures, research of human rights issues, promotion of public awareness on human rights, promotion of good governance, availability in regions, improvement of personnel qualification and participation in workshops and courses for NHRI.</p>
6.	<p>a) Please describe the procedures in place relating to the selection and appointment of members of the governing body</p> <p>Employee selection is performed in two main ways.</p> <p>First, the Ombudsman is appointed in the office by the Saeima (the Parliament) pursuant to the proposal of not less than five members of the Saeima. As the Ombudsman may be approved a citizen of Latvia having unimpeachable reputation, who has attained 30 years of age, has a higher education, has knowledge and work experience in the field of law enforcement and who in accordance with the requirements of the law is entitled to receive a special permit for access to the official secret. A citizen with dual citizenship may not be appointed as the Ombudsman.</p> <p>The other office staff is selected by using the job advertisements or by the rotation within the existing office structure. The employees of the office are appointed by the Ombudsman.</p> <p>b) Please indicate what mechanisms are in place to ensure independent scrutiny of candidates and security of tenure for members of the governing body</p> <p>Employment relationships of the employees of the Ombudsman's is regulated by the Labour Law.</p>