

Latvia

Ombudsman's Office of the Republic of Latvia

Independence and effectiveness of the NHRI

International accreditation status and SCA recommendations

The Latvian NHRI was [accredited](#) with A status in March 2015. During its assessment, the SCA encouraged the NHRI to advocate for further guarantees to ensure the tenure of the members of the decision-making body of the NHRI, the protection of the Ombudsman from undue interference from the Parliament, and sufficient funding for the NHRI to carry out its growing mandate.

In-focus section on COVID-19 measures

Most significant impacts of measures taken in response to the COVID-19 outbreak on the rule of law in the country

On 16 March 2020, the Latvian government, on its own initiative, informed the Council of Europe pursuant to the **derogation clause contained in Article 15 of the European Convention on Human Rights** that the restrictions adopted due to the state of emergency could potentially exceed the limits already allowed by the European Convention on Human Rights to ensure the legitimate aim of “public health”. The Ombudsman of the Republic of Latvia has provided an explanation to the public and politicians that the limitations allowed by the derogation clause contained in Article 15 of the Convention are to be interpreted narrowly, allowing for deviation from obligations, only to the extent that the extraordinary nature of the situation inevitably requires. This does not mean that the Latvian government, using the declared state of emergency, may disproportionately restrict the rights of the population in areas and in ways that are not inevitably necessary to ensure public health - to control the COVID-19 epidemic.

So far, the Ombudsman's Office has received many complaints about issues related to receiving the **downtime allowance**. To support employees and employers, the government has developed criteria for how employees working in companies affected by the COVID-19 pandemic emergency can receive a downtime allowance of 75% of their

monthly income, up to a maximum of € 700. The Ombudsman has been very active in expressing opinions and this issue.

The Ombudsman has also expressed the opinion that the state, through local governments, in this emergency situation provides free lunches to those groups of the society that need it the most, or disadvantaged and low-income persons and large families. But the fact that lunches are not provided for those groups who are not among the **most vulnerable groups** does not constitute discrimination.

The ombudsman also focuses on **closed institutions**. In relation to them, the Ombudsman drew the government's attention to the observance of the COVID-19 restriction measures.

There have also been issues of respect for **legal equality** in an emergency.

There has also been public interest in caring for **children** and meeting children with parents they do not live with.

The ombudsman prepared more extensive material for the public on how not to fall into the trap of **human trafficking organizers and fraudsters** during an emergency crisis.

References

- The Ombudsman's statement (in Latvian) on the state of emergency is available here: <http://www.tiesibsargs.lv/news/lv/tiktal-ciktal-jeb-vai-arkarteja-situacija-var-but-pamats-cilvektiesibu-ierobezosanai>
- Due to too strict criteria for granting downtime allowance, an employee can end up receiving almost nothing(29.04.2020.) In Latvian <http://www.tiesibsargs.lv/news/lv/parak-strikto-dikstaves-pabalsta-pieskirsanas-kriteriju-del-darbinieks-beigas-var-sanemt-vien-ciku>
- Opinion of the Ombudsman on setting the minimum threshold for downtime allowance(23.04.2020.) In Latvian <http://www.tiesibsargs.lv/news/lv/tiesibsarga-viedoklis-par-dikstaves-pabalsta-minimala-slieksna-noteiksanu>
- Downtime allowance should receive also available to patent payers and self-employed pensioners(21.04.2020.) In Latvian <http://www.tiesibsargs.lv/news/lv/dikstaves-pabalsts-pienakas-ari-patentmaksas-maksatajiem-un-pasnodarbinatiem-pensionariem>
- Downtime allowance should be available to all doctors not directly involved in overcoming the COVID-19 crisis, too(07.04.2020.) In Latvian <http://www.tiesibsargs.lv/news/lv/dikstaves-pabalstu-jasanem-visiem-medikiem-kas-nav-tiesi-iesaistiti-COVID-19-krizes-parvaresana>
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- The Ombudsman draws the government's attention to the observance of COVID-19 restriction measures in closed type institutions(30.03.2020.) In Latvian <http://www.tiesibsargs.lv/news/lv/tiesibsargs-vers-valdibas-uzmanibu-uz-COVID-19-ierobezosanas-pasakumu-ieverosanu-slegta-tipa-iestades>
- The Ombudsman calls on the Riga City Council not to discriminate between doctors(07.04.2020.) In Latvian <http://www.tiesibsargs.lv/news/lv/tiesibsargs-aicina-rigas-domi-neskirot-medikus>
- How does the emergency affect childcare and the child's meeting with non-cohabiting parents?(08.04.2020.) In Latvian <http://www.tiesibsargs.lv/news/lv/ka-arkarteja-situacija-ietekme-bernu-pieskatsianu-un-berna-tiksanos-ar-vecakiem-kas-nedzivo-kopa>
- How not to fall victim to human trafficking or fraud during a coronavirus pandemic?(22.04.2020.) In Latvian <http://www.tiesibsargs.lv/news/lv/ka-neklut-par-cilvektirdzniecibas-vai-krapniecibas-upuri-koronavirusa-pandemijas-laika>

