

## Latvia

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### *Ombudsman's Office of the Republic of Latvia*

#### **International accreditation status and SCA recommendations**

The Latvian NHRI was reaccredited with A status in December 2020. In its review, the SCA encouraged the Latvian NHRI to advocate for the formalization and application of a broader and more transparent process for the selection and appointment of the Ombudsman. The SCA also called on the NHRI to advocate for appropriate amendments to its legislation to ensure an independent and objective dismissal process of the position of Ombudsman, an explicit limitation to the possibility of consecutive re-appointments of the Ombudsman's term of office, and stronger protection from criminal and civil liability for actions taken by the Ombudsman in their official capacity in good faith. The SCA also recommended the Ombudsman to continue efforts to address all human rights issues affecting the society, including economic, social and cultural rights, and that accredited NHRIs should take reasonable steps to enhance their effectiveness and independence in line with the Paris Principles and the recommendations of the SCA.

#### **Independence and effectiveness of NHRIs**

##### **Changes in the regulatory framework applicable to the Institution**

The Ombudsman has taken action on the recommendations of the SCA. Since 7 January 2021, amendments to the Ombudsman Law provide that the Ombudsman's appointment shall be approved in the office by the Saeima pursuant to the proposal of not less than ten members of the Saeima (previously five members) and that the same person can be Ombudsman for maximum two terms (of five years each).

##### **Developments relevant for the independent and effective fulfilment of the NHRIs' mandate**

The ability of the Ombudsman's Office of the Republic of Latvia to fulfil its mandate independently and effectively was reaffirmed by the re-accreditation of A status in December 2020 by the SCA.

## Check and balances

### Trust in state authorities

On 9 December 2020 the Ombudsman organised its Annual Conference which focused on "Why is it difficult to trust the opinion and decisions of the government in a crisis situation?". The topic was discussed from three perspectives – from a scientific perspective, from a business and law perspective, in particular stressing the challenges of disinformation and how government decisions affect businesses, and from a human rights perspective, namely what is the role of constitutional and human rights in a crisis situation. The COVID-19 crisis has indicated the tension between individuals' right to freedom, including freedom of speech and the obligation of the state to take care of safety and health of the society. Disinformation that can be observed in the society can hinder citizens' trust in the work of the Government. The Ombudsman stresses that although government decisions must be taken fast, they need to be thoughtful and proportionate.

### NHRI as part of the system of checks and balances

During 2020 Ombudsman submitted four applications to the Constitutional Court on the following topics where it has found problematic issues: minimum disability pension; minimal amount of the state old-age pension; the amount of the state fee for the partner of the estate-leaver for registering the ownership rights in the Land Register; increase of the state financing for increasing the remuneration of health care workers. The Ombudsman sent a letter to the Cabinet of Ministers on two aspects: to provide society-based services on the whole territory of the state, including for persons benefiting from state financed support; and recommended to discontinue the institutionalisation of people with disabilities starting from 1 January 2024.

## Impact of measures taken in response to COVID-19 on the national rule of law environment

### Most significant impacts of measures taken in response to the COVID-19 outbreak on the rule of law and human rights protection

The Ombudsman has continued to play its role of monitoring the government's measures and their impact on human rights, expressing opinions and making recommendations to EU and national policy makers in particular as regards the need to respect and promote economic and social rights, the right to healthcare and the importance of engaging in transparent communication with the public.

The Ombudsman monitored the government's decisions taken in the framework of the containment of the COVID-19 pandemic to ensure that restrictions were adequate, and that the society was being informed timely and accurately.

Special attention was paid to people in institutions, as people living in institutions are at higher morbidity risk. The Ombudsman stressed the importance of timely health care for people residing in closed-type institutions. The Ombudsman sent a letter about COVID-19 control measures to the Cabinet of Ministers, the Ministry of Welfare, to social care and social rehabilitation centres, and to institutions for children care.

On 13 October 2020 the Ombudsman together with the NGO "Latvian Movement for Independent Living" organized a press briefing on the reality of the deinstitutionalisation process and of the conditions of people in state social care institutions that does not meet the conditions that have been promised and hoped for.

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