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Impact of 2022 ENNHRI rule of law reporting

Follow-up by State authorities

With regard to initiatives on the part of state authorities to address any of the issues reported on in the 2022 ENNHRI rule of law report, the member indicated that the Whistleblowing Law[1] had come into force on 4 January 2022. In a verification procedure (investigation case), the Ombudsman concluded that the whistleblower rights protection mechanism established in the law was not clear. The Whistleblower Law does not specify the competent institution that would ensure the control of whistleblower issues, including verifying whether the institution examining the whistle-blower's report has ensured the protection of their personal rights. The Ombudsman suggested the Prosecutor's Office as a potential competent institution, calling on the State Chancellery to take measures to eliminate the identified deficiencies.

On 13 October 2022, the Parliament adopted the Law on "Transparency in Interest Representation"[2] widely known as the" Law on Lobbying", to further regulate the communication of representatives of various interests with state representatives. The Law entered into force on 1 January 2023. The register of interest representation, where authorities would publish information about interest representation activities/lobbying activities, will start functioning on 1 September 2025.

It is worth noting that, while some actions were taken to foster a rule of law culture, there were also instances where the rule of law was threatened. The Ombudsman has repeatedly criticised the Parliament's inability or unwillingness to respect and comply with rulings of the Constitutional Court. This has been the case with a ruling on civil partnership[3], as well as – partially – on rulings on minimum income levels[4]. Furthermore,

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the independence of the courts was called into question when the Parliament refused to confirm Ms Sanita Osipova (a former Constitutional Court judge) as a judge at the Supreme Court because she had previously spoken in favour of the civil partnership law[5]. Other judges have expressed concern that this may lead to potential personal repercussions following politically "inconvenient" rulings and thereby posing threat to judiciary independence.

Follow-up initiatives by the Institution

The Ombudsman continues to raise awareness and advocate on the issues related to the rule of law in Latvia, also by addressing opinions and recommendations to state authorities to flag rule of law shortcomings at national level.

NHRI's Recommendations to national and European policy makers

The Ombudsman recommends regional and state authorities to continue the good practice of consulting NHRIs and involving NHRIs in the legislative process. A good example of this was FRA's initiative to consult NHRI's regarding the EU Screening Regulation in 2022. This initiative, as well as a continuous involvement of civic society, can further help keep up with the everchanging legislative landscape and through this, enhance capacity to protect and promote the rule of law.

Implementation of regional actors' and NHRI's recommendations on rule of law (from previous year) and actions undertaken by NHRI to facilitate implementation

State authorities' follow-up to regional actors' recommendations on rule of law

Several activities and measures have been taken in Latvia to follow-up on the recommendations concerning the rule of law issued by European Commission. For instance, civic engagement and civil society have been strengthened.

Furthermore, with regards to the following EC recommendations to Latvia:

1. "Continue efforts towards the swift adoption and effective implementation of the Action Plan 2021-2024 to prevent corruption".
   On 10 February 2022, Latvia's Fifth National Open Governance Action Plan for 2022-2025[6] was adopted to ensure openness and accountability to the public authorities, as well as public participation.
2. "Continue efforts towards adopting the draft legislation on lobbying, and following that, ensure the setting-up of a special lobby register".
   On 13 October 2022, the Parliament adopted the Law on "Transparency in Interest Representation"[7], among other providing for the setting-up registry of representers of interests (lobbyists) and Interest representation declaration system registering cases of lobbying.
3. "Take measures to increase the participation of civil society in decision-making at local level".

Since 1 January 2023, the Law on Local Governments has come into force and includes different forms of civil society involvement at the municipal level: a) advisory councils and commissions, b) newsletters; c) public hearings; d) collective submission; e) resident councils; f) municipal referendum.

The public portal of legal drafts (TAP portal) is a national information system used to ensure the functioning of the Cabinet, to inform the public and to ensure participation in the drafting of legislation.[8]

NHRI's follow-up actions supporting implementation of regional actors' recommendations

To support implementation of recommendations of regional actors, the Ombudsman cooperates with relevant authorities, including local governments, and takes action to inform society through close cooperation with the media - especially the public broadcasting of Latvia.

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Independence and effectiveness of the NHRI

International accreditation status and SCA recommendations

The Ombudsman of the Republic of Latvia was re-accredited with A-status in December 2020.[9] Among the recommendations, the Sub-Committee on Accreditation (SCA) was of the view that the selection and appointment process enshrined in the Ombudsman Law was not sufficiently broad and transparent. It noted that the Latvian NHRI has proposed amendments to its enabling law to provide for the advertisement of vacancies and the ability for all interested candidates to submit their application prior to the proposal being made by the members of Parliament. The SCA encouraged the NHRI to advocate for the formalisation and application of a broad and transparent process. With regard to the provisions on dismissal of the Ombudsman, the SCA took the view that the process does not provide sufficient procedural safeguards to ensure that it could not be undertaken for political reasons. It encouraged the Latvian NHRI to advocate for appropriate amendments to its Law to ensure an independent and objective dismissal process. Further, the SCA noted that the enabling Law is silent on the number of times the Ombudsman can be re-appointed. It encouraged the Latvian NHRI to advocate for amendments to its enabling law to provide for limits on the term of office. Finally, the SCA encouraged the NHRI to advocate for the inclusion in its founding legislation of express provisions that clearly establish the functional immunity of the Ombudsman for actions taken in his or her official capacity in good faith.

Follow-up to SCA Recommendations and relevant developments

Amendments to the Ombudsman Law (entering into force on 8 February 2021) state that the same person may serve as Ombudsman for not more than two consecutive terms.[10]

The Amendments to the Ombudsman Law envisage that the Ombudsman shall be approved in the office by the Parliament (Saeima) pursuant to the proposal of not less

than ten members of the Parliament (before only five members of the Parliament could submit the proposal).

The following documents signed by the candidate nominated for the office of the Ombudsman shall be appended to the submission regarding a candidate for the office of the Ombudsman: consent to apply for the office of the Ombudsman and proposals regarding the solution necessary in the field of human rights and good administration. Prior to the sitting of the Saeima during which the Ombudsman will be approved in office, the candidates nominated for the office of the Ombudsman shall be heard at the Human Rights and Public Affairs Committee of the Saeima.

The mentioned Amendments to the Ombudsman Law provide also that the release of the Ombudsman from the office may be proposed by not less than one third of the members of the Saeima. In the case referred to in Section 10 Paragraph 1 Clause 1 or 5 of this Law, the Ombudsman shall submit a relevant notification to the Presidium of the Saeima.

Regulatory framework

On 9 January 2022, Latvia became the 91st country where the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Additional Protocol) has entered into force. The Additional Protocol determines that the State must establish a national preventive mechanism or a system of regular visits to institutions where people are or might be deprived of liberty. The ratification of the Additional Protocol reaffirms that the Ombudsman's institution has all rights referred to in the Protocol to carry out the tasks of the national preventive mechanism for the prevention of torture in Latvia. It is important to note that this function is not new for the Ombudsman — from the very beginning, the representatives of the Office have been conducting visits to closed-type institutions.

The Latvian NHRI believes its regulatory framework should be further strengthened.

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To strengthen the guarantee of the Ombudsman as an autonomous, independent constitutional entity, the Ombudsman urged the Parliament to establish a constitutional basis for the functioning of the Ombudsman. The Latvian NHRI issued a proposal to supplement the Constitution of the Republic of Latvia (henceforth "the Constitution") with a new chapter named "Ombudsman" already in May 2015. Strengthening the Ombudsman's status in the Constitution would protect it against undesirable political manipulation; promote the compliance of the national human rights authority with the UN Paris Principles; strengthen the principle of power-sharing enshrined in the Constitution and exclude any doubts that the Ombudsman is affiliated to state powers. Unfortunately, his proposal has not yet progressed any further.

Enabling and safe space

Relevant state authorities have a good awareness of the NHRIs' mandate, independence, and role. The NHRI has adequate access to information and to policy makers and is involved in all stages of legislation and policy making with human rights implications.

Recommendations of the Ombudsman are not legally binding. Yet, the average level of implementation of Ombudsman's recommendations exceeds 70%.

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

In 2022, several amendments in the Law on Remuneration of Officials and Employees of State and Local Government Authorities came into force. The amendments allow the Ombudsman's institution to set more competitive salaries for its employees. Although the practical implementation of these amendments depends on the overall budget that is allocated to the institution, this step nevertheless can be important in recruiting and employing highly qualified specialists.

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NHRI's recommendations to national and regional authorities

The Ombudsman confirms that its independence is not threatened. However, additional finances are required to strengthen the capacities of the Ombudsman. Therefore, additional finances were demanded for salaries in 2023 to ensure competitiveness of the remuneration and achieve the minimum coefficient included in the Law on Remuneration of Officials and Employees of State and Local Government Authorities. The main idea behind the requested additional finances is to ensure the conduct of research as one of the main tasks of the Ombudsman.

Human rights defenders and civil society space

Laws, measures and practices negatively impacting on civil society space and/or on human rights defenders' activities

Law on Transparency in Interest Representation

The Law on Transparency in Interest Representation[11] was adopted on 13 October 2022 and entered into force on 1 January 2023. The adoption of the law can generally be assessed as positive. In the long term, this law will promote openness and transparency of public decisions, as well as reduce the risks of corruption. Ultimately, the law will also change the public opinion on transparent representation of interests as being a normal part of democracy. The practical implementation of this law, however, causes more uncertainty. The term "interest representation" is formulated quite broadly in the law, which aims to implement this concept at all levels of public authorities (from civil servants of the public administration to the Parliament, etc.).

Given the diverse spectrum of modern-day communication, concerns arise as to the difficulties for the public sector to distinguish between the cases of lobbying (aside from the most typical cases) which require registration and the ones that do not. This could contribute to the reluctance of the public sector representatives to engage in

communication of certain formats. For the time being, it is also uncertain how much administrative burden the system of interest representation put in place will entail for the parties involved, particularly, the public sector, which will be obliged to declare cases of interest representation. However, it is important to note that the Cabinet of Ministers will be working on the abovementioned problems and other unclear issues until 1 September 2023. Consequently, these uncertainties may be cleared up in the future.

Prohibition of Russian propaganda television channels

Last year, the National Electronic Mass Media Council (NEPLP) decided to prohibit the distribution of Russian television channels in Latvia. According to the NEPLP Chairman Ivars Āboliņš the decision was taken based on the newly adopted Electronic Mass Media law amendments (Article 18)[12], which stipulate that channels registered in a country threatening the territorial integrity and independence of another country should not be operational in Latvia. The decision will remain in force until Russia stops its war in Ukraine and returns the territory of Crimea to Ukraine. Shortly after the decision was taken, the Ombudsman met with the management of the National Electronic Mass Media Council (NEPLP). The Ombudsman got acquainted with the decisions of NEPLP regarding the closure of the channels. Although it can be regarded as restriction of the freedom of expression, it is based in law, has legitimate aim and is proportionate.

In general, the Ombudsman supports the view of the NEPLP that the distribution of Russian propaganda channels which spread hate speech in Latvia is contrary to the Latvian national law, international obligations and national interests of the country and has a negative impact on the national information space. However, the Ombudsman considers that possibilities of alternative sources to prevent the lack of reliable information in Russian must be found.

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On 6 December 2022, NEPLP adopted a decision to withdraw the broadcasting permit for the Russian independent TV programme "TV Rain" operating in Latvia, on the grounds of threats to national security and public order (after evaluating of the information received from the state security service). The decision taken was based on a recent assessment of a set of irregularities: failure to provide the official language path for broadcasts, displaying Crimea on the map as part of the territory of Russia, calling the Russian army as "our army", possible expression of support to the Russian army.

The Latvian Association of Journalists expressed regret about the decision of the NEPLP to cancel the broadcasting licence for "TV Rain" and considers it disproportionate to the violations committed. The international organisation Reporters Without Borders declared that the censorship of Russia's independent TV programme is an unworthy decision of the European State.[13]

In the context of the NEPLP decision and the public debate that has already taken place, it is important to emphasize that Latvia, as a democratic state, is also characterized by such a protective mechanism as the right to a fair trial. These rights include fundamental principles such as the independence of the judiciary and access to justice. Also, the decision of the National Electronic Media Council of 6 December 2022 is an administrative act and can be appealed to the court, therefore, it will be the duty of the court to assess its legality and compliance with the rule of law. The court shall balance the rights and obligations of state institutions and the media in the specific situation.

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Latvia-Belarus border crisis

A state of emergency was announced on the Latvia-Belarus border area on 11 August 2021. The state of emergency has been extended several times and the last extension has been granted until at least 10 May 2023[14]. Due to security concerns, both CSOs and the media has limited access to the border for reporting on the migration crisis. This has cast a shadow on the Border Guard, as there are reports of alleged violence and inhumane treatment of migrants. In consequence, they are difficult to corroborate or refute due to a lack of publicly available information. The Ombudsman's access to the border area is also limited. If any information suggesting violence is received, it is forwarded to the Internal Security Bureau that is a separate state entity that has the mandate to investigate such allegations.

Freedom of expression

In November 2022, freedom of speech and expression was also violated when several pieces of artwork were taken down due to political pressure at the Mark Rothko Centre of Art in Daugavpils [15]. The municipal government put pressure on the Centre to take down the pieces as they had received a letter of complaint from their constituents and several religious leaders claiming that they went against Christian values[16]. The Daugavpils municipal government has claimed that they would only re-evaluate their decision after having received opinions from the Ombudsman and the Ministry of Justice[17]. The Ombudsman is currently preparing an opinion to address this issue.

Hate speech

Another practice having a negative impact on members of civil society, especially those who work on the topics such as migration, or other issues of importance to the national public etc., is online hate speech and verbal attacks targeting civil society actors following public appearances on traditional media outlets or other forms of media. Although those comments might not always reach the point of being regarded as

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threats that can be criminally investigated, they nevertheless affect the wellbeing of activists and might even be the reason for their lesser involvement in certain activities.

Access to and involvement of civil society actors in law and policy making

Since 1 January 2023, the Law on Local Governments[18] has come into force and includes different forms of civil society involvement at the municipal level: a) advisory councils and commissions, b) newsletters; c) public hearings; d) collective submission; e) resident councils; f) municipal referendum.

When developing the new Law on Local Governments, requests and proposals of civil society organisations were considered. This includes requests regarding the participation budget used to promote the involvement of the residents of the municipality in decision-making regarding the development issues on its territory. Public participation budgets have already been introduced and are functioning in many municipalities. The municipality of Riga has been holding a participatory budget competition for 4 years, implementing projects and directing funds to the local, development projects instigated by the residents. From 1 January 2025, the annual budget of local governments will have to include funding for the participation budget.[19]

Although recent studies show that the state provides every active member of society with tools that allow them to participate in decision-making processes, some large groups have nevertheless been identified as not being involved in processes that influence decision-making at the state and local government levels such as the Russian-speaking population and vulnerable groups. Citizens can be heard by participating in the work of parliamentary commissions and by submitting their proposals and complaints in writing. The issue now, as pointed out by experts, is the need to improve the dialogue between civil society and the government. Important political issues, such as education and health reforms, budget distribution and others, are addressed at the government level. In these processes, experts observe the lack of civil society

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involvement and civil dialogue. The public portal of legal drafts could be considered as one of the tools that has been created and is being improved to eliminate this deficiency.

To inform society on the new provisions of the Law on local governments, including the possibilities of civil society to take part in the decision-making process at the local level, the Ombudsman has invited the representative from the Ministry of Environmental Protection and Regional Development to the Ombudsman's Annual Conference. The Conference was translated online and is available on Ombudsman's website.

Measures undertaken by State authorities to protect and promote civic space

In recent years, journalists and civil society actors, including human rights defenders, experienced intimidation and verbal attacks due to their professional activities. This was very common especially during Covid-19 pandemic. These problems and possible solutions were discussed in different fora at CSO, media and Parliament level.

On 3 May 2022, the Law on Administrative Penalties for Offences in the Field of Administration, Public Order, And Use of the Official Language was amended, stating under Article 11.[1] that administrative liability can be applied for aggressive behaviour towards a person or their relatives - threats to cause harm to their health or sexual integrity; threats to property or intrusive stalking such as tracking, monitoring or unwanted, intrusive and disruptive communication (if there is a reason to fear that this threat could be implemented).[20]

NHRI's role in promoting and protecting civil society space and human rights defenders

Children with additional needs

On 27 January, the Ombudsman's Office co-hosted a public virtual discussion on the inclusion of children with additional needs in educational institutions. The discussion

aimed to learn about parents' experiences regarding cooperation with educational institutions. The Ombudsman's Office was represented by the head of the Children Rights Division.[21]

Impact of Covid-19 pandemic

The Ombudsman published the monitoring report on the public accessibility of municipalities and public administration during the COVID-19 emergency.[22] It concluded that, despite the circumstances created by the COVID-19 pandemic, the institutions had generally remained accessible to residents. However, the Ombudsman stressed the necessity to provide people with clear and understandable information in all circumstances.

Children's rights and participation

On 1 June, the Ombudsman, in cooperation with the Latvian Children's Welfare Network (LBLT), organised an online discussion on the importance of child participation "Listen to children and young people. They HAVE an opinion!" to mark the International Day for the Protection of Children. The aim of the discussion was to highlight child participation, the right to express their opinion and to be heard. A child's right to be heard is fundamental to ensuring his rights and best interests in any field. Promoting participation helps young people develop conflict resolution skills and connect with their peers and adults. The discussion was attended by representatives from the Ombudsman's Office and the Latvian Children's Welfare Network, as well as from the Centre "Dardedze", Cēsis New School, Youth International Programme Agency, and the Youth Organisation "Protests".[23]

The year 2022 marked the 30th anniversary of Latvia's accession to the UN Convention on the Rights of the Child. To highlight the importance of children's rights, an information campaign explored various topics related to children's rights, such as access rights, child neglect and out-of-family care throughout the month of June. The aim of

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the campaign was to raise awareness of children as fully-fledged members of society, as well as highlight the role of society in the development and protection of children's rights.[24]

Civil Society participation

The Ombudsman's Office representatives participated in multiple events with the aim to promote and protect civil society space and human rights:

- Representatives participated in the "gathering of meaningful conversations" festival "LAMPA. The discussion was centred around d the current types of intangible means of enforcement; human trafficking, how to recognise threats and protect oneself and others from it. There was also a discussion on elections with the goal to increase civic participation.[25]Representatives participated in events called "The Democracy Café" organized by a CSO with the aim to gather unacquainted people, including "secret guests" to promote a respectful dialogue on topics related to democracy.[26]

Furthermore, the Ombudsman's Office delivered a social media campaign on several topics focussing on civic engagement during the month of September, including on elections, public debate, freedom of association, volunteering, pickets, rallies and strikes, referendums and signature collection, involvement in local administration, law enforcement mechanisms, protection of vulnerable groups, freedom of speech and expression, privacy, and data protection. In particular, the Ombudsman stressed the importance of elections, inviting everyone to participate in the parliamentary elections on 1 October 2022.[27]

Elections

On the topic of parliamentary elections, representatives of the Ombudsman's Office participated in the monitoring of the 14th Parliamentary Election on 1 October 2022. They carried out in-person monitoring visits to psychoneurological hospitals and

prisons. The duty of election observers was to make sure that the voting procedure and the conduct of the polling commission complied with the Saeima Election Law and the instructions of the Central Election Commission, as well as to report on any violations detected and to request that they be prevented. Before monitoring the elections, representatives of the Ombudsman's Office met with the head of the Central Election Commission to discuss the voting rights of people with disabilities and full participation opportunities in the upcoming elections, including the availability of polling stations and the accessibility of information about the election process. During the meeting, the implementation of the recommendations given by the Ombudsman in previous years was discussed, as well as the information provided by the non-governmental organisations representing people with disabilities regarding the problems related to the elections.

Persons with disabilities

On 3 December, the Ombudsman, in cooperation with the Association of Disabled People and their Friends "Apeirons" and the National Library of Latvia (LNB), held the 8th consecutive "Annual Award for Supporting People with Disabilities" to mark the International Day of Persons with Disabilities. The in-person ceremony celebrated the 2022 winners, as well as those who had received awards in previous years – to compensate for the lack of an in-person ceremony due to the pandemic. The ceremony also honoured those who received recognition awards or special jury's awards. The Award has become an integral tradition of the Ombudsman's Office and its partners as a way to support the people and organisations that have actively represented the interests of people with disabilities.[28]

Civic space

On 8 December, the Ombudsman's annual human rights and good governance conference[29] took place with the focus on civic engagement as the foundation of

democracy. Speakers engaged in the discussions on children's right to be respected and the duty to treat others with respect; civic involvement in the decision-making process being closely linked to trust in government at national and local level; on the extent to which the awareness and enjoyment of human dignity in old age depends on the instruments guaranteed and offered by the state, and to what extent - on the initiative and openness of the persons themselves.

Educational activities

The Ombudsman's Office continued educating legal professionals (police officers, prosecutors, judges, sworn lawyers and sworn bailiffs), as well as psychologists regarding child victims of human trafficking. In total, 21 lessons were conducted in 2022 and significantly improved the ability of the officials to timely recognise cases of human trafficking, so that to prosecute guilty persons while victims receive the necessary help and support from the state.

Throughout the year, representatives of the Ombudsman's Office visited schools to deliver in-person and online guest lectures on topical issues as part of the "Ready for Life" programme. They offered lectures on electoral literacy, legal text literacy, freedom of expression and hate speech, prevention of trafficking in human beings and data protection. Thirty-eight lectures were delivered in the school year 2021/2022, and another thirty lectures during the autumn semester of 2022.[30]

NHRI's recommendations to national and regional authorities

Following the publication of the report on the Roma situation in Latvia, the Ombudsman recommends further support and cooperation with the Roma community, the engagement of Roma mediators; the encouragement of Roma families to give their children a formal education, to engage children in vocational or interest education activities to motivate them to acquire basic education; and local governments to provide Roma teaching assistants in schools attended by several Roma children and to

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ensure the functioning of after-school day centres, where children could receive study support.[31]

Implementation of European Courts' judgments

Assessment of follow-up activities of State authorities

Overall Latvia has a good record of implementing the judgments of European courts when it comes to decisions addressed to Latvia. However, there are occasions when the European Courts have issued decisions regarding legal aspects in other countries that are relevant and applicable to the situation in Latvia. An example could be the decision made by the Court of Justice of the European Union in the case C-72/22 PPU Valstybės sienos apsaugos tarnyba where the court concluded that the Lithuanian national regulation was not compatible with the EU Law. Since Latvian regulation is almost identical to the one that was analysed in the judgment, it can be concluded that specific Latvian norms could also be incompatible with the EU law. The Ombudsman has also notified the Chamber of Ministers regarding this possible incompatibility and requested to take appropriate actions.[32]

NHRI's actions to support the implementation of European Courts' judgments

The Ombudsman regularly refers to the case law of the European Courts when providing recommendations to State institutions (especially regarding migration, prison conditions, a right to a fair trial, etc.). The European Courts case law is used in Ombudsman's applications to Constitutional Court.

Artificial Intelligence

NHRI's actions to address challenges regarding the use of artificial intelligence

The Ombudsman has not done research regarding AI and its effect on human rights in Latvia, but the Latvian NHRI has focused its efforts on raising awareness of the Latvian society about AI.

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In December 2021, the Ombudsman organised a virtual discussion entitled "People with disabilities and digital solutions. From a user to a creator"[33]. The event aimed to inspire people with disabilities to use digital solutions but also create them. During the discussion, the Ombudsman's Office and NGO "Riga TechGirls" discussed learning possibilities in the digital field and invited people with disabilities to develop new digital technologies and artificial intelligence systems based on universal design and human rights. Various Latvian companies introduced with their digital products and artificial intelligence solutions which can improve lives of persons with disabilities Examples include a virtual reality tool to help children with autism; technical aids printed by 3D printers; a digital balance tool; a technical solution for Para Ice Hockey sledges; user-friendly guidance of complex whole-body rehabilitation for lower extremity amputees by means of extended reality and advanced wearables data processing.

In September 2022, the Ombudsman's Office participated in a meeting with the Baltic and Nordic Ombudsmen discussing aspects of artificial intelligence. There are different practices in the region, but the Ombudsmen agreed on the lack of regulatory framework in this area. The countries agreed on the need to develop a training programme specifically for the staff of ombudsmen's institutions with the focus on the protection of individual rights, automated decision-making, evaluation of the relevant EU and national regulations.

As COVID-19 pandemic led to very rapid digitalisation in many areas, the Ombudsman's Office plans to research if and how people without digital skills can access state and municipality services and how comfortable and easy they are to use. The Ombudsman also plans to research automated decision-making systems used by state institutions in Latvia.

The focus on digital challenges increases the work of the Ombudsman's Office. For example, the Ombudsman is the responsible institution for investigating the claims

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regarding Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies[34].

In 2022/ 2023 the Ombudsman published the report on "Accessibility of bank services" where the attention was brought on implementation of Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services.[35] It was concluded that only several banks try to ensure accessible digital products and services, as it is not common practice. The banking sector currently ensures very close cooperation with the Ombudsman's Office to implement the recommendations and provide accessible digital products and services for clients with disabilities.

Moreover, in relation to the regional developments regarding regulation of the use of AI in Europe, the Ombudsman turned to the Ministry of Environmental Protection and Regional Development of Republic of Latvia as the responsible ministry regarding EU Artificial Intelligence Act. Currently, the ministry would like to have a discussion with the Ombudsman on division of responsibilities under the EU Artificial Intelligence Act.

Other challenges in the areas of rule of law and human rights

The Ombudsman has stressed the need to improve the quality of the legislative process, i.e., the need for in-depth discussions with professionals and civil society actors during the legislative drafting process as well as accountability checks for the Parliament. For example, Parliament should be required to adapt regulations to indicate the maximum allowed time-period between the submission of a legislative draft to the responsible Parliamentary commission and the moment the Parliamentary Committee starts working on it.

The Ombudsman also called on the Parliament to ratify the Istanbul Convention. As an international treaty, the Convention would help fight violence against women and

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domestic violence more effectively, as well as gradually eradicate various stereotypes rooted in gender roles.

The Ombudsman discussed with the Ministry of Welfare (responsible Ministry for gender equality) other Ministries and CSO representatives the problem of stereotypes and sexism in advertisements and the possible legal solutions.

The Ombudsman also points that criminal liability for hate speech is defined in Latvian legislation. Article 78 of the Criminal Law provides for responsibility for inciting national, ethnic, and racial hatred, while Article 150 provides for responsibility for inciting social hatred and discord. However, in the public space, the Latvian NHRI often come across statements that would be considered hate speech, but for which criminal liability would not apply. In most cases, administrative liability would probably be applicable for such statements, but this type of liability is not provided for in Latvia. Many commentators, who have directed hateful statements against vulnerable groups, have remained unpunished. Thus, hate speech continues to exist, damaging democratic values and creating a sense of impunity.

Moreover, there is still no legal framework in the country through which families formed by same-sex partners can enjoy the rights arising from Article 110 of the Constitution.[36] Although on 15 December 2022, the MPs voted against the adoption of the draft law on civil union in the work of the current Parliament, the Ombudsman has pointed out that the legislator has not fulfilled the duty set in the first sentence of the abovementioned Article 110 of the Constitution to ensure the economic and social protection and support of the same-sex partner families.

NHRI's recommendations to national and regional authorities

Ombudsman's recommendations to national (including local municipalities) authorities are listed in the Ombudsman's Annual Report.[37]

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[1] Whistleblowing Law (in English)

[2] The Law on Openness of Representation of Interests (in Latvian)

[3] The State must protect all families. The Ombudsman urges MPs to be respectful in their rhetoric (in Latvian)

[4] The Ombudsman: Politicians must fulfil Constitutional Court rulings and reassess minimum income levels (in Latvian)

[5] A clash of opinions and concerns about the independence of the courts: The Parliament dismisses Osipova's candidacy for the judge's position (In Latvian)

[6] Latvia's Fifth National Open Governance Action Plan for 2022-2025

[7] The Law on Openness of Representation of Interests (in Latvian)

[8] Article 30 of the Rules of Procedures of the Cabinet

[9] SCA Report December 2020

[10] Section 7 Part 3 of the Ombudsman Law

[11] The Law on Openness of Representation of Interests (in Latvian)

[12] Section 18 of the Electronic Mass Media Law

[13] Reporters without Borders asks Latvian media regulator not to revoke TV Rain's licence

[14] Emergency near Latvia-Belarus border could be extended again

[15] Latvian Museum Association: An open letter against the censure of art at the Mark Rothko Art Centre in Daugavpils (In Latvian)

[16] Censure of art at the Rothko Centre of Art in Daugavpils: this case is a warning that we must educate society (In Latvian)

[17] Censure at the Rothko Centre discussed at the Parliament (in Latvian)

[18] The Law on Local Governments (in Latvian)

[19] Section 7 of the Transitional Provisions of the Law on Local Governments (in Latvian)

[20] Article 11.[1] of the Law on Administrative Penalties for Offences in the Field of Administration, Public Order, and Use of the Official Language (in Latvian)

[21] Information about the public online discussion on inclusion of children with additional needs in schools and pre-schools (in Latvian)

[22] The Ombudsman has concluded the study "Availability of local governments and public administration during the COVID-19 emergency"

[23] The Ombudsman has concluded the study "Availability of local governments and public administration during the COVID-19 emergency"

[24] Campaign material on children rights (in Latvian)

[25] Information about participation of the Ombudsman's Office in the gathering of meaningful discussions "LAMPA" (in Latvian)

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[26] Information about representatives of the Ombudsman's Office participating in the Democracy Cafe (in Latvian)

[27] Info material – compilation of social media campaign - on forms and examples of civic engagement (in Latvian)

[28] Information on the ceremony and winners of the "Annual Award for Supporting People with Disabilities" (in Latvian)

[29] Ombudsman's Annual Conference on Human Rights and Good Governance

[30] Information on the lectures of the Ombudsman's Office in the school programme "Ready for Life" in 2021/2022(in Latvian)

[31] Summary and recommendations of the Ombudsman's Report on the Roma situation in Latvia

[32] Ombudsman's letter to the Prime Minister regarding amendments in the Cabinet Order (in Latvian)

[33] Ombudsman invites to public online discussion about people with disabilities and digital solutions (in Latvian)

[34] Cabinet Regulation No 445 of 14 July 2020 "Procedures for Publishing Information on the Internet by Institutions"

[35] Research on the Accessibility of Bank Services (in Latvian)

[36] The Constitution of the Republic of Latvia

[37] Ombudsman's Annual Report 2022, pages 133-167 (available in Latvian)

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