

**The Ombudsman Strategies  
for the years  
2011 – 2013**

**Riga, 27 April 2011**

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## **Preface**

This strategic document is designed to provide useful, easy-to-understand idea of the objectives, tasks and key principles of operation of the Ombudsman institution, and to enable us to fulfill the duties of Ombudsman towards society.

This strategy is purposefully drafted to cover three years, rather than the whole period of my mandate, so that we can assess our performance on interim basis and adjust the strategic vision to the actual situation in our country.

Our goals are clear to our team and to the Ombudsman. We have to increase awareness of the human rights and the vehicles of their protection in our society, and to eliminate the reasons to complain on the Governmental and municipal officials and employees who fail to follow the principle of good governance in their work. It is equally important to ensure that the institution of Ombudsman efficiently uses its resources and performs its work to the satisfaction of society, Governmental and municipal institutions and non-governmental sector, and achieves international appreciation.

Even though the number of the above-listed goals is not high they require a lot of efforts including contribution not only from the Ombudsman institution but also from other Governmental and municipal institutions, non-governmental organizations, and mass media. The Ombudsman has to consolidate their efforts for the benefit of society in general.

We also plan to discuss the strategy with experts in human rights from non-governmental organizations and representatives of the Latvian Association of Lawyers, and the Parliament Commission for Social Affairs and Human Rights.

We are open to proposals, and we are willing to include well-weighed, substantiated recommendations in our strategy.

Juris Jansons, the Ombudsman

## **1. Mission and Mandate**

**Society has entrusted the Ombudsman with protection of human rights and fostering of legitimate, efficient implementation of the State authority in accordance with the principle of good governance**

The Ombudsman Law was enacted on 1 January 2007 when the Ombudsman institution of the Republic of Latvia was established.

The Ombudsman is elected by the Parliament of the Republic of Latvia for the period of 5 years; the Ombudsman acts independently, subject only to the law.

The mandate of the Ombudsman Juris Jansons is effective from 17 March 2011 to 16 March 2016.

According to the Rules of the Ombudsman's Office, the Ombudsman J. Jansons is also the head of the Ombudsman's Office.

## **2. Values**

Operation of our institution is based on the following values:

### **Justice**

- We are handling applications in objective, fair manner because we believe justice is the key principle of good governance.
- We seek to achieve reasonable, fair balance between contradicting rights and interests, and help others to achieve the same.

### **Independence**

- We acknowledge that nobody has the right to exert any influence on the Ombudsman in performance of his functions and tasks.

### **Availability**

- We understand that the Ombudsman institution is established to serve on equal grounds to all inhabitants of Latvia.
- We carefully listen to and respect other people, and we seek to understand the matters from their points of view.
- We are open to cooperation with stakeholders, regardless of whether they are private individuals, non-governmental organizations, or Governmental and municipal institutions.
- The language we use is clear and easy to understand.

### **Transparency**

- We are committed to maximum transparency in our work.
- We are explaining our decisions and substantiating our actions.

### **Responsibility**

- We are responsible for decisions and recommendations we make.
- We seek to make timely recommendations with maximum possible quality.
- We are learning from our own experience and that of other people through identifying, developing and applying the best practice.
- We apologize for our mistakes, and we put in all efforts to correct them.

### **3. Vision**

Human rights are established in Latvia as well as the principle of good governance; people are aware of and able to exercise their rights.

### **4. Functions and Tasks**

The Ombudsman Law provides for the following functions of the Ombudsman:

- 1) Foster the protection of rights and legal interests of individuals on the occasions where Governmental and municipal institutions or their officials have infringed human rights of an individual stipulated in the Constitution and international human right instruments;
- 2) Promote equal treatment and prevention of discrimination;
- 3) Assess and promote compliance of the principle of good governance in administration of the State;
- 4) Identify shortcomings in the legal acts and their application to the matters related to the observance of human rights and the principle of good governance, and foster elimination of such shortcomings;
- 5) Promote awareness and understanding of the human rights, the vehicles of their protection, and the work of the Ombudsman among the society.

Duties of the Ombudsman related to performance of the functions stipulated in the Law include the following:

- 1) Accept and handle applications filed by private individuals;
- 2) Institute inspection cases for clarifying circumstances of the case;
- 3) Demand from institutions clarification of the relevant circumstances of the case within the scope of their competence and the deadlines stipulated in the Law, and notification of the Ombudsman thereof;
- 4) Make recommendations and issue opinions to the involved institution on legitimacy and efficiency of its actions and observation of the principle of good governance in relation to handling of the inspection case;
- 5) Handle disputes between private individuals and institutions as well as disputes between private individuals in relation to human rights in accordance with the procedure stipulated in the Ombudsman Law;
- 6) Seek settlement between parties to the dispute;
- 7) Make recommendations and issue opinions to private individuals on elimination of the infringements of human rights in relation to disputes concerning the matters of human rights;
- 8) Issue opinions to the Parliament, the Cabinet, municipalities and other institutions regarding the adopting/amending of legal acts;
- 9) Consult on the matters related to human rights;
- 10) Conduct research and analyze situation in the field of human rights, and issue opinions regarding actual matters of human rights.

### **5. Key Operation Areas of the Ombudsman's Office**

Key operation of the Ombudsman's Office is structured in the following areas:

- 1) The rights of children;
- 2) Civil and political rights;
- 3) Social and economical rights;
- 4) Criminal law;
- 5) Prevention of discrimination;

6) Good governance.

## **6. Goals and Priorities for the Years 2011 – 2013**

We have set three goals for the years 2011 - 2013:

- The 1<sup>st</sup> goal: to increase understanding among society about the rights of individuals, the role of Ombudsman in the protection of rights, and to prevent any infringements of human rights and the principle of good governance.
- The 2<sup>nd</sup> goal: to increase understanding among those employed in state administration about the principles of good governance.
- The 3<sup>rd</sup> goal: to increase return on resources of the Ombudsman's office and to strengthen the authority of Ombudsman in the eyes of local as well as international society.

**The 1<sup>st</sup> goal:** *informed society and timely prevented infringements*

To increase understanding among society about the rights of individuals, the role of Ombudsman in the protection of rights, and to prevent any infringements of human rights and the principle of good governance.

We seek achievement of this goal in order to provide timely, relevant and readily available information to society on the matters related to human rights and good governance.

**Priorities:**

1. To educate the Latvian population about human rights and the meaning of such rights in their lives.
2. To prevent infringements of human rights and the principle of good governance and to inform population about the inspection cases conducted by the Ombudsman with crucial importance for the general society.
3. To form understanding among society about the role, functions and tasks of the Ombudsman.
4. To ensure involvement of non-governmental organizations in the advisory councils of the Ombudsman.

**The 2<sup>nd</sup> goal:** *the principle of good governance is observed*

Increased understanding among those employed in state administration about the principles of good governance.

We seek achievement of this goal in order to convince governmental and municipal institutions of the need for good governance.

**Priorities:**

1. To inform the staff of Governmental and municipal institutions about the principle of good governance in order to ensure effective public administration focused on protection of the rights and legal interests of private individuals, including the priority to provide information to society as an essential part of the service range.
2. To maintain dialogue with the heads of governmental and municipal authorities in order to minimize breaches of good governance.
3. To promote debates and discussion of the issues of good governance among politicians, State officials, public and non-governmental organizations.

**The 3<sup>rd</sup> goal:** *Effectiveness and authority of the Ombudsman*

Increased return on resources of the Ombudsman's office and strengthened authority of Ombudsman in the eyes of local as well as international society.

We seek achievement of this goal in order to improve quality of work and to ensure efficient use of resources and increase recognition of the institution of Ombudsman among society.

**Priorities:**

1. To improve the capacity of the Ombudsman's Office to handle complaints with higher efficiency, reduce the examination period of inspection cases, ensure efficient control over the examination deadlines and reduce them where possible.
2. To develop role of the Ombudsman's Office as the "information center" in the matters of human rights in cooperation with Latvian and international high-level experts with good public standing, as well as governmental and municipal institutions, non-governmental organizations, and mass media.
3. To develop cooperation with the Ombudsmen of other countries and the international human rights organizations.
4. To develop simple and clear internal procedures of the Ombudsman's Office for expeditious handling of problems.
5. To establish internal communication system so that all employees are involved in making substantial decisions of the Ombudsman's Office.



## **7. Priorities in the Operation Areas of the Ombudsman's Office**

This section of the Strategy describes each operation area of the Ombudsman's Office:

- Priorities directly focused on achievement of the strategic goals set for the years 2011 – 2013;
- Score indices of activities taken in each area to implement the relevant priorities;
- Eventual risks posed to society if the priorities are not implemented.

Our activities cover the whole range of human rights, focusing special attention on the set priorities, for example, by conducting research and extended exploring of the relevant topic. Full list of the score indices is specified in the action plan drawn up for each year.

### **7.1. Priorities in the area of the rights of children:**

1. Protection of the rights of socially vulnerable children:
  - 1.1. Rights of the children with special needs;
  - 1.2. Rights of orphans and children left without parental care;
  - 1.3. Rights of the children in imprisonment facilities.
2. Provision of the rights of children to state-funded health care.
3. Fostering of the rights of children to express and have their opinion listened to.
4. Increase of the role of mass media in protection of the rights of children.

The key score indices:

- Inspection cases (conducted at our initiative or pursuant to application);
- Established and maintained web page for children concerning their rights;
- Recommendations made and opinions issued to institutions regarding the legitimacy of their operation;
- Monitoring visits;
- Reports made by the Ombudsman on specific matters;
- Informative and educational activities;
- Conducted studies.

Risks posed to society if the priorities are not implemented:

- Inability to protect the rights of socially vulnerable children to active life, the right to pursue development and education appropriate to their abilities and desires, and the right to involvement in social life; the possibility for such children to become wholesome members of society is jeopardized.
- Risk posed to public health in future due to the failure to ensure the rights of children to state-funded health care.
- If children are not involved in decision-making, it entails risk of failure to recognize a child as an active subject of law, and the consequent risk to development of civil society.
- Failure to settle the issue of media content available to children and reflection of children-related issues by media can have adverse effect on development of the child.

## **7.2. Priorities in the area of civil and political rights:**

1. Improvement of tools designed to protect privacy.
2. Protection of the rights of persons with mental health disabilities and development impairments.
3. Legal status and protection of detained aliens and asylum-seekers.

The key score indices:

- Inspection cases (conducted at out initiative or pursuant to application);
- Inspections at closed-type imprisonment facilities;
- Valid settlements;
- Recommendations made and opinions issued to institutions regarding the legitimacy of their operation;
- Conducted studies.

Risks posed to society if the priorities are not implemented:

- If the vehicle designed to protect the rights is ineffective individuals shall be prevented from protection of their infringed rights, and consequently the number of complaints filed with the ECHR and the UN Commission for Human Rights, as a result, not only financial damages shall be incurred but also the prestige of the State shall be affected to significant extent.
- The rights of persons with mental health disabilities and development impairments shall not be observed, as well as the right to fair trial, the right to elect, and other rights; the right to know and protect their rights shall be restricted, and the rights of persons in closed-type imprisonment facilities shall be infringed.
- The number of lost suits shall increase at the UN commission for persons with special needs and the ECHR.
- Following delegation of the function of supervising individuals subject to compulsory deportation to the Ombudsman, the urgent measures to be taken by the latter include development of supervision methodology and questionnaires in to ensure that efficient supervision is put in place within the nearest three years and that it is consequently delegated to the NGOs.
- The number of complaints filed against the Office of Citizenship and Migration Affairs points to systematic breaches and shortcomings in the procedure of interviewing individuals, and such breaches have to be eliminated in order to unload the courts and to ensure that decision-making is aligned with the principle of good governance, and to ensure observation of the rights of spouses to inviolability of their privacy and elimination of discrimination.

## **7.3. Priorities in the area of social and economical rights:**

1. Observation of the human right principles in the process of stabilization of social insurance system.
2. Ensuring of commensurable rights of owners in compulsory lease relations.
3. Assessment of the vehicle designed to control the quality of health care.
4. Assessment of the actions taken by municipalities in handling housing matters.
5. Assessment of the transitional provisions of the law on social protection of the individuals injured as a result of the accident at Chernobyl Nuclear Power Plant with the Constitution.

The key score indices:

- Inspection cases (conducted at out initiative or pursuant to application);

- Recommendations made and opinions issued to institutions regarding the legitimacy of their operation;
- Meetings with the representative of Governmental, municipal institutions and NGOs;
- Task forces;
- Opinions issued to the Constitutional Court;
- Drafting and filing applications with the Constitutional Court.

Risks posed to society if the priorities are not implemented:

- The actions taken by legislator in case of threat to the stability of social insurance system are inconsistent, unpredictable and delayed, eventually jeopardizing the integrity and sustainability of social insurance system. Breaches of the principle of legitimate expectations, equality and commensurability.
- Inability of the owners of land and buildings to reach agreement on rent. The increased load on courts in the cases related to determining the amount of rent leads to delayed establishment of a single real estate (including the land and buildings).
- Formal, ineffective control of health care.
- Lack of transparency of the actions taken by municipalities to handle the housing matters and problems in application of legal norms.
- Persisting unfair amount of compensation to the individuals injured during the accident at Chernobyl Nuclear Power Plant who receive old age pension rather than disability pension.

#### **7.4. Priorities in the field of criminal law:**

1. Observation of the guarantees to protection of the rights of individuals in their communication with police.
2. Protection of the rights of individuals kept in closed-type imprisonment facilities.
3. Protection of the rights of individuals during the pre-trial investigation.

The key score indices:

- Inspection cases (conducted at out initiative or pursuant to application);
- Training provided to police officials;
- Monitoring visits;
- Informative and educational activities;
- Conducted studies.

Risks posed to society if the priorities are not implemented:

- The public trust in police shall decrease.
- Public safety shall be jeopardized.
- The number of applications filed with the ECHR shall increase as well as the amounts disbursed to compensate moral injuries.
- Groundlessly different treatment of comparable groups of society shall continue in the field of health care.
- Fair regulation of legal relations during pre-trial investigation shall be jeopardized.
- The rights of individuals to privacy, liberty, and property shall be disproportionately restricted.

### **7.5. Priorities in the area of preventing discrimination:**

1. Minimize discrimination in the field of employment.
2. Minimize hate crimes.
3. Ensure equal access to goods and services regardless of gender, race, ethnicity or disability.
4. Promote implementation of the UN Convention on the Rights of Persons with Disabilities.

The key score indices:

- Inspection cases (conducted at out initiative or pursuant to application);
- Establishing of website on the Ombudsman homepage for reporting on hate crimes on the Internet;
- Task forces;
- Informative and educational activities;
- Conducted studies including in relation to monitoring implementation of the UN Convention on the Rights of Persons with Disabilities.

Risks posed to society if the priorities are not implemented:

- The risk of social exclusion is increased in respect of the groups of persons subject to discrimination.
- Public intolerance in the public space is increased as well as the number of hate crimes.
- Equal access to goods and services regardless of gender, race, ethnicity or disability is not available.
- Infringement procedure is instituted for failure to introduce the provisions of the Council Directive No 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; Council Directive No 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; the UN Convention on the Rights of Persons with Disabilities.
- The rights of persons with disabilities are not observed, and the group of such persons is excluded from society.

### **7.6. Priorities in good governance:**

1. Ensure observation of the principle of reliance in the State administration.
2. Promote awareness of society of its rights and the principle of good governance.

The key score indices:

- Inspection cases (conducted at out initiative or pursuant to application);
- Opinions issued to the Constitutional Court;
- Informative and educational activities;
- Valid settlements;
- Task forces.

Risks posed to society if the priorities are not implemented:

- Non-obedience to the law by public or municipal authorities;
- Waste of resources and time that causes moral and financial damages to population, and exhalation of disputes between the State and society;
- Loss of public trust in the State administration and the legislator – Parliament;
- Continued infringements of the principles of good governance committed by officials due to lack of information.

### **7.7. Priorities of administrative division:**

1. Establishing and maintenance of a new Ombudsman homepage and communication system in social networks.
2. Educational activities for various social groups concerning their rights.
3. Development of regular media relations through organizing informative and educational meetings on different topics.
4. Establishment of system for cooperation with experts in the area of human rights and with non-governmental organizations.
5. Improvement of international cooperation.
6. Improvement of system for management of resources and documents of the Ombudsman's Office.
7. Establishment of internal communication system of the Ombudsman's Office.

The key score indices:

- Established and maintained homepage and communication system in social networks;
- Information is provided to media;
- Informative and educational activities for various social groups, Governmental and municipal authorities, and non-governmental organizations;
- International cooperation strategy of the Ombudsman's Office is developed and implemented;
- Accreditation with the National Human Rights Institutions International Coordinating Committee, NHRI ICC;
- The Ombudsman's Office achieves the status of member with the European Network of Ombudspersons for Children, ENOC;
- Established and implemented system (manual) for management of resources and records of the Ombudsman's Office;
- Established and maintained internal communication system (Intranet).

Risks posed to society if the priorities are not implemented:

- Society is not aware of their rights and the principle of good governance, and therefore unable to secure exercising of their rights;
- Low authority of the Ombudsman's institution among the society;
- Inefficient use of public financial resources;
- Limited possibility for the Ombudsman's institution to gain the relevant international experience to improve their activities and prevent infringements of human rights and the principle of good governance;
- Insufficient identification of the Ombudsman's institution of our country and its experts among the international society.

## 8. Effectiveness of the Ombudsman's goals

A large amount of efforts is required to achieve in three years the priorities and goals set forth herein. Our activities are based on action plan for each year.

Score indices are established to assess the work performed towards achievement of our priorities and goals. The efficiency and adequacy of such indices may be reviewed in accordance with the relevant experience and actuality.

Our key score indices and their relation to our goals.

Item	Score indices	Relation to goals
Index 1:	Increased net weight of the cases completed within 3 months or earlier against the number of instituted inspection cases (during a calendar year).	The 3 <sup>rd</sup> goal
Index 2:	Increased number of valid settlements against the number of instituted inspection cases (during a calendar year).	The 2 <sup>nd</sup> goal; the 3 <sup>rd</sup> goal
Index 3:	Reduced number of applications not falling into the competence of Ombudsman against the number of received applications (during a calendar year).	The 1 <sup>st</sup> goal
Index 4:	Increased net weight of the recommendations made by the Ombudsman and accepted by the Governmental and municipal institutions (including the amendments to regulatory acts) against the number of recommendations made (during a calendar year).	The 2 <sup>nd</sup> goal; the 3 <sup>rd</sup> goal
Index 5:	Number of active advisory councils/expert groups of the Ombudsman.	The 1 <sup>st</sup> goal, the 2 <sup>nd</sup> goal; the 3 <sup>rd</sup> goal
Index 6:	Number of drafted methodologies and guidelines (during a calendar year).	The 1 <sup>st</sup> goal; the 2 <sup>nd</sup> goal
Index 7:	Number of studies (during a calendar year).	The 1 <sup>st</sup> goal; the 2 <sup>nd</sup> goal
Index 8:	Increased number of measures intended to information/education of society, debates and discussions, and regional seminars, compared to the previous year.	The 1 <sup>st</sup> goal, the 2 <sup>nd</sup> goal; the 3 <sup>rd</sup> goal
Index 9:	Increased number of publications and information material distributed to target audience, compared to the previous year.	The 1 <sup>st</sup> goal; the 2 <sup>nd</sup> goal
Index 10:	Increased number of information units distributed to mass media, including regional media, and number of topical meetings, compared to the previous year.	The 1 <sup>st</sup> goal, the 2 <sup>nd</sup> goal; the 3 <sup>rd</sup> goal
Index 11:	Developed new version of homepage of the Ombudsman's Office and new site for reporting on hostile-based crimes.	The 1 <sup>st</sup> goal, the 2 <sup>nd</sup> goal; the 3 <sup>rd</sup> goal
Item	Score indices	Relation to goals
Index 12:	Developed new version of homepage of the Ombudsman's Office for children and young people.	The 1 <sup>st</sup> goal, the 3 <sup>rd</sup> goal

Index 13:	The Ombudsman's Office is accredited with the National Human Rights Institutions International Coordinating Committee (NHRI ICC).	The 3 <sup>rd</sup> goal
Index 14:	The Ombudsman's Office is admitted a member of the European Network of Ombudspersons for Children (ENOC).	The 3 <sup>rd</sup> goal
Index 15:	Increased positive assessment of operation of the Ombudsman Institution among society compared to the previous year.	The 1 <sup>st</sup> goal, the 2 <sup>nd</sup> goal; the 3 <sup>rd</sup> goal
Index 16:	Improved system for management of resources and documents of the Ombudsman's Office.	The 3 <sup>rd</sup> goal
Index 17:	Established internal communication system of the Ombudsman's Office.	The 3 <sup>rd</sup> goal
Index 18:	Increased level of satisfaction among the staff of the Ombudsman's Office compared to the previous year.	The 3 <sup>rd</sup> goal

The report table on results of our work aimed at achievement of the goals and priorities shall be annually published on our homepage.

### **9. Risks posed to society by non-implementation of the strategies**

If our work was not aimed at the goals and priorities set forth in this strategy it would mean that we have an ineffectively operating Ombudsman institution in our country, and consequently the following risks would be posed to our society:

1. The level of awareness among society concerning the matters of human rights and the vehicles intended for their protection does not increase, and members of society are therefore prevented from exercising their rights in effective manner.
2. Safety of society may decrease, including increased number of hostile-based crimes and intolerance in the public space.
3. Social exclusion of vulnerable groups of society may increase.
4. Trust in the State and State administration may decrease among society.
5. The number of lost cases at the European Court of Human Rights and the respective UN committees may increase, thus jeopardizing the prestige our our country and causing financial damages.

## **10. Tools applied to implementation of the Ombudsman's strategies**

The Ombudsman has a number of tools available pursuant to the Ombudsman Law to ensure implementation of the goals set forth in our strategy and to prevent the identified risks posed to society.

Whenever we make an opinion concerning unlawful practice or activities contradicting with the Constitution or legislation, we notify the applicant and the concerned institution, and request the institution to repeal the decision. If the concerned institution fails to take our directions into account we can apply to the supervising Ministry and its managerial staff to ensure that the rule of law or the infringed rights are restored.

The Ombudsman has the following 3 options available:

1. If the problem is related to improper application of legal norms, the Ombudsman may act as a mediator between the applicant and the concerned institution;
2. If the problem is related to any legal norm that contradicts with the constitution, the Ombudsman has 3 options available:
  - a. To initiate amendments via the competent Ministry,
  - b. To report on infringement of human rights to the Parliament, or to propose the required amendments to law the Parliament Commission,
  - c. To file an application with the Constitutional Court for amending of the legal norm that contradicts with the Constitution.
3. The Ombudsman has the right to address the Government on advisory basis in the area of human rights.

Therefore, at present the tools required to implement the goals set forth in the strategy are available to the Ombudsman.