



# 2022 Annual Report

2023

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Dear readers,

2022 brought us a lot. Many successes, joy, pain, sadness, support, care, hope. The year that led us to turn the pages of the history book to sigh in despair and ask: “Why again?!” Why again, a man drives another man into cruelty, forgets why we were born in this world and what values we bear. Russia’s war in Ukraine has served as a reminder of why each of us should appreciate independence, freedom and everyone’s rights when living in today’s Latvia and Europe. At the same time, this year has been a testament to the humanity, selflessness, and faith of our society.

Human rights, although so invisible, have suddenly been born again, as it can be seen how they are violated right here – so close to Latvia. Therefore, with even greater passion we have addressed and listened to the public in different formats, because we are aware that only a knowledgeable person can defend his or her rights and prevent them from being violated. We have focused on accessible information by making our website, as well as informative materials and events more user-friendly. Freedom of expression has been significantly exacerbated in the society tired by the pandemic and intimidated by the horrors of the war. Unfortunately, people’s opinions are increasingly turning into hate speech. Even the language of some members of the Parliament – representatives of the people – was defamatory, violating any standards of ethics and good governance. This fact also explains and outlines why we fight for good governance in state and local government institutions year after year. Let me remind you that good governance is one that breaks down barriers, provides meaningful support and is based on mutual respectful attitudes and empathy.

In 2021, the improvement of the system of protection of children’s rights was reduced to the reform of Orphan and Custody Courts, the necessity of which we supported. However, the result does not meet the expectations. The Orphan and Custody Courts are in a significant crisis of human resources. The best interests of children cannot be defended if there are no defenders, or they are very weak. The decision-making should be transferred to a court instance belonging to the judiciary – a family court, so that in matters relevant to the child judicial protection is finally granted. With a preventive effort, human rights have also been addressed in the context of deinstitutionalisation, seeking solutions for inclusive lives in society. We have carefully examined the current situation in various closed-type institutions, pointed out violations and made practical recommendations for improving the situation.

I know that there is still much to be done, but I feel heard, and I see improvements in many areas. We are also facing new, unprecedented challenges. Thank you for listening, thank you for caring, thank you for striving for perfection together! I call for the public to continue being actively engaged and use the opportunities of a free and dignified society!

Respectfully,  
Ombudsman Juris Jansons

## Year in numbers

One of the Ombudsman's duties is to examine applications by individuals for violations of good governance or human rights. Upon receipt of the application, the employees of the Ombudsman's Office shall evaluate it, if necessary, by contacting the submitter to gather in-depth information on the situation. In many cases, people receive advice on how to solve a particular problem or which authority to approach. However, if the Ombudsman (when assessing the application or because of his own research) detects a possible systemic problem or shortcomings in the regulatory framework, he may initiate a verification procedure. In it, the Ombudsman explains the circumstances of the case and communicates with the responsible authorities. If the Ombudsman detects violations of good governance or human rights, he has the right to make recommendations to call on the responsible authorities to prevent violations and improve their work. If the problem is ignored for a long time or if the recommendations have not given a positive effect, the Ombudsman may also apply to the Constitutional Court.

If a person does not wish to submit an application or is not convinced that his or her rights have been violated, it is also possible to apply for a consultation. The Ombudsman provides consultations by telephone, e-mail and on-site. Although on-site consultations were temporarily unavailable due to the pandemic, the Ombudsman resumed them on 1 March 2022.

### Number of submissions

Division	2020	2021	2022
Civil and Political Rights Division	815	981	804
Civil and Political Rights Division, Prevention Unit	4	6	1
Social, Economic and Cultural Rights Division	544	688	577
Children's Rights Division	245	260	238
Other personnel	9	10	14
<b>Total</b>	<b>1617</b>	<b>1945</b>	<b>1634</b>

## Submission topics

Topic	2022 (n)	2022 (%)
Principle of good governance	272	14,26
Rights of prisoners	176	9,22
Right to a fair trial	172	9,01
Right to health	123	6,45
Right to social security	108	5,66
Right to property	100	5,24
Prohibition of torture, inhuman and degrading treatment or punishment	90	4,72
Legal status of a person	73	3,83
Discrimination	73	3,83
Right to work	68	3,56
Right to housing	68	3,56
Right to respect for private and family life	65	3,41
Right to education	59	3,09
Rights of the child	46	2,41
Right to an enabling environment	35	1,83
Rights of persons with disabilities	18	0,94
Right to liberty and security	15	0,79
Freedom of speech and expression	11	0,58
Right of free movement within the territory of the country	3	0,17
Right to leave and return to the country freely	3	0,17
Right to freedom of thought and religion	2	0,1

Topic	2022 (n)	2022 (%)
Right to vote and to be elected	2	0,1
Right to life	1	0,05
Freedom of assembly	1	0,05
Right to exercise public service	1	0,05
Freedom of scientific, artistic and other creation	1	0,05
Request for information	208	10,9
Other topics	71	3,72
Not within the jurisdiction of the Ombudsman	37	1,94
Submissions with unclear content	6	0,31
<b>Total</b>	<b>1908</b>	<b>100</b>

### Replies to submissions (if no verification procedure is initiated)

Division	2022
Civil and Political Rights Division	242
Civil and Political Rights Division, Prevention Unit	3
Social, Economic and Cultural Rights Division	277
Children's Rights Division	116
<b>Total</b>	<b>638</b>

## Verification Procedures

Division	Initiated verification procedures	Completed or terminated verification procedures
Civil and Political Rights Division	17	11
Civil and Political Rights Division, Prevention Unit	1	0
Social, Economic and Cultural Rights Division	29	20
Children's Rights Division	14	12
Of which - on its own initiative	10	0
<b>Total</b>	<b>61</b>	<b>43</b>

## Correspondence documents received within verification procedures

Division	2022
Civil and Political Rights Division	36
Civil and Political Rights Division, Prevention Unit	0
Social, Economic and Cultural Rights Division	85
Children's Rights Division	93
<b>Total</b>	<b>214</b>

## Implementation of Ombudsman's recommendations

	2020	2021	2022
Recommendations on the implementation of which information has been received	92	123	108
Number of recommendations implemented fully or partially	76	94	78



	2020	2021	2022
Number of recommendations not implemented or pending	16	29	30
Proportion of recommendations implemented fully or partially*	<b>82.61 %</b>	<b>76.44 %</b>	<b>72.22 %</b>
Recommendations for the fulfilment of which there is no information or time limit	74	64	65
Total number of recommendations issued	166	187	173

\*Only recommendations for which replies have been received from the responsible institutions are listed.

## Consultations

Consultations	2020	2021	2022
By e-mail	1209	1778	967
By telephone	1245	1379	1407
On-site	105	3	52
<b>Total</b>	<b>2559</b>	<b>3160</b>	<b>2426</b>

## Consultation topics

Topic	2022 (n)	2022 (%)
Right to a fair trial	371	13,12
Right to social security	253	8,95
Rights of the child	241	8,52
Rights of persons with disabilities	189	6,68
Principle of good governance	184	6,51
Right to education	170	6,01

Topic	2022 (n)	2022 (%)
Right to respect for private and family life	100	3,54
Right to housing	90	3,18
Right to health	85	3,00
Prohibition of torture, inhuman and degrading treatment or punishment	84	2,97
Right to work	81	2,87
Right to property	78	2,76
Discrimination	62	2,19
Right to liberty and security	39	1,39
Legal status of a person	34	1,20
Right to enabling environment	17	0,60
Freedom of speech and expression	9	0,32
Rights of prisoners	9	0,32
Right to leave and return to the country freely	4	0,14
Right to free movement within the territory of the country	2	0,07
Right to freedom of thought and religion	2	0,07
Right to vote and to be elected	2	0,07
Right to effective protection	2	0,07
Freedom of association	1	0,04
Freedom of assembly	1	0,04
Freedom of scientific, artistic and other creation	1	0,04
Request for information	452	15,99
Other topics	164	5,80
Not within the jurisdiction of the Ombudsman	80	2,83

Topic	2022 (n)	2022 (%)
Unclear content	20	0,71
<b>Total</b>	<b>2827</b>	<b>100</b>

## Ombudsman's opinions and conclusions

	2022
Opinions to the Constitutional Court	19
Conclusions to state institutions on draft legal acts	34

## Public awareness and participation in events

	2022
Publications	3352
News and press releases	113
Social media posts ("Twitter", "Facebook")	342
Events, seminars, discussions organised by the Ombudsman	144
Participation in events and discussions organised by other institutions, lectures given	321
Participation in working groups and commissions	194
Surveys of foreigners to be returned	11

## Discrimination and equal treatment

The principle of legal equality and the prohibition of discrimination are enshrined as fundamental rights in Article 91 of the Satversme and in documents of international law. Legal equality means that unequal treatment must be justified. This principle is infringed if the justification is insufficient or unacceptable. Discrimination, on the other hand, constitutes a legally inadmissible difference in treatment, harassment, exclusion, or limitation, as well as an instruction to discriminate based on individual characteristics such as sex, social origin, disability, age, beliefs, or other circumstances. To establish discrimination, there must be a clear causal link between the disadvantage and one of the individual characteristics to be protected. Discrimination can mean not only different treatment of persons in a similar situation, but also equal treatment in different situations.

### Characteristics of the reporting period

In 2022, the Ombudsman received 73 submissions on various aspects of discrimination, which do not differ significantly from the previous reporting period, when 68 submissions were received. Compared to 2020, when there were 49 submissions, it can be concluded that people are more aware of their rights, the necessity and possibilities for their protection. People have requested the help of the Ombudsman, pointing to possible discrimination or unjustified differences of treatment, in relation to mobbing, COVID-19 restrictions, as well as in the context of gender, age, disability and state of health. However, not in all cases the Ombudsman found unequal treatment or discrimination.

Practice shows that inappropriate or undesired behaviour or legal frameworks that are difficult to accept and seem to be unduly constrained are mistakenly perceived as discrimination. An essential 'stumbling block' to understand these fundamental rights lies in the opposition to assume that a difference in treatment of persons in the same and comparable situations may also be justified if it is based on an exceptional situation with a legitimate aim and the means used to achieve it are appropriate and necessary for society in general. The same applies to the justification of an apparently discriminatory situation in which persons are in substantially different situations but are treated in the same way.

In 2022, the Ombudsman carried out a lot of educational activities to promote public legal literacy on these fundamental rights.

## Review of the most important cases and Ombudsman's opinion

### **On the ban on the use of St George's ribbon in the cafe**

The Ombudsman [did not find violations of human rights](#) when assessing possible different treatment (discrimination) in consumer rights based on national, ethnic, historical interpretation aspects. The Ombudsman admitted that the use of the Russian political symbol, St George's ribbon, for dividing Latvian society is undesirable. Moreover, in situations where there is a potential for escalation of conflict and risk of danger, its use may be restricted even without special legislation, based on the principles of a democratic State and rule of law, objective considerations of security and systematic and teleological interpretation of the legal provisions.

### **On the provision of services to a citizen of another European Union country**

The Ombudsman [assessed the situation](#) when a citizen of a European Union country could not use a driving licence obtained in another European Union country to hire a vehicle in Latvia. An infringement of the prohibition of direct discrimination on grounds of citizenship was found, as there was no legal basis for refusing to receive such a service.

### **On violation of legal equality in awarding social scholarship "Studēt gods"**

The Ombudsman [assessed possible violation of the principle of legal equality](#) in granting the social scholarship "Studēt gods" only to students from large families who started or resumed studies on 1 September 2021. The Ombudsman admitted that different treatment because of saving state budget does not have a legitimate aim, because at that time no general austerity measures were introduced, special protection of large families is determined by laws and regulations, all large families in which young people study are in the same and comparable conditions. In addition, the aim of the scholarship was to create an additional support system for large families who suffer financial losses because of the family state benefit reform.

## Gender equality

Gender mainstreaming means implementing a gender perspective at all levels, policies, programmes, and projects. Gender equality is only achieved by ensuring the necessary requirements, access to resources and power for both genders. The situation with gender equality varies from country to country. More active participation of women in politics, responsible positions, company boards and engineering professions should be promoted in Latvia. Men, in turn, should be encouraged to participate more actively in family life, as well as, for example, as teachers. Views on gender roles remain relatively strong.

Latvia should continue work on addressing remuneration inequalities between women and men. According to Eurostat [data](#) from the EU Member States, the largest gender pay gap is in Latvia, it accounts for 22.3 %.

Domestic violence and violence against women have not been eradicated in Latvia. According to a [survey conducted by the Central Statistical Bureau of Latvia on violence](#), one in four women and one in five men aged 18-74 have experienced physical or sexual violence. Latvia also has the highest number of female victims of murder (1,15) committed by family members and relatives.<sup>1</sup>

### Characteristics of the reporting period

In 2022, several educational discussions took place, organised by both the Society Integration Foundation and the Ministry of Welfare in cooperation with social partners. Several discussions focused on equal pay for women and men to prepare for the transposition of the Pay Transparency Directive (the Directive to strengthen the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms).

In 2022, one of the panels at the Labour Rights Forum of the Free Trade Union Confederation of Latvia was about equal and transparent pay. In this panel, a representative of the Ombudsman's Office spoke about the right to obtain information on pay, ensuring gender equality and aligning several European Union laws and regulations.

A representative of the Ombudsman's Office [was also involved](#) in discussions organised by the Society Integration Foundation on the [history](#) of gender equality and whether the employer divides people into men and women.

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<sup>1</sup> European Institute for Gender Equality EIGE. Evaluation of women's murders in Latvia, 2022.

During the reporting period, lawyers of the Ombudsman's Office continued to participate in both national and international working groups on gender equality: The Gender Equality Committee of the Ministry of Welfare and Equinet Working group on Gender Equality. The Equinet Working Group focused on the willingness of Member States to transpose several directives, including the Pay Transparency Directive and the Directive on violence against women and domestic violence.

The Directive on violence against women and domestic violence was also addressed by the Gender Equality Committee of the Ministry of Welfare. The issue of stereotypes was also discussed in one of the sessions of the Gender Equality Committee, when representatives of the Investment and Development Agency of Latvia and representatives of the State Employment Agency informed about measures to reduce stereotypes about occupations and sectors suitable for women and men. According to them, the project promotes young women's interest in digital professions, and as a result, 73 % of the participants have subsequently resettled.

## Review of the most important cases and Ombudsman's opinion

### **Gender stereotypes and sexism**

At the Gender Equality Committee of the Ministry of Welfare, a representative of the Ombudsman's Office gave a presentation on gender role stereotypes and sexism in advertising. This continued the discussion already launched in 2021 on this topic.

Sexism in advertising remains a topical problem, while the legal framework does not clearly state that sexism constitutes discrimination and is therefore unacceptable. A discussion on banning sexism in advertising should be encouraged in Latvia, as self-regulation does not always work. Participants commented that the topic of stereotypes should also be extended to the media. It was also considered that the topic of sexism was also present on the issue of granting parental leave. The Ministry of Welfare noted that it is possible to organise a separate meeting on this subject, identifying experience in other countries.

## Right to a fair trial

The right to a fair trial is an integral part of the functioning of a democratic and rule of law state. The protection of other human rights and fundamental freedoms to a large extent depends on the proper enjoyment of the right to a fair trial. In accordance with Article 92 of the Satversme, these fundamental rights are guaranteed to everyone, and its broad content must be specified in conjunction with Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the case-law of the European Court of Human Rights. This right is also enshrined in several national and international human rights instruments.

Every year, the Ombudsman receives applications regarding possible violations of the right to a fair trial in pre-trial proceedings and during various proceedings. The most topical issues of the right to a fair trial, which have caused dissatisfaction and criticism of the judicial system in society, are access to court, inadequate quality of legal aid provided to persons, the disproportionate length of proceedings and the motivation of court rulings can be identified from the submissions. Although complaints point to several problems in securing these rights, it must be acknowledged that in Latvian society the understanding of the content of the right to a fair trial and the need for protection of their rights has expanded.

### Characteristics of the reporting period

In 2022, a total of 172 submissions on fair trial were received at the Ombudsman's Office, down from 245 in the previous reporting period. For the most part, the problems indicated in the submissions have come to the attention of the Ombudsman.

Analysis of the statistics from 2022 and previous years reveals that there is a trend towards access to justice, the actions of legal aid providers, the enforcement of rulings and the grounds for rulings, that they are increasingly frequently mentioned in the submissions every year. For example, 34 submissions addressed the subject of the grounds of the decision in 2020, 13 in 2021, and only four submissions during the reporting period. In contrast, there has been an increase in the number of submissions expressing dissatisfaction with allegedly unfair handling of a case (in 2021 this topic has been stated in 34 submissions, but in the reporting period – 42). These numbers provide only insight into the issues submitted to the Ombudsman, but do not justify – in this respect, the situation in Latvia has improved or deteriorated, because to be judged objectively, each case requires an individual assessment.

Submissions continue to underline the problem of lengthy proceedings and possibly misassessed evidence in court proceedings. In some cases, the submissions indicate the aspects of the right to a fair trial in labour disputes, the Ombudsman is often asked to provide information on the means of legal protection available to a person, to explain the procedures laid down in regulatory enactments and



rulings made. In addition, the persons have repeatedly pointed out to lack of information on the possibility of obtaining compensation for harm caused by an institution's unlawful conduct or a negative decision.

During the reporting period, the Ombudsman made a number of proposals to the sectoral ministries and legislator regarding the right to a fair trial, such as: [repeatedly updated the](#) issue of drawing up representation of the offended property owner; [issued a proposal](#) to supplement Section 631 of the Criminal Procedure Law in order to ensure effective protection of the rights of every person in proceedings regarding criminally acquired property; [provided an opinion](#) on automated data processing and the adoption of a decision on the initiation of administrative infringement proceedings. The Ombudsman also drew attention to a [problem in the Law on Administrative Liability](#), which does not establish a person's right to receive legal aid from a defence counsel of his or her choice. The Ombudsman [asked](#) the responsible committee of the Saeima to review Section 71(2) of the Road Traffic Law, which allegedly unjustifiably provides for different amounts of fines for different subjects of the administrative violation. In 2022, the Ombudsman paid attention to the examination procedure of the offences violations recorded by technical means, and in this regard the Ombudsman [turned to](#) the responsible institutions that [provided answers](#).

In 2022, the Ombudsman examined five verification procedures for a possible violation of the right to a fair trial and found a breach in one case, i.e., the person was not given timely consideration of the case.

## Review of the most important cases and Ombudsman's opinion

### **The examination of the case within a reasonable time**

[In the verification procedure No 2021-42-27F](#), the Ombudsman acknowledged that the examination of the civil case on the merits had not been completed for 14 years and that the final decision had not entered into force even after several hearings of the case in cassation due to errors made by the courts. It is important to note that the Senate of the Supreme Court pointed to the mistakes several times, but the regional court repeatedly failed to take it into account and made the same shortcomings as the basis for the annulment of previous court judgments. Consequently, the Ombudsman concluded that the fundamental rights guaranteed to a person in Article 92 of the Satversme had been infringed, and he was informed about the right to apply to a court of general jurisdiction with a claim for compensation for damage.

## Right to a fair trial in pre-trial proceedings

Ensuring the right to a fair trial is also essential in pre-trial proceedings. This affects a person's ability to protect his or her rights in cases where the law does not provide for the possibility of examining the case in court or it is limited. Only a state in which individuals can rely on the legitimate, impartial, and effective functioning of law enforcement authorities can be called legal and democratic.

### Characteristics of the reporting period

As regards applications for pre-trial criminal proceedings, it should be noted that their number has decreased significantly compared to the previous two years, however, the trends of the problems expressed in the submissions have not changed. In 2020, the Ombudsman received 81 submissions, in 2021 there were 76 submissions, and in 2022 - only 35 submissions were received regarding pre-trial criminal proceedings. Most of them were about actions, decisions and investigative actions of the person directing the proceedings.

Several cases have also come to the Ombudsman's attention, concerning the resolution of financial issues in criminal proceedings, including criminally acquired property, and on which the Ombudsman has provided opinions, as well as received requests to provide an opinion to the Constitutional Court.

In their submissions, people most often indicate that public officials have unjustifiably taken or have not taken any significant procedural decisions or have not taken the necessary actions for a full investigation. Applicants have also pointed to the fact the officials have refused getting acquainted with case materials and making copies thereof. Individuals also complain about the unavailability or quality of legal aid.

During the reporting period, representatives of the Ombudsman's Office actively participated in the improvement of the legal framework, expressing their proposals for improvement of the Criminal Procedure Law, Criminal Law and other regulatory enactments, including a norm providing for the determination of a person's liability/penalty for various actions (for example, by extending the rights of the owner of property infringed in criminal proceedings/bona fide acquirer in proceedings regarding the recognition of property as criminally acquired or by providing for criminal liability for driving a vehicle under the influence).

## Review of the most important cases and Ombudsman's opinion

### **On the obligation to submit documents drawn up and translated into the state language**

[In verification procedure No 2020-48-4AD](#), the Ombudsman concluded that the obligation of the owner of the damaged property to submit documents in the state language or to provide certified translations thereof violates the right to a fair trial, and [invited the Ministry of Justice](#) to remedy this violation by ensuring sufficient clarity of the provisions of the Criminal Procedure Law. However, the [Ministry of Justice did not agree with](#) this conclusion, insisting that it is in the interest of the owner of the damaged property to submit documents that are clearly understandable to the person directing the proceedings, which are relevant to the particular matter, including translated into the state language.

### **Violation of the term of seizure of property**

[In verification procedure No 2022-29-16B, the Ombudsman](#) found a violation of the time limit for the restriction of a person's fundamental rights – seizure of property – because the proceedings separated from the main criminal proceedings regarding criminally acquired property were sent to a court for review, in violation of the period laid down in the law. A procedural breach of the right to property was established.

The Ministry of Justice recognised the problems identified in the application of the legal norms, committing to include in the manual an explanation of the application of the norms of criminal procedure in conformity with human rights. However, the promised reply has not been received from the Ministry of Justice.

### **Effectiveness of internal supervisory mechanisms**

The Ombudsman regularly receives submissions expressing dissatisfaction with the internal supervisory mechanism in pre-trial criminal proceedings, namely, in relation to their objectivity, timeliness and care. Within several verification procedures, the Ombudsman recognised the monitoring mechanisms laid down in the law as sufficiently effective, for example, [in verification procedure No 2021-50-4AB](#). At the same time, it should be stressed that the mere fact that a person does not agree with the arguments provided by officials, or the result of the inspection does not mean that this monitoring mechanism has been ineffective.

### **On multiple recording by technical means of one administrative violation**

In 2022, the Ombudsman, considering the topical issue of mass media regarding multiple punishment of driver or vehicle owner (possessor, keeper) for the absence of a valid compulsory civil liability insurance

or State technical inspection, addressed the issue of procedural examination of the violations recorded by technical means.

The Ombudsman [turned](#) to the responsible institutions asking for an opinion, whether in such cases, when the violation has been recorded by technical means, without suspending the vehicle, it is possible to introduce a different procedure and shorten the time limits for examining cases, so that the person is informed about the committed violation in a timely manner. The ministries [replied](#), and the Ombudsman plans to organise a discussion in 2023.

## Enforcement of decisions

Execution of rulings is one of the basic guarantees contained in Article 92 of the Satversme. The concept of fair trial also includes the right to require the State to ensure the effective enforcement of judicial decisions, otherwise all other guarantees of a fair trial are meaningless if the person who has brought justice to the court cannot implement it in practice.

Each year the Ombudsman receives submissions from persons regarding possible violations of the right to effective enforcement of decision, as well as complaints regarding actions and decisions of sworn bailiffs. Despite these complaints, the enforcement situation has improved over the years. Attention is paid to raising public awareness, especially the debtors, and this is also evidenced by the least number of applications received in recent years, as well as improvement of the legal framework, since enforcement of decisions must be effective not only in practice of application, but also in the regulatory framework.

### Characteristics of the reporting period

In 2022, the Ombudsman received six submissions relating to complaints on the enforcement of decisions, while 20 applications related to complaints about actions or decisions of sworn bailiffs. Compared to previous years, this is the lowest number of submissions regarding enforcement of decisions, with 40 applications in 2021 and 52 in 2020. The number of submissions received decreases by year, which could be related to the Ombudsman's regular awareness raising for the protection of debtors' rights and legitimate interests.

At the same time, there are still many telephone and on-site consultations, as well as e-mail responses on the topic. As has been customary in recent years, this type of consultations has become more common than written submissions.

Received submissions in general does not point at new systemic problems in the regulatory framework or its application practice. Most of the problems mentioned in the complaints have come to the attention of the Ombudsman. Most of the submissions and consultations include complaints by debtors about the actions of bailiffs, directing recovery to income and not retaining the funds specified in the law. The replies provide applicants with information on the legal framework and the available remedies.

## Review of the most important cases and Ombudsman's opinion

### **On detention and delivery of persons to an institution for deprivation of liberty**

In 2022, various issues related to the execution of court decisions were raised when a person was sentenced to deprivation of liberty and information was sent to the State Police on his or her detention and delivery to the institution for deprivation of liberty. For the most part, complaints were concerning the period during which persons were detained after the entry into force of the final court decision. The Ombudsman [informed](#) the State Police and requested information about the procedures related to the execution of court decisions.

The State Police [pointed out](#) that there was no need to change the procedure for the execution of court decisions. However, shortly afterwards, information on a case where a court decision had not been executed for more than two years was made public in the media. The person also turned to the Ombudsman, after which the State Police informed the Ombudsman about the inspection carried out in the specific case and the results thereof.

Since the enforcement of court decisions must also be effective when a custodial sentence is imposed, the Ombudsman will follow up on further actions to improve the enforcement of similar court decisions.

## Right to liberty and security

The right to liberty in a broader sense includes, for example, the freedom to decide where a person wants to move, while the right to security is a freedom from interference by the State or other entities with the integrity of a person.

The right to liberty and security may be restricted in accordance with the procedures and to the extent prescribed by law. Deprivation of liberty shall be justified only if it has been withdrawn in the cases and in accordance with the procedures laid down by law. It must be justified; it cannot take place arbitrarily. The right to liberty also includes the condition that a person cannot be held in captivity without a court judgment in the absence of adequate justification. The State has a positive obligation to make every effort to bring the person to trial within a reasonable time. The person needs to understand the reasons for limitation of his or her freedom.

### Characteristics of the reporting period

In 2022, the Ombudsman received 15 submissions on issues affecting the right to liberty. The number of submissions received continues to decrease compared to 2021 (29 submissions) and 2020 (46).

Two submissions have been received about forced placement in a psychoneurological hospital, three - about detention of foreigners, one about detention in pre-trial criminal proceedings, and seven submissions related to other issues. The examination of these submissions did not reveal any systemic problems.

### Review of the most important cases and Ombudsman's opinion

#### **Validity of the arrest warrant**

At the end of 2022, the question arose of the motivation included in court decisions, when the person is subjected to the harshest security measure – detention, so that there are clear grounds for arrest, and the decision is based on facts according to individual circumstances. Previously, in several cases against Latvia the European Court of Human Rights had found that decisions on periodic control of detention are standard and based on general phrases, declaring this practice to be unacceptable. The situation changed in later years and the quality of court decisions improved significantly.

The Ombudsman has initiated several verification procedures to assess whether the motivation included in court decisions is sufficient to justify the need for detention as a security measure, and whether it is in accordance with human rights.

### **Execution of a custodial sentence**

The Ombudsman continues to receive submissions from imprisoned persons regarding early release or opinion on a wrongly imposed or counted custodial sentence. The Ombudsman informs the applicants that this is a court issue and provides information on the current legal framework and the mechanisms for the protection of rights available to individuals.



## Freedom of expression

The right to freedom of expression begins with democracy and freedom of expression is vital for democracy to function properly. This right is enshrined in Article 100 of the Satversme. In a democratic society, the boundaries of freedom of expression are wide, because there is a need for discussion about government decisions, various public processes, including sensitive topics. As the European Court of Human Rights has pointed out, freedom of expression also includes statements that are sharp, shocking, and unacceptable to some part of society. However, not all shocking statements are admissible. Some of them may be considered hate speech that is unacceptable and eradicating.

Hate speech directed against one of the members of a vulnerable group is essentially prejudicial to the whole group. Hate speech undermines democratic values and pluralism. Politicians must be at the forefront of society, and hate speech, defamatory and respectful attitudes towards any group of society cannot be tolerated in their expressions. Unfortunately, the opposite is often concluded. There are still politicians who think about being re-elected rather than about promoting social cohesion. For selfish purposes, they use prejudices that exist in some parts of the society.

### Characteristics of the reporting period

The civilised world was blown by the news that on 24 February 2022 Russia, violating the international law, had invaded Ukraine. Daily, the media showed horrific war scenes and war crimes committed by Russia against Ukrainian civilians and civilian infrastructure. Despite this, there were people who expressed and continue to express their support for Russia and its war crimes.

In 2022, the Ombudsman received 44 materials from the State Security Service requesting to assess whether statements fall within the limits of freedom of expression. For insight, in 2021, eight materials had been received from the State Security Service for evaluation, and three materials in 2020.

It could be observed in the materials that people had “consumed” the content of Russian propaganda for a long time. They expressed support for the Kremlin’s propaganda and Russia’s invasion of Ukraine. Some commentators expressed disbelief in the war crimes committed by Russia, arguing that, for example, atrocities in Bucha were committed by Ukrainians themselves. Others mocked and trivialised the events in Ukraine, saying that Ukrainian language and nation do not exist. There were also commentators who expressed their clear support for the Russian invasion and the brutality of the army, arguing that it was necessary to eliminate fascism in Ukraine. Despite the government’s instructions, some people had gathered in Riga on 10 May at the so-called Victory Monument with flowers and express support for Russia. Dissatisfaction was also expressed in relation to the dismantling of this

monument. There was also verbal aggression against Latvians, emphasising that Latvians are fascists and deserve similar fate as Ukrainians. Certain individuals continuously posted content that supported Russia's invasion in Ukraine, spread disinformation about Latvia, including hate speech. The narrative about Latvia as a failed country was played for a long time from the Kremlin.

During the reporting period, the Ombudsman received 11 submissions from people requesting to evaluate hate speech against the LGBT community on Facebook. Some people had questions about what can be deleted by social networks and whether it is not considered censorship. In 2021, there were 28 submissions on the right to freedom of expression, whereas in 2020 there were 19 submissions on the topic.

Representatives of the Ombudsman's Office participated in the meetings of the Parliamentary Committees on draft legislation directly or indirectly affecting the right to freedom of expression and assembly.

## Review of the most important cases and Ombudsman's opinion

### **On administrative responsibility for hate speech**

The Latvian regulatory framework criminalises hate speech. However, there are often public statements that should be regarded as hate speech but should not be criminalised. In the framework of various discussions, [the Ombudsman emphasised](#) the need for administrative responsibility for hate speech.

### **On significant harm**

Already in 2019, the Ombudsman initiated a discussion, considering that it is necessary to amend Section 150 of the Criminal Law, excluding from it a feature of the composition of a criminal offence – the need to identify significant harm in cases of incitement to social hatred. The Ombudsman continued speaking about the issue also in 2022, for example, by [speaking](#) at the Riga Stradiņš University conference, drawing attention to the fact that a person has the right to trust that he or she will be protected not only in case of unjustified infringement of the right to property, but also in case of violation of other fundamental rights.

## Right to participate in state and local government activities, to perform public service

Article 101 of the Satversme guarantees every resident of Latvia the right to participate in the activities of the State and local governments in the manner provided for by law, as well as to perform the State service. This right includes not only the right of every citizen to vote and be elected, but also the right to actively participate in the discussions at a national and local level. The number of submissions addressed to the Ombudsman regarding the restriction of these rights is not high and most complaints have been received regarding restrictions on voting in prisons.

In 2022, the Saeima adopted the Law on Local Governments to promote the public participation, Chapter VI of which lays down important forms of public involvement in the work of local governments. These regulations should further contribute to the effective, open, and responsible work of the local governments and its relevance to the interests of the residents of municipalities.

### Characteristics of the reporting period

In 2022, the number of applications received at the Ombudsman's Office on this subject decreased – two applications were received regarding the possible restriction of the right to vote, as well as one application regarding the restriction of the right to perform public service.

Considering that 2022 was the year of Parliament elections, the Ombudsman prioritised observation of the election process in prisons and psychiatric hospitals, as well as raising public awareness on civic participation. The Ombudsman also read election literacy lectures for secondary school students and participated in public discussions, highlighting the importance of participation in elections.

### Review of the most important cases and Ombudsman's opinion

#### **On the observation of Parliament elections**

Prior to the elections of the 14<sup>th</sup> Saeima (the Parliament) the Ombudsman conducted a survey of non-governmental organisations representing the rights of persons with disabilities with the aim to identify the difficulties and situations that had previously restricted or prevented people with disabilities to fully participate in the elections. In June 2022, the Ombudsman [met with the Chair of the Central Election Commission](#) to discuss the access of people with disabilities to the election process and opportunities to fully participate in the upcoming Saeima elections, including the accessibility of polling stations and

information on election processes. During the meeting, the implementation of the Ombudsman's previously issued recommendations was also discussed.

On 1 October 2022, the day of Parliament elections, representatives of the Ombudsman's Office observed the election process in almost all psychiatric hospitals, as well as in several prisons and separate polling stations in Latvia. In addition, observers also surveyed individual patients, prisoners, hospital and prison personnel.

In general, it was found that the election process was organised successfully, but it was also concluded that several improvements are needed to ensure full participation of all people. For example, availability of materials on the Parliament elections should be ensured timely and in sufficient numbers, more information in accessible formats for people with disabilities, including easy-to-read, as well as the possibility to use the help of a trusted person.

### **On the draft Law on the State Defence Service**

In 2022, the Ombudsman publicly expressed criticism, as well as [approached](#) the Defence, Home Affairs and Corruption Prevention Parliamentary Committee on the draft Law on the State Defence Service, elaborated by the Ministry of Defence, noting that it did not analyse important conceptual issues affecting several human rights of the inhabitants of Latvia, including the right to private life, the right to perform public service, freedom of opinion, gender equality and social security.

The Ombudsman considered these issues should be carefully discussed in the legislative process, clearly reflected in the drafting materials of the law, as well as explained to the public.

## Right to property

The right to property is a fundamental human right protected by Article 105 of the Satversme. The right to property is an essential right for everyone, as human well-being to a large extent depends on the realisation of this right. The exercise of this right implies the full power of the owner over the property, i.e., the legal capacity to effectively rule, use, and obtain from it all possible benefits. However, they are not absolute. The State may restrict a person's right to property in accordance with the procedures laid down by law. If a person's rights are restricted, this restriction must be proportionate.

### Characteristics of the reporting period

In 2022, the Ombudsman received 86 submissions relating to the right to property (52 in 2021, and 65 2020). The increase in the number of submissions shows that people are increasingly aware of, interested in, and seek to protect their rights.

Residents have mostly turned to the Ombudsman in cases of individual violations, for example, about property boundaries, historical injustice in repossession of property, provision of access to property, division of joint property, actions of the Construction Board, State Land Service, State Revenue Service, tax issues, especially regarding the calculation and application of personal income tax and real estate tax. The Ombudsman received complaints from several persons regarding the disproportionate nature of the new tariff project of the electricity supplier AS "Sadales tīkls".

[The Ombudsman has previously assessed](#) the actions of the State regarding management of the non-heir property and covering public utility payment costs. But in 2022 there was a complaint regarding the actions of the State with the non-heir property that had not been registered in the land register, which will be addressed by the legislative amendments planned in the summer of 2023.

Many submissions for possible infringement of property rights are a matter of private law, therefore the Ombudsman cannot assess such situations on the merits, however, may make suggestions for possible solutions. For the most part, people lose the property or money due to ignorance of laws and delays of deadlines or other wrongful conduct. Thus, it is important for people to be aware that their own active and timely action, possibly involving a legal aid provider, can contribute to a successful resolution of the situation.

## Review of the most important cases and Ombudsman's opinion

### **On the obligation to mow grass in a person's property**

The Ombudsman [recognised](#) as disproportionate the obligation imposed on a person by the binding regulations of Jūrmala State City Council to mow the grass in his or her real estate, not allowing it to exceed 15 centimetres in length. Namely, the local government had not assessed whether it was possible to differentiate the length of the lawn permitted in real estate depending on whether the property was fenced or was in different functional zones of the spatial plan.

### **On the obligation to care of a drain ditch**

[In the verification procedure](#) the Ombudsman examined a person's obligation to take care of a drain ditch located in the territory of public use adjacent to their property. The Ombudsman concluded that the drain ditch, which is in the road partition lane and as an artificially designed drainage facility serves various hydrological purposes, should be recognised as a part of the drainage system and it is the duty of Riga State City Municipality to care for it.

### **On personal income tax from the winnings**

From the point of view of property rights, several complaints have been received from individuals regarding the obligation imposed by the State to pay personal income tax from gambling winnings, without considering that no income has been earned, but there have been losses. Although the Ombudsman did not find a violation of property rights, in the future this topic could lead to a discussion in terms of fairness, which the legislator will have to assess.

## Right to work

Work in the broader sense of this concept is not only a source of a person's subsistence, but also an important element of individuality and self-expression. The chosen occupation helps an individual develop his or her personality, as well as integrate into society and actively participate in its life.

The fundamental rights to employment are included in Articles 106, 107 and 108 of the Satversme. The rights of employees are also regulated by the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Economic, Social and Cultural Rights, the Charter of Fundamental Rights of the European Union, the Revised European Social Charter, and other international law binding on Latvia.

### Characteristics of the reporting period

Statistics on submissions received by the Ombudsman show that the topicality of employment-related issues has not changed significantly in 2022 compared to 2020 and 2021. Persons often turn to the Ombudsman on matters related to employment, but by nature do not fall within the Ombudsman's competence. The Ombudsman shall explain the limits of his or her competence and, if possible, provide the person with information on the means of protection of rights and interests available to them.

### Review of the most important cases and Ombudsman's opinion

#### **On discrimination and bossing of a person with disabilities at work**

The Ombudsman in the [verification procedure No 2022-17-26F](#) assessed the situation where the State Insurance Agency terminated the employment contract with a person with disabilities.

The Ombudsman found that this employee was not discriminated against and the conflict between the employee and his direct manager was related to the employee's performance and did not point to mobbing or bossing. However, the Ombudsman concluded that the employer had not adequately ensured safe and healthy working conditions for the employee and recommended that the State Security Agency remedy the deficiencies of its internal rules.

#### **On discrimination against women in employment**

The Ombudsman [in the verification procedure No 2022-35-26D, 26B assessed the](#) situation when the doctor used the right to go on maternity and childbirth-related leave twice in a row, thus not being able to recertify. Namely, according to the Cabinet Regulations, a medical practitioner's certificate confirming their ability to independently engage in medical treatment is issued for a period of five years. After the

end of this period, the medical practitioner must perform recertification. However, recertification may not be applied if the medical practitioner has performed professional activity for less than three years during the period of validity of the certificate.

In the present situation, the doctor could recertify because she exercised twice the right to go on maternity and childbirth-related leave during the period of validity of the certificate. Thus, to continue her professional activity, she had to obtain a new certificate by taking the examinations and bearing the costs thereof.

The Ombudsman concluded that such regulations lead to systemic indirect discrimination based on gender. The Ombudsman also found that the Ministry of Health and the Latvian Medical Association had previously received submissions from the doctor about this situation but did not pay due attention to it. Thus, they had breached the principle of good administration.

The Ombudsman recommended the Ministry of Health to develop amendments to the legal framework for recertification of medical practitioners to eliminate these shortcomings.



## Right to social security

The right to social security is very important and, at the same time, specific human right, as its implementation is closely linked to the financial capacity of each country. At the same time, the State has a duty, within the limits of the available resources and with appropriate help, to strive for the fullest possible realisation of social rights.

The right to social security is guaranteed by Article 109 of the Satversme, and the purpose of this right is, as far as possible, to ensure a dignified existence. To exercise this right, a social insurance system has been developed in Latvia, which includes pensions, sickness, unemployment and other benefits, state social benefits such as family state benefit, as well as a social assistance system, the main task of which is to provide support in situations where a person is unable to earn income and no support from the state social insurance system is provided. The social assistance system also includes social assistance benefits and services provided by the municipality.

### Characteristics of the reporting period

In 2022, a total of 108 submissions were received on aspects of social security rights, down from 154 in the previous reporting period, but not significantly different from 102 submissions in 2020. As in the past, many applications were for incorrect or unfair calculation of the old-age pension, including incorrect determination of insurance length. Similarly, many submissions were related to social assistance and services provided by the municipality, as well as to the topicality of 2022 – state aid related to rising energy prices.

During the reporting period, the Ombudsman has mainly explained the procedures for granting and calculating pensions, social security benefits or social assistance.

### Review of the most important cases and Ombudsman's opinion

#### **On the revision of the minimum income level**

In view of the significant increase in consumer prices in 2022, the Ombudsman [concluded](#) that the level of guaranteed minimum income and the amount of the state social security benefit were not sufficient to cover even the food costs. Also, the planned increase in the minimum income threshold from EUR 109 to EUR 125 for 2023 would not be sufficient to ensure a dignified life. The Ombudsman pointed out that there should be no delay in introducing the planned changes to the minimum income thresholds and called on the government to immediately improve the legal framework for minimum income.

### **On the revision of state social benefits**

The Ombudsman received a submission expressing a misunderstanding why, taking into account the rise in consumer prices, including children's food, clothing and hygiene products, the amount of child benefits is not reviewed.

In assessing the regulation of state social benefits, the Ombudsman [concluded](#) that the benefits granted for families with children had not been reviewed for a long time. Although both the prices of goods and services and the average wage have increased significantly since the last changes in the benefits and bonuses, there had been no revisions to the level of benefits and bonuses. The Ombudsman therefore invited the Cabinet of Ministers to improve the regulation for determining and reviewing the amount of state social benefits.

### **Compensation for the increase in energy costs**

The Ombudsman assessed whether the support provided by the State to compensate for part of the increase in energy prices for central heating is provided to all households regardless of the heating technology used, and [concluded](#) that the support is not intended for households using technologies that are not considered environmentally friendly, such as liquefied gas and diesel. Consequently, the Ombudsman invited the Cabinet to assess the need to compensate all households for energy costs regardless of the type of heating technology used, if the use of the fuel in question is allowed in accordance with the applicable regulatory framework.

## Right to housing

In 1991, the UN Committee on Economic, Social and Cultural Rights adopted General Comment No 4 explaining the content and conditions of the right to housing. According to the comment the State must give priority to persons who, for objective reasons, are unable to exercise their right to housing. In the national legal framework, poverty is also one of the main criteria for receiving assistance. Therefore, the level of income and the fact that, for objective reasons, a person cannot sustain themselves and acquire a dwelling on the real estate market is a basis for claiming State-guaranteed assistance.

The right to housing includes not only 'roof over one's head', but also such aspects as redress against forced eviction, access to infrastructure and services, the compliance of the housing with safety and health standards and its accessibility, for example, for persons with disabilities.

The right of a person to housing, enshrined in the international human rights documents, as well as in the laws and regulations in force in the Republic of Latvia, does not mean that the state has an obligation to grant housing to everyone at his or her request and wishes, but rather that a minimum standard of this right must be ensured.

### Characteristics of the reporting period

In 2022, the Ombudsman received a total of 68 submissions on aspects of the right to housing, down from 97 in 2021.

In general, the received submissions do not indicate to new or systemic problems, and most of the complaint issues have already been in the Ombudsman's sight. Similarly, the Ombudsman did not find lack of regulation in any of the matters, however, often provided explanations of the regulatory framework and the procedure for its application, assessing possible violations of fundamental rights. Analysis of the statistical data shows that applications about assistance from local governments laid down in laws and regulations have been received invariably. Complaints have been about the local government's refusal to provide assistance, as well as about the procedure for receiving housing and the quality of the received housing. The Ombudsman also paid attention to the housing assistance issues to persons released from prison.

Complaints were also received regarding the actions of local governments in changing the rental agreements, therefore, the Ombudsman repeatedly explained the regulations of the new Residential Tenancy Law on short-term rental agreement and its justification.

Like the previous reporting period, many submissions were related to the conduct of the house manager. Complaints mainly concerned such issues as heating, renovation, as well as communication

and failure to provide information, etc. However, given that most of the complaints were a matter of private law, the Ombudsman suggested possible actions in these matters without interfering with the resolution of disputes on the merits.

## Review of the most important cases and Ombudsman's opinion

### **On provisions rental agreements**

Since the [Residential Tenancy Law](#) entered into force on 1 May 2021 and introduced several significant changes in the resolution of residential rental issues, the number of complaints related to the provisions of rental agreement – particularly, the fact that at present rental agreements are to be concluded for a certain period – increased significantly.

During the reporting period, the Ombudsman assessed the actions of the Riga municipality in cases of contract renegotiation. The Ombudsman explained that the legislator, when adopting the above-mentioned law, also provided for transitional provisions in cases where rental agreements had been concluded for an indefinite period, laying down precise procedures for the transfer of such agreements. The Ombudsman concluded that the procedure established by the Riga municipality for the transfer of rental agreements, which had previously been concluded for an indefinite period, both complied with the procedure laid down in regulatory enactments and did not violate the fundamental rights of persons in any way.

## Right to health

The right to health is guaranteed by Article 111 of the Satversme and is also enshrined in Articles 25 and 28 of the UN Universal Declaration of Human Rights, Article 12 of the UN International Covenant on Economic, Social and Cultural Rights, Articles 11 and 13 of the European Social Charter.

### Characteristics of the reporting period

In 2022, the Ombudsman received a total of 123 submissions concerning aspects of ensuring the right to health, which are not significantly different from 2021 when 151 submissions were received. Most issues of the submissions had previously come to the Ombudsman's attention. People continue to point to systemic problems such as the lack of access to medical services, high co-payments (especially in cases of oncological diseases), expensive medicines, inadequate quality of treatment and the handling of complaints about the quality of treatment. In 2022, the number of submissions regarding the quality of health care of seniors in the hospital has increased.

### Review of the most important cases and Ombudsman's opinion

#### **The mechanism for individual reimbursement of medicines**

In the verification procedure, the Ombudsman analysed the regulatory framework and case-law to find out possible shortcomings of the individual reimbursement mechanism for medicines and possibilities to improve it. The Ombudsman had received several submissions regarding the refusal of the individual mechanism to compensate the patient for the medicines prescribed by the doctors' council. In all cases, the refusal is based on the fact that the State has provided for other medicines for the treatment of the patient's diagnosis, so that the individual compensation mechanism is not applicable under the regulatory framework. Case-law on this issue is limited, but existing court judgments recognise such refusals as justified, emphasising the need to balance the individual's right to receive medicines with the right to public health protection in circumstances of limited funding.

The Ombudsman continues to study this topic and evaluates possibilities to balance the normative framework.

#### **On the need to establish Patients' Ombudsperson**

The Ombudsman gave his opinion on the need to establish Patients' Ombudsperson in Latvia, as well as the possible functions and status of such institution. Summarising foreign experience and analysing the Health Inspectorate's work and issues raised in submissions from individuals, the Ombudsman considers

that the Patients' Ombudsman is necessary as a parallel mechanism for the protection of patients' rights to the Health Inspectorate, with education, research, informative support about rights, hearing, if necessary, mediation as its tasks, but not punishment or giving medical opinion. There should be no duplication of functions between the Health Inspectorate and the Patients' Ombudsperson. The tasks of the Patient Ombudsman would compensate for the identified shortcomings in the protection of patients' rights.

### **On the price difference of medicines in the Baltic States**

In 2022, the Ombudsman addressed the issue of price differences of medicines in the Baltic States. A study on this topic was published by the Ministry of Health (Conceptual Report on the Financial Availability of Medicines, 27 July 2022) indicating the causes of the relatively high prices of medicines in Latvia and offering solutions. The Ombudsman monitors the progress of the matter, updating it at government level if necessary.

### **On the provision of permanent care in hospitals**

The Ombudsman repeatedly (previously in 2021) addressed the Ministry of Health about the care for those patients, who require 24-hour care and a support person, pointing out that a solution is needed to ensure adequate care for these patients, ensuring that their state of health does not deteriorate and that they receive dignified healthcare. As of November 2022, the name of the service paid by the National Health Service "The presence of an accompanying person at the patient's 24-hour rehabilitation institution or at a 24-hour hospital" was changed to "Location of the accompanying person at the patient's 24-hour hospital", thus the presence of the accompanying person with the patient in cases where it is necessary for the provision of permanent care has become possible.

## Right to an enabling environment

Article 115 of the Satversme provides that the state protects everyone's right to live in a enabling environment by providing information about the state of the environment and taking care of its preservation and improvement.

To ensure the right to a favourable environment, the State has a duty to:

- refrain from environmentally degrading activities;
- adopt an environmental policy that contributes to the preservation of the natural environment and the improvement of the quality of the environment;
- protect people from environmental risks posed not only by the state, but also by individuals;
- limit various types of pollution, including air, water, land, and noise.

The most important global event in 2022 for the protection of these fundamental rights was [the adoption of UN General Assembly Resolution A/RES/76/300 of 28 July 2022](#), which recognised the right to a clean, healthy and sustainable environment as a universal human right. The text of this resolution was supported by 161 out of 193 UN member states, including Latvia.

The path towards climate neutrality has become increasingly relevant in Latvia.

### Characteristics of the reporting period

In 2022, the Ombudsman received 35 applications in relation to the right to enabling environment with a similar number of 34 submissions in 2021 and only 21 in 2020.

In their submissions, people often point to problems related to the soundness of tree felling, public participation in environmental decision-making, road maintenance, waste management, excessive noise, etc. caused by roads, industrial activities, as well as various other types of business such as restaurants, nightclubs and gaming halls, and visitors to these entertainment venues.

The right to public participation in environmental decision-making is also linked to participation in public consultations. The Ombudsman's observations show that opinions of developers, residents and institutions often diverge on the purpose of such consultations. This may give rise to public doubts as to the correctness of the authority's decision, which undermines trust in the public administration.

For some submission Ombudsman's Office has provided explanations, for example, on how environmental decisions can be challenged and appealed. Some applicants indicated that it was due to the Ombudsman's involvement that encouraged the responsible authorities to act. Irregularities were also detected in some cases.

In addition, the Ombudsman initiated several verification procedures on noise assessment and management procedures, which will continue to be examined in 2023.

## Review of the most important cases and Ombudsman's opinion

### **On noise pollution from the A8 motorway**

[In verification procedure No 2021-60-22](#), the Ombudsman found that the State motorway A8 located next to the applicant's property constituted an infringement of her right to an enabling environment. Namely, the construction of a motorway too close to a residential house was carried out because of historical, allegedly erroneous Soviet decisions. As a result, the applicant's property significantly exceeded the permissible level of environmental noise. The Ombudsman concluded that such historical shortcomings need to be addressed by the state. Therefore, the Ministry of Transport and the Latvian State Roads company were instructed to implement noise reduction measures in the applicant's property.

### **On the appeal time of tree felling permits**

The Ombudsman examined a person's submission regarding the refusal of Riga Municipality to examine the application for contesting the tree felling permit. As a result of a misinterpretation of the term 'encouraged', the municipality had incorrectly calculated the time limit for contesting. Therefore, the Ombudsman called on the local government to interpret this concept correctly in the future, following the provisions of the case-law of the Senate.

In addition, the municipality considered that the applicant had missed the deadline for contestation by one day. The Ombudsman indicated to the local government that the proceedings in the institution are not subject to as formal requirements as the proceedings in court. This allows the institution to reinstate the procedural time-limits which have been overdue even on its own initiative, without issuing any written procedural decision. Therefore, the Ombudsman urged the local government to consider the issue of delay of deadlines in the future less formally and in cases where it is proportionate and the rights of other persons are not affected, to consider reinstating the procedural delay also on its own initiative.



## Good governance

The principle of good governance is a constitutional general legal principle implicitly enshrined in the Constitution and recognised as an EU fundamental right. It is expressly enshrined in Section 10 of the State Administration Structure Law and Article 41 of the Charter of Fundamental Rights of the European Union.

This principle requires equal and respectful attitude of the State or local government institutions towards private individuals, which includes not only the duty of the institution to act in accordance with regulatory enactments, but also to constantly improve the quality of the services provided to a person, considering that the public administration serves the population.

### Characteristics of the reporting period

In 2022, the Ombudsman received 332 submissions related to good governance, similarly in 2021 there were 334 submissions, significantly fewer – 272 submissions – in 2020.

As previously, most complaints were concerning decisions taken by institutions, the correctness or legality of certain actions, the lack of reply or information, the absence of a response on the merits, objectivity, substance of decisions and actions, the lack of polite and respectful treatment. It should be noted that submissions have not always been justified. In many cases, individuals have given a subjective view on how one or the other matter should be decided.

The Ombudsman's criticised a conflict of interest in Riga; lack of control of traffic offences in Cēsis and Olaine; actions of the State Land Service, improperly maintaining the Cadastre Information System; actions of State Forest Service, deceiving a person about his rights. At the end of 2022 the Ombudsman found that the State Revenue Service did not comply with the law by carrying out calculations of the personal income tax instead of persons. The investigation in the case is ongoing.

It is noteworthy that the institutions' willingness to correct an error depends on a specific stage of the process. For example, if an authority has already taken a decision, then there is often a reluctance to correct the error. On the other hand, if a shortcoming has been established during adoption of the decision, the authorities prefer to correct the error.

In general, public administration is a willing to address and prevent identified problems.

## Review of the most important cases and Ombudsman's opinion

### **Whistleblower's remedy mechanism**

[In the verification case 2022-02-27J](#), the Ombudsman concluded that the national whistleblower remedy mechanism is unclear. The Whistleblowing Act does not specify a competent authority that could ensure the control of whistleblowing issues, including verification of whether the body handling the whistleblower's report has ensured the protection of the rights of the whistleblower. The Ombudsman urged to consider whether the public prosecutor's office could be the competent authority, calling on the State Chancellery to take measures to remedy the identified deficiencies.

### **Administrative penalty for non-payment of municipal parking fees**

The Ombudsman [found incorrect practice](#) of the Saulkrasti municipal police, imposing administrative penalties on persons who have not paid the fee for the local government parking. Non-payment of a municipal parking fee is a non-fulfilment of a civil obligation, for which administrative liability cannot be applied. The local government was asked to immediately stop the administrative punishment and to develop new procedures for monitoring compliance with the regulations regarding paid municipality parking. Based on the Ombudsman's conclusions, the Ministry of Environmental Protection and Regional Development invited other local governments to review the practice of managing paid parking.

### **Failure to issue materials in administrative offence proceedings**

In the [verification procedure No 2022-48-27H](#), on compliance with the principle of good governance in the examination of administrative offence proceedings in relation to violations regarding the absence of a pass for entry into the special regime zone in Jūrmala, the Ombudsman concluded that in relation to the issue of materials of administrative offence cases, the actions of the Jūrmala Municipal Police do not comply with the principle of good governance. The materials of administrative offence cases were sent to the person selectively, each time only partially issuing of the requested information.

### **Procedure for the transfer of an official**

[In verification procedure No 2022-33-27K, the](#) Ombudsman assessed the actions of the State Security Agency by transferring an agency official to another institution. The Ombudsman found a breach of the principle of good governance. The redeployment of the official was organised in a formal and bureaucratic manner, without providing a reasonable explanation as to the need for the transfer in terms of efficiency and effectiveness. Following the intervention of the Ombudsman, the process of transferring the official was not continued. It is important to note that the verification procedure

showed signs of retaliation, including because of whistleblowing, but no conclusive evidence was obtained.

## Rights of children and young people

Children's rights are a set of fundamental rights and freedoms that must be guaranteed to every child without any exception. The child has limited capacity to act, and specific rights related to age, family situation, etc. As a physically and intellectually immature person, a child needs special protection and care of parents or persons replacing them, including adequate legal protection. The rights and legal interests of the child shall be prioritised in any relations and institutional work affecting the child.

### Characteristics of the reporting period

The reference period is characterised by the implementation of the principle of the best interests of the child. On 8 December 2021, amendments to Section 6 of the Law on the Protection of the Children's Rights entered into force, laying down criteria for assessing the best interests of the child. Consequently, on 27 May 2022, amendments to Cabinet Regulation No 617 on the procedure for assessing the initial impact of a draft legal act entered into force, stipulating that compliance with the best interests of the child are considered in the initial impact assessment of each new draft legal act. [The Ombudsman called for](#) attention to be drawn to the fact that such a requirement applies not only to legislation regulating the rights of the child, but also to those draft laws that may affect the child indirectly.

In January 2022 the merger of Orphan's and Custody Courts ended. In Latvia, there are now 43 Orphan's and Custody Courts instead of 117. To ensure the adoption of a decision in accordance with the best interests of the child and the possibilities for Orphan's and Custody Courts to ensure full protection of the rights and interests of children and persons under guardianship, amendments to the Orphan's and Custody Courts Law lay down higher requirements for the composition of the institutions and employment. However, the Ombudsman concluded that the objective of the amendments had not been achieved. The Orphan's and Custody Courts are in personnel crisis, and they cannot perform their duties qualitatively. The protection of the rights and interests of children and persons under guardianship is threatened. It is time to consider introduction of family courts, which would take over the function of decision-making, while social services would take over other duties.

There has been a slight decrease of submissions on the rights of children and young people - 1024 in 2022 (whereas 1210 in 2021 and 1009 in 2020). Of these, 238 were written submissions, one from a child (in comparison, 260 submissions in 2021, 5 from children; 245 submissions in 2020, one from a child). In 2022 there have been 786 telephone and e-mail consultations (950 in 2021 and 764 in 2020). The reduction in the number of submissions is related to the removal of COVID-19 management restrictions. At the same time, the number of submissions on the right to social security (134) has increased, which

has not been among the most popular topics before. This is due to the economic situation in the country and the reduced support of the municipality because of the administrative territorial reform. As in the past, many submissions concerned the exercise of rights of access (131 in 2022 and 153 in 2021), as there is no improvement in this area. However, the number of submissions for suspension/renewal of custody rights decreased from 108 submissions in 2021 to 69 in 2022. This could, however, indicate a lack of response to violations of children's rights within the family or awareness of individuals about the enforcement of their rights.

Submissions on the right to education mainly concerned the lack of access to pre-school education in municipalities (32 in 2022 and 43 in 2021). In 2022, there were 6868 children in 21 municipalities waiting for a place in the municipal kindergarten. A solution to the long-standing problem would be adding the right to free-of-charge pre-school education to the Article 112 of the Satversme. This would shift the financial burden on the acquisition of a pre-school education in a private institution from parents to local governments, which does not fulfil the obligation to provide children with the opportunity to acquire pre-school education in an institution established by the local government.

## System for the protection of children's rights

Protection of the rights of the child shall be implemented in cooperation with family, State and local government institutions, public organisations, and other natural and legal persons. Everyone's duty is to help the child in need. The Orphan's and Custody Court shall defend the personal and property interests and rights of the child. The rights and best interests of the child must be ensured as a matter of priority for all actions concerning the child.

### Characteristics of the reporting period

In 2022, the Orphan's and Custody Courts were delayed in carrying out their duties due to insufficient capacity – both the lack of employees and their overload. For example, Orphan's and Custody Courts delay the time limits set by courts to issue opinions in civil cases, were unable to attend a forensic expert-examination to represent the child within a certain time. Ombudsman also received complaints about the quality of their work. In June 2022, local governments were [invited to](#) evaluate the workload and capacity of the Orphan and Custody Courts' employees. The State Inspectorate for the Protection of Children's Rights and the Ministry of Welfare have also indicated to the significant human resources crisis of the Orphan's and Custody Courts to local governments and responsible ministries. The Inspectorate and the Ministry have also called on local governments to ensure the operation of Orphan's and Custody Courts in accordance with the requirements of laws and regulations and the needs of residents.

Although the number of Orphan's and Custody Courts has decreased significantly because of the administrative territorial reform, the quality of their work has not improved. For example, non-compliance with the principle of good governance and insufficient action in the performance of their tasks has been regularly detected in the Riga Orphan's and Custody Court lacking 21 % of employees. Although the Riga City Council has increased the salaries of the employees of the Orphan's and Custody Court as of 1 July 2022, it has not been sufficient to attract new employees. The protection of children rights cannot be ensured without addressing the lack of human resources in Orphan's and Custody Courts. The Ombudsman will continue contributing to the improvement of the situation.

In 2022, and previously, the Ombudsman established cases when decisions of Orphan's and Custody Courts were not executed. Orphan's and Custody Courts did not act to achieve their execution using the mechanism ensured by the State allowing infringement of the rights of the child on which the decision has been taken. Even criminal liability is provided for the failure to comply with the decision of the

Orphan's and Custody Court. The Ombudsman has addressed this problem and will continue promoting that Orphan's and Custody Courts ensure the execution of decisions.

## Review of the most important cases and Ombudsman's opinions

### **On specialised knowledge on children's rights for sworn advocates**

Special knowledge on the protection of children's rights is mandatory only for sworn advocates who represent or defend children in criminal proceedings and administrative offence proceedings and represent children in administrative proceedings, civil proceedings, or Constitutional Court proceedings. If a sworn advocate represents parents in family law matters, special knowledge is not mandatory. They are also not mandatory for providers of state legal aid and authorised representatives. According to information provided by the Latvian Council of Sworn Advocates, 20.9 % of lawyers practising in Latvia have acquired expertise in children rights. The Ombudsman will contribute to the wider acquisition of expertise to comply with the best interests of the child.

### **On the settlement of disputes between the child and the parent**

Problems in disputes between children and parent were highlighted by a situation of a 16-year-old youngster whose mother had died, and the father did not take care of him. The young person and his father could not agree on his place of residence and educational institution. The Orphan's and Custody Court heard the opinion of the child, but did not assess it, without sufficient motivation to resolve disagreements in favour of the father. Regulatory enactments do not specify exactly how – by adopting an administrative act or reaching an agreement between the child and the parent – such disputes should be addressed. There is a lack of opportunity for the Orphan and Custody Court decision to be subject to court review.

Settlement of disputes between children and parents is no less important decision than settlement of parental disputes. The Ombudsman asked the State Inspectorate for the Protection of Children's Rights to develop guidelines (methodological recommendations) for Orphan's and Custody Courts for the implementation of a uniform practice for resolving disputes between a child and a parent. The Inspectorate took note of this recommendation and published methodological recommendations for resolving disputes between children and parents at the end of 2022.

## **On the Information System for the Support of Minors**

To facilitate institutional cooperation, rapid exchange of information and timely assistance to the child, an Information System for the Support of Minors was established. It should have been launched on 25 May 2012.

Unfortunately, in the [verification procedure No 2017-42-27K the Ombudsman identified](#) significant deficiencies in the regulation and practical use of the information system, and issued recommendations to the authorities. According to the Cabinet of Ministers, the Ministry of Welfare took the leading role in ensuring the functionality of the information system. At the beginning of 2022, the Ministry informed that the draft information report was being clarified. It is still a draft project – a legislative file has been created on 1 November 2021, but no progress has taken place so far. Improvements in the use of the Information System for the Support of Minors have not been identified, the Ministry of Welfare hinders the improvement of the functionality of the system.



## Child's right to participation

The child has the right to express his or her views freely on all matters affecting them, and the child's opinion must be given due consideration in accordance with his or her age and degree of maturity. For example, a child has the right to freely express his or her thoughts, to receive and provide any information for this purpose, the right to be heard, the right to freedom of conscience and religion, to freedom of association, as well as the right to participate in self-government in the fields of education, culture, and sports. This is the right of the child to participate. Participation has a positive impact on the development of children and young people and promotes civic engagement.

### Characteristics of the reporting period

The Ombudsman has visited schools and addressed children on various topics, including informing about the Ombudsman's institution. However, children still rarely turn to the Ombudsman – in 2022 one written submission from a child was received and five consultations were provided. The situation is explained by the problems of promoting participation in the country, due to which children are not motivated to participate in the protection of their interests.

To stress the importance of children's participation, the first discussion of the Ombudsman's annual conference "Dignified Engagement as the basis of democracy" was devoted to respect for the child. Participation in social life should be taught in childhood, first and foremost with the participation of the child in the family. A child who has experienced a respectful attitude in the family and at school will be prepared for independent life in society, will be motivated to engage in decision-making. During the [discussion](#), young people shared their experiences of participation.

### Review of the most important cases and Ombudsman's opinions

#### **On children's participation in the improvement of the educational institution's environment**

The Ombudsman's assistance in promoting children's participation was requested by students who had developed a public work project for the installation of drinking water taps in an educational institution. The students carried out a detailed study of the situation about the drinking habits of students, identified the offer of water tap manufacturers and installers, as well as solved issues related to financing. The school management rejected the student's intention without even assessing it or explaining the reasons for refusal. The institution has not responded to the Ombudsman's invitation to get acquainted with the proposals and to find the opportunity to support them. The student's initiative

was evaluated and considered only after the involvement of the local government as the founder of the school.

### **On the participation of children in medical treatment**

There is still a lack of respect for the right of the child to participate in their medical treatment. Although Section 13(2) of the Law on Patients' Rights allows a child from the age of 14 to decide on his or her medical treatment, the exercise of that right depends entirely on the quality of the information provided to them. In practice, the child's consent for treatment is obtained by giving them to sign a pre-prepared form. Concerns about the best interests of children and the proper provision of information are not only because the writing is not explained to the child, but also that a signature is required from young people who have been in a difficult situation. For example, in one case, the child had signed consent for treatment, thinking that they are signing a form about their belongings. In another case, the minor had signed the consent form without being adequately treated, being medicated and, as a result, unable to rationally understand what is happening. This practice should not be supported as it formalises children's participation and prevents children from fully participating in their health care.

## Child's right to identity

There are many identity building elements that are important for a child to be aware of, such as knowledge of their own origin, race, culture, religion, language, citizenship, name, family ties and perception of their body, mental and moral qualities. Measures to protect children's rights must be carried out in such a way that children can develop fully and harmoniously as personalities, while retaining all the elements of their identity. From a child's right to know his or her parents derives parent's obligation to establish paternity. It is important for every child to be in the custody of both parents. In addition, a child without paternity is denied from receiving state aid in certain situations. For example, maintenance, social security benefit or provider loss pension in case of the death of a parent.

### Characteristics of the reporting period

About 3% of children born every year are without paternity. There are cases when the child's father is known to the Orphan's and Custody Court or social services from the information provided by the child's parents. A person has recognised that he is the father of a child, lives in the family with children, takes care of them. Paternity is most often not legally recognised due to everyday circumstances – at the time of child's registration the father has been abroad or had no valid identity document, etc.

In the Guidelines for the Development of Children, Youth and Family 2022-2027, one of the strands of action is strengthening equal opportunities for children without paternity. According to the Ombudsman, the State must make every effort to establish the child's paternity, while at the same time distinguishing those situations where the father of the child is not identifiable. Officials for the protection of children's rights, especially in Orphan's and Custody Courts and Social Services, should encourage parents to ensure the child's right to identity, promoting paternity in families that come to their sight if the authorities have information about the child's father. Support for children without paternity should strike a balance between the child's right to identity and the right to social security, so as not to encourage an increase in the number of children without paternity.

The name of the child is an integral part of his or her private and family life. It is both a type of person's identification and indicates a connection with a particular family. Disputes between parents regarding the change of the surname of the child shall be settled by the Orphan's and Custody Court. The decision of the Orphan's and Custody Court shall enter into force and shall be enforceable without delay. So immediately after taking a decision at the sitting and receiving the decision extract, without waiting for a full decision to be written, the parent may go to the General Registry Office and change the child's surname. If the other parent considers that the change of surname is not in the best interests of the

child, the decision must be referred to the court for assessment. A situation arises that the decision of the Orphan's and Custody Court has been executed immediately, but the assessment of the legality of the decision takes place after the change of surname. Court proceedings have taken place for several years. When reviewing cases that affect the rights of the child, the court shall assess not only the circumstances that existed at the time of the decision of the Orphan's and Custody Court, but also the current situation. If the child has had the changed surname for several years, it is unlikely that the court would decide on the renewal of the previous surname. Therefore, it should be laid down that the decision of the Orphan's and Custody Court on the change of surname shall take effect when the time period for appealing it to the court has expired and the application has not been submitted. The Ombudsman will address the proposal to the Ministry of Welfare.

## Review of the most important cases and Ombudsman's opinion

### **On the promotion of paternity determination**

The parents did not determine the paternity of the child. When the family came to the sight of the Orphan's and Custody Court, both parents had admitted that paternity had not been recognised without a valid reason. The Orphan's and Custody Court suspended custody rights for the mother, and the child was placed in a foster family. Two weeks later, his father died. The Orphan's and Custody Court had not facilitated the recognition (determination) of paternity considering it a right of parents, not an obligation. The child does not receive a provider's loss pension, the father's relatives have difficulty in becoming guardians because they are not legally relatives of the child. Upon Ombudsman's recommendation, the Orphan's and Custody Court has taken action to apply for the determination of paternity to the court.

### **On paternity of the child of a mother in out-family care**

A child born to a minor mother during her out-family care in an institution was not granted paternity. The father of the child voluntarily avoided paternity. The Orphan's and Custody Court and the childcare institution had not shown interest in helping the young woman solve the issue of child's paternity, although the identity of the child's father was known to everyone. The Ombudsman repeatedly called on the Orphan's and Custody Court and the out-family care institution to take the necessary actions to determine child's paternity in court. Only by persistently motivating these institutions, they began to address the issue of child's paternity.

## Child's right of access

A child has the right to maintain personal relations and direct contact with any of the parents, siblings, and grandparents, as well as other people with whom he or she has lived in a single household for a long time (right of access). For parents, contact with the child is not only a right, but also an obligation.

Access does not fall within the scope of custody rights.

### Characteristics of the reporting period

Although case-law regarding custody and access rights has improved, the problem of enforcement of court decisions is still topical. Court decisions in access cases cannot be enforced because usually enforcement is left to the child's discretion. If the child does not want to maintain contact with the separated parent, then the court decision is not enforced. Although the court determines the arrangements for contact in the best interests of the child, there is no uniform understanding and clarity as to whether the child must comply with the court judgment. If the court decision must be enforced, it is not clear who and how should enforce it. There is no mechanism for ascertaining the true attitude of the child to the separated parent and the reasons for the unwillingness to maintain contact at the time of enforcement of the decision. There is a causal link between the attitude of the child and the parent with whom the child lives to the other parent. The possible psychological influencing of the child is not investigated.

Ombudsman's previous recommendation to the Ministry of Welfare regarding the introduction of a service to improve or restore the relationship between the child and the parent has not been implemented.

### Review of the most important cases and Ombudsman's opinion

#### **On the access right of a child in out-family care**

Parents who have been suspended or deprived of custody also have the duty and right to maintain relations with children. Out-family care support centres have an obligation to organise contact of a child placed in a foster family with parents, siblings, relatives, or persons close to the child. Although support centres have been operating for four years, there are still cases of non-compliance with the obligation to organise access. Support centres do not have a common understanding of ensuring access. They do not always perceive access rights as an essential need of the child, but rather as the parent's need to restore custody rights. In cases when the support centre engages in ensuring access, contact between the child and the parent is ensured disproportionately rarely and for a short period of time. In 2020, the State

Inspectorate for the Protection of Children's Rights developed methodological recommendations for the organisation of access, but they have not been implemented. A common understanding of support centres needs to be promoted.

### **On the right of separated children to access with siblings**

If children of one family are separated in out-family care and placed in several foster families, with a guardian, or in a care institution, contact between children is most often not ensured, or it is disproportionately rare. Care providers do not take initiatives to promote relations between children, noting that relationships and contact with children are not denied. The Orphan's and Custody Courts, when monitoring the provision of the rights of the child in out-family care, pay little attention to the implementation of the access rights.

### **On restrictions of access with the child**

If it is necessary for the protection of the rights of a child in out-family care to restrict contact with parents – to determine a specific time and place of contact, the Orphan's and Custody Court has the duty to take a decision thereon. Parents and child's caregiver must comply with the procedures laid down by the Orphan's and Custody Court. Ombudsman established a case when the decision of the Orphan's and Custody Court had not been complied with for a long time, denying access rights between the child and the parents for more than a year. The Orphan's and Custody Court allowed non-execution of the decision taken without addressing the guardian for non-fulfilment of duties.

The gap in parent-child relationships leads to alienation, and the local government needs to invest resources in the restoration of relations – a specialist should be provided to help the child re-create relationships in a lenient way. It should be considered that alienation of a child and parents can be assessed as a ground for deprivation of custody rights, therefore, inaction by the Orphan's and Custody Court is not permissible.

## Child's right not to be subjected to violence

Violence means all forms of physical or emotional cruelty, sexual violence, abandonment, or behaviour that threaten or may threaten the health, life, development, or self-esteem of a child. Emotional violence is the harassment or psychological influence of a child's self-esteem (threatening, scolding, humiliating, violently treating his or her loved ones in the presence of a child or otherwise harming his emotional development).

### Characteristics of the reporting period

There is an increasing number of cases when employees of the social sector – Orphan's and Custody Courts, social services – and psychologists have become aware of violence against the child, but they have not reported it to the police or reacted according to their competence. This points to the acute need to establish liability for failure to report on child rights violation. [The Ombudsman already in 2019 proposed amendments](#) to the Law on the Protection of the Children's Rights, but they were not supported.

Significant problems have also been identified in the investigation of emotional violence against children, often the offence remains undetected. Especially in cases where parents involve the child in the resolution of their disputes after the end of cohabitation, influencing the child's opinion and tune against the other parent. This also harms the child and constitutes violence. Departmental examination is not aimed at clarifying the existence of emotional violence. No criminal proceedings or administrative violation proceedings are initiated for carrying out targeted investigative actions. Often the police do not react to information about violence for a long time by examining the application in accordance with the Law on Submissions. This indicates systemic problems and lack of methodology for investigating such cases. The topicality of the problem is confirmed by statistics – in 2021, emotional violence was the most frequent (46.5 %) reason for providing rehabilitation.

### Review of the most important cases and Ombudsman's opinion

#### **Recognition of a child as a victim in an administrative offence case**

In administrative offence cases, it is common practice that the status of the person who has suffered harm is determined instead of recognition as a victim. If the child has not been recognised as a victim, the representative does not have the opportunity to represent the child in the examination of the case, to receive a decision, to appeal, to apply to a court for compensation for the damage caused, etc.

In 2021, Ombudsman invited the authorities to inform the child's legal representative of his right to request that the child be recognised as a victim in all cases of violation against the child. In practice, however, there is no improvement. The Ombudsman invited the Ministry of Justice [to improve the legal framework](#) to recognise children as victims without the request. The Ministry indicated that the primary assessment should be whether the status of the victim should be maintained at all, and there is currently no need to make any changes to the regulation. The Ombudsman cannot accept the Ministry's opinion, as it is not clear if the proposed changes will improve the situation.

### **On investigation of criminal offences against the virtue and sexual inviolability of children**

[In verification procedure No 2021-24-2B](#), the Ombudsman found significant shortcomings in the pre-trial investigation of criminal offences against the virtue or sexual inviolability of children, manifesting in the disproportionate length and quality of the proceedings. The Ombudsman issued recommendations to the Ministry of Justice, the Ministry of the Interior, the State Police, and the Prosecutor's Office. In 2022, the authorities committed to take action to improve the situation. A working group for the implementation of the Barnahus model has been established, in which the Ombudsman also participates.

### **On the protection of children from age-inappropriate and harmful information**

The Ombudsman [drew](#) the attention of the public and mobile service providers to the importance of children and adolescents not having access to materials that harm their development. At the Ombudsman's invitation, mobile operators developed new ways to inform customers about the installation of free content filters in children's smart devices.

### **On safeguarding the rights of the child in cases of temporary protection against violence**

[In the verification procedure No 2021-65-2D the Ombudsman concluded that](#) the decision to revoke the temporary protection against violence can be taken based on a formal criterion – in the absence of an application to the court. Therefore, children may not be protected from parental violence, because the dispute between parents has been resolved in civil procedure and a court decision has come into effect. The Ombudsman invited the Ministry of Justice to initiate a discussion on improvements in the legal framework to prevent situations where the decision on temporary protection against child abuse is revoked only due to formal circumstances, without assessing the actual situation regarding the risks of violence towards the child. The Ministry took note of the recommendations, informed the judges of district (city) courts and regional courts, and started a discussion on amendments to make the legal norm clearer.



### **Observance of children's rights in social correction educational institution "Naukšēni"**

In September 2021, the State Inspectorate for the Protection of Children's Rights found significant violations of children's rights in the social correction educational institution "Naukšēni". In November, the Ombudsman assessed what support was provided to children and employees and issued recommendations to the Ministry of Education and Science and the institution. Upon accessing the conditions at the institution in April 2022, the Ombudsman revealed that the situation had further deteriorated, children's rights and needs were not met, and employees were unable to protect children from mutual violence. The Ministry led the decision on the closure of the institution, which was supported. At the same time, by the end of 2022, the State has not developed a mechanism regarding behaviour of children with behavioural difficulties and children who have committed criminal offences. This situation is critical and urgent.

## Child's right to health protection

Every child must receive health protection that meets his or her needs. Children have the right to free healthcare under the national programme. Treatment of children under the age of 14 shall be permitted if their legal representative has given his or her consent (except in emergency situations). A child as a patient has the right to be heard and, according to his or her age and maturity, receive understandable information and to participate in the decision-making related to medical treatment. From the age of 14, a child may on his or her own apply to a health-care institution and receive medical treatment.

### Characteristics of the reporting period

Submissions to the Ombudsman indicate systemic and prolonged problems – long waiting time for outpatient services, especially for children's psychiatrist and dentist, and conditions in psychoneurological hospitals. This is contrary to Article 4 of the UN Convention on the Rights of the Child, which requires the State to make maximum use of the resources at its disposal in order to exercise the rights recognised in that Convention, and to Section 67(1) of the Medical Treatment Law, because it increases the risk of hospitalisation of a child in a psychiatric hospital, which could be avoided if the child timely received the necessary outpatient services.

### Review of the most important cases and Ombudsman opinion

#### **On conditions in psychiatric hospitals**

Since 2011, the Ombudsman has drawn the attention of the Ministry of Health and the Saeima to the treatment of adolescents together with adults in psychiatric hospitals, thus restricting the right of children to be under special protection. In 2022, it was found that adolescents with behavioural disorders were still placed in adult hospitals and wards.

VSIA "Riga Psychiatry and Narcology Centre" has an agreement with the National Health Service on inpatient psychiatric treatment of children, because in the Children's Clinical University Hospital there are no suitable conditions for the care of impetuous adolescents (above the age of 16), which would be safe for both the patient and the personnel. Currently, premises for outpatient and inpatient treatment of psychiatric patients, including children of all ages with psychomotor agitation, at the Children's hospital undergo construction. The matter regarding health care personnel is very important – both enough treatment and care providers and their qualifications.

### **On dental services for children**

The problem of access to dental services is still relevant. The range of dental services provided to children includes services of all sub-specialities of dentists, but no dentist specialising in endodontics has concluded a contract with the National Health Service. This means that the costs of the manipulation of the child must be borne by the patient himself. The Ombudsman called on the Ministry of Health to immediately address the availability of the service, for example by reimbursing the cost for endodontist services, but the Ministry has not acted.

### **On safety requirements for working with technology**

In 2021, the Ombudsman [invited the Cabinet to](#) set safety requirements for working with modern technologies in educational institutions, as the state, without developing the normative framework, does not ensure maximum protection of children's health. Children often use technology in their learning process, so similar norms as health and safety at work should be laid down. In 2022, the Ministry of Health developed recommendations for the safe and healthy use of modern technologies for children instead of regulations. The Ombudsman actively participated in the preparation of recommendations.

### **On exclusion of a child patient from a family doctor's practice**

Paragraph 30.2 of Cabinet Regulation No 555 of 28 August 2018 on procedures for the organisation and payment of health care services provides for the possibility to exclude a child from the list of patients of a family doctor based on an application by a general practitioner and an opinion of the Health Inspectorate. In the [verification procedure No 2022-30-19AA the Ombudsman found that](#) the norm restricts the child's right to health care and is not aimed at ensuring the best interests of the child. According to the Ombudsman's recommendation, the Ministry of Health developed draft amendments, providing that the regulation is not applicable to children.

### **On awareness raising of the Health Inspectorate on children rights**

The Ombudsman examined a submission on the actions of the Health Inspectorate unjustifiably delaying the forwarding a contestation to the Ministry of Health and found a violation of the child's right to an immediate examination of the case and the principle of good governance. The Health Inspectorate treats cases of the Medical Risk Fund in a uniform manner, regardless of whether the patient is an adult, a child, or a deceased person. The Ombudsman invited the Health Inspectorate to examine submissions or complaints related to the rights and interests of the child without delay as laid down in Section 20 Paragraph 1 of the Law on the Protection of Children's Rights.

## Children's right to education

Everyone has the right to quality and inclusive education. The child has a duty to acquire pre-school preparatory and basic education. The Satversme guarantees state-funded basic education and secondary education. Each local government is obliged to provide children with the opportunity to acquire pre-school education and basic education in the nearest municipal educational institution to the child's place of residence, secondary education, as well as to implement interest education. The child has a duty to study in accordance with his/her physical and mental abilities.

### Characteristics of the reporting period

In the autumn of 2022, the public was thrilled by the announced strike of teachers. The Satversme guarantees the right to education and employees' right to strike. As the Constitutional Court has repeatedly emphasised, the Satversme is a unified whole, and the fundamental rights laid down therein are not contradictory. Both the child's right to education and the right of teachers to strike must be exercised by ensuring a fair balance between the interests of the persons involved. If the exercise of the fundamental rights of one group of persons results in the denial of fundamental rights to another group of persons, a fair balance has not been achieved. The Ombudsman drew attention to the fact that when weighing children's right to education and the right of teachers to strike, there is an obligation to consider the principle of priority of the rights and interests of the child.

During the reporting period, the so-called 'violence amendments' to the Education Law, which would allow the school principal to decide on the further education of a student of compulsory education age at the place of residence, when the student has been repeatedly violent against the persons involved in the education process, gained wide resonance. Latvian Association of Education Managers had suggested the amendments. The Ombudsman, civil society organisations and the President of Latvia opposed to such solution. [According to the Ombudsman](#), this would be a disproportionate, fundamental rights-restrictive solution against children whom the State has committed to particular protection. In fact, the child would be excluded from the process of acquiring education, thereby violating the right to education guaranteed by Article 112 of the Satversme. To address the situation, educational institutions should take due account of the existing framework. The contested regulation was excluded from the draft law before the third reading.

## Review of the most important cases and Ombudsman's opinion

### **On admission of children to 1<sup>st</sup> grade**

Since 2017, there is a problem with the procedures laid down in some municipalities, such as the city of Riga, for the admission of children to 1<sup>st</sup> grade. Six-year-old children shall be included in the list of applicants only if they remain vacant in the educational establishment after the inclusion of children aged seven years. According to the Ombudsman, Section 32(3) of the General Education Law cannot be interpreted as allowing priority admission of seven-year-old children. The Ombudsman called on the Ministry of Education and Science and the State Education Quality Service to find a solution that is in line with the interests of children but did not obtain support. The Riga City Council also refused to amend the binding rules.

To ensure equal opportunities for children to be admitted to 1<sup>st</sup> grade, the Ombudsman intends to apply to the Constitutional Court.

### **Pedagogical Medical Commissions**

[In the verification procedure No 2021-37-20G of 2021](#), the Ombudsman recommended to the Ministry of Education and Science to raise awareness of the legal framework of pedagogical medical commissions and to improve their functioning. The verification procedure highlights the problem of separation of competence between municipality and state commissions, which leads to a violation of children's right to receive education in accordance with their abilities. The Ministry has considered Ombudsman's recommendations and developed a draft legal act to harmonise competences of the State and municipality commissions with the basic education stages, as well as to improve the functioning of municipality commissions.

### **On the norms of professional ethics of teachers**

One of the main duties of teachers laid down in the Education Law is to observe the norms of professional ethics of the teacher in the educational process. Observance of ethical norms is essential for an emotionally beneficial environment in an educational institution. For the educator to be able to fulfil this duty and the lawful representatives of students can verify the compliance, the norms must be known and accessible to everyone, as well as there must be a mechanism for monitoring compliance with ethical standards. Currently, each educational institution has their own the Code of Ethics, and it sets common ethical principles for teachers, other personnel, and students. Most often it focuses employee interaction rather than contact with students. The Ombudsman will invite the professional organisation of teachers to develop a uniform code of ethics.

## Child's right to social security

Every child has the right to proper living conditions and a favourable social environment that ensures his or her full physical and intellectual development. Every child must receive adequate nutrition, clothing, and housing. Families with children receive various allowances and support in raising and educating children from the municipality and the state.

### Characteristics of the reporting period

Since 1 January 2020 the amount of maintenance payable from the Maintenance Guarantee Fund has been decoupled from the minimum monthly wage. In times of inflation, such regulation does not ensure the best interests of children. In the opinion of the Ombudsman, the imposition of a minimum monthly salary or regular review of the amount of maintenance should be considered.

In 2021, the Ombudsman [called on municipalities](#) to prioritise the best interests of children when adopting new binding rules and budget planning. However, there have been many submissions about the actions of local governments after the administrative territorial reform. Some municipalities considered their financial possibilities when issuing new binding rules, ignoring the principle of the best interests of the child. This was most often the case in voluntary initiatives regarding allowances, for example, by providing co-financing for vocational education, catering expenses for students, as well as transport services for students. There has also been a breach of the principle of good governance by not ensuring the right to participate.

### Review of the most important cases and Ombudsman's opinion

#### **On the right to receive the Honorary Family Certificate after reaching the age of majority**

A young adult from a large family was refused to issue the Honorary Family Certificate after out-family care in a foster family, because there is no person who is entitled to submit the application. Young people from large families, including guardians and foster families, who have not reached the age of 24 and continue to receive education, should have equal opportunities to receive the support provided for in the Honorary Family Certificate programme. Otherwise, young people in out-family care are treated unequally. [The Ombudsman called upon the Ministry of Welfare to address inequalities](#). The Ministry considers that support in the State programme is not related to the provision of social guarantees to orphans or children left without parental care after reaching the age of majority. The Ministry conceptually supports only the expansion of the target group of the social scholarship "Studētgoods" and

continues negotiations with the Ministry of Education and Science on the possibilities to include orphans and children left without parental care.

### **On the status of a large family**

In a large family after the death of both parents, two minor children and a young adult lost the opportunity to receive the Honorary Family Certificate because there was no person entitled to submit the application for three children. Minor children were appointed a guardian, but the young adult is not considered a member of the family. Therefore, the young adult was denied receiving the social scholarship "Studēt gods". After the death of parents, due to circumstances beyond the children's control their situation has worsened. It should be established that children of large families are retained the right to receive the Honorary Family Certificate.

To the Ombudsman's [proposal](#) to eliminate the injustice, the Ministry of Welfare plans to advance the expansion of the "large family" definition in the Law on Protection of Children's Rights.

### **On co-financing of interest education**

Children attend after-school activities, music, and art schools not only in the municipality of their place of residence. Ombudsman welcomes the support of Mārupe municipality by co-financing the acquisition of interest and vocational education not only in the Mārupe municipality institutions, but also in Riga. At the same time, in the 2021/2022 school year, the municipality did not comply with the principle of equality and did not co-finance interest education in the institutions of other municipalities. The principle of equality was not respected by co-financing vocational education for students in educational institutions of the same municipality – Mārupe Music and Art School and Babīte Music School. Students of Mārupe Music and Art School had more opportunities to apply for monthly fee discount or exemption. The newly created municipality started working on 1 July 2021, and, according to the Ombudsman, had enough time to unify co-financing.

### **On the catering in educational institutions**

The Ombudsman received many submissions about the changes to the catering procedure of students in Riga Municipality. The local government fully cover lunch expenses only for students with social status (from poor and low-income families, families registered in the local government family support register, etc.) who are studying in educational institutions established by the local government, but the rest of the catering expenses are partially covered. Co-financing was not provided to students with social status who are studying in educational institutions of other founders.

In case of child's absence, the meal should be renounced by 21.00 the previous day to avoid payment. The Ombudsman issued recommendations to the local government to prevent different treatment and regulation unfavourable to parents.



## Child's economic (property) rights

Just like adults, a child can be the owner of movable or immovable property. Depending on age, the child has the right to conduct transactions on his or her own behalf or with the assistance of his or her legal representatives and to exercise other owner's rights. Until the age of 16, the child property is under the management of the parents, later the child has the right to freely manage everything that he or she has acquired through work, transferred from the parents, and granted by other persons. Protection of the child's property rights and interests is entrusted to Orphan's and Custody Courts.

### Characteristics of the reporting period

The Orphan's and Custody Court shall decide on the permission to accept or renounce the inheritance of the child. The child is not able to objectively assess the consequences of its acquisition, while the legal representative may not act in the best interests of the child. The Orphan's and Custody Court must assess whether the inheritance will not cause losses to the child in the long term. Inheritance cases require active involvement of Orphan's and Custody Courts, additional knowledge in jurisprudence, economics, finance, because the inheritance may include capital shares, financial instruments, securities, various claims, or rights, which in practice cause difficulties for Orphan's and Custody Courts. However, instead of strengthening the Orphan's and Custody Courts by providing resources, education, methodological management, it is intended to facilitate acceptance of the inheritance on behalf of the child. The [draft law drawn up by the](#) Ministry of Justice envisages amending Section 295 of the Civil Law, stating that the permission of the Orphan's and Custody Court is required only if the inheritance is to be renounced. The Ombudsman does not support the amendment, as the legal representative may not be able to assess the best interests of the child or act in other interests, but the obligations related to the property will lie with the child.

### Review of the most important cases and Ombudsman's opinion

#### **On the provider's loss pension to a child under guardianship**

Regulatory enactments provide that the provider's loss pension for a child placed in a childcare institution shall be paid into an account opened in the child's name. However, there is no regulation for children in guardianship and foster care. In practice, a child placed in a foster family receives the pension into an account opened in the child's name, in case of guardianship – the guardian receives the provider's loss pension. It is necessary to establish regulations to ensure that all children in out-family care have the same right to receive a provider's loss pension in an account in the child's name. The

Ministry of Welfare supports the proposal but believes that the guardian support system should be improved as a matter of priority. This cannot be accepted, since the payment of the provider's loss pension is not linked to the support measures for guardians planned by the Ministry.

### **On methodological recommendations for Orphan's and Custody Courts**

Orphan's and Custody Courts shall submit a request to provide an opinion on the protection of the child's economic (property) rights. The existing methodological recommendations contain a summary of legal norms, but there are no recommendations for their application in the work of Orphan's and Custody Courts, especially in cases where the child has inherited a company, its shares or there is another situation related to commercial activity. This indicates the need for additional knowledge and appropriate methodological management. The State Inspectorate for the Protection of Children's Rights has not responded to the Ombudsman's call to improve methodological recommendations on the protection of child's economic interests, merely indicating that the methodological recommendations in the outsourced service were prepared by the foundation "Latvian Judicial Training Centre". The Inspectorate will assess the need to include such a topic in the training programme for the employees of Orphan's and Custody Courts. In the opinion of the Inspectorate, the Orphan's and Custody Court should, if necessary, ask the local government to ensure the payment of consultations of a commercial law specialist or advocate of a specific specialisation, etc. This view can be accepted in part. Attracting specialists could be supported in difficult exceptional cases, but also the employees of Orphan's and Custody Courts must be prepared for the performance of the statutory task – protection of property rights – so training must be ensured.

### **On unified practice of Orphan's and Custody Courts in examining child's property cases**

Two Orphan's and Custody Courts used a different approach and action in the case regarding the same gift to a child. One Orphan's and Custody Court began a thorough examination of the circumstances. The person changed the place of residence during the trial. The case was transferred to another Orphan's and Custody Court, which made a prompt decision. The Ombudsman asked the State Inspectorate for the Protection of Children's Rights to provide an opinion on the conformity of the actions of the Orphan's and Custody Courts with the best interests of the child and to provide methodological assistance to Orphan's and Custody Courts. The Inspectorate indicated that the Orphan's and Custody Court has a discretionary power. Laws and regulations do not provide for specific actions in financial matters and do not determine the amount of information to be obtained.

Child property cases must be dealt with due considering possible future consequences. The Ombudsman called for an assessment of the jurisdiction of a child's property case. The State Inspectorate for the

Protection of Children's Rights supported the necessity of amendments to the Orphan's and Custody Courts Law regarding jurisdiction in cases affecting the property of a child.

## Rights of orphans and children left without parental care

The State has a duty to take special care of orphans and children left without parental care as a socially vulnerable group. For these children, the stability and quality of the living environment are more at risk than those living in families, and they are more affected by the shortcomings of the children rights protection system. The State and local governments have a duty to provide social guarantees to orphans and children left without parental care.

### Characteristics of the reporting period

For a long time, the Ombudsman's attention has been ensuring the rights of young people after reaching the age of majority. The situation has improved compared to the findings of [2019 verification procedure 2018-35- 23D](#). The minimum benefits have been increased, a mentor service has been provided in several municipalities, minimum standards for expenditure items to be used for calculating housing benefit have been established, which prevents different approaches in the calculation of housing benefit in different municipalities, etc. However, there are still violations of the rights of young people, most often assistance in solving housing issues is denied.

The out-family care provider in cooperation with the Orphan's and Custody Court has a duty to inform the young person in writing regarding social guarantees six months before the age of majority. The Ombudsman already in 2019 and in 2021 drew the attention of Orphan's and Custody Courts to the need to provide young people with full and understandable information about their rights after reaching the age of majority. However, the obligation to inform young people is not always properly fulfilled, so they cannot exercise their rights. In 2023, the Ombudsman will invite Orphan's and Custody Courts to improve the information provided to young people, as well as to verify the implementation of this recommendation.

### Review of the most important cases and Ombudsman's opinion

#### **On incentives for city public transport**

In the [verification procedure No 2022-09-23DC](#) the Ombudsman concluded that since 2009 orphans and children left without parental care no longer have the right to use public transport services free of charge in local cities and towns. The justification of the restriction – overcoming the consequences of the 2008 economic crisis – does not comply with the principle of a socially responsible state and does not ensure the interests of a socially vulnerable group of children. The Ombudsman has repeatedly approached the Ministry of Transport, the Ministry of Welfare, and the Ministry of Finance, agreeing on

the necessity of granting discounts. Not seeing implementation of the recommendations, the Ombudsman has asked for the involvement of the Prime Minister.

### **On the fine for administrative offences**

In the [verification procedure No 2021-04-23D the Ombudsman revealed](#) shortcomings in the Section 267 Paragraph 2 and Section 269 Paragraph 3 of the Administrative Liability Law, which provides for exceptions to the enforcement of a fine for children placed in a foster family or childcare institution, since the offence committed by the child remains without consequences if the fine is not paid voluntarily. The practice of bailiffs with enforcement of fines when imposing a penalty on a child in a foster family or a childcare institution differs and often contrary to the legal framework. The Ombudsman issued recommendations to the Ministry of Justice, the performers of administrative violation proceedings, and local governments, the Council of Sworn Bailiffs, the Heads of Child Care Institutions and Orphan's and Custody Courts.

### **On the legal representation of the child**

It has been established in practice that if a child is left without the care of legal representatives, he or she sometimes remains without a legal representative until a suitable form of care for the child is chosen. For example, the child has been placed in a crisis centre or other institution until out-family care is provided or until relatives receive the status of guardian, etc. For the child to be left without a legal representative is not in the best interests of the child and cannot be allowed. The Ombudsman has recommended the Ministry of Welfare to make amendments in the Orphan's and Custody Courts Law. The Ministry has organised a discussion, however, the situation remains unresolved.

### **On guardianship**

Children under guardianship are raised and taken care of by both spouses. However, a spouse who has not been appointed guardian has no rights or obligations in relation to the child of the other spouse, including the representation of the child, and must obtain a power of attorney. The restriction on the appointment of both spouses as guardians laid down in Section 316 of the Civil Law is not in the best interests of the child and is a formal obstacle for the child to have two guardians who, upon taking up the place of the parents, would fully perform the duties of the mother and father. The Ministry of Welfare is committed to organise a discussion on the proposal to improve the regulations for guardianship.

### **On solving the apartment issue**

The Riga City Council denied the young person the right to register in the local government register for municipality apartment rent, justifying that the young person continued to use residential space belonging to a guardian after the establishment of guardianship. Section 14, Paragraph one, Clause 3 of the Law "On Assistance in Solving Apartment Matters" enshrines the right to apply for and receive a municipality apartment, even if after the termination of out-family care, the right to use the previously occupied residential space has been preserved. After the involvement of the Ombudsman the local government settled the violation of the rights of the young person.

## Rights of children with special needs

A child with special needs is a child who, due to illness, injury, or congenital disorders, requires additional medical, pedagogical, and social assistance, regardless of having disability. A child with special needs has the same right to active life, development, and education in accordance with his or her physical and mental abilities and desires, as well as the right to participate in social life as any other child. The State and local government especially help a child with special needs to integrate into society.

### Characteristics of the reporting period

In 2022, the issue of education for children according to their abilities and the special education programme or support measures recommended by the Pedagogical Medical Commission was raised. The inclusion of children with special needs in mainstream schools is gradually becoming the norm, but education is not adapted to children's needs. The discussion "[Inclusion of a child with additional needs in educational institutions](#)", organised in cooperation with the Latvian Children's Welfare Network, highlighted that the personalised support measures recommended for the child are not provided, the environment and the organisation of the study process are not provided, there is a lack of support personnel, parents do not know what to do. The Ombudsman made recommendations to parents and educational institutions.

### Review of the most important cases and Ombudsman's opinion

#### **On the care of a child with chronic illness in an educational institution**

There are still cases where a child with chronic illness in an educational institution is not provided appropriate medical care or is denied access to the institution because it cannot provide him or her with medical care in accordance with the instructions of the attending physician. The Ombudsman received information that only the nurse was responsible for administering insulin injections in Riga preschool. When there was no nurse at work, the child was not allowed to visit the educational institution.

In accordance with the legislation, a medical practitioner – a nurse or an assistant doctor, as well as an employee who has been trained in the provision of first aid – is entitled to provide first aid in an educational institution. In turn, the head of the educational institution is obliged to organise first aid training for employees, which also covers the topic of type 1 diabetes and the provision of first aid in case of hypoglycaemia.

The Ombudsman invited the pre-school and Riga local government to immediately engage in solving the matter and to ensure that at least one or two employees have acquired knowledge about diabetes and

during the absence of the nurse are able to provide the necessary care for the child. The Ombudsman's recommendation has been implemented and the violation of the rights of the child has been eliminated.

### **On catering cost for children with special needs**

The Ombudsman welcomes that the state covers catering costs from the state and local government budgets for children with special needs, who are studying in municipal special educational institutions, pre-school education groups for children with special needs and special education classes. However, State or local government funding is not intended for students who, in accordance with the State policy for inclusive education, acquire education in general educational institutions. This situation leads to unequal treatment of children with special needs depending on the educational institution where the child is enrolled. The implementation of inclusive education is not promoted.

[The Ombudsman has submitted proposal to the Ministry of Education and Science to eliminate inequalities.](#) The Ministry has committed to include analysis of the regulatory framework and data on catering costs of for children with special needs in the information report on the development of inclusive education at all levels, and to provide proposals to solve the problem.

### **On the specialised car seat for a child with functional impairments**

Already in 2021, the Ombudsman highlighted the need to include a specialised car seat on the list of state-provided technical aids for children under special care. On 21 December 2021, the Cabinet of Ministers adopted regulations on technical aids, providing that specialised car seats shall be allocated to children under special care aged 4 years and above and from 15 kg who do not control the function of the head and torso if the parents own or possess a vehicle. Prior to the adoption of the regulations, the Ombudsman called on the Ministry of Welfare to abolish the restrictive age and weight criteria, as well as the condition regarding the right of ownership or possession of the vehicle to the legal representative of the child. The Ombudsman's recommendations were not considered.

In 2022, the Ombudsman asked medical professionals on the validity of the criteria for awarding a specialised car seat for children laid down in the Regulation. The doctors confirmed that the criteria on the weight, age, head, and torso function are not absolute and decisive to determine the child's need for a specialised car seat. It is essential to individually assess the child's functional status. The Ombudsman also considers that ownership or possession of the vehicle allows discrimination due to economic status of parents. [The Ombudsman called on](#) the Ministry of Welfare to immediately commence amendments to eliminate unjustified restrictions. The Ministry of Welfare supported the need for amendments, but they have not yet been developed.



## Rights of people with disabilities

The protection of the rights of persons with disabilities is governed by Article 91 of the Satversme and the UN Convention on the Rights of Persons with Disabilities, and the Ombudsman monitors its implementation. The protection of the rights of persons with disabilities includes such areas as non-discrimination, accessibility, the right to life, education, employment, health, adaptation and rehabilitation, decent standard of living and social protection, participation in political and social life, cultural life, sports, etc.

### Characteristics of the reporting period

In 2022, the Ombudsman received 47 applications related to the rights of persons with disabilities (37 in 2021 and 32 in 2020). In most cases, people pointed to problems with inclusive education, possible cases of discrimination, inaccessible environment, and insufficient income to cover basic needs. Certain submissions point to the lack of initiative and courage of local governments to develop community-based services suitable for people with mental disabilities with the third and fourth levels of care. There is an increasing tendency of people with mental disorders turning to the Ombudsman for information on their rights. They request advice both during on-site consultations and via electronic communication. People from institutions (social care centres, psychiatric hospitals) and ones who have started receiving community-based services within the deinstitutionalisation project, as well as their relatives turn to the Ombudsman for advice.

During the reporting period there have been cases when persons with limited capacity to act have not been appointed trustee for a long time. Local governments have been trying to solve this problem by setting a benefit for trustees. However, the Ombudsman has stressed that a long-term solution should lead to the introduction of support person, as this is a more human rights-compliant alternative legal solution.

In 2022, the Ombudsman paid particular attention to the development of community-based social care services visiting the newly established group homes.

The Ombudsman issued the [alternative report](#) as part of the preparation for the next monitoring stage of the implementation of the UN Convention on the Rights of Persons with Disabilities in Latvia.

In 2022, the Ombudsman completed assessment of court decisions in cases concerning medical coercive measures. The final conclusions and proposals of the assessment are expected in 2023.

## Review of the most important cases and Ombudsman's opinion

### **On implementation of supported decision making**

As Latvia is still failing to fulfil its international obligations regarding the provision of support for the implementation of capacity to act, [the Ombudsman applied to the Prime Minister](#), asking to pay particular attention to the absence of delays in the implementation of the supported decision making.

### **On the shortcomings of the social security system for people with disabilities since childhood**

At the request of the Analytical Service of the Saeima, the Ombudsman [gave his opinion](#) on the shortcomings of the social security system in relation to people with disabilities since childhood, indicating to a number of problems faced by people with disabilities and their families.

### **On delay in disability expertise**

Upon identification of systematic delays in disability expertise and decision-making, [the Ombudsman turned to the Ministry of Welfare](#) inviting to find an immediate solution. After the involvement of the Ombudsman, amendments have been made to the laws and regulations.

### **On the replacement of a code calculator for a person who is unable to attend the bank due to the state of health**

[In verification procedure 2022-4-24B](#), the Ombudsman found that a bank requested a power of attorney costing up to EUR 250 when the bank's customer, who, due to her state of health, was unable to go to the bank to replace the battery for the code calculator. Although the bank is not responsible for the costs of other service providers, in the particular case, according to the Ombudsman, the costs were not proportionate for the bank's service. The Ombudsman thus found a violation of the prohibition of indirect discrimination on grounds of disability.

## Rights of prisoners

Inmates during detention or serving of sentence have all the fundamental human rights enshrined in the Constitution. The prisoners are under the full control of the state and under protection. It is the responsibility of the State to ensure that the prison environment and other conditions do not cause additional difficulties and do not exceed the threshold of inevitable suffering due to imprisonment.

Every year the Ombudsman receives many complaints from prisoners about various problems of respect for rights. Shortcomings are also identified during prison visits, e.g., regarding accessibility. Within the limits of financial capacity, infrastructure and housing conditions are slowly improving in prisons. The issue of under-staffing has long been topical, as well as shortage of resocialisation specialists and medical personnel.

### Characteristics of the reporting period

In 2022, the Ombudsman received 396 applications on the rights of prisoners. Complaints on healthcare issues are consistently received, but their number has decreased: 31 in 2022, 45 in 2021, and 46 in 2020. The Ombudsman assesses the aspect of access to medical assistance within the scope of his competence. The issue of housing conditions in prisons remains topical with 22 submissions on the topic in 2022, 27 in 2021, and 30 in 2020. The number of submissions has decreased, as the inmates actively to apply to the administrative court about inappropriate living conditions, receiving material compensation in cases of violation.

In response to the complaints received, the Ombudsman visited the Riga Central Prison, afterwards issuing an [opinion on the conditions in the penal isolators](#). In 2022, the Ombudsman received 25 complaints regarding inappropriate behaviour of prison personnel (32 submissions in 2021, and 45 in 2020), mostly related to indecent behaviour, intimidation, or abuse of office.

The Ombudsman received 176 complaints on various issues related to detention and execution of sentences, such as visitation and telephone communication, progress of resocialisation, problems of a domestic nature (217 submissions in 2021, 196 in 2020).

In 2022, convicted persons pointed to a limited possibility for men to enter an open prison if serving their sentence was commenced in a closed prison. The detainees actively complained about poor meals. The issue of the high cost of telephone conversations with the family, which has been determined by the only telecommunications operator, which has been announced by the State in the call for tenders, remains a topical issue. In 2022, the possibility for prisoners to benefit from the tare deposit became

topical. The issue is still being addressed at the level of the responsible authorities and ministries. The Ombudsman raised the issue of the framework of prisoners' right to free correspondence with state and local authorities, as well as international human rights institutions.

## Review of the most important cases and Ombudsman's opinion

### COVID-19 related issues

The Ombudsman [conducted an investigation into](#) the vaccines available for COVID-19 and the effectiveness of the vaccination process in Riga Central Prison. It was found that by the end of 2021, detainees had been denied the choice of the manufacturer's vaccine, but by May 2022, despite the possibility to apply for vaccination with Pfizer and Moderna vaccines, the actual possibility to receive the chosen vaccine within a reasonable time was restricted. The Ministry of Justice [indicated](#) that measures had been taken to make the vaccination process more effective.

The Ombudsman [recommended that](#) the Cabinet, in accordance with the epidemiological situation, review the requirement for visitors to the prison to present a certificate of vaccination, booster vaccination or recovery, which affects the right of visitors and prisoners to private life. The recommendation has been considered and the requirement has been excluded.

### For life sentenced in Daugavgrīva prison

After a visit to Daugavgrīva Prison, the Ombudsman noted in the [report](#) that convicted persons in Daugavgrīva prison have an opportunity to maintain contacts with each other, and to participate in the training process together with other convicted persons (with a fixed length of sentence). However, the number of convicted persons involved in the training is low. Opportunities to do paid work and out-of-camera activities are insufficient and could be improved. The Ombudsman welcomes the gradually increasing number of sentenced persons being transferred from the separate section of the closed prison to the general premises where other convicted persons (with fixed sentences) serve the sentence. It provides greater opportunities to engage in resocialisation activities, promotes socialisation and integration.

### On detainees with disabilities in Valmiera Prison

After a visit to Valmiera Prison, the Ombudsman in his [report](#) pointed to accessibility problems for detainees with reduced mobility (for example, problems to get to the store safely, to enter the sauna, canteen, training rooms). The Prison Administration [informed](#) the Ombudsman that they were aware of this topic and that, as far as possible, improvement of living conditions will be carried out, which will not

be so fast. [The report](#) highlighted the need to take account of the specific needs of these prisoners in the risk and needs assessment and in the development of a resocialisation plan.

## Trafficking in human beings

Trafficking in human beings is one of the most serious human rights' violations that, because of people's vulnerability, helplessness, ignorance, and other factors, affect many people, including children. It is also referred to as the modern slavery, when people are used for forced labour, for sexual exploitation, and slavery. It is considered the third most profitable criminal business in the world after the sale of drugs and weapons.

Trafficking in human beings is becoming more widespread in the world, especially the Ukrainian refugee crisis following the Russian invasion of Ukraine, which threatens to turn into a human trafficking crisis. It is estimated that around 50 million people live in today's slavery, and women and girls are still the most affected by human trafficking (around 65 %), most often in the form of sexual exploitation. In Latvia, the situation in recent years shows that men are the ones who are most likely to be trafficked for the purpose of labour exploitation, which in the period 2019-2020 represented the highest percentage (66 %) among all EU Member States.

According to the latest available data, in Latvia, 39 people were victims of trafficking in 2019, 48 victims in 2020, and 61 victims in 2021. For comparison: in the EU, in 2019-2020, the highest number of victims of trafficking in human beings was registered in France (2709), the Netherlands (2318), Italy (2114), Romania (1294) and Germany (1271).

### Characteristics of the reporting period

There are practically no submissions on human trafficking issues to the Ombudsman, as the investigation of this serious crime falls within the competence of the State Police, but the assistance to the victims is provided by social service providers (the society "MARTA" and the society "Shelter "Safe House""). Accordingly, the Ombudsman in accordance with his mandate to promote public awareness, considering the growing trend in the number of victims in Latvia, continued public awareness raising activities started in previous years.

The Ombudsman took part in the school programme "Ready for Life (Dzīvei gatavs)", where students were given lectures on human trafficking. A total of five lectures were held for students and continued in 2023.

Representatives of the Ombudsman's Office continued to train legal professionals (police officers, prosecutors, judges, sworn advocates and sworn bailiffs), as well as psychologists on the topic "Children – victims of trafficking in human beings". The training was organised by the Latvian Local Government

Training Centre and a total of 21 lessons were held in 2022, significantly improving the ability of officials to timely recognise cases of trafficking in human beings so that the perpetrators are held criminally liable, while victims receive the necessary assistance and support from the state.

In 2022, the Ombudsman launched a new initiative on educating children and personnel in childcare facilities about the risks of trafficking in human beings. The employees of the Ombudsman's Office educated about 20 young people and around 50 staff members about the risks of human trafficking in two children and youth centres of Riga municipality. These activities are expected to continue in 2023, covering all Latvian orphanages.

In 2022, the campaign "All that glitters is not gold! (Lat. Ne viss ir zelts, kas spīd!)" was launched on social media to explain the problem of trafficking in human beings in Latvia. The Ombudsman paid particular attention to the digital environment, where people often see very tempting job or dating offers, but are not careful enough, make mistakes and find themselves in terrible or even life-threatening circumstances. As a result of the campaign, an informative educational [material on the risks of trafficking](#) in human beings in the digital environment was developed.

## Review of the most important cases and Ombudsman's opinion

### **On a human rights-based approach in public procurement procedures and in cooperation with service providers**

In 2022, the Ombudsman addressed the issue of a human rights-based approach in public procurement procedures and in cooperation with service providers. The issue was raised on how state and municipality institutions comply with the requirements of prevention of labour exploitation and trafficking in human beings in public procurements and cooperation agreements.

In 2022, the Ombudsman [assessed the situation](#) on how these principles were observed in practice by the largest State-owned enterprise in the construction sector, the [State Joint Stock Company 'State Real Estate \(Valsts nekustamie īpašumi\)'](#).

The activity will continue in 2023 in cooperation with the National Anti-Trafficking Coordinator intended to improve and develop a human rights-based approach of public institutions in public procurement procedures and in cooperation with service providers, with a particular emphasis on preventing trafficking in human beings and labour exploitation.

## Rights of foreigners and the stateless, legal status of persons

International agreements binding on Latvia state that every person, wherever he or she is, has the right to be recognised as a rightsholder – that he or she is granted a certain status in the country, a set of rights and obligations corresponding to the status, as well as relevant identity documents. There are human rights guarantees to be granted to everyone regardless of status, such as the right to life, but the rest of the person's rights and obligations depend on whether the person is a national, a permanent resident, a foreigner, or an applicant for international protection.

The Ombudsman regularly receives applications from foreigners regarding various possible violations of human rights, and the number of these complaints increases significantly due to war or regional conflicts. The Ombudsman has repeatedly publicly pointed out the lack of a permanently functioning integration system, as well as insufficient financial and housing support for persons who have received refugee or alternative status.

### Characteristics of the reporting period

In 2022, the number of applications received at the Ombudsman's Office on this topic has increased. In particular, there has been increase in complaints about the withdrawal of the status of a non-citizen and the refusal to issue a residence card to foreigners and their family members.

During the reporting period, the main developments were the situation on the Latvian-Belarusian border and the reception of Ukrainian civilians. After 24 February 2022, the country had to immediately establish a support system for the civilians of Ukraine. In the opinion of the Ombudsman, the provision of support was initiated immediately and in an amount that ensured their basic needs thanks to coordinated cooperation between state and local government institutions and non-governmental organisations. In 2022, the Ombudsman continued to pay attention to the situation on the Latvian-Belarusian border, stressing the need to ensure access to the asylum procedure and to prevent risks of inhuman treatment, especially in vulnerable groups.

### Review of the most important cases and Ombudsman's opinion

#### **On respect for human rights at the Latvian-Belarus border**

As the declared emergency situation and complaints about inhuman treatment on the Latvian-Belarusian border continued, the Ombudsman kept following the events, visited the border and met with the Head of the State Border Guard. In response to the concerns expressed by NGOs about the disappearance of persons and the health risks caused by the cold weather, the Ombudsman met with a



representative of the Board of Daugavpils Regional Hospital and then turned to the State Border Guard and Ministry of the Interior to once again emphasise the need to ensure proportionality between national security and respect for human rights.

### **On the reception of Ukrainian civilians**

In response to the massive influx of Ukrainian civilians and public challenges, the Ombudsman [appealed to the Cabinet of Ministers for](#) a framework that meets the real needs of Ukrainian civilians and specifically takes care of vulnerable groups. Particular attention was paid to the risks of trafficking in human beings. On 19 July 2022, officials of the Ombudsman's Office [visited the border inspection posts of Terehov and Grebneva](#) to discuss with officials of the State Border Guard the need to address the risks of trafficking in human beings.

### **On the inspection visit to Daugavpils accommodation centre for detained foreigners**

On 19-20 October 2022, employees of the Ombudsman's Office together with a medical specialist in visited Daugavpils accommodation centre for detained foreigners. During the visit, special attention was paid to aspects of medical care and the protection of the rights of vulnerable persons. It was concluded that informing the detained foreigners should be improved, an interpreter should be ensured, in the first examination of foreigners, tools for assessing mental health and suicide risk assessment should be used, children should be provided with access to education that meets their needs.

### **On legislative initiatives proposed by the Ombudsman**

During the reporting period, the Saeima supported [the Ombudsman's proposal of 2021 to amend the Law on State Social Allowances](#), stating that persons with alternative status would also receive state social benefits similar to persons with refugee status. In addition, [the Ombudsman's proposal on the draft Immigration Law](#) were submitted and discussed in the Saeima, current Parliament will continue its consideration. In his proposals, the Ombudsman called for the number of appeals against return decisions not to be reduced, regulations of detention of minors to be reassessed, and for persons with registered partnerships in another country be included in the definition of family.

### **On forced return monitoring**

In 2022, 60 forced return decisions were adopted, and 28 forced return operations were carried out returning 54 persons to their country of origin. In implementing the task laid down in Section 50.<sup>7</sup> of the Immigration Law, during the reporting period, observers of the Ombudsman's Office surveyed 11 foreigners to be returned but did not participate in any return operations.

## National preventive mechanism

As a democratic, legal, socially responsible, and national state, Latvia recognises and protects fundamental human rights in accordance with the Constitution, laws and international treaties binding upon it. [The National preventive mechanism](#) is a unique national monitoring body that:

- detects and prevents risks of ill-treatment in institutions where the freedom of individuals is or could be restricted;
- is an addition to international treaty organisations which have been granted the right to perform inspection visits to the institution where the freedom of individuals is or could be restricted.

The National Preventive Mechanism is established taking into account the requirements of the [Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#). Consequently, the overall objective of all visits is to prevent ill-treatment and its risks.

### Characteristics of the reporting period

Like 2021, during the reporting period there was also a strong focus on epidemiological safety measures regarding visits. Upon arrival at a specific location, the number of COVID-19 cases was ascertained, and, if necessary, the visit plan was modified. In 2022, a total of 62 [visits](#) were carried out, 32 visits in 2021, and 40 visits in 2020.

The number of institutions visited is less than the number of visits, since certain institutions were visited several times. In 2022, the number of visits increased significantly due to the stabilisation of COVID-19 epidemiological situation. The visit methodology was also diversified, which is why not all visits were followed by a report. All reports are published [on the Ombudsman's website](#) along with the answers received on the implementation of recommendations.

During the reporting period, team of experts included a certified psychiatrist, a certified physical and rehabilitation medical doctor and a representative from the Association of Disabled Persons and their Friends "Apeirons". In cooperation with the Family and foster family support association "DOMUS", representatives of the Ombudsman's Office took part in the remote seminars organised by the Prison Administration on the manual developed by "DOMUS" for prison social workers and local government social workers for working with persons in prison and after imprisonment. The results of two surveys were presented in these seminars: "Social work in prisons" and "Social support for former prisoners in municipalities".

In 2022, some topics were addressed in depth:

- the process of deinstitutionalisation was assessed by visiting State social care centres (VSACs) for children and group homes (apartments);
- accessibility was assessed by visiting group homes (apartments), State social care centre's "Rīga" branch "Jugla" and Valmiera prison.

As a response to the publicly available information, two border inspection posts were also visited to see how the border control procedure is organised and to prevent potential risks of human rights violations.

## Inspection visits

### Social care centres for children

During the reporting period, a total of eight social care centres for children were visited. The aim of two visits was to discuss issues related to the risks of trafficking in human beings, while other visits included monitoring of compliance with children's access rights, paying special attention to payment of pocket money, the provision of technical equipment for remote learning, as well as the development and implementation of individual social rehabilitation plans.

Systemic problems regarding the respect of children's rights in out-family care were identified:

- insufficient involvement in the promotion of children's access rights (with parents, siblings and other relatives);
- adequate representation of the interests of the child in various state and local government institutions, including administrative commissions of local governments, was not ensured;
- lack of an individualised approach in the documentation and execution of social rehabilitation plans for children;
- limited possibilities for solving children's behavioural correction and addiction problems.

### State Social Care Centres for Children

When visiting all four branches of the SSCC for children, attention was paid to respect for children's rights, social and medical rehabilitation, as well as access to health care in general. One of the main conclusions was: institutional care for children cannot provide fully-fledged development-oriented services and the necessary support for full integration into society.

During the visits, there were children placed in the centres who had no reason to be there – children with behavioural and addiction problems. Many children were still placed in the centres based on

parents' applications. This means that, for various reasons, parents are unable to provide care at home, which may indicate to insufficient state support for families with children with disabilities.

Regarding social rehabilitation, it was concluded that centres lack the necessary specialists (speech therapist, ergotherapist, physiotherapist, etc.). Also, the social rehabilitation plans reviewed did not comprehensively reflect the planned and accomplished work of specialists in ensuring the rehabilitation of children.

### **Cēsis Correctional Facility for Juveniles**

Compliance with children's rights was assessed during the visit to Cēsis Correctional Facility for Juveniles: cases of violence in the institution and prevention were examined, provision of assistance to victim, provision of social rehabilitation for children, as well as access to health care. During the visit, it was found that there are still high risks of cross-violence among young people, and it was concluded that the measures, objectives, and tasks set out in the resocialisation plans are often the same for all residents. The objectives of leisure activities are also general or the same for all children. Such an approach could indicate to an overall assessment of children. It was concluded that medical care was provided at an optimal level on-site. It is positive that child psychiatrist evaluates each inmate, however, in addition to this, psychodiagnostics by a psychologist should be ensured. Shortcomings in the availability of dentists and dental hygienist were found.

### **Social correction educational institution "Naukšēni"**

The follow-up visit to the social correction educational institution "Naukšēni" focused on whether the violations of children's rights identified in 2021 had been addressed. This follow-up visit revealed that the overall situation had further deteriorated. The institution lacked personnel, the safety of children was not ensured, there was violence between children, some children seriously violated the internal rules, and the employees were unable to prevent it. Considering the situation and possibilities, on 14 July 2022 the Cabinet of Ministers issued Order No 528 "On Liquidation of Social Correctional Education Institution "Naukšēni"".

### **School boarding facilities for children from Ukraine**

During the reporting period, based on the information received on possible violations of the rights of Ukrainian children accommodated in Latvia, the representatives of the Ombudsman's Office visited two accommodation places for groups of Ukrainian children to assess living conditions and ensuring of children's rights. It was found that children accommodated in school boarding facilities have very good living conditions, they live in well-equipped rooms, everything is provided for

everyday life, learning, training, and recreation. Children gave positive feedback, and no violations were found.

### **Group homes (apartments)**

In response to reports by representatives of non-governmental organisations on alleged non-compliance with human rights standards in the newly developed group homes (apartment), representatives of the Ombudsman's Office visited group homes (apartments). Most attention was paid to the community-based services to minimise the risk for group homes to become a new form of institutions like state social care centres. One of the conclusions was that within the deinstitutionalisation project, when creating new community-based services for people with mental disabilities, their compliance with human rights standards depends both on the priorities set by the local government, the understanding, and possibilities of the responsible local government officials, as well as the experience and preparedness of service providers to work with persons with mental disabilities. In addition, the implementation of the new service is challenging and requires close institutional cooperation towards a common goal of a cohesive and inclusive society.

### **Long-term social care and social rehabilitation institutions for adults**

When visiting seven social care institutions for adults it was found that institutional care for persons with severe developmental disabilities was the only service offered by the state. The range of community-based services available in municipalities is very limited and availability varies widely, and in most cases, they are not available at all and are not planned soon.

It should be noted that supported decision making is still not provided at national level, which is an essential prerequisite for a life in society for many persons with mental disabilities. Problems encountered during the visits were:

- adequate accessibility is not ensured in the premises;
- the number of employees and the division of competences are not commensurate with the number of residents and their objective needs;
- lack of meaningful activities and leisure possibilities;
- a multidisciplinary approach to the evaluation of each resident and an individualised approach to documenting and updating the process of social care and social rehabilitation of residents is not ensured;
- in order to mitigate the spread of COVID-19, long-term restrictions on the rights of residents were imposed on meeting with relatives;

- irregular walks in the fresh air (especially for persons with functional impairments).

### **Psychoneurological hospitals for adults**

The follow-up visit to Aknīste Psychoneurological Hospital focused on the implementation of the recommendations issued in 2021. The visit showed that most of the recommendations issued, which concern both the preparation of the informed consent of the patient, the use of restrictive measures against the patient's will and other aspects of patients' rights, were considered. At the same time, it was concluded that there is still an active work to improve patients' leisure opportunities, including by attracting appropriate specialists. In addition, the issue of patients involved in the deinstitutionalisation project in Aknīste Hospital, who require individual and targeted support for the transition to receive community-based services, was raised. In particular, the need for comprehensive monitoring of the situation is highlighted so that patients in institutional healthcare do not stay long-term, mainly for social or economic reasons.

### **Forensic Psychiatric Expertise and guarded compulsory treatment centre**

The representatives of the Ombudsman's Office visited the Block E of the Forensic Psychiatric Expertise and Guarded Compulsory Medical Treatment Centre to verify compliance with the rights of the persons to be examined, which concern both communication with relatives and provision of walks, as well as the living conditions. Detainees and convicted persons are placed there for the forensic psychiatric examination. During the visit, possible shortcomings in the regulatory framework were identified, as well as problems in ensuring the rights of the persons to be examined.

### **Prisons**

During the reporting period, five prisons were visited to assess accessibility in Valmiera prison, the conditions for the execution of life sentences, and the conditions in the Riga Central Prison isolators. The representatives of the Ombudsman's Office interviewed the prisoners who have been detained during the last year in temporary detention facilities of the State Police. The visits also focused on the hierarchy of prisoners, which could also be observed in the prisons visited. It should be noted that in one prison it was more obvious, in another prison not so much. Thus, the visits also focused on recordings in injury journals and employees' position on the recording of bodily injury. During this reporting period, a study on the availability of psychiatric care provided was also launched. The most significant risks identified during the visits were immediately discussed with the prison management.

### **Temporary detention facilities of the State Police**

Representatives of the Office visited temporary detention facilities to verify the implementation of the recommendations issued in 2019, follow-up visits to were launched, in total visiting 9. During the planning of the visits, it was found that the number of temporary detention facilities had decreased significantly. If it was 21 in 2019, only 12 at the beginning of the reporting period. One of the main conclusions that recommendations related to living conditions and accessibility of the environment are mostly not implemented, as it depends on the planned work of the State Security Agency.

### **Places providing sobering-up services**

Continuing visits to the sobering places, the representatives of the Ombudsman's Office observed the different performance of this service and understanding of the limitations of the rights of admitted persons and the conditions ensured. The main problem is that there is still no legal for sobering-up places (including defining, for example, whether they are social, medical, or other type of places) and the restriction of the freedom of persons placed there. There are only Cabinet Regulation on Hygiene Requirements for the Provision of Personal Expansion Service, issued in accordance with the Epidemiological Safety Law.

### **Accommodation Centre for Detained Foreigners**

Visiting Daugavpils accommodation centre for detained foreigners, attention was paid to housing conditions, leisure opportunities, groups of vulnerable persons, various aspects of detention and immigration procedures, prohibition of ill-treatment, and access to healthcare.

The monitoring team identified several issues for improvement, for example, during the first examination of foreigners, not only to the physical state of the person, but also to their mental state should be assessed.

## Financial resources and performance results

Ombudsman's Office (protection of human rights of individuals) is financed from the State budget programme 01.00.00 "Ombudsman's Office (Tiesībsarga birojs)". The aim of the programme is to promote the protection of human rights and that state power is exercised in a lawful and efficient manner, and in accordance with the principle of good governance, as well as in compliance with the Constitution and international agreements binding on Latvia.

The structured explanation of the State budget of the Ombudsman's Office for 2022 is available on the [website of the Ministry of Finance](#). Detailed information on the implementation of the budget of the Ombudsman's Office for 2022 is available on the State Treasury's website in the report '[Execution of the State budget by budget programmes/sub-programmes and classification codes](#)'.

### Financing of the State budget and its use (euro)

No	Financial indicators	Previous year (actual implementation)	Approved for the reporting year by law	Actual implementation of the reporting year
<b>1.</b>	Financial resources for expenditure (total)	1 749 616	1 940 670	1 935 406
<b>1.1.</b>	grants	1 746 845	1 935 406	1 935 406
<b>1.2.</b>	paid services and other own revenue	2771	5264	0
<b>1.3.</b>	foreign financial assistance	0	0	0
<b>1.4.</b>	donations and gifts	0	0	0
<b>2.</b>	Expenditure (total):	1 748 923	1 940 670	1 935 406
<b>2.1.</b>	maintenance costs (total)	1 714 522	1 917 168	1 911 904
<b>2.1.1.</b>	current expenditure	1 702 485	1 905 493	1 900 229
<b>2.1.2.</b>	interest expense	0	0	0
<b>2.1.3.</b>	subsidies, grants, and social benefits	0	0	0
<b>2.1.4.</b>	current payments to the European Community budget and international cooperation	12 037	11 675	11 675



<b>2.1.5.</b>	transfer of maintenance expenses	0	0	0
<b>2.2.</b>	capital expenditure	34 401	23 502	23 502

The planned and actual implementation of the national budget in 2022 amounted to EUR 1.94 million. The budget of the Ombudsman’s Office increased by almost 163 thousand compared to the previous year’s plan. As a result of the reallocation of budgetary resources, expenditure on goods and services channelled to capital investment – the purchase of hardware – was reduced by EUR 23.5 thousand.

### **Performance indicators of the Ombudsman’s Office in 2022**

Output: informed public and timely prevention of infringements

<b>Performance indicator</b>	<b>Plan for the reporting period</b>	<b>Execution of the plan for the reporting period</b>
Inspections organised in state and municipal institutions (closed-type institutions, Orphan’s and Custody Courts, educational institutions, etc.)	80	68
Educational seminars, discussions and other events organised	45	144
Participation in events organised by other institutions – lectures on issues of the Ombudsman’s competence	50	321
Publications prepared in the media	4500	3807

Output: respect for the principle of good governance

<b>Performance indicator</b>	<b>Plan for the reporting period</b>	<b>Execution of the plan for the reporting period</b>
Opinions delivered to the Constitutional Court	15	19
Opinions issued to state institutions on draft legislation	45	34
Participation in working groups and commissions	90	194

Output: implementation of the Ombudsman's policy

<b>Performance indicator</b>	<b>Plan for the reporting period</b>	<b>Execution of the plan for the reporting period</b>
Received (reviewed) submissions	1900	1634
Replies to submissions	2000	1498
Replies to submissions without initiation of verification procedures	500	638
Verification procedures initiated based on a submission	50	51
Answers to e-mail questions within competence of the Ombudsman's Office	700	967
Consultations:	7000	4629
➤ on-site	2000	1019
➤ telephone	5000	3610
Verification procedures initiated on the initiative of the Ombudsman	10	10
Surveys of foreigners to be returned	70	11

**Additional funding allocated to priority activities**

1. Increased expenses for remuneration to ensure the Ombudsman's remuneration in accordance with Section 6(2) of the Law on Remuneration of Officials and Employees of State and Local Government Authorities (EUR 2055).
2. Strengthening the capacity of the Ombudsman's Office in the amount of EUR 166353 to improve the ability to perform more effectively and qualitatively the protection of the human rights of individuals by attracting highly qualified specialists with competitive remuneration (Cabinet meeting No. 55, § 38, para. 3, 22 September 2020).

### Most characteristic performance indicators

	<b>2021 Implementation</b>	<b>2022 Implementation</b>	<b>2023 Project</b>	<b>2024 Prognosis</b>	<b>2025 Prognosis</b>
Implementation of Ombudsman's recommendations, %	69,3	72,2	72	72	72
Dynamic index of clients served (base value of 1,0 with 8727 customers, achievable value of 1.1 with 9600 customers)	1,0	1,0	1,1	1,1	1,1

### Quality indicators

	<b>2021 Implementation</b>	<b>2022 Implementation</b>	<b>2023 Project</b>	<b>2024 Prognosis</b>	<b>2025 Prognosis</b>
Public trust rating, points ("+" indicates a positive score, "-" shows negative evaluation in a public survey; SKDS/Independent study data)	29,1	No data	25	25	25
Applications satisfied by the Constitutional Court, %	100	100	94	94	94

## Research

According to the Ombudsman Law, one of the Ombudsman's tasks is to conduct research and analyse the situation regarding human rights. Thus, every year, the Ombudsman puts forward a current topic for in-depth research. Studies allow for comprehensive conclusions and proposals of the highest possible quality for improvement of the situation. At the same time, research serves as a valuable tool for comparative monitoring of the human rights situation.

### **Situation of Roma in Latvia**

[The study "Situation of Roma in Latvia"](#) in cooperation with the Roma and their representative organisations assessed seven municipalities in Latvia, with highest number of Roma. Local governments recognised that cooperation with Roma mediators is positive and helps in communication with the Roma. The Ombudsman concluded the study with a series of recommendations for improving Roma participation, housing, and social security. Special attention was paid to the education of Roma children, inviting the Ministry of Education and Science to carry out a study on the work of the municipal pedagogical medical commissions, paying particular attention to the assessment of Roma children, how the education of Roma children is organised in special educational institutions, and the availability of Roma teacher assistants who can communicate with children in a language they understand.

### **On adaptation of housing for persons with disabilities in Latvian municipalities**

In [a study](#), the Ombudsman found that there was a lack of a common approach in municipalities to housing adaptation. 23 out of 43 municipalities have a normative regulation that applies to the adaptation of housing to the needs of persons with disabilities, 18 municipalities do not have such regulation, but in two municipalities such regulation is in the process of drafting. At the same time, residents can receive individual support for the adaptation of housing in 33 municipalities, even if not covered by binding rules. Eight municipalities do not provide such support at all.

Even if the municipality provides for the adaptation of the housing, the information about such service, how it should be requested, and which documents must be submitted is not easily available. The Ombudsman emphasised that local governments should actively work to ensure that information about the services provided by the municipality is available in a comprehensible and easily understandable way. The Ombudsman also called on local governments to actively participate and support the initiative and efforts of non-governmental organisations involved in the charity project "Dod pieci" to improve the quality of life of the residents.

## **Accessibility of banking services**

Draft amendments are in progress on the accessible products and services, including banking services, for people with disabilities as of mid-2025. The Ombudsman carried out a [study](#) and concluded that not all banks provide accessible services to people with different types of disabilities. For example, there are situations where the banking service is restricted if a person cannot physically come to the bank due to disability. There are also cases when the service is denied because the bank employee does not know how to communicate with a person with specific sensory disorders.

The Finance Latvia Association has indicated that it is open to cooperation to improve the accessibility of banking services by constructively engaging in the study and discussion of the situation.

## **On the operation of the Administrative Liability Law**

On 1 July 2020, the Administrative Liability Law came into force, replacing the Administrative Violations Code. In 2022, in order to study the progress of the change in the system of administrative offences, the Ombudsman [identified state and local government institutions](#), which in practice are implementing the new regulatory enactment and can directly identify situations which were not foreseen or not regulated in sufficient detail in the drafting of the Administrative Liability Law. By identifying shortcomings in the regulatory enactment, improvement thereof is promoted, as well as the vulnerable party – private individual – is protected in public relations.

Summarising the answers provided by the institutions, problems specific to certain sectors, as well as problems common to institutions of different fields, were identified during the implementation and application of the Administrative Liability Law. The ministries responsible for the implementation and operation of the Administrative Liability Law were informed about the findings.

## Personnel

On 31 December 2022, there were 54 employees in the Ombudsman's Office, it was the average number of personnel in 2022. During the reporting year, three employees were recruited and three left the Office. The personnel exchange rate was 0.1.

### Breakdown by gender

In 2022, seven men and 46 women worked at the Ombudsman's Office.

### Breakdown by age

There were four employees in the age group 20-29 years, 21 employees in the age group 30-39 years; 19 employees in age group 40-49 years; five employees in the age group 50-59 years; three employees in age group 60-69 years, and two employees in the age group 70-79 years.

### Employment areas

In 2022, employees of the Ombudsman's Office covered the following areas: 39 employees were employed in legal analysis and counselling (including prevention); five employees in communication and international cooperation; eight employees in administration, financial management, document management, and personnel management, and two in the maintenance.

### Education

In 2022, personnel of the Ombudsman's Office had the following education: 49 employees with a master's degree (including two PhD candidates); two employees with a bachelor's degree; one employee studied for a bachelor's degree, while two employees had higher vocational education.

## Information and involvement of the public

One of the main functions of the Ombudsman is to inform the public and raise awareness of human rights, good governance, and mechanisms for the protection of these rights, as well as the work of the Ombudsman.

### Accessible content

One of the Ombudsman's priorities during the reporting period was to make its content more accessible. Content must not only be available – one that exists and could theoretically be consumed, but also accessible. Such content can be accessed and perceived by anyone, including people with temporary or long-term difficulties. This is achieved by various means. For example, video subtitles help a person both in a noisy room and a person who is hard of hearing or deaf. There is no doubt that information on human rights and the mechanisms for protecting them must be accessible to everyone because it is only by knowing their rights that a person is able to protect them.

The first major step in achieving this goal was the development of a [new website of the Ombudsman's Office](#). Extensive work was carried out in cooperation with digital accessibility experts to develop a new structure and design that is easy for everyone to use, as well as to transfer and transform existing content into a more accessible format. The principles of accessibility guidelines were implemented in the development of both the website and content for social media [Twitter](#) and [Facebook](#), such as adding alternative texts to images and graphics, adding subtitles to videos, ensuring sufficient colour contrast, choosing the most user-friendly formats for text input.

Technical changes also led to a general change of mindset. We had sign language interpreters as well as real-time subtitles at the events organised by the Office. We began developing internal guidelines for every document to comply with accessibility standards and easy-to-read language principles.

### Publicity and cooperation with media

Last year 113 news, including press releases, were posted on the homepage of the Ombudsman's Office and more than 100 answers to questions of journalists were provided. There were 3352 publications in the media monitoring related to the Ombudsman's activities, while 342 posts were posted on social media.

Regarding civil and political rights, the Ombudsman actively commented on the Latvian-Belarusian border issue throughout the reporting period and explained his position regarding the protection of the rights of asylum seekers. The Ombudsman also expressed his opinion on the delay of politicians to

improve the quality of life of people with mental disorders and explained the problems related to the risks of human trafficking. In the process of drafting laws, the Ombudsman expressed his position regarding the future State Defence Service Law, as well as the long-standing failure of the Saeima to adopt the draft law of the Civil Union. At the beginning of the war in Ukraine, the Ombudsman posted information on how every resident would best help Ukrainian war refugees in Latvia.

On social and economic matters, the Ombudsman reiterated the need to review the minimum income thresholds and the obligation of politicians to comply with judgements of the Constitutional Court, as well as drew attention to the necessary support to all households, regardless of the type of heating. The Ombudsman drew media attention to the rights of people with disabilities, with particular emphasis on the importance of accessibility as well as an accessible environment and adaptation of housing. The Ombudsman called on the government to urgently find a solution to the difficulties in accessing the services of the Office of Citizenship and Migration Affairs.

In the field of children's rights, the Ombudsman informed the media about the quality of the investigation of sexual offences against children (a [press conference was held](#)). With significant support from the media, the Ombudsman highlighted possible problems with the intention to exclude young people of violent nature from educational institutions. The attention of mobile operators was also drawn to the installation of content filters on devices accessible to children.

To increase the opportunities for the public to communicate successfully with institutions and organisations the Ombudsman released [the video on "How to write an application?"](#) including tips and trick on how a successful application can be easily understandable to the recipient and help achieve the desired result.

## Campaigns

In 2022, the Ombudsman carried out several information campaigns, publishing information on Facebook account and website. In March, the campaign ["Is this discrimination?"](#) explained about the existing forms of discrimination and how to recognise them. In June, the importance of children's rights was highlighted, explaining access rights, neglect, inclusive education, and others. September was declared the month of [civic participation](#) telling about elections, public discussions, right to association, volunteering, pickets, rallies and strikes, referendums and collection of signatures, involvement in local administration, law enforcement mechanisms or courts, advocacy for vulnerable groups, freedom of expression and responsibility thereof, as well as privacy and data protection.



In October, the Ombudsman focused on mobbing and bossing in the working environment in the campaign called [“Mobbing and bossing has NO place at work”](#), explaining the causes and consequences of mobbing and bossing, how to prove that a person is subjected to it, what laws protect the person and how to deal with such conflict situations.

In November, the social media campaign [“All that glitters is not gold”](#) explained the problem of human trafficking in Latvia, and the Ombudsman paid particular attention to the digital environment, where people often see very tempting job or dating offers, but are not careful, make mistakes and find themselves in life-threatening conditions or even disappear.

## Events

### Events organised

Already as a tradition at the end of April, the human rights’ moot court 2022 for law students took place in the Ombudsman’s Office with the team from the University of Latvia winning the competition and having the opportunity to participate in the ELSA Summer School at Zadar University, Croatia on human rights and globalisation.

On the International Day for the Protection of Children, the Ombudsman in cooperation with the Latvian Child Welfare Network organised an online discussion on the importance of children and young people’s participation ["Let’s listen to children and young people. They have an opinion!"](#). The aim of the discussion was to emphasise the right of the child to express his or her views and to be heard. The Ombudsman also held a discussion on the inclusion of a child with additional needs in an educational institution.

For the eighth year on the International Day of Persons with Disabilities, the Ombudsman in cooperation with the Association of Disabled Persons and their Friends “Apeirons” and the National Library of Latvia in the award ceremony [“Annual Prize for Supporting Persons with Disabilities”](#) celebrated the winners of 2022 and the previous two years.

In 2022, the Ombudsman organised the annual Human Rights and Good Governance Conference on [“Dignified Engagement as the basis of democracy”](#), looking at dignified engagement at different stages of a person’s life, starting with children and young people, continuing with people in the years of maturity and concluding with seniors as actors of this participation.

## Participation in events

In 2022, specialists of the Ombudsman's Office participated in more than 400 different types of events – conferences, seminars, and discussions. Representatives of the Office participated in the discussion festival “Lampa” on topics such as “Opportunities of intangible means of enforcement”, “What is free elections?” and “Money routes and non-roads. Money laundering and trafficking in human beings”. The staff of the Ombudsman's Office also moderated the discussion on equality at the Democracy Café in Kuldīga.

In different events, the experts of the Ombudsman's Office discussed such topics as trafficking in human beings in the digital environment, use of modern technologies for children, importance of a tolerant society, mobbing and bossing at the workplace, diversity of civil society, effective communication with state and local government institutions, state of LGBT rights in Latvia, protection of personal data, problems in determining medical coercive measures, hate speech on the internet, equal pay, attacks against journalists, stereotypes and sexism in advertising, etc.

More than 1000 students of general education schools in Latvia listened to guest lectures of experts of the Ombudsman's Office during the [programme “Ready for Life \(Dzīvei gatavs\)”](#) on topics such as reading legal texts, freedom of expression and hate speech, data protection, electoral literacy and human trafficking.

Lectures on the topic “Children – victims of trafficking in human beings” and human trafficking risks in general, ensuring the rights and interests of the child in the work of law enforcement institutions, problems of socialisation of children and solutions during remote studies, etc.

Representatives of the Ombudsman's Office also participated in the educational campaign “Me, You, and the Satversme” with a lecture at the Daugavpils State Gymnasium and Krāslava Rainbow Secondary School.

## International cooperation

In 2022, the Ombudsman and the Office continued to be actively involved in [global, European and regional organisations](#), including via participation in annual conferences and thematic seminars. In the reporting year, the Ombudsman submitted an alternative report to the UN on monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities in Latvia from 1 January 2017 to 31 December 2019.

During the reporting year, the Ombudsman withdrew from the European Ombudsman Institute, given that the organisation had not expressed a clear and unwavering position on the issue of Russia's war against Ukraine, as well as several Commissioners for Human Rights of the Russian Federation remained active members of the organisation.

The Ombudsman's Office is represented in several thematic working groups of international organisations: on gender equality, research and data collection, the rights of persons with disabilities, communication, equality and anti-discrimination, senior rights, artificial intelligence, asylum seekers and migration. The representatives of the Office provide information on the topical issues of the Office and Latvia, analyse the experience of other countries in solving similar problems, as well as provide their opinion on regional, European, and global issues.

Every year, the Ombudsman's Office participates in the preparation of Rule of Law Reports of the European Network of National Human Rights Institutions (ENNHRI) and the European Commission, providing an opinion about the rule of law, human rights, and good governance in Latvia.

In 2022, the Ombudsman's Office actively expressed its views and engaged in discussions at both national and European level on the European Commission's proposals for directives on standards for equality bodies and the strengthening of independent bodies. The aim of the Directives is to promote equal treatment and to prevent discrimination, as well as to educate the public on these topics.

International cooperation also takes place bilaterally, with the Ombudsman's Office cooperating with the offices of Ombudsmen or Human Rights Commissioners from other countries, sharing information on the legal framework and its implementation in other countries (particularly in the Member States of the European Union) and on informing and engaging the public.

During the reporting year, the UN, in cooperation with the Office of the Ombudsperson of North Macedonia, organised a regional conference on the role of independent human rights institutions in monitoring the UN Convention on the Rights of Persons with Disabilities, where the Ombudsman gave a presentation on the role of the Ombudsman in the implementation of the Convention in Latvia and informed about practical aspects of monitoring and reporting. The Ombudsman also reported on this topic in the ENNHRI Working Group on the Protection of the Rights of Persons with Disabilities.

The Ombudsman gave a presentation on the reporting on the monitoring of the implementation of the European Social Charter in Latvia, at the conference organised by the Council of Europe and the Georgian Ombudsman on Strengthening the Protection of Social and Economic Rights in Georgia.

The Ombudsman shared his experience with the implementation of the Web Accessibility Directive with participants in the seminar organised by the European Ombudsman.

The topic of equality between women and men at work and pay transparency was presented by the Ombudsman at a seminar at the Embassy of France on the EU Draft Directive on equal pay.

## Priorities for 2023

The Ombudsman's Annual Plan and its priorities are based on the [Ombudsman's strategy](#). At the same time, it should be noted that changing conditions and events in society every year mark new topical issues, the research of which is urgently needed, but which could not have been planned and anticipated beforehand. As a result, the Ombudsman reacts flexibly to events in society with the aim of preventing possible violations of human rights and the principle of good governance. Several key themes have already been highlighted in the thematic part of the report, which have been launched and will be continued in 2023. In addition, each year the Ombudsman selects new research topics.

In 2023, the following themes have been prioritised in line with the Ombudsman's strategy.

In the area of social and economic rights:

- ✓ Deficiencies in the system of reimbursable medicines
- ✓ Group homes for people with severe disabilities
- ✓ Flaws in the interfering noise control mechanism

In the area of civil and political rights:





- ✓ Application of means of provisional protection against violence in courts
- ✓ Educating the public, including professionals, on topical human rights issues



In the area of children's rights:

- ✓ Children's right to identity (paternity)
- ✓ Informing orphans and children left without parental care about social guarantees when reaching adulthood
- ✓ Study of the situation regarding access to training for parents on non-violent disciplining a child in municipalities
- ✓ Maintenance for children born as a result of a crime without paternity



## Ombudsman's recommendations and their implementation





### Saeima (the Parliament)

Theme	Unjustified different treatment of vehicle owners
Recommendation	<a href="#">Review</a> the provisions of Section 71(2) of the Road Traffic Law by eliminating unjustified differences in treatment of vehicle owners.
	The legislator has not informed about the decision taken on this matter.
Theme	On person's right to appeal to a court a decision on confiscation of property
Recommendation	<ol style="list-style-type: none"> <li><a href="#">To ensure</a> the implementation of the proceedings on criminally acquired property laid down in Chapter 59 of the Criminal Procedure Law in accordance with the requirements of the Directive 2014/42/EU.</li> <li><a href="#">To supplement</a> the draft law "Amendments to the Criminal Procedure Law" (No 1323/Lp13).</li> </ol>
	The recommendation has been <u>partially</u> implemented by improving Section 631 of the Criminal Procedure Law with amendments.
Theme	On the draft Law on the State Defence Service
Recommendation	<a href="#">To improve</a> the draft Law on the State Defence Service (No 1634/Lp13 and No 67/Lp14).
	The examination of the draft law is ongoing.
Theme	Use of St George's ribbons in public
Recommendation	In cooperation with symbol researchers, scientists, <a href="#">to timely and effectively work</a> on the understanding of semiotic processes in relation to spread of ideology of other countries in Latvia; to understand and, if necessary, to determine the positive, negative or neutral character of the use of ideological signs and symbols in relation to the Constitution, its core values and democratic principles.
	Since the recommendation (20 September 2022), the Saeima has not responded.
Theme	Family state benefit in same-sex couple families (2021)





Recommendation	<a href="#">To determine</a> in the Law on State Social Allowances the right to receive family state allowance for all children raised in the family not only for spouses, but also for families whose relationship has been recognised by a court judgment.
	The recommendation has not been implemented due to ongoing adoption of the Civil Union Law.
Theme	<a href="#">The right to education for children with behavioural disorders</a>
Recommendation	<a href="#">To not support</a> the student's further education in family in case of repeated violence towards peers or school personnel.
	The recommendation has been implemented.


## Cabinet of Ministers

Theme	<a href="#">On the need for COVID-19 vaccination, booster vaccination or recovery certificate when visiting prisons</a>
Recommendation	<a href="#">To assess</a> the proportionality of the restrictions in prisons laid down in Paragraph 78 of Cabinet Regulation No 662 of 28 September 2021 on epidemiological safety measures to limit the spread of COVID-19 infection, in accordance with the epidemiological situation.
	The recommendation has been implemented. The requirement to present a vaccination, booster vaccination or recovery certificate when visiting a prison is excluded, thereby removing restrictions to access rights for prisoners and visitors.
Theme	<a href="#">Implementation of the supported decision-making</a>
Recommendation	<a href="#">To pay particular attention</a> to avoid any further delays in the implementation of the supported decision-making service, as well as to support the implementation of option 2A proposed in the Conceptual Report as soon as possible, but no later than 2023.
	The implementation of the recommendation is ongoing. The Cabinet of Ministers has <a href="#">supported</a> the implementation of the service as of 1 July 2023. It is still necessary to agree on the budget and make amendments to the relevant laws and regulations.


Theme	On the whistleblower's redress mechanism
Recommendation	<a href="#">To ensure</a> a clear whistleblower redress mechanism.
	The implementation of the recommendation is ongoing.
Theme	Good governance: inter-institutional cooperation and openness
Recommendation	<a href="#">To participate</a> in the resolution of disputes between the Minister of Environmental Protection and Regional Development and Saulkrasti Municipality, ensuring the provision of important public information to the local government on the criteria for approving high-readiness investment projects.
	The recommendation has not been implemented.
Theme	Social security: revision of minimum income thresholds
Recommendation	<ol style="list-style-type: none"> <li>1. In line with the increase in consumer prices, <a href="#">to review</a> the amount of guaranteed minimum income and state social security benefit [Deadline: 1 October 2022].</li> <li>2. To improve the revision of minimum income thresholds considering the socio-economic situation by updating the methodology for calculating minimum income thresholds accordingly [Deadline: 1 January 2023].</li> <li>3. To review the amount of the state social security benefit and minimum pensions without deferring its payment for four months [period: 1 January 2023].</li> </ol>
	The recommendations have not been implemented.
Theme	Social security: revision of state social benefits
Recommendation	<ol style="list-style-type: none"> <li>1. <a href="#">To review</a> the amount of childbirth allowance, child-raising allowance and supplement to the State family allowance, taking into account inflation indicators and changes in average wages [Deadline: 1 November 2022].</li> <li>2. To improve the legal framework by incorporating into the Law on State Social Allowances uniform criteria based on socio-economic indicators for determining and reviewing the amount of state social benefits [Deadline: 1 February 2023].</li> </ol>
	The recommendations have not been implemented.



Theme	Social security: compensation for increased energy costs
Recommendation	<a href="#">To assess</a> the need to compensate all households for energy expenditure in the 2022-2023 heating season, regardless of the type of heating technology used, under the adverse economic situation, if the use of the fuel in question is allowed in accordance with the current regulatory framework.
	The recommendation is planned to be implemented in 2023.
Theme	Good governance: reachability of the Authority
Recommendation	<a href="#">To provide</a> support to strengthen the capacity of the Office of Citizenship and Migration Affairs and immediately resolve the situation so that their basic service is available to people within a reasonable period not exceeding 30 days. [Deadline: 31 May 2022].
	The recommendation has not been implemented. The service is available, however, in an uncomfortable way for the people, standing in ques for long hours, including outdoors, in adverse weather conditions.
Theme	Principle of equal treatment: social scholarships “Studēt gods” for all students from large families
Recommendation	<a href="#">To ensure</a> the right for students of all years from large families to apply for a social scholarship “Studēt gods” [Deadline: 1 February 2023].
	The recommendation has not been implemented.
Theme	Safety requirements for working with technology in educational institutions (2021)
Recommendation	<a href="#">To determine</a> the normative regulation on safety requirements for working with technology in educational institutions.
	The recommendation has been <u>partially</u> implemented. The regulatory framework has not been established. The Ministry of Health has developed recommendations for the safe and health-friendly use of modern technologies for children.


Theme	Expenditure to be included in eligible expenditure (2021)
Recommendation	<a href="#">To establish</a> in Sub-paragraph 1.1.1 of Cabinet Regulation No. 336 of 31 July 2001 “Regulations Regarding Eligible Expenditure for Education and Medical Services” that expenditure for the acquisition of general education programmes shall be included in the eligible expenditure. Urgently address this for pre-school education, which is not available to many free of charge. To clarify grammatically the wording of paragraph 1.1.1 of the Regulation.
	The recommendation has not been implemented.

## Prime Minister

Theme	Discount in city public transport for orphans and children left without parental care
Recommendation	<a href="#">To engage and promote</a> the right of children orphans and children left without parental care to use regional and city public transport free of charge. [Deadline: 1 March 2023]
	The deadline for implementation of the recommendation has not yet expired.

## Ministry of the Interior and Related Authorities

### Ministry of the Interior

Theme	On temporary suspension of the operation of the State Fire and Rescue Service posts
Recommendation	To find a solution for the full operation of the State Fire and Rescue Service and to timely carry out actions, which would not lead to a situation that would affect the internal security of the State.
	The implementation of the recommendations is ongoing.
Theme	Investigation of offences against virtue and sexual inviolability of children (2021)
Recommendation	<a href="#">To promote</a> the quality of pre-trial investigations of crimes against virtue and sexual inviolability of children. To develop professional training for officials of the State Police and Prosecutor’s Office in the investigation of crimes.



The implementation of the recommendation is ongoing.  
Information is provided on the planned reform of the education of law enforcement officials for raising the quality of pre-trial investigations and the plan to develop methodological materials for investigators in interrogation of minor victims, to provide training for investigators.

## State Police

Theme

Investigation of offences against virtue and sexual inviolability of children (2021)

Recommendation

[To introduce](#) specialisation of officials in this category of cases. Ensure that they are investigated by higher-level specialised departments rather than by regional divisions. To introduce a uniform procedure corresponding to the rights of the child for carrying out departmental examinations. Do not allow a child to be questioned about the alleged crime during the departmental examinations. Provide that the departmental examination shall not exceed one month.



The recommendation has been partially implemented.  
The State Police has submitted to the Ministry of the Interior a proposal to develop interrogation guidelines and a common approach to the verification of new information.

## State Police Kurzeme Region Administration

Theme


Implementation of the recommendations provided in the Ventspils district temporary detention site


Recommendations

Repeated recommendations that found that previous recommendations have been partially implemented (or need further attention) or have not been implemented. From the previous 15 recommendations: 3 – implemented, 4 – need further attention and 8 – not implemented.





Implementation of recommendations is ongoing.  
The information provided will be considered when compiling and updating the systematically improved aspects of police temporary detention facilities.


Theme	Implementation of the recommendations provided in the Liepāja district temporary detention site
Recommendations	Repeated recommendations found that previous recommendations have been implemented partially, need further attention or have not been implemented. From the previous 10 recommendations: 3 – implemented, 1 – need further attention and 6 – not implemented.
	Implementation of recommendations is ongoing. The information provided will be considered when compiling and updating the systematically improved aspects of police temporary detention facilities.

Theme	Implementation of recommendations provided in the Saldus district temporary detention site
Recommendations	Repeated recommendations found that previous recommendations have been implemented partially, need further attention or have not been implemented. From the previous 13 recommendations: 2 – implemented, 2 – need further attention and 9 – not implemented.
	Implementation of recommendations is ongoing. The information provided will be considered when compiling and updating the systematically improved aspects of police temporary detention facilities.

### State Police Vidzeme Region Administration


Theme	Implementation of the recommendations provided at the Cēsis district temporary detention site
Recommendations	Repeated recommendations found that previous recommendations have been implemented partially, need further attention or have not been implemented. From the previous 13 recommendations: 1 - implemented, 4 need further attention and 8 – not implemented.
	Implementation of recommendations is ongoing. The information provided will be considered when compiling and updating the systematically improved aspects of police temporary detention facilities.

Theme	Implementation of the recommendations provided in the Madona district temporary detention site
Recommendations	Repeated recommendations found that previous recommendations have been implemented partially, need further attention or have not been implemented. From the previous 8 recommendations: 3 – implemented, 1 – need further attention and 4 – not implemented.
	Implementation of recommendations is ongoing. The information provided will be considered when compiling and updating the systematically improved aspects of police temporary detention facilities.

Theme	Implementation of the recommendations provided in the Gulbene district temporary detention site
Recommendations	Repeated recommendations found that previous recommendations have been implemented partially, need further attention or have not been implemented. From the previous 8 recommendations: 2 – implemented, 1 – need further attention and 5 – not implemented.
	Implementation of recommendations is ongoing. The information provided will be considered when compiling and updating the systematically improved aspects of police temporary detention facilities.


### Provision State Agency

Theme	Good governance: procedure for the transfer of an official
Recommendation	To review the institution's processes and improve communication with officials through the relocation procedure [without a deadline].
Result	To be assessed on a case-by-case basis.


Theme	Discrimination and bossing: institution's internal communication
Recommendation	1. To develop internal rules on the handling of reports of possible breaches of internal rules. 2. To provide information on the data flow and storage, in particular those concerning data from the GPS system.
	The recommendations have been implemented.

## Ministry of Education and Science and Related Institutions

### Ministry of Education and Science

Theme	Discrimination on grounds of ethnicity
Recommendation	<a href="#">To carry out research</a> into the work of municipal pedagogical medical commissions, paying particular attention to the assessment of Roma children, how the education of Roma children in special educational institutions is organised, including the availability of Roma teacher assistants who can communicate with the child in a language he understands; if not, how exactly does Roma children receive education in specialised schools. [deadline: 1 November 2022]
	The recommendations have been partially implemented. A survey of municipal pedagogical medical commissions has been carried out, and research is still ongoing.

Theme	Good governance: effectiveness of supervision, availability of information
Recommendation	1. <a href="#">To ensure</a> a transparent monitoring mechanism for the performance of the tasks delegated by the Latvian Olympic Committee and sports federations [Deadline: 20 September 2022]. 2. To ensure a publicly available and transparent delegation structure for the sport sector and its functioning [Deadline: 1 December 2022].
	The recommendations have been implemented.

Theme	Procedure for admission of children to 1 <sup>st</sup> grade
Recommendation	To ensure equal access to admission to 1 <sup>st</sup> grade for children aged six and seven.
	The recommendation has not been implemented. In some municipalities, six-year-old children are admitted to 1 <sup>st</sup> grade only if there are vacancies after the admission of seven-year-olds.

Theme	Catering of children with special needs in an educational institution
Recommendation	<a href="#">To cover catering costs</a> for all children with special needs, regardless of the educational institution in which they are enrolled.



The recommendation has not been implemented.

Children with special needs are treated unequally. Catering in special educational establishments is free of charge, but in general educational establishments – for a fee. This is not in line with national policies on inclusive education.

Theme

The use of the Montessori method in the educational process

Recommendation

To improve the legal framework so that Montessori’s pedagogical method can be fully used in the educational process.



The recommendation has not been implemented.

### Latvian Basketball Union

Theme

Good governance: efficiency of processes, availability of information

Recommendation

[To develop](#) and determine the exact procedure for the selection of athletes for inclusion in the Latvian Olympic Unit. Ensure that decisions taken, and rules developed and related to the development of the sports sector are made publicly available [Deadline: 20 September 2022].



The recommendations have been implemented.

### Latvian Olympic Committee

Theme

Good governance: efficiency of processes, availability of information

Recommendation

[To ensure](#) that decisions taken, and rules developed and related to the development of the sport sector are made publicly available [Deadline: 20 September 2022].



The recommendation has been implemented.

## Ministry of Welfare and Related Institutions





### Ministry of Welfare

Theme





Ensuring human rights in the care home “Ruba”


Recommendations


The Ombudsman recommended improving living conditions, technical aids, privacy in the premises of the medical isolator, and access to healthcare.

	<p>Implementation of recommendations is ongoing.</p> <p>To verify the implementation of the recommendations, there will be a follow-up visit.</p>
<p>Theme</p>	<p>Improvement of the Guardianship</p>
<p>Recommendation</p>	<p>To set in the Section 316 of the Civil Law that one guardian or two guardians (spouses) shall be appointed for the administration of each guardianship.</p>
	<p>The recommendation has not been implemented.</p> <p>There is a formal obstacle to appoint two guardians – spouses who, would fully perform the duties of mother and father – for a child.</p>
<p>Theme</p>	<p>Legal representation of a child left without parental care</p>
<p>Recommendation</p>	<p>To provide in the Orphan’s and Custody Court Law that the Orphan’s and Custody Court shall represent the personal and economic (property) interests and rights of the child left without legal representation.</p>
	<p>The recommendation has not been implemented.</p> <p>If the child is left without parental care, it shall remain without a legal representative until a suitable form of care for the child is found.</p>
<p>Theme</p>	<p>Social guarantees of a child left without parental care</p>
<p>Recommendation</p>	<p>To provide in the Paragraph 5 of Cabinet Regulation No 857 of 15 November 2005 “On social guarantees for orphans and children left without parental care in out-family care, as well as after the end of out-family care” that the provider’s pension or social security benefit be granted to the child in out-family care shall be transferred to the account of a credit institution opened in the name of the child.</p>
	<p>The recommendation has not been implemented.</p> <p>Children in out-family care are not guaranteed the same right to save provider’s pension in a bank account.</p>




Theme	Large family status for children left without parental care
Recommendation	<a href="#">To ensure</a> that young people from large families after out-family care who have not reached the age of 24 years and continue to acquire general, professional, or higher education can receive Latvian Honorary Family Certificates.
	The recommendation has not been implemented. Young people from large families after out-family care are denied access to the state support programme.
Theme	Scholarship “Studēt gods” for children without parental care
Recommendation	<a href="#">To advance</a> the proposal to expand the target group of the social scholarship “Studēt gods” so that as of 1 September 2022, young people after out-family care can qualify for the monthly social scholarship “Studēt gods”.
	The recommendation has not been implemented.
Theme	Large family status for orphans
Recommendation	<a href="#">To improve</a> Cabinet Regulation No 352 of 1 June 2021 “Procedures for the Implementation of the Latvian Honorary Family Certificate Programme”, providing for the receipt of a certificate for children of large families after the death of both parents.
	The recommendation has not been implemented. If children of a large family lose both parents, it is not possible to obtain the Honorary Family Certificate if one of the children is of adult age and continues to receive education.
Theme	Social service to promote access right of children and parents (2021)
Recommendation	<a href="#">To establish</a> a state-funded social service with the aim of establishing, restoring, or improving the relationship between a child and a separated parent, in order to ensure the protection of the child’s rights in parental disputes.
	The recommendation has not been implemented. The Ministry has committed to include the proposal in the working group’s plan.


Theme	The right of children with special care to receive technical aid (2021)
Recommendation	<a href="#">To amend</a> the criteria of Annex 2 Paragraph 185 of the Cabinet Regulation No 878 of 21 December 2021 on technical aids, to ensure the right to receive a specialised car seat regardless of the child’s weight, age, head and torso function, as well as vehicle ownership or possession rights of the child’s legal representative.
	The recommendation has not been implemented.


Theme	Amendments to the Law on the Protection of Children’s Rights regarding the Child’s House (Barnahus)
Recommendation	To supplement the draft law “Amendments to the Law on the Protection of Children’s Rights” (No 22-TA-697), stating that the Child’s House (Barnahus) is a structural unit of the State Inspectorate for the Protection of Children’s Rights.
	The recommendation has been implemented.

Theme	Draft Cabinet Regulation on the Foreign Adoption Commission (No 22-TA-1734)
Recommendation	To not support further progress of the draft regulation. Proposals have been made for draft “Regulations on the Foreign Adoption Commission” and call for further discussions to improve the quality of the rules.
	The recommendation has been considered. The project will be improved and reviewed at the same time as amendments to Cabinet Regulation No. 667 of 30 October 2018 “Procedures for Adoption”.

### State Inspectorate for the Protection of Children’s Rights


Theme	Methodological recommendations for the protection of economic (property) interests
Recommendation	To improve methodological recommendations on the protection of the economic (property) interests of a child and a person under trusteeship to ensure unified practice of Orphan’s and Custody Courts.
	The recommendation has been partially implemented. Methodological recommendations do not reach the objective.

Theme	Training of the employees of Orphan's and Custody Courts regarding the protection of child's economic (property) rights
Recommendation	To address the issue of training for the employees of Orphan's and Custody Courts regarding protection of the economic (property) rights of children, also regarding matters affecting commercial activities.
	The recommendation has not been implemented. The employees of Orphan's and Custody Courts lack specific knowledge for the protection of economic (property) rights of children.

Theme	Settlement of disputes between children and parents
Recommendation	To develop guidelines (methodological recommendations) for Orphan's and Custody Courts for the implementation of a uniform practice for resolving disputes between a child and a parent.
	The recommendation has been implemented.


## Ministry of Transport and Related Authorities

### Ministry of Transport


Theme	Right to an enabling environment: reduction of road noise pollution
Recommendation	<a href="#">To implement</a> noise reduction measures in real estate [Deadline: 11 September 2022].
	Implementation of the recommendation is ongoing.

Theme	Discounts in city public transport for orphans and children left without parental care
Recommendation	<a href="#">To make amendments</a> to regulatory enactments to ensure the right of orphans and children left without parental care to use the regional and city public transport free of charge. [Deadline: 1 March 2023]
Result	The recommendation has not been implemented. The Ministry of Transport has agreed to the necessity of amendments; however, the action has not followed. The involvement of the Prime Minister has been requested.

## The Ministry of Transport and Road Traffic Safety Directorate

Theme	On the right of a person to obtain information about the vehicle of another natural person and data on the owner, possessor, or holder thereof
Recommendation	<a href="#">To ensure</a> the improvement of the regulatory framework by determining the right of persons to obtain information from the State Register of Vehicles and their Drivers regarding the vehicle of another natural person and data regarding the owner, possessor, or holder thereof for the protection of their rights and legitimate interests in court.
	The recommendation has been implemented. The draft law, which, according to the opinion of the Ombudsman, intends to improve the relevant provisions of the Road Traffic Law, has been adopted by the Saeima at the 1st reading.





## Road Traffic Safety Directorate




Theme	Good governance: accuracy of information, legal clarity
Recommendation	<a href="#">To identify</a> the possibilities of changing the name of the service “Assignment of the right to drive by issuing a driving licence” provided by the Road Traffic Safety Directorate and making the related amendments to the price list, which would equally reflect the nature of the public administration task delegated to the Road Traffic Safety Directorate and eliminate the disagreement between the customers of the institution on the application of the service and its charge. [Deadline: 20 March 2023]
	Implementation of recommendations are in the process is ongoing.


## Ministry of Justice and Related Authorities


### Ministry of Justice


Theme	Investigation of offences against virtue and sexual inviolability of children (2021)
Recommendation	<a href="#">To promote</a> the quality of pre-trial investigations of crimes against virtue and sexual inviolability of children. To develop professional training for officials of the State Police and Prosecutor’s Office in the investigation of crimes.

	<p>Implementation of the recommendation is ongoing.</p> <p>Information on the intention to set up a Judicial Training Centre was provided.</p>
Theme	Improvement of the Administrative Liability Law
Recommendation	<p><a href="#">To improve</a> Section 41(1) of the Administrative Liability Law by adding a new paragraph 9, which would establish a person’s right to receive legal aid from a defence counsel of his or her choice.</p>
	<p>The Ministry of Justice will consider the recommendation in the next process of drafting amendments to the law.</p>
Theme	On the requirements for vehicles for transportation of prisoners
Recommendation	<p>The Ombudsman made proposals for amendments to Cabinet Regulation No 497 of 25 August 2015 “Procedures for Transfer and Security of Sentenced or Arrested Persons During Receipt of Health Care Service in a Medical Institution outside the Prison” elaborated by the Ministry of Justice (No 21-TA-1691).</p>
	<p>The recommendation has been implemented.</p> <p>The proposals were considered, and the amendments entered into force on 14 July 2022.</p>
Theme	On the rights of the arrested
Recommendation	<p>To improve the draft law “Amendments to the Law on Procedures for Holding under Arrest” (VSS-594), not providing for the mandatory presence of a prison representative when the arrested persons exercise the right to video communication with relatives.</p>
	<p>The recommendation has been implemented.</p> <p>The amendments entered into force on 20 July 2022 and the provisions no longer provide for the presence of officials when exercising the right of an arrested person to telephone or video communication.</p>
Theme	On effective enforcement of decisions and amount of funds to be retained for debtor – performer of economic activity

Recommendation	<p>In 2022, the Ombudsman repeatedly <a href="#">raised</a> the question of the effective enforcement of decisions and the amount of funds to be retained for the debtor – the performer of economic activity – which were already brought to the attention of the Ministry of Justice and the Latvian Council of Sworn Bailiffs already in 2020.</p>
	<p>The recommendation has been implemented.</p> <p>The Ministry of Justice <a href="#">replied</a> that these issues have been assessed and supported by the permanent working group established for the drafting of amendments to the Civil Procedure Law. The approved amendments will be included in the next draft amendments to the Civil Procedure Law.</p>
Theme	<p><a href="#">On procedures for examination of violations recorded by technical means</a></p>
Recommendation	<p>The Ombudsman <a href="#">turned</a> to the responsible institutions asking for an opinion, whether in categories of cases, when the violation has been recorded by technical means, without suspending the vehicle, it would be possible to introduce a different procedure and shorten the examination time, so that the person is timely informed about the committed violation.</p>
	<p>Implementation of recommendations is ongoing.</p> <p>The Ombudsman received <a href="#">replies from the Ministries</a>, and he has committed to continue exploring the issue in 2023.</p>
Theme	<p><a href="#">On the vaccines against COVID-19 available to prisoners and the effectiveness of the vaccination process in Riga Central Prison</a></p>
Recommendation	<p><a href="#">To take measures</a> to improve the effectiveness of the vaccination process and ensure that every inmate can receive the selected vaccine as soon as possible.</p>
	<p>The recommendation has been implemented.</p> <p>According to the <a href="#">answer</a> received, the choice of the vaccine has been ensured, as well as measures have been taken to make the vaccination process more effective in order to make it faster. Prisoners are granted the right to receive the vaccine they have chosen within a reasonable time.</p>



Theme	<a href="#">On video communication during COVID-19 restrictions</a>
Recommendation	<a href="#">In 2021, the Ombudsman recommended</a> to ensure the replacement of on-site meetings with video communication when there were restrictions to meet relatives during the spread of COVID-19.
	The recommendation has been implemented. In 2022, amendments to the Law on the management of the spread of COVID-19 infection entered into force, providing that the Head of the Prison Administration may temporarily determine the type of short-term or long-term meetings for prisoners that is not provided for by the laws and regulations governing the execution of imprisonment. During COVID-19 restrictions, an alternative solution was provided to ensure access rights for prisoners.

Theme	<a href="#">On the diverse conduct of the courts</a>
Recommendation	<a href="#">To prevent</a> diverse (unified) actions of courts by deciding issues related to the execution of decisions.
	The recommendation has been implemented.

Theme	<a href="#">On the protection of personal data regarding publicity of entries in the Register of Enterprises on websites</a>
Recommendation	<a href="#">To develop</a> amendments to the relevant regulatory enactments in relation to publicity of entries in the Register of Enterprises on websites.
	The recommendation has not been implemented.


### Prison Administration and its structural units (prisons)

Theme	<a href="#">On prisoners sentenced to life in Daugavgrīva prison</a>
Recommendation	<a href="#">To evaluate</a> and take measures to improve living conditions, as well as to expand and improve off-camera activities. To evaluate the possibility of placing convicted persons in other closed prisons for life. Improvements in the conditions of serving sentences of persons sentenced for life will contribute to the efficiency of life sentence execution and integration among other convicted persons.

Result	No information has been received regarding the implementation of the recommendations.
Theme	On accessibility in Valmiera Prison
Recommendation	<a href="#">To improve</a> accessibility aspects in prison infrastructure.
	Implementation of recommendations is ongoing. The Ombudsman has received <a href="#">an answer</a> that, within the financial resources, work on improving living conditions will be carried out. However, until the recommendations are fully implemented, there are risks that in individual cases rights of persons with disabilities may be unduly restricted in prison.
Theme	On living conditions in Riga Central Prison Penal Isolators
Recommendation	<a href="#">To improve</a> the conditions in the penal isolators of the Riga Central Prison in accordance with human rights requirements.
	No information has been received regarding the implementation of the recommendations. The officials of the Ombudsman's Office during visits will examine the premises and assess whether the recommendations have been implemented. In case of non-fulfilment, human rights violations against prisoners will continue.


## Members of the judicial system

### Council of Sworn Bailiffs

Theme	Imposition of an administrative fine on children placed in foster families and childcare institutions
Recommendation	<a href="#">To ensure</a> that sworn bailiffs do not enforce a fulfilment of a fine against persons who had been minors from foster families or childcare institutions when the fine had been imposed.
	The recommendation has been implemented.



## Public Prosecutor's Office

Theme	Investigation of offences against virtue and sexual inviolability of children (2021)
Recommendation	<a href="#">To promote</a> the quality of pre-trial investigations of crimes against virtue and sexual inviolability of children. Introduce specialisation of prosecutors supervising pre-trial investigations.
	The recommendation has been implemented. By order of 3 January 2022, the public prosecutor is involved from the moment the criminal proceedings are initiated; there is specialisation of prosecutors, improved methodological support and organisation of prosecutors' work.

## Zemgale District Court

Theme	Compliance with deadlines in cases regarding children
Recommendation	To ensure that cases that affect the rights and interests of children are examined in accordance with Section 20(3) of the Law on the Protection of Children's Rights and within a reasonable time. Ensure that Section 244(10) of the Civil Procedure Law is respected – a provisional decision is taken within one month from the date of receipt of the request.
Result	The deadline for the implementation of the recommendation is not set, as it is relevant case-by-case.

## Vidzeme District Court

Theme	Respect for the principle of good governance and the right to a fair trial in cases regarding children (2021)
Recommendation	When determining the Orphan's and Custody Courts deadlines for providing opinion, the court should consider not only the time laid down in Section 93(3) of the Civil Procedure Law, but also the procedures and procedural time limits laid down in Paragraphs 98.1 and 98.2 of Cabinet Regulation No 1037 of 19 December 2006 "Regulations on the Operation of the Orphan's and Custody Court" and the procedural time limits for Orphan's and Custody Court to ensure procedural participation of participants in the case.
Result	There is no deadline for the implementation of the recommendation.

## District (city) courts and regional courts

Theme	Taking of evidence in cases of provisional protection against violence affecting children
Recommendation	<a href="#">When examining</a> an application for revocation of temporary protection against violence, if it affects the rights of the child, to exercise the right laid down in the Civil Procedure Law to request evidence on its own initiative or to invite an Orphan's and Custody Court to provide an opinion.
Result	There is no deadline for the implementation of the recommendation.

Theme	Hearing child's opinion in cases of revocation of temporary protection against violence
Recommendation	<a href="#">To take</a> into account the child's right to be heard in any case which affects or may affect him or her. To ask the Orphan's and Custody Court, in a conversation with the child, to find out his or her attitude towards the parent to whom the temporary protection measure against violence has been applied.
Result	There is no deadline for the implementation of the recommendation.

Theme	Sending the decision in cases of temporary protection against violence
Recommendation	In accordance with the Civil Procedure Law, the decisions on temporary protection against violence, if they affect children, should also <a href="#">be sent to</a> the local government's social services.
Result	There is no deadline for the implementation of the recommendation.

Theme	Consideration of the best interests of the child in the determination of the sentence for parents
Recommendation	When imposing a fine for failure to comply with a decision on temporary protection against violence, <a href="#">to take</a> into account and assess its impact on the child's needs.
Result	There is no deadline for the implementation of the recommendation.


## Regional Administrative Court


Theme	Compliance with deadlines in cases affecting children
Recommendation	To ensure that cases concerning the safeguarding of children's rights are dealt with expeditiously.
Result	There is no deadline for the implementation of the recommendation.


## Ministry of Health and Related Authorities

### Ministry of Health


Theme	Discrimination on grounds of sex: restrictions on return to work after parental leave
Recommendation	<a href="#">To draft</a> amendments to the Cabinet Regulation of 18 December 2012 No. 943 "Procedures for the Certification of Medical Treatments", which would comply with the second sentence of Article 91 and Article 106 of the Satversme [Deadline: 1 November 2022].
	The recommendation has been implemented.

Theme	Discrimination based on language: patients' right to receive information in state language
Recommendation	To ensure that patients have the right to receive health care services in state language if the service is provided by a medical practitioner from Ukraine who does not know the official language.
	The recommendation has been implemented.


Theme	Access to dental care services for children
Recommendation	To ensure the availability of the services of the state-funded dentist endodontist or to introduce a compensation mechanism for paid services provided to the child.
	The recommendation has not been implemented.

Theme	Child's right to receive health care services of a family doctor
Recommendation	<a href="#">To amend</a> Paragraph 30(2) of Cabinet Regulation No 555 of 28 August 2018 on the organisation and payment of health care services, stating that a child may not be excluded from the list of family doctor's patients based on doctor's application and an opinion of the Health Inspectorate.
	Implementation of the recommendation is ongoing. The draft amendments have been submitted to the Cabinet of Ministers.

### Ministry of Health and Daugavpils Psychoneurological Hospital

Theme	Ensuring patients' rights in Aknīste Psychoneurological Hospital
Recommendations	Recommendations have been made regarding the situation of patients in the deinstitutionalisation project in Aknīste Psychoneurological Hospital, the objectives set in the treatment and rehabilitation plans and targeted work on preparing patients for the change of service.
	The Ombudsman has received information that the recommendations have been implemented. The next visit to Aknīste psychoneurological hospital will focus on the implementation of recommendations.

### Children's Psychoneurological Hospital Ainaži

Theme	Rules for visitors
Recommendation	To <a href="#">publish</a> rules on calls, meetings, contributions, stay of accompanying persons, etc. for children's visitors to be easily located on the hospital's website.
	Implementation of the recommendation is ongoing. The hospital has sent draft regulations for harmonisation.

## Ministry of Environmental Protection and Regional Development and Related Authorities

### Ministry of Environmental Protection and Regional Development

Theme	Good governance: administrative penalties for non-payment of municipal parking fees
Recommendation	<a href="#">To assess</a> how local governments in Latvia manage municipal paid parking places. If the Ministry finds that persons have unjustified administrative penalties for non-payment of municipal parking fees, to instruct the relevant local

governments to immediately discontinue such practice and to develop a new procedure for the management of municipal paid parking places.  
[Deadline: 01 June 2022].



The recommendations have been implemented.

## Ministry of Agriculture and related institutions

### Ministry of Agriculture

Theme	Property rights: the form of compensation for arbitrarily deforestation
Recommendation	<a href="#">To assess</a> compliance with good governance and proportionality of the regulation that triple compensation for deforestation in favour of the State can be recovered only in monetary terms, but triple afforestation is not possible as a compensation for arbitrary deforestation. [Deadline: 1 January 2023]
	Recommendations are in the process of implementation. The development of amendments to the relevant regulatory framework has started.

## Municipalities and related institutions

### Cēsis municipality government and association “Cerību spārni (Wings of Hope)”


Theme	Improvement of group home (apartment) service
Recommendations	The Ombudsman has recommended to improve social support, access to medical assistance, the prohibition discrimination, and accessibility.
	Implementation of recommendations is ongoing. Based on the information provided, further action will be taken to reflect the progress of the deinstitutionalisation process in Latvia.

### Gulbene municipality government and Gulbene social service unit “Group Home”

Theme	Improvement of group home (apartment) service
Recommendations	The Ombudsman has recommended to assess the number of employees and their competences, and to improve social support, access to medical assistance and accessibility.
	Implementation of recommendations is ongoing.


Based on the information provided, further action will be taken to reflect the progress of the deinstitutionalisation process in Latvia.

### Jelgava State city government

Theme	Social guarantees for orphans and children left without parental care
Recommendation	To provide young people with information in line with the legal framework on their right to social guarantees after out-family care, including the right to receive housing benefits without losing their registration to a municipal apartment.
	The recommendation has been implemented.

Theme	Discrimination: accessibility for persons with disabilities
Recommendation	<ol style="list-style-type: none"><li>1. To address accessibility flaws in the building of non-governmental organisations of Jelgava State City Municipality.</li><li>2. To develop a plan ensuring accessibility on the second floor of the building and the width of doors in accordance with regulatory enactments.</li></ol>
	The first recommendation has been implemented; the second recommendation is not.

### Jūrmala State city government

Theme	Right to property: restriction of property rights
Recommendation	<p><a href="#">To clarify</a> the reference to the delegation provided in regulatory enactments of Jūrmala City Binding Regulation No 17 of 25 February 2021 “Binding Regulations for the Care of the Territory of Jūrmala State City”; to amend Paragraph 4.1 of this Regulation, considering that the local government does not have a delegation to determine the administrative responsibility for the formation of thatch, and assessing the observations made in the opinion.</p> <p>[Deadline: 3 June 2023].</p>
	Implementation of the recommendation has not yet reached the deadline.
Theme	Social guarantees for orphans and children left without parental care
Recommendation	To prevent the incompatibility of Clause 9 of the Binding Regulation No. 54 of the Jūrmala City Council of 19 December 2019 “On the assistance of Jūrmala City

Council to the orphan and the child left without parental care after reaching the age of majority” with the deadline for requesting social guarantees laid down in Section 43 Paragraph 2 of the Law on the Protection of Children’s Rights.



The recommendation has been implemented.

## Mārupe municipality council

Theme | Support for large families

Recommendation | To eliminate deficiencies in the binding regulations No. 10/2022 of the Mārupe municipality council of 23 February 2022 "On municipal allowance for families with many children in Mārupe municipality", which creates unequal treatment for those large families where one of the parents has not declared their place of residence in Mārupe municipality



The recommendation has been implemented.

Theme | Support for interest and vocational education

Recommendation | To determine co-financing for children declared in Mārupe municipality for vocational education in the institutions established by other municipalities. To unify co-financing for vocational education in the institutions of the Mārupe municipality. To determine co-financing for the vocational education programmes of the “Mārupe Hockey Sports School”.



The recommendation has been partially implemented.

The co-financing of the “Mārupe Hockey Sports School” is not specified in the vocational education programmes.

Theme | Enrolment of children in preschool

Recommendation | To improve the procedures for the admission of younger children to pre-school in the Mārupe municipality government binding regulations No. 14/2021 of 29 September 2021 "Procedures for the implementation of the pre-school education function of the Mārupe municipality government". To evaluate objective necessity and compliance with the interests of the municipality residents of admission priorities to preschool for children, whom one of the legal representatives works in a local government institution.



The recommendation has not been implemented.

### Preiļi municipality government and Preiļi welfare administration Group Apartments

Theme	Improvement of group home (apartment) service
Recommendations	The Ombudsman has recommended to improve social support, access to medical assistance, legal aid, prohibition of discrimination, and accessibility.
	Implementation of recommendations is ongoing. Based on the information provided, further action will be taken to reflect the progress of the deinstitutionalisation process in Latvia.




### Riga State city municipality

Theme	Discrimination: accessibility for persons with disabilities
Recommendation	The Ombudsman has recommended Riga State city council to provide training on accessibility for the employees of City Council Departments, and to indicate how many employees and from which departments were trained, which non-governmental organisations of persons with disabilities carried out the training and what information was included in the training.
	The recommendation has been implemented.


Theme	Right to property: restriction of property rights
Recommendation	<a href="#">To clarify</a> Riga city council binding regulation No 146 of 28 April 2015 “Binding Regulations for the Care of Riga City Territory and Maintenance of Structures”, deleting the term “drain ditch” [Deadline: 1 April 2023]. To take the necessary steps to submit data on the drain ditch in the amelioration cadastre within six months [Deadline: 1 July 2023].
	Implementation of the recommendation has not reached the deadline.

Theme	Procedure for admission of children to 1st grade
Recommendation	To prevent that six-year-old children are included in the list of applicants for the 1 <sup>st</sup> grade only if there remain vacancies after admission of seven-year-old children, the Ombudsman recommended excluding point 18.1 and clarify the




	introductory part of point 18 of Riga City Council's Binding Regulation No 137 of 27 January 2015 "On the procedure for registering applications for admission to 1 <sup>st</sup> grade in Riga State City Municipality educational institutions"
	The recommendation has not been implemented.
Theme	Municipality co-financing for catering of students
Recommendation	To amend Riga City Council Decision No 1462 of 27 April 2022 "On the catering of learners" and the Binding Regulation No. RD-22-153-sn of 24 August 2022 "Procedure on Riga State City Municipality ensuring co-financing catering of students" ensuring that catering for all students with a social status is being co-financed in the same amount, regardless of the educational institution where the child acquires basic or secondary education.
	The recommendation has not been implemented. The procedures laid down by the local government allow different treatment of students with social status who are studying in educational institutions of other founders, denying receipt of the local government co-financing in the same amount as in educational institutions established by Riga State City Municipality.
Theme	Organisation of catering for students
Recommendation	To amend Riga City Council Binding Regulation No RD-22-153-sn of 24 August 2022 "Procedure on Riga State City Municipality ensuring co-financing catering of students", providing an opportunity to refuse catering by 8:00 of the current day rather than 21:00 of the previous day, and not pay for the catering.
	The recommendation has been implemented. One must refuse catering by 7.00 of the current day.


### Saldus municipality council

Theme	Support for families with children with disabilities
Recommendation	To evaluate the possibility to cover catering expenses for children with disabilities in educational institutions.
	The recommendation has been implemented.


## Saldus municipality government Saldus municipality agency “Social service” unit “Social home”

Theme	Improvement of group home (apartment) service
Recommendations	The Ombudsman has recommended improving social support, access to medical assistance, prohibition discrimination, and accessibility.
	Implementation of recommendations is ongoing. Based on the information provided, further action will be taken to reflect the progress of the deinstitutionalisation process in Latvia.

## Saulkrasti municipality government

Theme	Good governance: administrative penalties for municipal parking fees
Recommendation	<a href="#">To immediately seize</a> administrative punishment of persons for non-payment of municipal parking fees and develop new procedures for monitoring compliance with the regulations on the use of municipality paid parking areas. [Deadline: 1 June 2022]
	The recommendations have been implemented.

## Valmiera municipality government and city nursing home “Valmiera”

Theme	Ensuring human rights in the nursing home “Valmiera”
Recommendations	Recommendations have been made regarding non-compliance with certain human rights standards, documentation and updating of social care and social rehabilitation plans, improving the procedure of placement of persons in the medical isolator, and ensuring enough employees and their competences.
	The Ombudsman has received information that the recommendations have been implemented, except for the recommendation on increasing the number of employees. To verify the implementation of recommendations, official of the Office will plan a follow-up visit.

## Valmiera municipality government and Latvian Samaritan Association

Theme	Conditions in sobering-up place
Recommendation	To prevent the restriction of person’s freedom in the sobering-up place without a legal basis laid down by law.



The recommendation has been implemented.

The Ombudsman has received information that the State Police and Valmiera municipal police bring a person to sobering-up place when the person is unable to move independently. The person is let to leave as soon as they can move independently and shows a desire to leave.

### All municipalities


Theme	Imposition of administrative fines on children placed in a foster family and in a childcare institution
Recommendation	<u>To ensure</u> that a child placed in foster care or in a childcare facility who does not have his or her own financial resources is not subject to a fine.
Result	There is no deadline for the implementation of the recommendation.


### All Orphan's and Custody Courts and Child Care Institutions

Theme	Imposition of administrative fines on children placed in a foster family and in a childcare institution
Recommendation	<u>In cases</u> if a child from a foster family or a childcare institution is subject to an administrative fine and the child does not agree to pay the fine voluntarily, to appeal the decision on the fine and request a compulsory correctional measure of instead of the fine.
Result	There is no deadline for the implementation of the recommendation.

### Legal persons governed by private law

Theme	Discrimination: access to goods and services by citizens of the European Union, the right to rent a vehicle
Recommendation	The Ombudsman has recommended that the service provider <u>discontinue</u> the practice of preventing citizens of another European Union country from using the service and make changes to its terms and conditions that would allow citizens of the European Union to use the services of the company. [Deadline: 27 July 2022]
	The recommendation has been implemented.

Theme	Discrimination: accessibility of banking services for persons with disabilities
Recommendation	<a href="#">To supplement</a> the internal rules to make it clear that the person/authorised person may have to visit the bank several times before the authentication tool is activated. To develop a procedure on how the bank provides services to persons with reduced mobility who cannot receive banking services due to their state of health or inaccessibility of bank premises. [Deadline: 24 April 2022]
	The recommendations have not been implemented.

Theme	Discrimination: accessibility for persons with disabilities
Recommendation	The hospital to ensure permanent parking places for persons with disabilities near the building of the Rehabilitation Clinic in accordance with the size and number specified in regulatory enactments.
	The recommendation has been implemented.