Ombudsman of the Republic of Latvia

Summary of Annual Report 2016

Riga, 2017

This summary does not provide an exhaustive overview of the Ombudsman's Annual Report, yet it emphasises the main matters and issues that show systemic problems or are of particular importance for the public, at the same time giving an idea of the scope of work performed by the Ombudsman's Office in 2016. Certain sections feature Ombudsman's conclusions or theses regarding understanding of certain legal institute, if a problem has been established in relation thereto, as well as emphasise examples of good or bad practice with regard to the implementation of recommendations expressed by the Ombudsman of Latvia.

Rights of the Child Area

[1] In 2016, the Ombudsman's Office received 1,022 applications regarding the rights of the child issues, including eventual infringements. As compared to 2015, the number of applications increased by 132, i.e. 15%. In 2016, 13 verification procedures were initiated for the establishment of circumstances.

[2] The high number of applications, i.e. 113, indicates that the right of the child to grow up in family is still a topical issue. Increase in the number of applications in 2015 was explained by the Ombudsman's active actions in bringing up to date infringements of the rights of the child under institutional care; however, since no changes had been introduced to the system, the topicality of the problem persisted in 2016 as well.

[3] Likewise, the issue concerning the right to pre-school education has become even more topical: 63 applications in 2015 and 79 — in 2016. Increase in the number of applications is related to the discontinuation of allocation of State co-funding to pre-school education institutions, as a result of which some children have no access to pre-school education. Namely, the State aid programme, which was launched in 2013 and which partially provided funding for ensuring the availability of a kindergarten, was terminated on 1 June 2016. State aid was allocated to children, who had not been provided with a place at a municipal pre-school education institution and who received the service at a private pre-school education institution or with a provider of the children supervision service (babysitter). The goal of State aid was to assist local governments facing a range of problems at pre-school education institutions to resolve this issue by providing short-term assistance.

Taking into account the occurred situation, in 2016, the Ombudsman took active part in promoting the right of children to free pre-school education. Within the framework of this activity, the Ombudsman concluded the following: if laws and regulations stipulate the right of the child to obtain pre-school education, the duty of the State or a local government to ensure this right must be stipulated.

Having assessed the information obtained within the framework of the verification procedure, the Ombudsman has concluded that several local governments of Latvia have long failed to ensure the right of the child to free pre-school education, since local governments have failed to duly fulfil this function. In the Ombudsman's opinion, in the event a local government is unable to fulfil the duty stipulated by law, i.e. to provide children residing in its administrative territory with places at pre-school education institutions founded by the local government, it shall fully cover programme implementation expenses to the private service provider so that every child is ensured of the right to State-funded or local government-funded pre-school education as stipulated by law on the basis of equal possibilities. Based on the aforementioned, the Ombudsman has repeatedly invited responsible institutions to stipulate such duty, i.e. covering expenses in full, in legal acts.

[4] In 2016, the Ombudsman received several applications, wherein parents asked for explaining the legal basis for the introduction of school uniform and parents' duty to purchase it.

Having examined these applications, the Ombudsman concluded: a school is granted with freedom to act in the development of laws and regulations, which includes freedom to decide on the clothes to be worn at school. An educational institution implements both education and upbringing of children and the determination of clothes to be worn at school is considered an upbringing process. The goal of introduction of school uniform might be to promote affiliation to school. Simultaneously, it is to be taken into account that, in accordance with the principle of good governance, a school, in developing an internal regulatory enactment that stipulates school clothes, has to involve persons to whom this regulation will apply, i.e. students and their parents (legal representatives), finding out the opinions of the parties involved. It can be implemented via a school council, wherein both parents and students are represented, wherewith delegating the making of decisions on the issue of school clothes to the council would ensure the participation of involved persons and is objectively justified.

Respectively, if a school has stipulated school uniform as mandatory in an internal regulatory enactment, students are obliged to fulfil this requirement. Simultaneously, it is to be taken into account that the duty of parents (persons implementing guardianship) to provide individual school supplies necessary for the education of their child, including school uniform, is

to be fulfilled within their financial possibilities; therefore, the absence of school uniform may not prohibit or restrict the right of the child to education: also in the event a child has no school uniform, he/she has the right to participate in lessons equally to others.

[5] In 2016, with regard to the right of the child to free education, an issue concerning the collection of funds organised by parents at educational institutions came to the attention of the Ombudsman. While it used to be asked about the legality of donations for training aids, excursions or other activities intended for children before, in 2016 it was also asked about gifts to teachers. Parents asked for explanations as to how to act if they did not wish to support this initiative.

In this regard, the Ombudsman indicated: regardless of whether funds are collected by parents upon their own initiative or by their association, several aspects are to be taken into account. Firstly, participation of parents in the collection of donations has to be voluntary: some of parents have no right to impose a duty on other parents to participate in the collection of funds, i.e. to donate a certain or freely chosen amount. Decisions of the support fund are neither binding nor compulsory, wherewith no one has to explain as to why he/she does not donate. Secondly, a child cannot be punished for the action, omission or opinions of his/her parents: benefits obtained as a result of a private initiative must be ensured to all children equally. Thirdly, a school — form teacher, principal or teachers — cannot know, the parents of which student (given name, surname, grade) have made a donation, since the disclosure of information about contributors simultaneously results in the disclosure of information about children, whose parents did not make donations, and it can cause a different unfavourable attitude to a child.

Likewise, the Ombudsman has repeatedly emphasised that voluntary initiatives of parents with regard to gifts for teachers should not be supported, since it is a matter of public moral and objectivity of teachers.

[6] During the reporting period, the Ombudsman received several applications on the excessive amount of homework assigned by schools, which restricted the right of children to rest and leisure, and the right to take part in cultural life, engage in art.

Having examined these applications, the Ombudsman has concluded that the General Education Law stipulates the admissible number of lessons per day for each grade and the number of lessons a week, while the right of an educational institution to assign tasks to be fulfilled at home is not directly stipulated by laws and regulations. The amount of homework to be assigned in school subjects or the admissible time for the fulfilment of homework is not regulated either.

In the Ombudsman's opinion, homework as a methodological approach is to be used in a commensurate manner so that its fulfilment does not deprive the child of the right to interest education and leisure time, as well as resting. Therefore, the Ombudsman has asked the Ministry of Education and Science as the leading state administration institution in the field of education to provide its opinion on the need for improving the regulatory framework with regard to the right of educational institutions to assign homework to students, determining the maximum admissible total amount of homework to be done by a student at home a day/week/month.

[7] In 2016, a systemic problem was discovered with regard to an application, namely, the applicant indicated that minor victims and witnesses in Latvia were not interrogated in accordance with Section 153 of the Criminal Procedure Law. The main reason is a lack of especially equipped premises and appropriate technical equipment, as well as a lack of understanding among professionals regarding the role of the said norm in ensuring the best interests of the child. For example, as it follows from the verification procedure conducted by the Ombudsman, despite that both national and international legal acts impose a duty to interrogate minor victims and witnesses in especially adapted premises in relevant cases and, if necessary, in the presence of or with the mediation of a psychologist, in practice there is a lack of these especially equipped premises and technical equipment, as well as difficulties with the immediate invitation of a psychologist, while in some police departments such specialist is unavailable at all. Likewise, the Criminal Procedure Law stipulates a duty, prior to recording the interrogation of a minor victim or witness in the form of an audio-visual record, to check whether it complies with the best interests of the minor and is necessary for attaining the goals of criminal proceedings. It means that the person directing the proceedings has to carry out an assessment, why the recording of interrogation of a minor victim or witness in the form of an audio-visual record complies with the best interests of the child. They might contradict other interests or rights; however, greater importance is to be attributed to what is best for the child.

To resolve the issue established in the verification procedure, the Ombudsman applied to responsible institutions, and, for instance, the Ministry of Justice indicated that no amendments were necessary to the Criminal Procedure Law, since the effective application of the already existing legal norms in practice was required. The person directing the proceedings has to ensure that the interrogation of a child is carried out without causing any additional trauma or harm to his/her mind.

In turn, the Ministry of the Interior indicated the following: in order to provide psychologist's services in 2017, the State Police has announced the relevant procurement. Likewise, the Ministry of the Interior admits that each building of the structural unit of the State

Police, wherein procedural activities are carried out, must have an appropriate room for the interrogation of an especially protected victim. However, at the same time there are delays in the allocation of necessary financing to the State Police for the creation of interrogation rooms and purchase of technical equipment. Taking into account the fact that the actions of the Ministry of the Interior with regard to the creation of appropriate interrogation premises are limited, on 17 November 2016, the Ombudsman asked the Cabinet of Ministers and the Saeima to carry out necessary activities for facilitating the interrogation of minor victims and witnesses in especially equipped premises and to notify the Ombudsman of the results.

[8] The year of 2016 was an important year with regard to the protection of interests and rights of children of prisoners. In the new Council of Europe Strategy for the Rights of the Child for 2016–2021, the children of prisoners are recognised as a category of vulnerable persons. In turn, in 2016, the Ombudsman finished the study commenced in 2014 on the communication rights of prisoners and their children in Latvia. In the conclusion of the case study, the Ombudsman drew attention to several proposals and necessary improvements to the protection of rights of children of prisoners; therefore, this matter is topical both on the European scale and in Latvia.

[9] In 2016, the awareness of children about the Ombudsman, his work and a possibility for the child to apply to the Ombudsman on different matters was actively promoted. For example, for this purpose, lessons were organised for children on the Ombudsman's work and security at school, and the billboard "Who is Ombudsman?" was created. It was installed in different institutions, where children are staying — prisons, boarding schools, children's homes, crisis centres, state social care centres and psycho-neurological hospitals.

[10] Following the examination of several applications in 2016, the Ombudsman reminds that upon receiving information about possible violence against a child, the orphan's court is obliged to immediately verify this information. Exercising the rights stipulated by Section 16 of the Law On Orphan's Courts, an orphan's court must primarily verify the living conditions of a child and carry out conversations with the child without the presence of other persons regarding the situation and circumstances in the family. If following the verification of information the orphan's court has justified suspicions regarding possible violence, it must immediately report to police.

[11] In accordance with Section 24, Paragraph five of the Protection of the Rights of the Child Law, limitations may be provided on expression of the wishes of the parents in relation to a child, irrespective of their opinions and religious convictions, if it is determined that they could be physically or mentally harmful to future development of the child. Likewise, it is necessary to take into account Section 9 of this Law, in accordance with which a child has the right to privacy (this right arises from Article 16 of the United Nations Convention on the Rights of the Child and Section 96 of the Constitution). Information, which a child has entrusted to other persons and which concerns his/her privacy, may be transferred to one or both parents, if it is necessary for the fulfilment of their duties as legal representatives and for the protection of interests of the child; however, in deciding on the disclosure of such information, the child's opinion must be considered, taking into account the degree of his/her maturity, as well as his/her right to privacy.

Unfortunately, speaking in general, both in verification procedures and in examining applications of persons, the Ombudsman has established that orphan's courts, adopting decisions in cases, do not establish and do not analyse the child's opinion; do not justify in the decision why it is decided contrary to the child's opinion; as well as do not include the child's opinion or at least justification as to why it could not have been established in the decision.

[12] In the second half of 2016, the Ombudsman received information from non-governmental organisations on the possible infringements of rights of children under two, when placing them in institutions and without ensuring family environment. Non-governmental organisations informed the Ombudsman about any impediments encountered by potential guardians, applying to orphan's courts for receiving the status, and adoptive families, in which orphan's courts do not place children.

In the verification procedure, it has been established that a possibility for a child to grow in a family environment is not considered and ensured in practice, particularly for children under two, although in accordance with legal acts, prior to placing a child in a care institution, a possibility of appointing a guardian thereof or placing him/her in an adoptive family must be considered. Likewise, it has been concluded that no one verifies the legality of decisions adopted by orphan's courts on the placement of children in an institution. In accordance with the regulatory framework, the decision is subject to judicial control (it can be contested), yet no one, except for the head of the care institution, who is the legal representative of a child after the adoption of the decision, is not entitled to contest it. In turn, the head of the institution is not interested in contesting the decision, since children are placed in the care institution managed thereby, and it guarantees the representation of institutions.

[13] In summer 2016, the Ombudsman's Office received an application of a minor foreigner with a request to ensure access to education during the period he was allowed to stay in the Republic of Latvia. Soon after, an inter-institutional meeting was organised at the Ombudsman's Office with regard to facts expressed in the application, as well as other matters in relation to ensuring the rights of minor foreigners, who entered the Republic of Latvia without being accompanied by their legal representatives.

Participants of the inter-institutional meeting established that there where systemic problems in the country with regard to ensuring the rights of minor foreigners and these problems had to be immediately eliminated. Therefore, the Ombudsman asked the Prime Minister to impose a duty on responsible institutions to eliminate these problems and deficiencies in the regulatory framework. For example, it is necessary to lay down appropriate procedures, pursuant to which the State covers expenses for the accommodation of minor foreigners illegally staying in Latvia. Likewise, during the meeting it was established that Section 3, Paragraph three of the Education Law restricted the right of minor third-country nationals or stateless persons, who have no legal grounds for staying in the Republic of Latvia, to free pre-school preparation, secondary education, and vocational education. It is impossible to ensure healthcare to the minor foreigner either, since no personal ID number has been assigned thereto, which would allow for scheduling an appointment with the general practitioner, receiving an appointment card to specialists, and undergoing medical examinations. Foreigners illegally staying in the country must be provided with emergency medical assistance only.

Likewise, a minor foreigner may enter or stay in the country both within the framework of the asylum procedure and in accordance with the Immigration Law, and regardless of the purposes of entering the country, all measures must be taken to identify child's parents or close relatives within one's compass as soon as possible for the purposes of family reunification. The search for the minor foreigner's family member is the responsibility of an orphan's court and the State Border Guard. However, in accordance with the regulatory framework in force, it is to be concluded that it is not clearly determined which institution starts the immediate search for the family members of a minor foreigner and when.

Civil and Political Rights

[14] The person's right to fair trial is one the crucial fundamental rights, since the protection of other human rights and fundamental freedoms largely depends on the proper ensuring of this right. Every year, the Ombudsman receives applications of persons, wherein different infringements of the right to fair trial are indicated. In 2016, 293 such applications were received (in 2015 — 343).

Information inevitably received every year suggests the dissatisfaction of inhabitants with the limited possibility of applying to court — expensive legal services, unavailability of State-provided legal assistance, as well as high stamp duties. Complaints are expressed with regard to procedural violations allowed during legal proceedings, and disproportionate long terms of examination of cases; likewise, court rulings on the merits and the process of execution thereof are criticised.

Recently both the government and the legislator have implemented a range of measures to improve and make the judicial system effective in general; however, in assessing information provided by inhabitants, it is to be concluded that reforms performed have failed to significantly promote the public trust towards the operation of courts in general. The Ombudsman emphasises that proposed reforms should be result in the faster examination of cases, which has been one of the crucial recent issues of the judicial system of Latvia, and should be aimed at ensuring rights guaranteed by Section 92 of the Constitution on the merits. For several years already, the Ombudsman has indicated that legal assistance provided in the country is insufficient, as a result of which the rights of exactly vulnerable persons to access to court have been long restricted. However, despite the aforementioned, the issue repeatedly updated by the Ministry of Justice in 2016 is to be indicated as a negative tendency: introduction of advocate proceedings in civil proceedings, which is essentially aimed at restricting the person's right to freely choose his/her representative in different categories of civil cases.

Expressing an opinion regarding the intention of the Ministry of Justice to introduce advocate proceedings in different categories of civil cases, the Ombudsman has indicated that the State plan to provide high-quality legal assistance to the inhabitants of Latvia exactly in complicated civil disputes, which in general might promote the effectiveness of legal proceedings, is to be supported; however, it would be primarily more important for the State to ensure that in order for legal assistance to be provided to persons who are currently are unable to provide it themselves in categories of cases, wherein such assistance might be justified and necessary for the person to exercise his/her right of access to court. Assessing arguments included in the report in favour of introduction of advocate proceedings, the Ombudsman has concluded that there is no sufficient evidence and substantiation for the need to restrict the selected fundamental rights. In promoting this plan, it is not taken into account that the interest of the public in using exactly advocates as providers of legal assistance is rather small; moreover, no objective substantiation is obtained as to that there might be issues with the quality of legal assistance and effective progress of proceedings exactly in the chosen categories of cases. Likewise, no in-depth study is carried out on the effectiveness of amendments already introduced by the legislator with regard to the introduction of advocate proceedings in the court

of cassation; likewise, a significantly doubtful possibility of ensuring the full-fledged implementation of the principle of competition is observed in such proceedings.

[15] The right of access to court (the right to objective, reasonable possibilities of applying to court if necessary) is also one of the crucial elements of fair trial. At the same time, it is to be indicated that the right of access to court is not absolute and for the purposes of attaining the legitimate goal, it can be proportionally restricted insofar this right is not deprived of on the merits. In 2016, the Ombudsman also received several applications wherein persons indicated restrictions which, in their opinion, prohibited them from accessing the court. In the majority of cases, persons drew attention to the aspects of issues, related to difficulties with paying a stamp duty or the prohibited possibility of achieving the examination of the case in the court of appeal.

In 2015 already, the Ombudsman drew the attention of the Ministry of Justice to the fact that the regulatory framework of Chapter 54^1 of the Civil Procedure Law was already limiting cases when the submission of an appeal regarding judgements in small-scale claims would be permitted. The payment of a stamp duty in an inappropriate amount or prohibition on continuing legal proceedings, if the court has refused to release from the payment of a stamp duty, as well as non-signing of a notice of appeal significantly limits access to court and is determined in a disproportional manner. The Ombudsman expressed an opinion that this limitation is incommensurate and the legislator could have attained the legitimate goal, i.e. faster and more effective examination of the case, also in the event it had determined a possibility of leaving a notice of appeal not proceeded with, determining the period for the elimination of shortcomings, additionally stipulating that such decision was not subject to appeal.

[16] For several years, the Ombudsman has established problems with regard to the time-limits of examination of cases in court. The overall tendency though shows that the time-limits for the examination of cases decrease; however, the Ombudsman keeps receiving information of disproportionate long time-limits. In these situations, the Ombudsman initially invites participants to the case to use the possibility of applying to the chairpersons of particular courts, who, in accordance with the competence stipulated by Section 33, Paragraph four and Section 40, Paragraph three of the Law on Judicial Power, have a duty to carry out supervision over the time-limits of examination of cases. Simultaneously, the Ombudsman himself has identified the need to ask the chairpersons of the courts to assess the work of particular judges, if possible delay is allowed, in certain cases.

[17] The Ombudsman regularly receives information about possible poor-quality or ineffective State-ensured protection within the framework of criminal proceedings and also about legal assistance provided by the defence counsel (including advocates) selected by the person him/herself in civil cases. In certain cases, the Ombudsman forwarded the received applications to the Latvian Council of Sworn Advocates with a request to examine them on the merits. However, it is to be indicated that inhabitants rarely use the possibility of submitting a complaint regarding the providers of legal assistance, including advocates, by applying to the Latvian Council of Sworn Advocates and specifying that it is more crucial to continue the initiated proceedings, and, thus, primarily want to search for a different representative or defence counsel to ensure their rights are protected.

[18] During the reporting period, there were still comparatively many complaints received regarding the act or omission of sworn bailiffs in the process of execution of rulings. Just as in other years, in 2016, applications indicated possible unjustified actions of bailiffs such as account blocking, without leaving funds stipulated by law or applying recovery to cash amounts, for which recovery is prohibited by law. Likewise, inhabitants express dissatisfaction with excessively high expenses to be paid to bailiffs for ensuring the compulsory execution of a judgement.

In providing consultations to inhabitants on these matters, it is to be concluded that persons are not informed about their rights, including the fact that the regulatory framework stipulates a possibility for particular groups of persons to ask for reducing bailiff's expenses.

[19] One of the Ombudsman's priorities with regard to ensuring the rights of persons with mental disorders has been recently related exactly to the improvement of the regulatory framework. In 2014, amendments were introduced to the Medical Treatment Law, stipulating the application and contestation of compulsory measures and other restrictions at psycho-neurological hospitals. Despite that the Medical Treatment Law was supplemented with a delegation to the Cabinet of Ministers to develop regulations laying down the procedures pursuant to which these restrictions would be applied, this task was not fulfilled by mid-2016. Only due to Ombudsman's active actions, applying to both the Ministry of Health and the Prime Minister, the adoption of the Cabinet Regulation "Procedures Pursuant to Which Confining of Persons is Performed Using Confining Means and a List of Objects Prohibited for Keeping at a Psychiatric Treatment Institution and Receiving with Consignments" was achieved and this Regulation entered into force on 12 July 2016. However, it is to be admitted that there are still

shortcomings in the regulatory framework with regard to the application of compulsory measures of a medical nature within the framework of criminal proceedings.

The Ombudsman considers that it is highly crucial to systemically improve the regulatory framework, since there is still no clear regulation regarding the procedures for the execution of a court ruling on the fulfilment of a compulsory measure of a medical nature applied to a person, i.e. out-patient treatment, thus keeping the risk of arbitrariness for the determination of restriction of person's rights.

[20] In 2016, the Ombudsman repeatedly drew the attention of the Ministry of Justice to the still existing shortcomings in the application of the "new" (adopted in 2013) institute of capacity, indicating particular cases when courts determined the restrictions of capacity for persons also in areas, which cannot be restricted by law, as well as determined capacity restrictions to a greater extent than it was necessary. The Ombudsman also drew the attention of the responsible ministry to the passive participation of participants to the case (representative of the orphan's court, prosecutor's office), whose duties in these categories of cases are primarily to facilitate the adoption of the most objective and fair court ruling possible. Unfortunately, the Ministry of Justice did not inform the Ombudsman about the results of assessment of the received information and measures taken to eliminate the identified violations.

In 2016, it was observed that an increasingly greater number of persons with mental disorders applied to the Ombudsman's Office with questions about the possibilities of revising capacity restrictions by coming to consultations in person or using the possibility of receiving information by phone. Likewise, this issue was topical for guardians who represented the rights and interests of persons with mental disorders, since, in accordance with the norms of the Civil Procedure Law, guardians had to submit an application to the court regarding the revision of person's capacity restrictions by 31 December 2016. In turn, if a guardian failed to fulfil his/her duty, orphan's court would have to inform the prosecutor's office thereof by 31 December 2017.

It is to be added that in 2016, the Ombudsman repeatedly drew the attention of the responsible ministry to the need to consider the attraction of State funding for guardians, since orphan's court had long indicated problems in finding persons who would wish to undertake guardian's duties for a person, to whom a capacity restriction was applied, without any additional remuneration. Likewise, due to this reason, it is often established in practice that an employee of a care institution is appointed a guardian for a person with restricted capacity, although CPT indicated the inadmissibility of such a situation in its reports.

[21] In analysing the received information, the Ombudsman has established that there is still a tendency observed in practice: persons with mental disorders are not heard out in the courtroom, even though the improvement of the regulatory framework in criminal proceedings was aimed at ensuring the opposite, namely that the non-invitation of a person due to his/her health condition would be allowed as an exception. It is highly crucial since in proceedings involving persons with mental disorders, the representation of these persons and ensuring their defence are still experiencing a formal approach, as a result of which human rights of these persons might be exposed.

[22] In April 2016, the Ombudsman developed a study on the restraining of patients at somatic treatment institutions, wherein the problems with regard to the ethical and legal aspects of restraining of patients were updated.

The study "Restraining of Patients at Somatic Treatment Institutions" revealed that Latvia lacked a regulatory framework and/or medical guidelines with regard to procedures pursuant to which restraining of a person was to be performed at somatic treatment institutions. In the Ombudsman's opinion, this shortcoming must be eliminated, since unjustified and incommensurate restraining of a person violates human rights. Therefore, the Ombudsman emphasises that medical personnel, adopting a decision on the restraining of a person, has to assess every case individually, taking into account patient's health condition, behaviour, and the need to apply confining means. Moreover, restraining of a person may not be applied as a punishment for his/her actions. Restraining of a person is an extreme necessity to be applied in the event the person can harm him/herself or others, or it is necessary for the performance of medical manipulations.

Medical treatment institutions and the State must organise educational activities on the development of the medicine industry and observance of patient's security interests during the process of treatment. Society must be informed about the admissibility of restraining of a person at somatic treatment institutions.

[23] Similarly to previous years, in the reporting period, the Ombudsman's Office paid great attention to the protection of prisoners' rights. It is suggested by a great number (550) of examined applications received from prisons, as well as by conclusions, participation in working groups on the development and improvement of the regulatory framework, and monitoring visits to prisons.

Applications addressed to the Ombudsman mostly concerned the following topics: household conditions; torture, inhuman treatment, physical and moral violence; right to freedom

and safety in the fulfilment of a punishment; right to medical assistance; non-observance of the principle of good governance; matters related to the fulfilment of a punishment; request to provide information, etc. Many applications included several of these topics.

As compared to 2015, the number of applications, wherein complaints had been expressed regarding the cruel or violent actions of prison employees, as well as regarding the violations of the principle of good governance in prisons, has decreased. In turn, the number of applications regarding household conditions and other premises of common use, for example, yards, gym or shower rooms, has slightly increased. However, the unchangingly highest number of applications includes requests to provide various kinds of information about prisoner's rights and procedures for applying to different national and international institutions in the event of infringement of rights. Likewise, a great number of applications include complaints regarding the matters of a household nature and matters related to the fulfilment of punishment. The majority of complaints regarding inappropriate conditions were received from the Daugavgrīva Prison and Riga Central Prison.

In 2016, the Ombudsman's Office received 67 applications, wherein dissatisfaction with the provision of medical assistance in prisons was expressed. As compared to the previous year, an increase in the number of complaints is observed. Received applications concern both the quality of medical treatment and availability and amount of medical assistance. In 2016, the number of complaints regarding the receipt of dental assistance in prisons decreased. Prisons enter into agreements with hospitals or dental clinics located outside the prison, whereto prisoners are convoyed for the receipt of dental assistance if necessary. Likewise, it is to be positively assessed that prisons have managed to attract specialists of different profiles, who are employed part-time, thus ensuring access to different specialists of a narrower profile on the spot.

Similarly to previous years, applications are regularly received, expressing dissatisfaction with the Ombudsman's actions in forwarding the applicant's application to the responsible institution for examination on the merits, if the solving of problems indicated in the application is not included in the Ombudsman's competence. In each individual case, the most expedient and rational way of examining applications or resolving is assessed to ensure the most effective result, simultaneously *employing* mechanisms created in the country, which are responsible in the most direct way for the elimination of the relevant violation.

[24] Torture, inhuman or humiliating treatment is known as one of the cruellest ways of treating a person. Every year, the Ombudsman's draws the attention of the government and the parliament to the need for ratifying the Optional Protocol to the UN Convention against Torture

and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, the Ombudsman has fell on deaf ears until now. It is to be noted that the Protocol stipulates creating an independent mechanism, the task of which is to pay regular visits to closed-type institutions to eliminate torture and violent treatment therein.

Taking into account the aforementioned, in 2016, the Ombudsman repeatedly applied to the Prime Minister asking for taking measures to ratify the Optional Protocol as soon as possible. In his reply, the Prime Minister indicated that he supported the need to ratify the Optional Protocol. By Order of the Prime Minister No. 626 of 26 October 2016, a working group was created to consider the options of introducing an additional protocol and prepare an informative report to be submitted to the Cabinet of Ministers by 1 May 2017. To assess the options of introducing an additional protocol and prepare an informative report, the Ministry of Justice asked the Ombudsman to provide information about the competence in the field of protection of rights included in the additional protocol.

[25] In the Ombudsman's opinion, life imprisonment without the possibility for a punished person to return to society does not facilitate the attainment of goals of the punishment determined by the Criminal Law. Moreover, from the point of view of human rights, life imprisonment without any possibility for a person to return to society is considered a violation of the prohibition on inhuman treatment. Therefore, in 2016, the Ombudsman applied to the Ministry of Justice, indicating the need for discussing the improvement of norms of the Criminal Law with regard to persons sentenced to life imprisonment for sexual violence against minors. In turn, the Ministry of Justice indicated that the legislator had expressed the unambiguous political wish to restrict the right to early release from punishment for adult sex criminals for committing an especially serious crime committed against a person who had not attained the age of sixteen, including to restrict the right to early release for these sex criminals sentenced to life imprisonment.

[26] Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms stipulates that everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

In 2016, the Ombudsman's Office received applications of persons regarding the actions of an official in fulfilling official duties, as well as regarding decisions adopted during investigation. The Ombudsman's Office received applications of 29 private persons regarding the actions of officials while fulfilling official duties. In their applications, persons indicated, in

their opinion, illegal and unjustified decisions of officials in investigating criminal offences and administrative violations. In the majority of cases, persons did not use the possibility of contesting official's actions or decisions as stipulated by laws and regulations due to various reasons.

Persons who had previously applied to authorities with a request to carry out an inspection with regard to the legality of official's actions applied to the Ombudsman's Office as well. However, the said persons disagreed to or doubted the results of these inspections. In three cases, the Ombudsman proposed verification procedures to assess the effectiveness of the rights protection mechanism created in the country in particular situations. Unfortunately, in all three cases, assessing materials obtained during inspections performed by authorities and conclusions made, the Ombudsman established that inspections by authorities had not been performed observing proper diligence within the meaning of Article 13 of the Convention.

[27] On 11 February 2016, the Saeima examined the draft law "Amendments to the Sexual and Reproductive Health Law" in the third reading, including the amendment to Section 17, Paragraph one proposed by the minister for health G. Belēvičs, envisaging that "a donor of germ shells can be a healthy person: man aged 18 to 45 and delivered woman aged 18 to 35". With the initiative by the minister for health not supported, certain private persons applied to both the Saeima and the Ombudsman's Office, asking to assess the compliance of amendments proposed by the minister for health with the discrimination prohibition principle and the gender equality principle stipulated by the Constitution, as well as their compliance with the right of women to decide on their body and reproductive health.

In the Ombudsman's opinion, no substantiation could be derived from the annotation to the law for a different attitude in determining a restriction on the donation of own egg cells exactly for non-delivered women. Health risks indicated in several international studies can apply to both delivered and non-delivered women. Likewise, within the context of Section 96 of the Constitution, it is necessary to take into account the right of a woman to autonomy, which includes the right to make a decision on her body. A woman can make a decision not to become a mother at all, yet she can wish to donate her egg cells for the needs of other women.

Hence, the Ombudsman indicated that no clear and unambiguous arguments could be found as to why exactly non-delivered women were subject to restriction on the donation of egg cells. If a restriction is stipulated by law, it is important to define the legitimate goal, respectively, why this restriction is applied.

[28] In 2015 and 2016, the Ombudsman received several applications from the Latvian Association of General Practitioners, wherein he was invited to assess the compliance of Cabinet Regulation No. 134 "Regulations Regarding United Electronic Information System of the Health Sector" with Section 96 of the Constitution and Article 8 of the European Convention for Protection of Human Rights and Fundamental Freedoms.

To discuss problems related to the introduction of the E-health system, the Ombudsman organised a discussion, inviting representatives from institutions responsible for the implementation of the E-health system and related thereto. Concluding that the regulatory framework in relation to sick-leave certificates and e-receipts in the E-health system was yet to be improved, the Ombudsman proposed a verification procedure. Within the framework of this case, the Ombudsman applied to the Ministry of Health, inviting to clarify certain Paragraphs of Cabinet Regulation No. 134 "Regulations Regarding United Electronic Information System of the Health Sector".

Since personal data are an integral part of private life, it is particularly important to ensure the compliance of the regulatory framework of the E-health system with Section 96 of the Constitution, Article 8 of the European Convention for Protection of Human Rights and Fundamental Freedoms, as well as Article 7 (Respect for private and family life) and Article 8 (Protection of personal data) of the Charter of Fundamental Rights of the European Union. Electronic medical data are more easily accessed and copied (depending on medical data in hard copy), therefore it is necessary to ensure that the system is secure and that all data are adequate, relevant, and not excessive. Persons processing these data must observe confidentiality requirements.

Despite that the Ministry of Health integrated several proposals of the Ombudsman in amendments to regulations, the Ombudsman concludes that several crucial proposals were not taken into account. Therefore, the Ombudsman sent a letter to the Cabinet of Ministers, wherein he invited to introduce necessary amendments to the regulatory framework to ensure balance between the successfully functioning E-health system and the protection of patient's medical data according to human rights standards.

By the order of the Prime Minister, the Ministry of Health created a working group involving representatives from the Ombudsman's Office as well. The working group for patient data processing and protection matters with regard to the operation of the united electronic information system of the health sector will examine issues regarding the indication of a diagnosis and a cause in sick-leave certificates; regarding the indication of a diagnosis in an e-receipt; regarding the patient's right to prohibit access to e-receipts and e-sick-leave certificates, and the right of the Health Inspectorate to process data in the E-health system.

[29] In May and June 2016, the representative of the Ombudsman's Office participated in the working group of the Ministry of Justice for the assessment of the Council of Europe Convention against Trafficking in Human Organs. The working group set crucial issues to be resolved at a national level in order to successfully introduce the said Convention: 1) a transplantation coordinator must be introduced in the country; 2) the process of transplantation stages must be regulated, as well as responsibility and duties therefor must be determined. Likewise, it was concluded that the issue of taking of human tissues was topical, but it was not included in the scope of the Convention; therefore, the attention of the Ministry of Health was drawn to this process, i.e. how to control the illegal use of tissues.

Members of the working group finished their work with a common conclusion that the Convention was to be signed; therefore, the State will be recommended to sign and ratify it over time.

[30] A tendency, when persons, who wish for the Ombudsman to resolve a matter related to the person's right to data protection, apply to the Ombudsman's Office, is observed increasingly more often. Applications draw attention to the identification of person's name and surname (processing of personal data) in press and mass media without the person's consent. It is to be indicated that in these situations, it is necessary to find commensurate balance between the person's right to the inviolability of private life, on one hand, and the right to the mass media freedom of expression and public interest, on the other hand.

In the majority of applications, the Ombudsman indicated that activities of such types are regulated by the Personal Data Protection Law; therefore, persons are often explained the norms of exactly this Law; likewise, persons are invited to primarily apply to the Data State Inspectorate, if processing of personal data was illegal. Likewise, several persons have applied to the Ombudsman's Office with regard to the possible infringement of honour and respect in mass media and press, asking the Ombudsman to explain the rights protection mechanism in resolving the said matters.

[31] In November 2015, the Ministry of Welfare asked the Ombudsman to provide a conceptual report on the compliance of the Latvia's situation with requirements set forth in the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

The Ombudsman indicated that the Constitution of the Republic of Latvia, different conventions and directives of the United Nations and the Council Europe, as well as other

international laws and regulations binding to the State already governed the majority of rights and duties determined in the Istanbul Convention. However, infringement of person's fundamental rights is often to be established, since the State is unable to fulfil undertaken liabilities in a timely manner. Simultaneously, the Ombudsman drew the attention of the Ministry of Welfare to the fact that introduction of the Istanbul Convention would require introducing amendments to several laws and regulations.

On 18 May 2016, Latvia signed the Istanbul Convention and on 22 June 2016, the Ministry of Welfare asked the Ombudsman to assess the compliance of introduction activities with requirements set forth in the Convention. Assessing the said introduction activities, the Ombudsman drew attention to the need to improve the understanding and abilities of employees of law enforcement institutions to identify victims of violence, as well as indicated the significance of the draft Law On Preventive Compulsory Measures in the process of introduction of the Istanbul Convention and the need to carry out the assessment of the said draft law within the context of the Convention.

[32] One of the Ombudsman's proposals regarding solutions necessary in the field of human rights and good governance in 2016 is informing of the public and promotion of understanding regarding tolerance and non-discrimination, specifically tolerance to the different (race, skin colour, religion). Within the framework of public informing and education activities in the field of tolerance and prevention of discrimination, the Ombudsman drew attention to the topicality of hate crimes and hate speech, developing a study "Issues of Investigating Hate Crimes and Hate Speech in the Republic of Latvia".

During the study, the Ombudsman concluded and drew attention to several crucial aspects. Firstly, the State has a duty to strengthen the strategy to fight the spread of criminal offences caused by hate, as well as restriction of hate-motivated speech on Internet portals. Within the framework of the strategy, it is necessary to promote more active application of norms of criminal law in practice, strengthen an effective rights protection mechanism and carry out preventive activities to prevent the spread of hate crimes and hate speech.

Secondly, there is a lack of a single understanding between police departments and no institute separation system within the context of hate speech and hate crimes. Therefore, it is necessary to strengthen a single methodology or guidelines for recognition, identification, and investigation of these criminal offences.

Thirdly, it is necessary to develop a system of accounting of hate crimes and hate speech to analyse the situation with this type of criminal offences in Latvia. Creation of a single

accounting system would assist in carrying out preventive activities in reducing these crimes, identify the scope of the problem, issues and groups under threat.

Fourthly, law enforcement authorities have to pay greater attention to matters concerning identification, qualification, and investigation of hate speech and hate crimes. The task of the person directing the proceedings is to ensure that criminal offences of this type are investigated in an effective manner within a reasonable term, ensuring holding guilty persons liable.

Fifthly, it is necessary to launch informative campaigns for promoting tolerance in society, as well as in relation to the forms and consequences of hate speech and hate crimes, which these criminal offences can cause, etc.

[33] In 2016, the topic concerning the exclusion of small parties from political debates on television due to the little significance thereof came to the attention of the Ombudsman. During the development of the study, it was concluded that public interest in the participation of small parties in debates was focused on one matter: whether allowing small parties to participate in debates would result in any meaningful effect on the outcome of elections.

Attention is to be paid to the fact that the essence of elections is not limited to the final result only — who wins and who loses. Elections are a process from the moment a party submits its list and launches its campaign to the moment voters make a note in a ballot-paper and throw it in the ballot-box. By limiting the understanding of the concept of elections, a long and difficult period, during which the majority of election results are determined after the debates of representatives of political parties, during which politicians may present their programme to voters, is ignored.

Taking into account this wide vision of elections, participation of small parties in this process had definitely been valuable and, undoubtedly, will be such in future. Thus, it is necessary to strive for the inclusion of all parties in TV debates and deviations from this principle should be allowed only under objective circumstances. Debates have to be organised taking into account long-term interests of society, rather than short-term goals or campaign strategies. Achieving the inclusion of parties in TV debates through legal proceedings is almost impossible. Moreover, the more objective the selection criterion is, the less there are chances for legal proceedings. A great role is played by the editorial independence of media, since they are currently granted great freedom to act in the organisation of debates and representation of campaigns.

ECT also provides Member States with great freedom to act in the regulation of these matters; thus, their examination by ECT will most likely result in the non-acceptance of an application.

Even though there is a positive tendency in the organisation of political TV debates and the current situation in Latvia is to be described as good, it is to be indicated that unfavourable consequences are currently experienced by new parties with small funds, since they are dragged into an unfavourable circle of regularities, wherein the initial significance is decisive for the further development of the party.

[34] One of areas of the Ombudsman's research in 2016 was the persons' right to the freedom of religion, which inherited particular topicality due to the plans of politicians to restrict wearing of face-covering head-coverings in public places. On 10 November 2015, the Cabinet of Ministers examined the informative report "On the possibility of introducing a prohibition on wearing face-covering clothes in public places", inviting also the Ombudsman to provide an opinion about the possibility of introducing the prohibition in Latvia, about the presence and extent of infringement of human rights, as well as an opinion as to whether the particular tool selected for the attainment of the goal is commensurate to the restriction of human rights.

In his opinion provided in February 2016, the Ombudsman indicated that the prohibition on wearing face-covering clothes in public places was to be recognised as a crucial restriction of the person's right to the freedom of religion and the right to the inviolability of private life. In a democratic society, the interests of different groups should be correlated and it should be ensured that anyone's belief is respected. ECT has repeatedly emphasised that the State should be a neutral and objective mediator between the followers of different religious groups. Respectively, the Ombudsman drew attention to the fact that in the event the legitimate goal is to preserve communication typical of Latvia, it would be necessary to conduct a study on the need for such restriction in the cultural space of Latvia, hence, whether wearing of face-covering clothes would pose a threat to the constitutional values of Latvia and infringe other human rights. This assessment of the restriction would be necessary also from the point of view of sociologists, culturologists, and anthropologists. Likewise, determination of a punishment for the non-observance of this prohibition is of crucial significance in assessing the commensurability of the restriction.

In addition, at the end of September 2016, the Ombudsman publicly expressed an opinion about the draft law "Law On Restriction of Covering Face" developed by the Ministry of Justice. The annotation of the draft law lacks an exhaustive assessment regarding the threat to the constitutional values of Latvia and the need for a restriction, taking into account a small number of persons whose rights would be restricted by this draft law. However, in the Ombudsman's opinion, a restriction for the certain groups of persons to wear face-covering head-coverings as such cannot achieved the set goal — to ensure the existence of a united and harmonious society,

open mutual communication and co-living of members of society. The annotation of the draft law pays no attention at all to the fact whether the determination of such a restriction in society cannot be perceived as support from the State power for intolerant attitude towards the adherers of Islamic religion. Taking into account the aforementioned, the Ombudsman expressed an opinion that the State would primarily have to consider the possibility of applying means less restricting persons' rights, which is currently not considered in the annotation of the draft law.

[35] Human trafficking is a complex phenomenon affected by social, economic, cultural, and other factors. Its complicated essence and different forms affect the understanding and awareness of this phenomenon, identification of victims, and prevention of human trafficking in general. Latvia is both a country of origin of human trafficking victims and a country of transit, as well as a destination country.

Persons who have been subject to human trafficking both abroad and in Latvia, recently or long ago, can come to the attention of employees of State institutions, fulfilling their job duties. Strong and effective cooperation of State institutions and officials at all levels is of crucial significance for preventing human trafficking.

Taking into account the aforementioned, in 2016, the Ombudsman initiated the implementation of Task No. 19 determined in the "Anti-Human Trafficking Guidelines for 2014–2020", within the framework of which assessment is carried out with regard to the understanding of social employees, employees of orphan's courts, and branches of the Employment State Agency regarding human trafficking, process of identification of human trafficking victims, and inter-institutional cooperation. For the purposes of fulfilling this task, in the second half of 2016, the Ombudsman's Office carried out an extensive survey in regions and provided answers are currently summarised. Results of the study are planned to be published in the first half of 2017.

[36] In 2016, the Ombudsman's Office received different applications with regard to the citizenship issue: both preservation of double citizenship and granting of citizenship of the Republic of Latvia. Taking into account that the examination of citizenship matters is not included in the competence of the Ombudsman, applicants were mostly provided with a reply as if to an information request.

It is to be emphasised that persons, who have double citizenship and who have failed to choose any of citizenships upon reaching maturity in a timely manner, wherewith the Office of Citizenship and Migration Affairs informed them about the commencement of citizenship deprivation proceedings, have been recently applying to the Ombudsman's Office increasingly

more often. Although the decision on the deprivation of citizenship can be contested in the court, the Ombudsman's Office would like to emphasise that, from the point of view of good governance, the State should have a system of notification of double citizens, who attained the age of 25, for these persons to be able to start the procedure of refusal from citizenship in a timely manner, since oral complaints received by the Office until now suggest that no reminder was sent to persons regarding the need to choose in favour of any of the citizenships.

[37] In 2016, the Ombudsman continued fulfilling functions stipulated by Section 50^7 of the Immigration Law: monitoring of forced return. 44 foreigners to be forced returned, including 13 unattended minors, were surveyed. The previous year is to be particularly emphasised due to the fact that, as compared to previous years, the number of minor and unattended persons to be forced returned, , has increased. The State Border Guard as a responsible institution, which ensures the forced return of foreigners, was invited to carefully ensure that unattended minors were transferred to the parents of children or, in the event, parents could not be identified, to control that unattended minors were transferred to law enforcement institutions responsible for the protection of children's rights, including searching for parents in the country of origin.

[38] In 2016, the Ombudsman in cooperation with the European Law Students' Association in Latvia invited Latvian students of legal sciences to apply for the moot on human rights. In total, eight teams representing the University of Latvia, Daugavpils University, Business College of Latvia, and State Police College applied and submitted their written parts.

The Ombudsman's Office organised the moot on human rights for the first time, yet it plans to make it a good annual tradition further on and has already announced moot in human rights in 2017.

The goal of the moot is to improve knowledge about human rights and to promote the interest of future professionals in this field of law, hoping that some of young people would choose human rights as their future professional specialty.

Area of Social, Economic and Culture Rights

[39] During the reporting year, the attention of both the government and the parliament was drawn to the still comparatively great number of inhabitants subject to poverty risk and social isolation in Latvia. This is not about individuals who have chosen to live according to their own rules: not working, not studying, not paying taxes, carelessly treating their health, etc. Concerns are caused by the fates of those people who had been rather responsible towards themselves, others, and their State, but have ended up in an unfavourable situation due to

coincidence. Often enough, those are persons, who enjoy special State protection in accordance with the international human rights standard: children, the elderly, persons with disabilities, working women during the maternity leave, single-parent families, and asylum seekers.

According to information summarised by the Ombudsman: (1) 606 thousand or 31% of inhabitants are subject to poverty risk and social isolation in Latvia; (2) Latvia has one of the greatest gaps between the income of the wealthiest and poorest inhabitants of the country (even greater income inequality is observed only in Bulgaria); (3) 70% or 322 thousand of Latvian pensioners receive pension below EUR 300 a month, wherewith a comparatively high share of poverty risk is observed exactly among elderly people in Latvia as compared to other countries; (4) it is worrying that persons who work and receive salary, which is mostly just EUR 270 after taxes, are subject to poverty and social isolation in Latvia. 9% of employed persons are subject to poverty risk, etc.

The Ombudsman drew the attention of the Saeima and the government to the fact that the European Commission in its official working document, Report 2016 on Latvia, expressed concern regarding several matters, for example, the fact that the minimum pension in Latvia, if expressed in percent of average income, was the lowest in the EU and did not ensure protection against the poverty of elderly persons, as well as, regardless of minor improvements, children, single-parent families, and persons with disabilities were mostly subject to poverty risk. Poverty and social isolation risk of children is still above the average EU indicator. At the same time, the European Commission indicated the plan of the Latvian government to determine the minimum income level from 2017, by which it is planned to ensure general social security network, as a hope for improvement of the situation. However, the Ombudsman draws attention that the implementation of the particular concept has been suspended from 2017 to 2019.

Taking into account the principle of a socially responsible state determined in the Preamble of the Constitution, the Ombudsman invited the legislator and the government, in determining priorities of the annual State budget, to responsibly assess the needs and interests of the entire population.

Likewise, in discussions the Ombudsman has drawn attention to the fact that the amounts of allowances determined in Latvia are below minimum and do not ensure worthy living. Amounts of allowances are not based on calculations; moreover, they have not been revised for several years; for example, social security allowance is still at the level of 2005, while the threshold of poverty — at the level of 2011. At the same time, the Ombudsman also invites the inhabitants of Latvia to be responsible and request employers to pay fair remuneration and all taxes, as well as to engage more actively in trade unions.

[40] As one of priorities for 2016 and upcoming years the Ombudsman set monitoring visits to long-term social care and social rehabilitation institutions of local governments to inspect how the rights of clients are being ensured. In 2016 employees of the Ombudsman's Office performed monitoring visits in social care centres of two local governments.

Upon the assessment, the Ombudsman provided recommendations on the elimination of established violations, and the said social care centres have already implemented some of the recommendations and have undertaken to gradually introduce the remaining recommendations.

The Ombudsman will continue with monitoring visits to social care centres of local governments.

[41] In 2016, the Ombudsman in cooperation with the organisation for people with disabilities and their friends "Apeirons" carried out monitoring also with regard to the accessibility of higher education for persons with disabilities.

The findings were as follows: the majority of persons with disabilities, who studied in a higher education institution, had not encountered any impediments in the process of studies (67.8%). Persons with disabilities, who had experienced impediments, indicated that they were related to the inaccessibility of physical and informative environment of the higher education institution, as well as libraries. It is to be positively assessed that the majority of respondents, who have encountered impediments during the process of studies, had no troubles in obtaining a higher education diploma.

In turn, after carrying out a survey of higher education institutions, it was concluded that higher education institutions had received more complaints regarding inaccessibility of physical environment rather than informative environment; likewise, higher education institutions, upon their own initiative, had mostly worked on ensuring physical environment, rather than informative environment. The aforementioned can be explained by the fact that universities might have a small number of students that require ensuring the accessibility of informative environment; as well as by the fact that students themselves choose not to indicate the need for ensuring adjustments to informative environment. In turn, universities had indicated the fact that they had no students who would require adjustments to the environment as the main reason for not carrying out any environment adjustment activities. It is to be added though: if a higher education institution fails to ensure accessible physical environment, a person with disability does not study at the particular higher education institution; in turn, if there is no person with disability, the higher education institution does not adjust the physical environment, wherewith an endless circle occurs, without promoting inclusive education.

[42] For the second year in a row, on the International Day of People with a Disability — 3 December, the Ombudsman in cooperation with the organisation for people with disabilities and their friends "Apeirons" and the National Library of Latvia organised a conference devoted to topics important for both persons with disability and society in general. During a study done a year before, it was established that the most important areas, wherein urgent improvements are necessary to make lives of persons with disabilities better, included medical services, system of allowances, employment, and inclusive education. The critically inaccessible healthcare system and social allowances diminishing the person's respect have already been discussed by both the Saeima and the government. It is largely a matter of political bravery — to admit that the government of Latvia allocates significantly less budget funds for healthcare and social security every year than other European countries, and a matter of political will — to recognise these areas as priority.

[43] During the reporting period, the Ombudsman has established incorrect interpretation and application of legal norms and formation of understanding with apartment owners regarding direct settlements with the service provider as stipulated by the Law on Administration of Residential Houses. Namely, the administrator considered that direct payments were stipulated by the Law as mandatory, unless apartment owners had decided otherwise. However, in accordance with Section 9, Paragraph four of the Law on Official Publications and Legal Information, a regulatory enactment or part thereof shall not have a retrospective effect, except cases especially stipulated by law. Therefore, taking into account that neither Section 17^2 of the Law on Administration of Residential Houses, which governs the signing of agreements on the provision of services necessary for the maintenance of a residential house, nor Section 17^3 of the same Law, which governs payments for services necessary for the maintenance of a residential house, nor any other norm of this Law indicates the retrospective effect of Sections 17^2 and 17^3; these norms govern only legal relations established after 15 January 2014, i.e. following the entry into force of these norms. Due to this reason, based on the said norms, demanding the re-signing of an already signed agreement is impossible.

[44] In 2016, the Ombudsman also provided explanation about the application of legal norms in the actions of an association of apartment owners (AAO) or a cooperative society of apartment owners (CSAO) in deciding on matters concerning the administration of a residential house. Namely, a person indicated that AAOs or CSAOs created by apartment owners of apartment buildings, referring to Section 41, Paragraph five of the Cooperative Societies Law or Section 37, Paragraph two of the Associations and Foundations Law, decided on matters

concerning the administration of a residential house, if, in accordance with the Law on Residential Properties, decision-making of a community of apartment owners is unsuccessful, convoking a general meeting of apartment owners (no quorum) is impossible. Moreover, the applicant also drew attention to the practice of certain CSAOs in administrating several houses, namely, general meetings of apartment owners were convoked simultaneously in all houses administered by a particular CSAO to ensure the quorum of general meetings, rather than in each house individually.

In assessing the goals of the said laws and regulations, different statuses of a community, cooperative societies, and associations of apartment owners, the Ombudsman indicated the incorrect application of legal norms in actions of CSAOs or AAOs in deciding on matters concerning the administration of a residential house. Creation of a CSAO or AAO is not a mandatory precondition for the ability of apartment owners to implement the administration of a house; thus, creation of such CSAO or AAO does not reduce the exclusive competence of apartment owners in deciding on matters stipulated by Section 16, Paragraph two of the Law on Residential Properties. If a community of apartment owners makes a decision on the assignment of the administration task to CSAO or AAO, administration legal relations, in accordance with the Law On Administration of Residential Houses, are subject to the provisions of the Civil Law regarding an authorisation agreement, thus an administrator is a representative of an owner of the residential house, rather than an independent subject (party to the agreement).

Taking into account the aforementioned, AAO or CSAO members, without a decision by the community of apartment owners, may not single-handedly decide on matters regarding the collectively owned share of the residential house, since it is considered as a restriction of persons' right to property determined in Section 105 of the Constitution. An exception can be a case if a community of apartment owners, in cases stipulated by law, has authorised an association or society to make relevant decisions.

In addition, it is to be emphasised that if an AAO or a CSAO is created for the administration of a house, all apartment owners have no duty to become its members, since it is everyone's free choice. The status of a member of the society can be obtained in accordance with the Charter of AAO or CSAO, or provisions of the Law. Moreover, participation of AAO and CSAO members in meetings, as well as adopted decisions are binding only to the members thereof. If the majority of the community of apartment owners is AAO or CSAO members, matters included in the competence of the community is to be assessed only in accordance with Section 18, Paragraph two of the Law on Residential Properties.

[45] During the reporting period, the Ministry of Economics continued working on the draft law "Law on Lease of Residential Premises". Its transfer for public discussion is suspended from one deadline to another. At the end of 2016, the Ombudsman asked about the progress of the draft law and its transfer for public discussion, yet the Ministry of Economics indicated that work was carried out on its adjustment and it was planned that the draft "Law On Lease of Residential Premises" might be published on the website of the ministry in the section "Public Participation" by the end of 2016. Unfortunately, it was not fulfilled.

It is to be noted that in 2013, the Ombudsman's Office was not invited to participate in the development of the draft "Law on Lease of Residential Premises" and was not invited to provide an opinion on correlating the rights and interests of lessors and lessees. Moreover, until December 2013, the Office had no access to the text of the draft law, since the Ministry of Economics had informed before that it was in the process of development, without providing any detailed explanations.

The current version of the draft law developed by the working group is still not available to the Ombudsman, since, as indicated by the Ministry of Economics responsible for the housing policy, it would be sent once the created working group finished the work on the development of the regulatory framework, since several nuances of the regulatory framework can changed during the process, including in relation to matters of Ombudsman's concern regarding the rights of lessees of de-nationalised houses, for example, whether this category of lessees, who have valid termless lease agreements, will have to experience significant restrictions of rights within the framework of the new draft law.

[46] According to applications of inhabitants, information available in media, different studies and observations in practice, it is to be concluded that there have been no significant improvements in the healthcare sector of Latvia for years. We are far from the ideal situation to provide the inhabitants of our country with everything that has been stipulated in Section 111 of the Constitution, together with the Preamble and Section 89 of the Constitution. Despite that numerous declarations of the governments about the activities planned by the Cabinet of Ministers mention healthcare as one of priorities, observations suggest that plans mostly remain at declarative level. Healthcare is one of the most regulated and at the same time one of the least clear areas. Even though the overall legal framework in the healthcare sector availability in Latvia is rather detailed, problems are caused by the interpretation and application of this regulation according to its essence and goals. A person has no guarantees that in the most complicated cases of healthcare problems, unclear laws and regulations will not be interpreted to

the damage thereof. Society understands it, and it manifests in great support from inhabitants, donating to peers for resolving health problems.

Examined individual examples and general problems in the area of rare diseases and transplantation of organs in general suggest that even in cases, when the matter of person's life is at stake, the approach of State policy-makers to the resolving of problems is simplified: if it is not stipulated by regulations, then it is not due. The answer to the question as to why it is not stipulated by regulations, the answer is simple: there is no funding; while the existing financing stipulates "primarily ensuring wider interests of society". What are these interests? It is vividly demonstrated by the great responsiveness of contributors in cases when the person's life or health is threatened: necessary funds are donated without delay. Likewise, society is interested in the provision of necessary assistance to a person in each individual case. It is confidence, for which they are ready to pay twice: first, when paying taxes and then in each individual case, when something is not fully stipulated by the regulations of the government. This is a rather controversial situation. On one hand, the principal law of the State stipulates that the State shall guarantee at least minimum healthcare to everyone and, on the other hand, the solution offered by the government is leaving problematic cases in the competence of individuals themselves or society. This controversy unambiguously makes think that the constitutional guarantees of healthcare in Latvia are a myth rather than reality at least for now. Within its context, it is crucial to remind the explanation included in General Comment No. 14 of the International Covenant of the UN Committee on Economic, Social and Cultural Rights that it is important to distinguish the unwillingness of the State from its inability to fulfil duties stipulated by Article 12.

[47] Analysing the practice of the Constitutional Court, it is to be concluded that the Constitutional Court, the task of which is to ensure that the regulatory framework existing in the country complies with primary constitutional principles, has currently taken the same path as the government. In cases, when healthcare matters overlap with ensuring of civil and political rights (mostly in cases related to the restriction of prisoner rights to healthcare), the Court has consequently admitted that the regulatory framework is non-compliant with the norms of human rights. ECHR practice is available in these cases, wherewith conclusions of the Constitutional Court have been more progressive. In other cases concerning the interpretation of matters on the right to healthcare, the Court ruled out that the regulatory framework was appropriate and the government had to act solely within the framework of funds allocated thereto.

In Ombudsman's opinion, there is a risk that with this interpretation, the situation, when the State refuses to ensure, for instance, secondary healthcare due to limited allocated funds, might be recognised as compliant with the Constitution and human rights standards.

Thus, in his strategy for 2014–2016, the Ombudsman had set the topic "State-guaranteed healthcare minimum, its accessibility" as one of his priorities, whereto he devoted particular attention.

[48] During the reporting period, on basis of a verification procedure the Ombudsman provided an opinion on the implementation of the principle of equality in the determination of remuneration for medical practitioners. Namely, the Medical Treatment Law stipulates that extended normal working hours (60 hours a week) can be determined for medical practitioners, exceeding normal working hours determined by the Labour Law (40 hours a week), if general principles of occupational safety and health protection are observed. Extended normal working hours can be determined to ensure human resources in the healthcare sector in the long-term and guarantee the availability of medical care. In turn, the work exceeding normal working hours (from the 41st to the 60th hour) is not paid as for overtime work.

In his opinion, the Ombudsman assessed whether extended normal working hours determined for medical practitioners attained the legitimate goal and whether the State had determined proper compensation for extended normal working hours.

The Ombudsman concluded that Section 53^{1}, Paragraph seven of the Medical Treatment Law stipulated different attitude towards medical practitioners in relation to compensation for overtime work, i.e. for hours worked in excess of normal working hours. Moreover, the Ombudsman established that over a half of medical practitioners were employed under the conditions of extended normal working hours. It suggests that over a half of medical practitioners are employed for disproportionately long working hours, wherewith no sufficient time for rest is ensured to these persons. At the same time, the Ombudsman considers that the determination of extended normal working hours essentially fails to eliminate the lack of human resources in the healthcare sector. Hence, Section 53, Paragraphs two and three of the Medical Treatment Law, which stipulate determining extended normal working hours for medical practitioners, does not reach the legitimate goal, namely, fails to ensure human resources in the healthcare sector in the long-term.

The Ombudsman agrees to the opinion expressed by representatives of the sector that the cancellation of extended normal working hours in full is currently impossible, yet considers that firstly it is necessary to assess the need for extended formal working hours, as well as possibilities of reducing the maximum limit of these working hours. Whereas regarding compensation in case of extended normal working hours the Ombudsman considers that the State has failed to determine appropriate protection for medical practitioners, since overtime work is not compensated to them in accordance with the provisions of the Medical Treatment Law or the

Labour Law. Wherewith, it is necessary to determine appropriate protection for medical practitioners, for whom extended normal working hours are determined in accordance with Section 53^1 of the Medical Treatment Law.

Taking into account the findings and conclusions of the verification procedure, the Ombudsman invited responsible institutions to carry out particular activities and, based on these recommendations, the Ministry of Economics established a working group for revising the salary model of medical practitioners.

At the same time, the Ombudsman applied to representatives of the sector: Latvian Association of Doctors and Trade Union of Health and Social Care Employees of Latvia, inviting them to monitor the activities of the Ministry of Health on this issue.

[49] In March 2016, the attention of the Ombudsman was caught by the progress of a matter topical for the public regarding the introduction of mandatory health insurance. The Ombudsman emphasised that public discussions are organised increasingly more often, particular opinions were expressed about the efforts and possibilities of implementing the mandatory health insurance system. Among other things, there were calculations of possible amounts of monthly contributions for the mandatory health insurance system.

According to Ombudsman's opinion it was necessary to discuss the matter concerning the introduction of the mandatory health insurance system as one of the solutions for improving the healthcare system, including the amount of mandatory contributions, yet drew the attention of the Cabinet of Ministers and invited them to first discuss concrete proposals. At first, it is necessary to determine at the level of principles in the law, what the State-funded healthcare covers, as well as to define which groups of inhabitants are released from patients' contributions.

[50] In 2015, the Ombudsman's verification procedure was initiated based on a person's application regarding the pharmacist's right to carry out business activities, freely determining the place of a pharmacy in a city and without observing pharmacy usage criteria determined in the country. During the examination of the case, there was established the need to expand the matter being examined within the framework thereof, studying the provision of inhabitants with pharmaceutical care in all cities and municipalities of Latvia.

Upon receiving replies of 110 local governments, it could be seen that pharmaceutical services were available highly unequally. In cities, centres of municipalities, and municipal parishes located in the vicinity of roads of national significance, pharmaceutical services are available. However, in the remaining less-inhabited rural territory of Latvia, these services are available partially or not available at all. In separate cases, it was established that a distance of up

to 50 kilometres could be measured from the inhabitant's house to the closest pharmacy. There were also complaints regarding the fact that pharmacies did not work for 24 hours and were unavailable outside working hours.

As a result of the verification procedure, Ombudsman recommended the Ministry of Health to revise Cabinet Regulation No. 610 as of 2 August 2011 "Criteria for the Location of Pharmacies and Pharmacy Branches", introducing conditions therein, ensuring the attainment of the goal of the Regulation, i.e. accessible and high-quality pharmaceutical care for all inhabitants of Latvia.

However, resuming everything that happened over the past period, the Ombudsman concludes the following: work is only at the initial stage; no actual improvements to the accessibility of pharmaceutical care have been introduced; there have been discussions on this matter and the question on 24-hour pharmacies was partially included in the draft regulatory enactment. It is to be concluded that without active participation of local governments in these discussions, as well as without actual actions of all involved institutions, organisations, and pharmaceutical enterprises, the resolution of the problem might remain at the level of discussions.

[51] In the Ombudsman's Report for 2015, it was specified that in 2016 the Ombudsman would continue monitoring the progress of topical issues, arising from the tragic event in Zolitūde supermarket "Maxima" on 21 November 2013.

In the Report for 2015, the Ombudsman had recommended the State Police in cooperation with the Ministry of the Interior and the State Fire and Rescue Service to consider the possibility of improving the content of the sub-topic "Actions of a Security Officers in Extreme Situations" on the subject "Security Tactics" of the programme "Security Work". While in his Report for 2015, the Ombudsman concluded that the State Police and the Ministry of the Interior distanced themselves from solving the problem, considering that the security sector had to agree on the occupational standard, at the beginning of 2016, active initiative from the Ministry of the Interior in solving this problem was observed.

The Ministry of the Interior undertook summoning a working group to draw up a security officer training programme in order to find an optimal solution by 1 December 2016, as opinions among representatives of the sector differed. In his report the Ombudsman had recommended the Ministry of the Interior to consider the possibility of directly stipulating in laws and regulations the duty of a security officer to carry out immediate evacuation in the event of alarm in public premises.

The Ombudsman established that on 1 October 2016, the Civil Protection and Catastrophe Management Law came into force, stipulating inter alia that an owner or legal possessor of infrastructure shall ensure timely and early warning of people in case of threat and informing about actions, as well as evacuation of people from the infrastructure. Whereas, on 19 April 2016, the Cabinet Regulation "Fire Safety Regulations" was adopted, stipulating the duty of a person to evacuate upon hearing a fire alarm or noticing fire.

The Ombudsman considers that it is worth appreciating the work done by the Ministry of the Interior in resolving the said issue (recommendation).

[52] Examining a complaint in 2016 regarding the fact that a person in a wheelchair could not enter the building of the Data State Inspectorate, the Ombudsman reminded: when providing public services it is necessary to observe the principle of non-discrimination and persons with disabilities should not be deprived of the possibility to access services provided by State institutions. The Data State Inspectorate informed that it was located in a historical building; whereas, the Ombudsman drew their attention to the fact that in accordance with the first sentence of Section 10, Paragraph eight of the State Administration Structure Law, "state administration shall be organised in the most convenient and accessible manner for a private person". Hence, the primary task of a State institution is to provide services to a private person and be accessible. If a State institution is located in a building that is not conveniently accessible to a private person, the institution has the duty to adjust its premises or to find a possibility of providing its services in other premises compliant with requirements set forth in laws and regulations with regard to environment accessibility.

The Data State Inspectorate in cooperation with the organisation for people with disabilities and their friends "Apeirons" made necessary environment adjustments.

Principle of Good Governance

[53] In June 2016, the Ombudsman submitted a conceptual assessment to the State Chancellery on the reviewed draft Law on Protection of Whistleblowers. The Ombudsman said that a single regulatory framework for the protection of whistleblowers in Latvia was necessary and had to be supported. However, having become acquainted with the reviewed draft law and its annotation, no assurance was obtained regarding that the mechanisms of whistleblower protection envisaged therein would effectively achieve the defined goal of the law and ensure its practical implementation. The Ombudsman concluded that the draft law and its annotation envisaged only a general concept for whistleblowing and protection of whistleblowers.

[54] Already in 2015, the Ombudsman concluded that in the event of data conformity check procedure for calculation of late payment charge differs from the one stipulated in the event of a tax audit. The Ombudsman found no reasonable explanation for this different regulatory framework and considered it inadmissible that verifying the same matter by applying different tax control methods unequal and disproportionate consequences were caused for a taxpayer with regard to the calculated late payment charge.

Ombudsman recommended the Ministry of Finance to introduce amendments to the provisions of Section 23, Paragraph 5^1 of the Law On Taxes and Fees by October 2015, stipulating analogous procedures for the calculation of late payment charge, as stipulated in Section 32, Paragraph eight of the Law On Taxes and Fees in case of a tax audit.

Analysing the implementation of recommendations, the Ombudsman established that on 16 June 2016 the draft law "Amendments to the Law on Taxes and Fees" was announced, stipulating the regulatory framework the Ombudsman had recommended to introduce.

It is to be positively assessed that the Ministry of Finance respected the Ombudsman's recommendations and referred to them in the annotation, using them as an argument for substantiating the necessity of amendments. However, it is crucial to indicate that within a period from 1 June 2016 to 31 December 2016, apart from the said amendments, the Cabinet of Ministers received five more amendments to the Law on Taxes and Fees and examined four of them, i.e. draft laws submitted in August and September 2016. Adopted amendments are aimed at tax control activities and combating informal economy, while non-accepted amendments are aimed at promoting the interests of taxpayers. The aforementioned suggests that ensuring equality in the legal situation of taxpayers had not been Ministry's priority.

[55] In 2015 the Ombudsman established that delays in deadlines for the examination of appeal applications at the State Revenue Service (SRS) were of systemic nature. To ascertain whether the situation at the SRS with regard to deadline delays had changed, in 2016, the Ombudsman repeatedly asked the SRS to provide information about delays in appeal deadlines: in audit cases, data conformity check cases, and administrative violation cases.

According to the received information, delays in deadlines for the examination of appeal applications are still a systemic issue for the SRS. Deadlines are delayed on average for 10–20 applications every month. Despite that considerations regarding the complexity and great volume of cases are mentioned, they cannot be an excuse for deadline delays. Analogous excuses are not allowed with regard to the taxpayers' duty to submit appeal within the term set by law. Delays result in leaving a complaint without consideration. The SRS incurs no consequences as a

result of delay. Moreover, such deadline delays negatively affect legal interests of taxpayers. These actions do not comply with the principle of good governance.

[56] During the reporting period, a private person applied to the Ombudsman with a request to assess the refusal (actions) of Riga City Council to use the original writing of the applicant's surname in international communication with the applicant from Germany. Namely, the person had declared her place of residence in Germany in the Population Register of Latvia. Riga City Council had been sending property tax payment notifications to the person's address in Germany, giving the person's name and surname in Latvian on the letter. Due to this reason, in person's opinion, German postal offices had failed to deliver her the correspondence, resulting in tax debt and initiated property tax recovery proceedings.

Despite that the person had asked Riga City Council to write the Latin transcription of her surname from the German language (as it is written in the passport and the Population Register) rather than her surname in Latvian, the local government kept writing the surname in Latvian.

Having assessed this situation, the Ombudsman established that the procedures for specifying address details for international correspondence were determined by Cabinet Regulation No. 392 as of 27 April 2010 "Regulations on Procedures Pursuant to Which Addresser's and Addressee's Address Is to Be Specified on a Postal Item". Paragraph 18 of this Regulation stipulates that the addressee's address shall be precisely specified on cross-border postal items, writing it with Arabic digits and Latin letters according to how the letters of the language used in the relevant country are being rendered with Latin letters. If other letters and digits are used in the recipient country, it is recommended to additionally write the address in the language of the relevant country.

Taking into account the content of the said legal norm, the Ombudsman concluded that Riga City Council, sending property tax payment notifications to the person, had failed to observe Paragraph 18 of Regulation No. 392, wherewith it had also failed to observe the principle of good governance. At the same time the Ombudsman concluded that Riga City Council also incorrectly interpreted the provisions of Paragraph 18. Namely, in their opinion, the term "relevant country" used in Paragraph 18 means the country, from which the postal item is sent. Respectively, the name and surname are to be written in Latin letters according to the rendition of letters of the language used in the sender's country (in the particular case — in Latvian).

The Ombudsman considered such interpretation of this legal norm as incorrect. Firstly, according to the text of Paragraph 18, the name and surname on foreign postal items is to be

written in Latin letters observing the rendition of letters of the language used in the addressee's country. Secondly, comprehension of Paragraph 18 of this Regulation arises also from the system and target analysis of the legal norm. The goal of Paragraph 18 is to ensure that a postal item is received in a foreign country, wherewith the rendition of the name and surname must be as close to the language used in the relevant foreign country as possible. When writing the name and surname in the language used in the addresser's country or by rendering letters of the relevant language with Latin letters, it can be assumed with a great probability that the surname will be misunderstood in another country and the item might not be delivered, failing to reach the goal of the relevant norm, i.e. delivering the item to the foreign country.

[57] The Ombudsman reminds that a local government, in adopting decisions binding to inhabitants, has to take into account laws and regulations with a higher legal force, as well as legal principles, and particularly has to act according to the principle of good governance in accordance with Section 10 of the State Administration Structure Law. The Ombudsman informs that the principle of good governance arises from Sections 1 and 89 of the Constitution and has obtained the constitutional rank.

The good governance principle continues to develop; however, it is possible to distinguish several elements that State administration (also local governments) has to observe in its activities: legality, equal attitude, commensurability, objectivity, duty to substantiate a decision, etc.

Therefore, the Ombudsman repeatedly indicates that if an institution passes an unjustified regulatory enactment/ decision or is unable to justify it, there is a violation of the principle of good governance. The Ombudsman draws attention to the fact that the evidence-based action policy "determines that decision-makers shall, prior to adopting a decision, identify the consequences of decisions with regard to action policies, inhabitants and institutions, and it shall be based on the evidence-based action policy approach".

Hence, the Ombudsman indicates that local governments, in developing binding regulations or adopting other binding decisions, have to justify them with concrete evidence.

[58] In another verification procedure examined by the Ombudsman the applicant had indicated to the ineffectiveness of the legal protection mechanism, when the employer avoided providing information to the SRS about changes to the applicant's status as an employee in the event of childcare leave, thus depriving the applicant of the right to parents' allowance. The applicant had applied to the SRS and the State Social Insurance Agency. Both institutions indicated that they were unable to recalculate the parents' allowance for her; since it was

possible only once the employer had voluntarily filled out necessary documents certifying that the person had went on the childcare leave.

During the verification procedure, the SRS indicated that the current legal protection mechanism was sufficiently effective, since the SRS could fine the employer, if it had failed to fulfil the duty stipulated by Sub-paragraph 8.2 of Regulation No. 827 to inform the SRS about changes to the employee's status. However, the Ombudsman concluded that the SRS activities were focused on punishing the violator, rather than on restoring the rights of the victim Thus if an employer does not respond to SRS activities or pays only the fine, infringed rights of the employee are not restored. Therefore, the Ombudsman recommended the Ministry of Welfare in cooperation with the Ministry of Finance to introduce necessary amendments to laws and regulations according to the principle of good governance to prevent employees from suffering in case of employer's illegal actions.

Information about the Ombudsman's Office

[59] The Ombudsman's Office is funded from the State budget. In 2016, the planned financing of the Ombudsman's Office from the State budget amounted to EUR 1,359,279, while the actual fulfilment was EUR 1,329,113. As compared to 2015, the amount of funds used had increased by 19.2%, i.e. EUR 213.9 thousand. Increase is related to the funding allocated in 2016 for emergency activities: for ensuring forced returns of foreigners; for ensuring the Ombudsman's remuneration in accordance with amendments to Section 6, Paragraph two, Clause 5 of the Law on Remuneration of Officials and Employees of State and Local Government Authorities, as well as for revising the employee remuneration system of the Ombudsman's Office. However, at the same time, in comparison with the previous year, there was decrease in funds due to the completion of the project "Development of Monitoring Mechanism of Forced Return" in the first half of 2015.

[60] In 2016 the Ombudsman's Office has undergone structural changes. In order to facilitate the access of both students and researchers, as well as the wider public to studies on human rights, good governance and legal equality, latest cognitions, as well as to create an environment for the exchange of creative ideas, development of an Information Centre was commenced.

[61] As regards employees of the Ombudsman's Office there are 46 positions including the Ombudsman; 45 of them were filled in 2016. Levels of education of employees of the Ombudsman's Office are as follows: one Doctor, 32 Masters, eight Bachelors, one employee

with the 1st-level professional education, and three employees, who were still studying to obtain the Bachelor degree. The average age of the personnel is 33 years. In 2016, five employees were hired and two employees left their positions.

[62] Implementing the duty of promoting public awareness and understanding of human rights, legal protection mechanisms and Ombudsman's role, functions and work, as set by the Law on Ombudsman, the Ombudsman's Office continued active communication with the public in 2016. The Ombudsman not only explained his statements to the general public and other stakeholders, but also repeatedly expressed opinions in processes important to the public and organised several discussions about topical issues.

In 2016, the Ombudsman's Office conducted an informative campaign "4 Things Parents Must Know While Abroad" with information about the things families with children must know when moving to foreign countries, particularly Germany, Norway, United Kingdom, and Ireland.

Whereas, in order to ensure a greater access for persons to consultations provided by specialists of the Ombudsman's Office outside Riga, in 2016 six consultations were organised in the cities and municipalities of Latvia: Kuldīga, Dobele, Gulbene, Jēkabpils, Rēzekne, and Limbaži.

In total, 34 educational seminars, on-site consultations, discussions, and other educational activities were organised in 2016. Furthermore, in 2016, the Ombudsman continued to actively co-operate with both national institutions and other equality bodies in Europe.