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**LAW ON THE LATVIAN NATIONAL HUMAN RIGHTS OFFICE**

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LATVIAN NATIONAL HUMAN RIGHTS OFFICE

Elizabetes iela 65-12 Rīga LV 1050, tel.: 371 728 7210, fax: 371 724 4074, e-mail: vcb@com.latnet.lv

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MEDIA RELEASE

Thank you, Saeima!

The law on the Latvian National Human Rights Office has been passed

The law provides full independence for the Latvian National Human Rights Office in decision-making and carrying out its responsibilities. That is the most important improvement of the law, in comparison with the Regulations on the Latvian National Human Rights Office, adopted by the Cabinet of Ministers on 18 July 1995.

The three main functions of the Office include:

- ∑ to inform and educate the public about human rights;
- ∑ to inquire into human rights abuses through public inquiries and investigation of individual complaints in the public and private sectors;
- ∑ to advise government and parliament on action that should be taken to ensure Latvia complies with its national and international human rights obligations.

The United Nations has recognised the Latvian National Human Rights Office as a model for national human rights institutions, particularly in the Baltic, CIS and Central and Eastern European countries.

The Office is a voting member at the International Ombudsman Institute, which comprises Ombudsmen and other national institutions for the protection and promotion of human rights from more than 50 countries world wide.

Latvia is one of the first countries to implement the recommendations of the UN Conference on Human Rights (Vienna, 1993). The Latvian government adopted a national programme for the protection and promotion of human rights and consequently, established an independent institution -- the Latvian National Human Rights Office, recognising the obligation before its people and the international community to respect fundamental rights and freedoms.

For more information please contact Roberts Putnis, Senior Officer, Information Department telephone 731 724 4073

## Law on the Latvian National Human Rights Office

### Article 1. The Purpose of the Activities of the Latvian National Human Rights Office and its Legal Status

(1) The Latvian National Human Rights Office (the Office) is an independent state institution, promoting the observance of the fundamental rights and freedoms of individuals and citizens (hereafter - human rights) in the Republic of Latvia in accordance with the Constitution, international human rights treaties which are binding for Latvia and the Constitutional Law "On the Rights and Obligations of the Individual and the Citizen". The Office achieves this goal by performing the responsibilities indicated in Article 2 of this law.

(2) The Office is a legal entity and has its own budget. It is independent in its decisions and their implementation.

### Article 2. Responsibilities of the Office

The responsibilities of the Office are as follows:

- 1) To provide balanced information to the public on human rights, and to promote understanding and recognition of those rights;
- 2) To provide balanced information to the public on the human rights, guarantees and obligations provided in the legal norms of the Republic of Latvia;
- 3) to inquire into any complaint related to the abuse of human rights;
- 4) to immediately react to facts of human rights being violated, and on its own initiative determine conditions which may cause such violations;
- 5) investigate the situation of observance of human rights in the country, especially in the areas concerning the vulnerable groups of society;
- 6) to elaborate programmes for the purpose of promoting the observance of human rights, and to coordinate the implementation of any such programmes which are undertaken by state and local government institutions and working groups;
- 7) to carry out an analysis of Latvian legal norms in order to determine their compliance with international human rights treaties which are binding to Latvia;
- 8) at least once a year to present written reports to the Saeima and the Cabinet of Ministers on the Office's activities, and once a quarter - a written report on current human rights issues.

### Article 3. The Director of the Office

(1) The Office is headed by a Director who is appointed by the Saeima upon recommendation by the Cabinet of Ministers for a term of four years.

(2) The Director may be discharged or dismissed from office as provided by the Saeima Regulations.

(3) The Director may be discharged:

- 1) at his/her own request;
- 2) in the event he/she is elected or appointed to another post;
- 3) in the event he/she is elected to leadership of a political party or its auditing structure;
- 4) for reasons of health.

(4) The Director may be dismissed:

- 1) if the Director is convicted and the verdict has come into legal effect;

- 2) if he/she is in breach of the law related to the work of the Office, causing significant unfavourable consequences;
  - 3) in case of behaviour irreconcilable with the status of the Director of the Office;
  - 4) in case he/she is found unsuitable for the position of Director.
- (5) The Director of the Office approves the personnel and structure of the Office according to procedures provided for by legislation.
- (6) The Director of the Office has the same salary as a Minister.

#### **Article 4. Advisory Bodies and working groups of the Office**

##### **Working Groups of the Office**

- (1) The Office may establish permanent advisory bodies and working groups for elaboration of specific projects.
- (2) The mandates and tasks of the advisory bodies are approved by the Director of the Office. He/she also approves members of the advisory bodies and working groups.

#### **Article 5. The Jurisdiction of the Office for Investigating Complaints**

- (1) The procedure of investigating complaints is regulated by this Law and the Law "On the Procedure of Investigating Complaints, Submissions and Proposals by State and Local Government Institutions".
- (2) The Office shall investigate complaints of violations of the rights of individuals and citizens as stated in the Constitution, international human rights treaties which are binding for Latvia and the Constitutional Law "On the Rights and Obligations of the Individual and the Citizen".
- (3) The Office is entitled not to disclose information on the person submitting a complaint or another person, if necessary for the protection of the rights of the individual.
- (4) The Office does not investigate a complaint, if a Court verdict has already come into legal effect in a civil, criminal or administrative case concerning the violation of human rights indicated therein and reached against the same person and for the same violation.

#### **Article 6. The Right to Request Information and Explanations**

- (1) The Office has the right to request necessary information from any state and municipal institution and physical and legal persons who may be aware of information relating to the violation of human rights under investigation.
- (2) Following a summons from the Office, the relevant person shall appear at the time and place indicated and provide the necessary explanations and answers to questions concerning the circumstances of the violation of human rights under investigation. In the event the person is unable to appear or provide an explanation, he/she shall advise the Office, giving his/her reasons. An employer, also state and municipal institutions, may not prevent the appearance of the summoned person at the Office.
- (3) No one may impede the Office in the exercise of its duties, or detain, influence or punish a person for cooperating with the Office or carrying out instructions or decisions of the Office, except institutions and officials who are granted such rights by law.
- (4) Failure to provide information or explanations and failure to appear following a summons without a justified excuse shall result in liability of the official in accordance with the Code of Administrative Violations of Latvia.

**Article 7. Determination of Circumstances of a Case**

In order to determine the circumstances of a case and find facts, the Director of the Office shall hear explanations by the Parties and other persons, opinions of specialists, and examines other forms of information essential for the investigation of a complaint in essence.

(2) The Office shall provide equal opportunity for both Parties to present their arguments.

**Article 8. Conciliation**

(1) When investigating a complaint of violation of human rights, the Office is entitled to resolve the conflict by conciliation..

(2) The Parties whose complaint is being reviewed by the Office may reach a conciliation. The conciliation is signed by the parties and approved by the Director of the Office. The Director of the Office does not approve a conciliation of the parties if it is not in accordance with the law, or if it violates the rights of someone or their legally protected interests.

(3) If a conciliation cannot be reached, the Office advises the Parties in writing of its opinion and proposals in the form of recommendations.

**Article 9. Proposals and Suggestions for the Prevention of Violations of Human Rights**

The Office presents its suggestions and recommendations for the prevention of violations of human rights and forwards same to the relevant institution or official. The official to whom the proposal is forwarded shall reply to the Office in writing within one month.

**Transitional Provision**

At the time of this Law taking effect, Regulations No. 204 of the Cabinet of Ministers "On the Latvian Human Rights Office" passed under Article 81 of the Constitution become null and void. (Latvijas Republikas Saeimas un Ministru Kabineta Zinotajs 1995, No. 17)