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- 15 May 2008 [shall come into force on 11 June 2008];
- 12 December 2008 [shall come into force on 1 January 2009];
- 12 June 2009 [shall come into force on 1 July 2009];
- 1 December 2009 [shall come into force on 1 January 2010];
- 25 November 2010 [shall come into force on 30 November 2010];
- 16 June 2011 [shall come into force on 7 July 2011].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following Law:

Ombudsman Law

Chapter I General Provisions

Section 1. Purpose of this Law

The purpose of this Law is to promote the protection of human rights and to facilitate that the State authority is exercised legally, efficiently and in conformity with the principles of good administration.

Section 2. Application of this Law

- (1) This Law prescribes the legal status, functions and tasks of the Ombudsman, as well as the procedures by which the Ombudsman shall perform the functions and tasks specified by the Law.
- (2) This Law shall not release an institution from the duty to comply with the rights of private individuals. An institution within the meaning of this Law shall be a body of a public person, an institution or an official, as well as a person that implements the tasks of State administration.
- (3) Provisions specified by this Law shall not limit the rights of private individuals provided for by other regulatory enactments.

Chapter II Ombudsman

Section 3. Ombudsman

- (1) The Ombudsman shall be an official approved in accordance with the procedures specified by this Law, who performs the functions and tasks specified by the law.
- (2) The Ombudsman shall have his or her own seal with the supplemented lesser State coat of arms.
- (3) The Ombudsman shall have a State budget account in the State Treasury.

¹ The Parliament of the Republic of Latvia

Section 4. Independence and Immunity of the Ombudsman

(1) The Ombudsman shall be independent in his or her activities and shall be governed exclusively by the law. No one has the right to influence the Ombudsman in the performance of his or her functions and tasks.

(2) The office of the Ombudsman may not be combined with a membership in a political party.

(3) of administrative sanction against the Ombudsman shall be permitted only with the consent of the *Saeima*.

(4) Criminal procedural immunity of the Ombudsman shall be determined by the Criminal Procedure Law.

[15 May 2008]

Section 5. Approval of the Ombudsman in Office

(1) The Ombudsman shall be approved in the office by the *Saeima* pursuant to the proposal of not less than five members of the *Saeima*.

(2) A citizen of Latvia having unimpeachable reputation, who has attained 30 years of age, has a higher education, has knowledge and work experience in the field of law enforcement and who in accordance with the requirements of the law is entitled to receive a special permit for access to the official secret may be approved as the Ombudsman. A citizen with dual citizenship may not be approved as the Ombudsman.

Section 6. Ombudsman's Oath (Solemn Vow)

Upon assuming office the Ombudsman shall give the following oath (solemn vow) at the *Saeima* session:

“Taking upon the duties of the Ombudsman, I, _____, am fully aware of the responsibility laid upon me, and swear (solemnly vow) to be honest and fair in the protection of the rights and freedoms of persons in accordance with the *Satversme* (Constitution) of the Republic of Latvia, laws and international agreements.”

Section 7. Term of Office of the Ombudsman

(1) The term of office of the Ombudsman shall be five years from the day when he or she gives the oath (solemn vow) in accordance with Section 6 of this Law.

(2) The Ombudsman may be re-approved in the office.

[15 May 2008]

Section 8. Suspension of the Ombudsman's Powers

If the *Saeima* has given the consent for the commencement of criminal prosecution against the Ombudsman, his or her powers shall be suspended until the time, when a court judgement of acquittal comes into effect in the relevant criminal case or the criminal prosecution against the Ombudsman is terminated.

Section 9. Termination of the Ombudsman's Powers

(1) The Ombudsman's powers shall terminate:

1) in relation to the release of the Ombudsman from the office;

2) in relation to the termination of the powers of the Ombudsman;

3) if the Ombudsman has been convicted of committing a criminal offence and the judgement has come into legal effect; or

4) due to the death of the Ombudsman.

(2) If a person is approved as the Ombudsman who at the time when he or she is approved for the position of the Ombudsman has already been approved as a judge for an unlimited term of office in accordance with the Law on Judicial Power, he or she has the right to return in the previous position of the judge in the case referred to in Paragraph one, Clause 2 of this Section and in the case referred to in Section 10, Paragraph one, Clause 1 of this Law.

(3) If a person is approved as the Ombudsman who at the time when he or she is approved for the position of the Ombudsman has already been appointed as a judge for a limited term of office in accordance with the Law on Judicial Power or has been approved as a Constitutional Court judge in compliance with the Constitutional Court Law, he or she shall be offered a nomination for the position of a judge not Constitutional Court a judge in the case referred to in Paragraph one, Clause 2 of this Section and in the case referred to in Section 10, Paragraph one, Clause 1 of this Law.

(4) If a person is approved as the Ombudsman who at the time when he or she is approved for the position of the Ombudsman has already been approved as a Constitutional Court judge who in compliance with the Constitutional Court Law has the right to return to the previous position of the judge, he or she has the right to return in the relevant previous position of the judge in the case referred to in Paragraph one, Clause 2 of this Section and in the case referred to in Section 10, Paragraph one, Clause 1 of this Law.

(5) If a person is approved as the Ombudsman who at the time when he or she is approved for the position of the Ombudsman has been performing State civil service, military service or was an official with a special service rank, he or she shall be ensured the right to hold an equal position in the same case referred to in Paragraph one, Clause 2 of this Section and in the case referred to in Section 10, Paragraph one, Clause 1 of this Law.

(6) The right referred to in Paragraphs two, three, four and five of this Section shall not be ensured if a person following the termination of the Ombudsman's powers fails to comply with the requirements of regulatory enactments that are to be met in order to hold the relevant position.

[15 May 2008]

Section 10. Release of the Ombudsman from Office

(1) The *Saeima* shall release the Ombudsman from the office if he or she:

- 1) resigns of his or her own free will, notifying the *Saeima* in writing thereof;
- 2) is unable to perform the duties of the office due to his or her state of health;
- 3) has allowed a shameful act that is incompatible with the status of the Ombudsman;
- 4) without a justified reason does not perform his or her duties; or
- 5) has been elected or appointed to another office.

(2) The matter regarding the release of the Ombudsman from the office may be proposed by not less than one third of the members of the *Saeima*.

[15 May 2008]

Section 11. Functions of the Ombudsman

The Ombudsman shall have the following functions:

- 1) to promote the protection of the human rights of a private individual;
- 2) to promote the compliance with the principles of equal treatment and prevention of any kind of discrimination;
- 3) to evaluate and promote the compliance with the principles of good administration in the State administration;

4) to discover deficiencies in the legislation and the application thereof regarding the issues related to the observance of human rights and the principle of good administration, as well as to promote the rectification of such deficiencies; and

5) to promote the public awareness and understanding of human rights, of the mechanisms for the protection of such rights and the activities of the Ombudsman.

[15 May 2008]

Section 12. Tasks of the Ombudsman

In the performance of the functions specified by this Law, the Ombudsman shall:

1) accept and examine submissions of private individuals;
2) initiate a verification procedure for the clarification of circumstances;
3) request that institutions within the scope of their competence and within the time limits provided for by the law clarify the necessary circumstances of the matter and inform the Ombudsman thereof;

4) upon the examination of the verification procedure, shall provide the institution with recommendations and opinions regarding the lawfulness and effectiveness of their activities, as well as the compliance with the principle of good administration;

5) in accordance with the procedures specified by this Law, shall resolve disputes between private individuals and institutions, as well as disputes in respect of human rights between private individuals;

6) facilitate conciliation between the parties to the dispute;

7) in resolving disputes in respect of human rights issues, shall provide opinions and recommendations to private individuals regarding the prevention of human rights violations;

8) provide the *Saeima*, the Cabinet, local governments or other institutions with recommendations in respect of the issuance of or amendments to the legislation;

9) provide persons with consultations regarding human rights issues; and

10) conduct research and analyse the situation in the field of human rights, as well as provide opinions regarding the topical human rights issues.

[15 May 2008]

Section 13. Rights of the Ombudsman

In the performance of the functions and tasks specified by this Law, the Ombudsman has the right:

1) to request and receive free of charge from an institution the documents necessary for a verification procedure (administrative acts, procedural decisions, letters), explanations and other information;

2) to visit institutions in order to obtain the information necessary for a verification procedure;

3) at any time and without a special permit to visit closed-type institutions, to move freely within the territory of the institutions, to visit all premises and to meet in private the persons held in closed-type institutions;

4) to hear the opinion of a child without the presence of his or her parents, guardians, employees of educational or child care and instructional institutions, if the child so wishes;

5) to request documents, explanations and other information from any private individual regarding the issues of fundamental importance in a verification procedure;

6) to initiate a verification procedure on his or her own initiative;

7) to request and receive opinions of specialists in a verification procedure;

8) to submit an application regarding the initiation of proceedings in the Constitutional Court if an institution that has issued the disputable act has not rectified the established deficiencies within the time limit specified by the Ombudsman;

9) upon termination of a verification procedure and establishment of a violation, to defend the rights and interests of a private individual in court, if that is necessary in the public interest;

10) upon termination of a verification procedure and establishment of a violation, to apply to a court in such civil cases, where the nature of the action is related to a violation of the prohibition of differential treatment;

11) on the basis of the materials at his or her disposal, to consult other competent institutions in order to decide the issue regarding the initiation of proceedings; and

12) to participate in the Cabinet meetings in the capacity of an advisor.

[15 May 2008]

Section 14. Advisory Councils and Working Groups

(1) The Ombudsman may establish advisory councils, as well as working groups for the development of specific projects or the preparation of issues.

(2) The membership and by-laws of advisory councils, as well as the membership of working groups shall be approved by the Ombudsman.

Section 15. Reports of the Ombudsman

(1) The Ombudsman once a year shall provide the *Saeima* and the State President with a written report regarding the activities of the Ombudsman's Office.

(2) The Ombudsman has the right to provide the *Saeima*, its commissions, the President, the Cabinet, the State administrative institutions and international organisations with reports in respect of specific issues.

Section 16. Deputy Ombudsman

(1) The Ombudsman shall appoint the Deputy Ombudsman.

(2) During the absence of the Ombudsman his or her functions and tasks shall be performed by the Deputy Ombudsman, who during this period of time shall have the same powers as the Ombudsman has.

(3) The Deputy Ombudsman shall perform the duties, functions and tasks of the Ombudsman in cases provided for by Sections 8 and 9 of this Law until the *Saeima* approves an ombudsman in the office or the criminal proceedings against the Ombudsman are terminated, or a court judgement of the acquittal of the Ombudsman comes into effect.

Section 17. Remuneration of the Ombudsman

(1) The remuneration of the Deputy Ombudsman shall be determined in compliance with the Law on Remuneration of Officials and Employees of State and Self-government Authorities.

[1 December 2009; 1 December 2009]

Chapter III Ombudsman's Office

Section 18. Ombudsman's Office

(1) In order to ensure the activities of the Ombudsman, the Ombudsman's Office shall be established.

(2) The structure and internal working regulations of the Ombudsman's Office shall be regulated by the by-law of the Office approved by the Ombudsman.

Section 19. Financing of the Ombudsman's Office

- (1) The Ombudsman's Office shall be financed by the State budget.
- (2) [16 June 2011].
[16 June 2011]

Section 20. Remuneration of Employees of the Ombudsman's Office

- (1) Employment relationships of the employees of the Ombudsman's Office shall be regulated by the Labour Law.
- (2) The remuneration of the employees of the Ombudsman's Office shall be determined in compliance with the Law on Remuneration of Officials and Employees of State and Self-government Authorities.
[1 December 2009]

Section 21. Rights of the Employees of the Ombudsman's Office

In performance of their employment duties the employees of the Ombudsman's Office within the scope of their competence shall have the rights referred to in Section 13, Clauses 1, 2, 3, 4, 5, and 7 of this Law.

Section 22. Restrictions and Duties of the Employees of the Ombudsman's Office

Restrictions and duties of the employees of the Ombudsman's Office shall be determined by the Law On Prevention of Conflict of Interest in Activities of Public Officials.

Chapter IV.

Procedures for the Examination of Submissions and Verification Procedures

Section 23. Right to Apply to the Ombudsman's Office

- (1) Any private individual has the right to apply to the Ombudsman's Office with a submission.
- (2) Submissions shall be examined in accordance with the procedures prescribed by regulatory enactments, unless specified otherwise by this Law.
- (3) It is prohibited to apply sanctions to a submitter or to otherwise directly or indirectly cause adverse consequences for him or her due to the fact that a submission has been submitted to the Ombudsman's Office or due to the co-operation with the Ombudsman's Office.
- (4) The submissions, complaints or proposals addressed to the Ombudsman's Office and sent by persons who are in the military service, out-of-family care and instructional institutions or closed-type institutions, as well as the replies of the Ombudsman's Office thereto shall not be subject to the examination prescribed by regulatory enactments and shall be delivered to the addressee without delay.
- (5) For a failure to submit in due time to the Ombudsman's Office the submissions, complaints or proposals referred to in Paragraph four of this Section or for the examination and disclosure of the content thereof, the responsible persons shall be held liable in accordance with the procedures prescribed by the law
- (6) The Ombudsman's Office shall not disclose information regarding the submitter or other persons, if this is necessary for the protection of the rights of such persons, except for the case, when the relevant information is requested by the performer of the criminal procedures.
[15 May 2008]

Section 24. Procedures for the Initiation and Examination of a Verification Procedure

- (1) After the examination of a submission of a person or upon his or her own initiative, the Ombudsman shall decide on the initiation of a verification procedure.
- (2) After the examination of a submission of a person, the Ombudsman shall initiate a verification procedure if that is in conformity with the functions and tasks of the Ombudsman and there is a possibility to solve the issue specified by the person.
- (3) The initiation of a verification procedure shall not suspend the validity of regulatory enactments, court judgement, administrative or other individual legal instruments, as well as the procedural time periods specified by the law.
- (4) A verification procedure shall be examined within a period of three months. If a procedure is complicated or the deadline may not be observed due to other objective reasons, the Ombudsman may extend the time limit for a time period not exceeding two years from the day when the verification procedure was initiated, notifying the submitter thereof and specifying the reasons for the extension of the time limit.
- (5) In the examination of a verification procedure, explanations of the parties and other persons shall be heard, opinions of specialists shall be requested, as well as other activities specified by the Law that are necessary for the examination of the verification procedure shall be performed.
- (6) In the examination of a verification procedure, the conciliation between the parties at a dispute shall be promoted.

[15 May 2008]

Section 25. Completion or Termination of a Verification Procedure

- (1) A verification procedure shall be completed pursuant to the conciliation of the persons involved in the procedure or an opinion of the Ombudsman.
- (2) If the parties are unable to agree on the conciliation, the Ombudsman shall provide an opinion containing the evaluation of the facts established in the verification procedure.
- (3) The opinion of the Ombudsman may contain a recommendation regarding the rectification of the established violation, as well as, where necessary, other recommendations.
- (4) The opinion shall be of a recommending nature.
- (5) If it is impossible or unnecessary to continue a verification procedure, the Ombudsman shall decide on the termination thereof.
- (6) Materials of a verification procedure shall be the restricted access information and shall be available in accordance with the Freedom of Information Law.

Section 26. Rules of Verification Procedures

The initiation, examination and completion of verification procedures shall be determined by the rules approved by the Ombudsman.

Section 27. Procedures for Requesting of the Information and Liability for Non provision of the Information and Provision of False Information

- (1) In requesting the information referred to in Section 13, Paragraphs 1 and 5 of this Section, the Ombudsman shall determine the amount of such information and specify a reasonable time period for the provision thereof.
- (2) Upon a request of the institution or a private person the amount of the information referred to in Paragraph one of this Section may be amended or corrected and the time period for the provision of the information may be extended of necessary.

(3) The amount and the time period for the provision determined by the Ombudsman may not be contested and appealed.

(4) Persons shall be held liable in accordance with the law for the non-provision of the information in the amount and within a time period determined, as well as for the provision of false information.

(5) In examining an issue regarding imposition of administrative sanction for the non-provision of the information in the amount or within a time period determined, the justification of the amount and time period of provision of the requested information shall be assessed.

[15 May 2008]

Transitional Provisions

1. With the coming into force of this Law the Law On the Latvian National Human Rights Office (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1997, No. 1; 2005, No. 18; 2006, No. 2) is repealed.

2. The Ombudsman's Office shall be a successor in rights and obligations of the Latvian National Human Rights Office.

3. The Director of the Latvian National Human Rights Office shall perform the functions of the Ombudsman until the approval of the Ombudsman in the office.

4. Examination of the submissions, complaints and proposals which have been submitted to the Latvian National Human Rights Office before the day of coming into force of this Law and pursuant to which investigations have been commenced shall be completed in accordance with the regulatory enactments in force on the day of the submission thereof.

5. [12 June 2009].

6. A term of office of the Ombudsman that is approved prior the day when amendments to Section 7, Paragraph one of this Law come into force shall be four years from the day when the Ombudsman has given the oath (solemn vow) in compliance with Section 6 of this Law.

[15 may 2008]

7. In 2009 the remuneration determined in accordance with this Law (a base salary, remuneration, benefits etc.) shall be determined in compliance with the Law On Remuneration of Officials and Employees of State and Local Government Authorities in 2009.

[12 December 2008]

Informative Reference to European Union Directives

These Regulations contain legal norms arising from:

1) Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions;

2) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;

3) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;

4) Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions; and

5) Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

This Law shall come into force on 1 January 2007.

This Law has been adopted by the *Saeima* on 6 April 2006.

President

V. Vīķe-Freiberga

Rīga, 25 April 2006