

Social and economic rights

The last several years have been very significant in the area of social and economic rights, focusing on issues affecting societal poverty and social exclusion in Latvia. In 2019 Ombudsman's Office purposefully analyzed the compliance of minimum income levels - guaranteed minimum income, poverty level income threshold, state social security benefit and minimum pensions - with the constitution of the Republic of Latvia, emphasizing their adequacy, regular review obligation and compliance with general legal principles.

As a result, in July, 2020, 5 cases regarding the amounts of the minimum income and social support have been initiated in the Constitutional Court upon the application of the Ombudsman. In two cases already the Constitutional court has found the contested norms incompatible with Satversme.

- On 25 June, 2020, the Constitutional Court pronounced the judgement in case concerning GMI – guaranteed minimum income level. Ombudsman held that the level of GMI is incompatible with the principles of a socially responsible state and a state governed by the rule of law because it does not ensure to needy persons a life compatible with human dignity and does not fulfil the obligation to ensure to persons the possibility to exercise their social rights at least in minimal scope, which derives from Article 109 of the Satversme.
- On 9 July, 2020, the Constitutional Court pronounced the judgement in case concerning state social security benefit regarding unemployed persons with disabilities and seniors that are not entitled to pensions.

Additionally, the Ombudsman has submitted two more applications that are currently under review before initiation of proceedings.

Anti-discrimination

On July 8 the Constitutional court initiated a case following the Ombudsman's application concerning the state fee for the partner of the estate-leaver for registering the ownership rights in the Land Register.

The Ombudsman holds that the legislator, in adopting the contested norm, has not ensured legal protection to various forms or families. The amount of the state fee for the testamentary or contractual heirs is significantly higher compared to, for example, a spouse. This rate of the state fee applies both to same-sex partners and partners of different sexes, who have not registered their relationship by concluding a marriage. However, the Ombudsman is of the opinion that same-sex partners, who wish to register their relationship but cannot do so, are not in similar and according to certain criteria comparable circumstances with partners of different sexes, who have the possibility to conclude a marriage. Therefore, the rate of the state fee should be different.

Human trafficking

Trafficking in human beings has been an important field of research and the Ombudsman has repeatedly noted concerns about the shortcomings regarding the co-operation and co-ordination between institutions and organizations involved in the prevention of trafficking in human beings, undermining the identification and referral of victims to social service providers.

The Ombudsman in 2017 has published a study “The Role of Local Governments' Social Services, Orphan's and Custody Courts and Branch Offices of the State Employment Agency of Latvia in the Process of Identification of Victims of Trafficking in Human Beings” where it surveyed local municipality institutions in Latvia and found shortcomings regarding the training and understanding of the national referral mechanism.

Additionally in 2019 Ombudsman has called upon the Government to develop one comprehensive “umbrella” law to improve regulatory framework in the field of prevention of human trafficking and to provide a clear referral mechanism for victims of trafficking, as well as an effective mechanism for transferring and exchanging information between public authorities and social service providers.

In March 2019, the Ombudsman's Office in co-operation with the State Border Guard launched a multi-year project, in which the overall objective is to ensure that the process of supervising persons to be expelled is in compliance with the requirements of the European Union law. The direct objective of the project is to improve the monitoring mechanism for forced expulsion of foreigners in compliance with the European Union standards and requirements. The project pays special attention to the protection of the rights of unaccompanied minors and the improvement of identification procedures for victims of trafficking in human beings during the removal process. As a result of the project implementation, inter-institutional cooperation will be strengthened in order to identify victims of human trafficking before expulsion and ensure the protection of their rights.

Currently the Ombudsman is focused on gathering the information of the best practice examples from other EU countries to provide concrete recommendations to the government of Latvia.

Freedom of speech/ hate speech/ disinformation

The Ombudsman has previously drawn 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” as well as holding a conference on the topic in 2017. The court practice is developing slowly, however there are still differing interpretations as to what kind of speech can be considered to be criminally prosecutable.

Concerning the disinformation, the Ombudsman in 2018 held a conference noting down the lack of comprehensive strategy regarding state’s positive obligations to ensure the balance of freedom of speech and right to access of information with protection of the state’s security interests.

The state must focus on promoting public media literacy and critical thinking, as well as support independent and professional journalism that is able to provide the public with a diverse content of information. At the same time, the state would need to promote fast, efficient and easily accessible communication with the public on internet, informing about its work and position on issues of public importance.

Additionally, the Ombudsman would like to point out a recent surge of complaints concerning the limitation of free speech by internet intermediaries. There have been several complaints also from political figures regarding the censorship by third person owned internet platforms like *facebook* and disagreements concerning the demonetization and “fake news” warnings applied to their content. Although at the current stage the Ombudsman has no legal capacity to influence the policies of private entities concerning freedom of speech, this appears to be a topic that will gain more importance in the future.

Human rights education

Within the framework of the Ombudsman's annual conference in 2019, the Ombudsman dedicated one of the panels to human rights education inviting various stakeholders from state institutions, court system as well as NGO sector to both share their examples of good practice as well as their view on the topicality of human rights education in Latvia.

The Ombudsman established that there is no comprehensive policy concerning human rights education in Latvia as well as no coordination and oversight from the relevant state authorities.

There is almost no research on the topic of human rights education for various target groups and for the most part various stakeholders that include human rights education in their agenda have a very limited knowledge of each other's activities and available resources.

However human rights education is one of the strongest means to empower the citizens and especially young people to be demand enforcement of their rights and increase their political and civic participation. Therefore it must be one of the future priorities open to cooperation.