

GANHRI Annual Meeting

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## **Means of soft power of national human rights institutions in protecting human rights**

Ombudsman in Latvia is a comparatively recent institution and it celebrated ten years anniversary last year. Nevertheless, chapter on Fundamental Human Rights was included in the Constitution of the Republic of Latvia in 1998. Ten years for an institution is not much compared to our state's hundred years we celebrate this year. But ten years is enough to the regained freedom and to look back to the things we have already done and set further goals for the next decade of our institution and next hundred years of the state.

Ombudsman's institution in Latvia is independent in its activities and is governed exclusively by the law. One of the tasks of the Ombudsman is to provide the examined institutions with recommendations and opinions regarding the lawfulness and effectiveness of their activities, as well as the compliance with the principle of good governance. Ombudsman can also provide the parliament, the government, local governments or other institutions with recommendations in respect to changes in legislation.

According to Harvard University professor Joseph Nye, "the basic concept of power is the ability to influence others to get them to do what you want. There are three major ways to do that: one is to threaten them with sticks; the second is to pay them with carrots; the third is to attract them or co-opt them, so that they want what you want. If you can get others to be attracted, to want what you want, it costs you much less in carrots and sticks". Soft power here represents the third way of power uses an attraction to shared values, and the justness and duty of contributing to the achievement of those values.

Today I would like to speak about how without repressive means – with the use of soft power – to achieve that the politicians, civil servants, business and in certain cases also the society comply with human rights. Here a very important factor is also collaboration with other institution, especially the constitutional ones.

First of all, I would like to stress some precondition for recommendations to come into effect. One of such is the team within the NHRI or in other words: the chain is only as strong as its weakest link. What makes the work within a team effective and efficient is that its members are educated, qualified and motivated, being able to work in a safe environment with even workload. It is important to have individual approach to each of the team members, to know their stronger and weaker sides and to make sure their workload is adjusted to that. Work efficiency is formed from constant growth of individuals; employer has to ensure regular training to bring out the stronger characteristics. Evaluation, on the other hand, is the way how team members can be assessed and the possibility to discuss and plan further development of the employee.

One of the instruments is a well-developed strategy. It must contain clear strategic goals and priorities. Constant monitoring of the actual situation can lead to change of priorities; thus, the institution has to be flexible enough to rethink and rearrange its priorities. When you wish to achieve your goals, you have to be ready to make one step at a time. Therefore, being able to set short-term goals is a wise approach. To ensure effectiveness and quality it is important to set responsibilities and self-control in all levels.

What can be included already in the strategy or further in action plans of the institution is being able to cooperate. In order to see the whole picture of how things work in practice it is crucial to create a collaboration network and include in it leading non-governmental organizations, focus groups, independent experts both on professional and academic level.

Here I also should mention teaming with leading universities – both inviting their academic personnel and also making sure fundamental and specific aspects of human rights are included in the study curriculum. Academic environment is also productive and progressive for various discussions and research very necessary for further development of theory and practice of human rights. We have found that one of the most effective ways to reach the society is by public media – we see that it is crucial to make information available through journalists, especially the one of public broadcasting. To widen the range of society we can reach – this can be done with the support of international networking where we can put forward different issues and share experience and best practice with our colleagues worldwide.

Another precondition of soft power is such instruments as information, exchange of opinions and conclusions. As regards information it in all cases and matters has to be evidence-based, proven by facts (with monitoring, interviews, social surveys, situation and data collection and analysis). Statistical data should be diverse, but trusted, followed by comparison and accurate analysis. If information has been requested from some institution and avoids direct answers, then it should be questioned repeatedly when all the necessary information is received. Information that is unproven, subjective and based on emotions must be excluded.

Exchange of opinions can include diversity of interpretations, listening to all involved parties and responsible institutions. Here also dialogues and discussions can help solve situations. A very effective instrument is consultative council which can coordinate gathering opinions of different parties on a particular issue.

Statements should include most precise findings available; conclusions need to be based on legal argumentation and recommendation must be precise and when and where possible include possible solutions.

I would like to talk about methods as the third precondition of soft power. Here the methods will refer to situation or action that the state has allowed to appear or happen. First method chosen – promotion of settlement. When the problems have been identified, the involved parties should be invited to a dialogue and collaboration. Secondly – regular and, if needed, repeated control of recommendations given to the institution. Third – parallel reporting to the supervising institution, government, parliament, or international human rights organizations like the Council of Europe or United Nations or organizations of collaborative platforms and networks. Last but no least – drawing attentions of the media to especially important topics and/or substantial human rights violations.

If the recommendation is given with regard to a rule of law, there are three steps:

- Control over implementation of recommendation;
- If the institution admits the violation, then we control the implementation of recommendation until it is averted;
- If the institution does not admit the violation, we file a constitutional complaint.

If we reveal a systemic problem or situation in the society, what we usually do is:

- organize a discussion to raise awareness in all the parties;
- regular information in the media on the most significant activities of the institution;
- organize conferences, seminars and workshops on human rights issues;
- issue informative materials;
- inform the society and get them involved.

For the discussion I would like to propose an exchange of experience on the effectiveness of the soft power instruments and the ways how they can achieve conformity with human rights. I would also invite to share practice on cooperation with other constitutional institutions and the effectiveness of such collaboration.