CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA

Press Release
Case No. 2020-28-03
18.05.2020.

One more case initiated regarding the compliance of the amount of minimal old-age pension with the *Satversme*

On 15 May 2020, the 4th Panel of the Constitutional Court initiated the case "On Compliance of Para 2 and Para 3 of the Cabinet Regulation of 3 December 2019 No. 579 "Regulation on the Minimal Amount of the Old-age Pension" with Article 1, Article 91 and Article 109 of the *Satversme* of the Republic of Latvia".

The Contested Norms

Para 2 of the Cabinet Regulation of 3 December 2019 No. 579 "Regulation on the Minimal Amount of the Old-age Pension":

"2. "The basis for calculating the minimal old age pension is 80.00 *euro*, for persons disabled since childhood – 122.69 *euro*. The basis for calculating the minimal old-age pension shall be reviewed by the Cabinet upon proposal by the Minister for Welfare in accordance with the possibilities of the state budget, assessing the economic situation in the state."

Para 3 of this Regulation:

"3. The amount of minimal old-age pension is determined by applying to the basis for calculating the minimal old-age pension, depending on the person's insurance period (in full years), for which the old-age pension of the Republic of Latvia has been granted (re-calculated), the following coefficient:

3.1. for persons, whose insurance period is from 15 to 20 years, – 1.1;

3.2. for persons, whose insurance period is from 21 to 30 years, – 1.3;

3.3. for persons, whose insurance period is from 31 to 40 years, – 1.5;

3.4. for persons, whose insurance period is from 41 years and more, – 1.7."

The Norms of Higher Legal Force

Article 1 of the *Satversme* of the Republic of Latvia (hereafter – the *Satversme*) :

"Latvia is an independent democratic republic."

Article 91 of the *Satversme*: "All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind."

Article 109 of the *Satversme*: "Everyone has the right to social security in old age, for work disability, for unemployment and in other cases as provided by law."

The Facts

The case was initiated on the basis of the Ombudsman's application. The applicant holds that the amount of the minimal state pension set in the contested norms is insufficient to provide for the recipient's basic needs: healthy nutrition, clothes, housing, and health care. Allegedly, it does provide social security at least in the minimal amount, likewise, proper review of the minimal old-age pension is not ensured. Hence, the State has failed to fulfil its positive obligation, derived from Article 1 and Article 109 of the *Satversme*, to ensure social assistance to persons. The applicant is of the opinion that the amount of the minimal old-age pension set in the contested norms is incompatible also with the principle of human dignity.

The applicant notes that the amount of minimal old-age pension causes discrimination of retired persons both due to their age and their social status. Moreover, the amount of minimal old-age pension for one year of the insurance period is, without grounds, lower for persons with longer insurance period. Hence, the contested norm is said to be incompatible also with Article 91 of the *Satversme*.

The Legal Proceedings

The Constitutional Court has requested the Cabinet to submit a written reply on the facts of the case and the legal reasoning **by 15 July 2020**.

The term for preparing the case is **15 October 2020**. The Court will decide on the type of procedure and the date for hearing the case after it has been prepared.

The press release was prepared with the aim to facilitate understanding of cases heard by the Constitutional Court. It shall not be regarded as part of the judgement and is not binding to the Constitutional Court. The judgements, decisions and other information regarding the Constitutional Court are available at the homepage of the Constitutional Court www.satv.tiesa.gov.lv.

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