



Satversmes tiesa

Press release

• Case No. 2023-12-01

• 26.04.2023

The case has been initiated regarding the provision which denies the right to an old-age pension for the persons whose permanent place of residence at the time of applying for the pension is not in Latvia

On 25 April 2023, the 1st Panel of the Constitutional Court initiated the case “On Compliance of Section 3, Paragraph seven of the law on State Pensions with the first sentence of Section 91 and Section 109 of the Constitution of the Republic of Latvia”.

THE CONTESTED PROVISION

Section 3, Paragraph one of the law On State Pensions: “The right to a State social insurance pension in accordance with the conditions of this Law is held by persons living in the territory of Latvia who were subject to the State mandatory pension insurance scheme.”

PROVISION WITH A HIGHER LEGAL FORCE

The first sentence of Section 91 of the Constitution of the Republic of Latvia (hereinafter – the Constitution) is the following: “All human beings in Latvia shall be equal before the law and the courts.”

Section 109 of the *Constitution* is the following: “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 OF THE CASE

The case was initiated on the basis of an application of the Senate of the Supreme Court. There is an administrative case of the applicant under examination in accordance with the cassation procedure initiated on the basis of an application of a person for the

issuance of a favourable administrative act on the granting of an old-age pension. The State Social Insurance Agency refused to grant her a pension because it had established that the person did not reside in Latvia and therefore did not meet all the conditions laid down in the contested norm for granting her a State social insurance pension.

The applicant regards that the contested norm, in so far as it provides for granting a state old-age pension only to a person residing in the territory of Latvia, is incompatible with the first sentence of Section 91 and Section 109 of the Constitution. According to the applicant, the legislator has not fulfilled its positive obligation under Section 109 of the Constitution to ensure the implementation of the right of a person to social security in case of old-age, since by adopting the contested norm it has not complied with the principle of legal equality. The contested norm provides for different treatment of persons depending on the moment when the person left for permanent residence abroad – before or after applying for and being granted a Latvian pension. The difference in treatment established by the contested norm does not pursue a legitimate aim and does not comply with the principle of proportionality.

JUDICIAL PROCEDURE

The Constitutional Court has requested the authority which issued the contested act, i.e., the *Saeima*, to submit to the Constitutional Court its written reply presenting the facts of the case and legal basis by **28 April 2023**.

- The deadline for the preparation of the case is **25 September 2023**.

The Court shall decide on the procedure and date for hearing the case after the case is prepared.

- The decision on initiation of the case is available here: https://www.satv.tiesa.gov.lv/wp-content/uploads/2023/04/2023-12-01_lemums_par_ierosinasanu.pdf

This press release has been prepared to inform the society on the work of the Constitutional Court. Further details on the latest developments, cases initiated and examined by the Constitutional Court are available on the website of the Constitutional Court www.satv.tiesa.gov.lv. We invite you to follow the Court's activities on our Twitter account [@Satv_tiesa](https://twitter.com/Satv_tiesa) and our YouTube [channel](#).

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