

Equality and non-discrimination

1) Does your country's constitution and/or legislation (a) guarantee equality explicitly for older persons of people of all ages and (b) forbid discrimination explicitly on the basis of age? If so, how is the right to equality and non-discrimination defined?

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

Equality principle means that equal attitude shall be provided for those groups which are in equal legal and factual circumstances, however if the groups are not in equal legal and factual circumstances, then equality shall not be provided.

Non – discrimination prohibits unequal attitude based on particular ground. These grounds are: sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation and other grounds.

2) Does your country produce information about discrimination against older persons in the following or other areas? If so, what are the main findings?

Employment: The Ombudsman has investigated individual applications and verification procedures on ageing. Seniors have submitted applications more regarding the possible discrimination in employment. Additionally to recommendations to employers on age discrimination, the Ombudsman provided awareness-raising campaign for society on employment and age, pointing out the information which should/ should not be included in curriculum vitae.

Access to goods and services: The Ombudsman investigated verification procedure on possible discrimination based on age regarding the access to goods and services (2012). Within the verification procedure the Ombudsman conducted the survey asking seniors to share the information on discrimination on access to goods and services. The result of survey showed that seniors have not experienced discrimination based on age for access to goods and services.

However during year 2015/2016 several applications regarding possible age discrimination in bank and insurance sector were submitted to Ombudsman. As the banks and insurance companies shall provide the services based on individual assessment of a client, in several cases it was not ensured. Therefore discrimination based on age can be stated.

Another issue was that insurance companies do not explain their insurance conditions well enough; therefore seniors can think the service was refused because of their age.

Social protection: In 2014, the Ombudsman investigated a case regarding the effect of application of the wage-tied insurance contribution (the capital index) on the amount of old-age pension.

The Law on State Pensions stipulated that, when granting an old-age pension, the person's pension capital and the starting capital shall be updated, taking into account annual insurance contribution wage indices that comprise the amount of insurance contributions for the current and previous year during the respective sequent periods (from 1 August of the respective year till 31 July of the following year).

During the years of economic development of the State when the number of those making social contributions was increasing, along with the wages, the annual indices applicable to the pension capital calculated for the respective years were correspondingly high, and therefore the calculated pensions were higher. On the other hand, the decrease in number of social contributors and in the wages due to the economic and financial crisis in the country had negative effect on such indices, and therefore the amount of old-age pension granted to the persons retiring in the years of economic crisis was also reduced.

The inspection case included estimate of the eventual amount of pension in 2009 to randomly selected applications at the ratio of 1.3106 effective in the years of economic growth was applied, in comparison with the actual pension of such applicants at the ratio of 0.7978 applied to pensions granted in 2011. The Ombudsman therefore concluded that, if the applicants' employment period, social contributions and age in 2009 was equal to that in 2011 when decision on the granting of old-age pension was adopted, the pension for one person in 2009 would be higher by 108.81

lats (154,82 EUR) and for other person – by 48.07 lats (68,4 EUR). In other words, the pension granted in 2009 would be higher than that granted in 2011 by 21% and 24%, respectively.

It was established that, first, at present, according to the Law on State Pensions, where a person retires in a year with negative capital index, the amount of pension is irreversibly reduced for life, without any possibility of compensation or adjustment in future.

Second, application of a negative capital index to an individual restricts their right to receive pension corresponding with the scope of participation by such person at the first level on the pension system; since the right to pension belongs to the notion of “property”, application of negative capital index constitutes restriction of the person’s right to property.

Third, the capital indexation system stipulated the Law on State Pension creates unjustified inequality between the retired persons to whom “positive” capital indexation factors have been applied upon retirement, and those with “negative” capital indexation; no reasonable balance is provided in the Law on State Pension between the secured public interests and the restrictions imposed on the individual’s rights (infringement of fundamental rights).

The Ombudsman found the infringement of Constitution and recommended the parliament and government to ensure the rights of older people, the Parliament respected the recommendation and amendments were made.

Health care: Information on health care is provided in point 3 of this part of the document.

Social care: Information on social care is provided in second part “neglect, violence and abuse”

Justice, inheritance: The Ombudsman has pointed out several times to courts that if a party of the case is a senior then postponement of examination of a case is not advisable. The courts have taken into consideration above mentioned recommendation.

Decision-making and autonomy, living environment: There are very many senior associations (NGO) which are active in Latvia. The representative of a senior NGO is the member of the parliament of the Republic of Latvia.

However, the Ombudsman has stressed the large number of seniors living at risk of poverty since 2011. More information in the second part “Neglect, violence and abuse.”

3) Is there information available about inequality of opportunities or outcomes experienced by older persons in the following areas?

Health care: The Ombudsman draws attention that there have not been any significant improvements in the health care area for many years. Satisfaction level of the residents of Latvia with health care system is one of the lowest in the European Union. Availability of health care services is very limited, approximately every fifth resident of Latvia has not attended a health care specialist, when it was necessary.¹ The above mentioned description in general applies also to seniors. Seniors, as well as other residents, are exposed to quota system and incommensurate waiting lists to receive the service. Within a reasonable time only paid health care services are available. World Health Organization recommends to allocate at least 12% of the total budget expenses to health care (14% would be desirable). Currently, mere 9.8% are allocated for health care in Latvia.² Unavailability of service is caused by the insufficient funding allocated by the government. Minister of Health has pointed out that every day in Latvia 17 people die from curable sicknesses.³

Financial services: Ombudsman has investigated several complaints on age based discrimination in insurance sector, when insurance companies have rejected insurance without individual assessment of senior.

Another issue is that sometimes insurance companies do not explain their insurance conditions well enough, therefore seniors can think they were refused because of age.

¹ Concept for introduction of compulsory health insurance, the Bank of Latvia, available on: <https://www.bank.lv/images/stories/pielikumi/publikacijas/citaspublikacijas/OVA-koncepcija.pdf>

² Ministry of Health. Health care financing models. Available on: <http://www.vm.gov.lv/images/files/veselibas-finans-modelji.jpeg>

³ Available: http://www.tvnet.lv/zinas/latvija/626428-caksa_katru_dienu_latvija_no_arstejamam_slimibam_mirst_17_cilveki

4) Are there any areas where differential treatment based on old age is explicitly justified?

Areas	
Access to good	Yes, various service providers offer discounts for seniors, for example, museums, shops, sometimes hairdressers, theaters and sport centers.
Mandatory age of retirement	Yes, several employment laws for various professions determine age of retirement as requirement. There are few examples, Law on Judicial power (Article 63) determines that the maximum age for holding the office of a judge shall be 70 years. State Civil law sets that “State Civil Service relations shall be terminated when reaching the age of retirement determined by the State, except in cases where there is a reasoned order of the head of the institution for the relevant civil servant to remain in his or her position or a minister’s order for the head of an institution to remain in his or her position. (Article 41)” The same requirement regarding the retirement age is set also in Law On Corruption Prevention and Combating Bureau.
Age limits in financial services and products	Several banks offer special senior set, which includes discounts on bank services.

Age- based benefits	<p>Various local governments provide special services for seniors, for examples, discounts in city public transport.</p> <p>Seniors (persons older than 65) can receive fishing license for free or with discount for fishing in public waters.</p> <p>Several local governments stipulate more flexible conditions to seniors for receiving social assistance and a status of poor person.</p> <p>Seniors receiving a pension pay less social insurance contribution.</p> <p>If a senior is deceased, his/her spouse (including age, disability or retirement pension recipient) in addition to funeral benefit may receive a one-time benefit of the deceased two pension amount.</p>
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Neglect, violence and abuse

1) In your country, are there specific studies of surveys (from governmental, non-governmental or academic sources) on violence, abuse and neglect experienced by older persons?

Yes, the Ombudsman of the Republic of Latvia has stressed for many years on neglect attitude from the state towards seniors (see further the point 2A).

Additionally the Ombudsman regularly monitors living conditions in long-term social care institutions (hereinafter- Institutions). The more detailed information is provided further in point 2B.

Other institutions, for example, Central Statistical Bureau issue information regarding social situation of seniors.

2) a) What forms of violence, abuse and neglect are registered? What is the setting in which they occurs? Is there information about the type of perpetrators?

1) Among other European countries Latvia demonstrates very low results in the positions related to the quality of life and welfare of inhabitants. Thus, 70% or 322,000 Latvian seniors receive pension that is not more than EUR 300 per month, therefore, as opposed to other countries, in Latvia there is a high proportion of poverty risk, especially among seniors. The minimum retirement pension in Latvia amounts from EUR 70.43 to EUR 181.42, depending on the length of social insurance. Seniors do not have any other income and the above amount has to be sufficient to cover all their needs or request a support from the municipality, which is often insufficient. Poverty threshold is 318 EUR per month in Latvia (in 2016).⁴

In the summer of 2016, the Ombudsman's Office collected real life stories and conducted a pilot research studying whether it is possible to survive in Latvia with the social minimum stipulated by the government. Seniors were also selected for the interviews. After aligning the income of these people with their needs, it was concluded that the majority of the interviewed consider that rent payment and facilities are the mandatory minimal payments. The needs that have to be given up or restricted were: health care, balanced diet, clothes, footwear and cultural events.

This means that old people are exposed to under leveled living conditions and social isolation.

b) Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?

Yes, as lots of elderly people in pension age have found their home in Institutions.

⁴ People at risk of poverty in Latvia. Central Statistical Bureau of the Republic of Latvia. <http://www.csb.gov.lv/notikumi/nabadzibas-riskam-latvija-paklauti-424-tukstosi-jeb-218-iedzivotaju-45823.html>

Long-term social care and social rehabilitation services are provided by local municipality or non-governmental organizations, yet requirements stated by law for activities of social service providers are uniform. Along with other requirements, social service providers are obliged to ensure compliance with hygiene requirements, implementation of the medical plan designated by the specialists, technical aids according to the needs of a client, provide a client with footwear and clothing appropriate for his or her gender and the season, and bedding and bedclothes, as well as with towels, provide food adequate for client's age and health condition not less than three times a day, ensure appropriate premises, and others.

Securing rights of old-age clients in Institution is one of the Ombudsman's priorities which calls for systematical inspection and monitoring of the Institutions all over the country.

As a result Ombudsman has revealed a number of unsettled matters, which affect the quality of life of the clients in the Institutions. Thus clients often do not receive services compliant with their needs and required care due to the lack of personnel or bad knowledge level of the personnel, for example on client positioning aspects, auxiliary means, catering process and reasons of behavioral disorders. Important information for clients should be posted on a special information stand in each unit, including the easy language version, to provide equal understanding opportunity for all. Often daily walks outdoors are not being provided, especially for seniors who cannot move without assistance. Bad variety of food offered in the Institutions, lack of fresh fruit and vegetables on the menu does not contribute to the seniors' wellbeing. In many Institutions clients are poorly dressed and have to wear unfitting clothes. Medical documentation shows that clients are being prescribed excessive neuroleptic medication. Seniors often do not have meaningful and stimulating leisure time activities. Also quality of drawing up of clients' individual rehabilitation plans must be improved to develop both the client's self-care abilities, and their integration into society. In the lot of cases clients are not provided with large enough living space determined in the national legislation, which is contrary to the recommendations of European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment on necessity of decent household conditions for the clients of Institutions.

3/4) Does your country's legislation explicitly address issues of violence, abuse and neglect against older people?

What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse?

Latvian legislation does not imply particular rules addressing issues of violence, abuse and neglect against older persons, as well as legal norms specially protecting seniors against financial abuse and inheritance abuse.

Violence, abuse, including financial abuse and inheritance abuse, and malicious neglect against any person including seniors can be prosecuted in accordance with the general procedures (Civil procedure law, Criminal procedure law).