

Dear colleague members of the European Network of National Human Rights Institutions and participants of the conference.

First of all, I would like to underline the importance of social rights for every human being. Although traditionally civil and political rights are emphasized as paramount, the full realization of these rights is not possible as far as the individual cannot meet his or her basic needs at the appropriate level.

The person not having proper food, ill-dressed, without housing, without proper health care and with little education will not be able to assert his or her rights. Moreover, exercising of other rights becomes inessential due to the very trivial but very important reason - he or she wants to eat.

I believe that it is a positive obligation of any democratic country to take care of its citizens by guaranteeing them a minimum of social rights, especially for vulnerable groups: people with disabilities, children and elderly people.

For this reason, already from the very beginning of my mandate in 2011, I focused on the legitimate implementation of social rights.

From the outset, I established that the state social security system supposed to cover all the social risk situations, is defective and unable to perform its task. In fact, all the minimum social support quantities were set 10-12 years ago and were frozen during the crisis. They have remained at the same level until today despite the economic development and increase of consumer prices.

For eight years, I have come to realize that if methods of convincing and criticism cannot persuade politicians, other - more effective means must be employed. Surprisingly, but both the government and parliament acknowledge the violation of the social rights, yet the determination to put things right has being introduced in the policy planning documents and declarations only. The real action has not been taken.

So, at the time being, I am forced to use the most effective, "sharpest" tool of the Ombudsman - going to the Constitutional Court against the government inaction. The result can be already seen, as changes in the legislation will be introduced by 2020. Of course, not to the extent needed, but - "the ice has moved!"

- ***Illustrations how this can be of inspiration for other NHRIs or actors;***

I believe, the example of Latvia can encourage ombudsmen in other countries to consider turning to more drastic tools in case the ombudsman has not been heard by the government or state organizations for a long time.

We aim to have an interactive moderated discussion with quick questions and answers to all the speakers. The session will be moderated by Ignacio Saiz or Allison Corkery from the Centre for Economic and Social Rights who may address you with some of the following questions:

- ***Can you specify issues you work on in the area of ESR?***

Poverty and minimum income levels are currently the most pressing issue.

My criticism first of all is being turned to a minimum income system as such. Basically, the minimum support system is fragmented: there are several minimum support quantities:

- the benefit for ensuring the guaranteed minimum income level;
- deprivation level;
- income of low-income families (persons);
- the amount of the national social security benefit, which serves as the reference amount for all minimum social assistance benefits (minimum old-age pension; minimum invalidity pension; invalidity allowance, *et cetera*).

None of the minima is based on economic calculations. In fact, all the values were previously linked to the minimum wage. This approach was later considered wrong by the government by "freezing" and maintaining it during the crisis (2009). In general, it was not clear what basic needs should be covered: clothing, food, housing or something else.

Secondly, I should mention government's inaction. Despite of the economic development and increase of consumer prices, the government has not revised minimum social support quantities for more than 10 years.

Already in 2013 it was admitted by the government, that the levels of the minimum social support quantities are no sufficient. Yet, only now, with 2020, it is planned to increase them, yet unessentially, basing on the state budget capacity not on the economic calculations.

And thirdly, but not less important, I am concerned about the adequacy of the level of minimum social support quantities. Which are:

- For the benefit for ensuring the guaranteed minimum income level only 53 euros per month (form 2020 – 64 euros)
- Deprivation level is 128 euros per month.
- And the amount of the national social security benefit does not exceed 64 euros per month (from 2020 – 80 euros).

Also, the increase of the minima will not affect minimum of the retirement pension, which is 70-181 euro; and disability pension 64-170 euros per month.

It must be noticed that from this amount persons should cover costs for food, clothes, housing, health care and educations. Not even speaking about other needs, such as self-care, transportation, socialization *et cetera*.

For an insight:

- To have a decent food a person in Latvia needs minimum 153 euros per months, according to the statistics 2015. Now even more.

- For the housing – 150 euros per month in average.

But those mentioned are not all the sore points I am focusing on.

In addition, I can mention problems in the health care, connected with the financing of the health care sector; availability of the services; lack of medical staff and low remuneration, and high cost of medication.

Also, the rights of people with disabilities, in particular, the level of inclusive education and community-based support services; employment and accessibility.

As well as lack of qualitative housing.

And insufficient social support for asylum seekers and beneficiaries of international protection.

- **Did you face any challenges when working on ESR in Latvia? If yes, why? And did you find creative ways to overcome them?**

The biggest challenge is to make politicians not only hear what Ombudsman is saying but to get this message and to admit that here is a permanent violence of human rights, at least in the scope of policy planning documents and government declarations. And what most important - is to convince them to perform real and efficient steps to bring those declaration into life.

Politicians are often of the opinion that accomplishment of the social rights depends on budgetary possibilities. Paradoxically, that the government believes that it is necessary to balance the needs of all participants of the national economy. But it does not recognize that my point is to secure basic human rights, the very minimum: food, clothing, housing and healthcare.

I am often saying, that it is possible to compare a country to a family, if someone is hungry or needs medicine, we provide it first and then think about whether we have enough resources for other needs (for example: travel, holiday home or the like).

I believe, that I have found two very effective targeting tools: the first one is reaching society through the voice of mass media by participating in broadcasts and analytical programs. The second one is submitting an application against the state into the national Constitutional Court.

Thus, for example in 2017 and 2018 I filed in to the Constitutional court five applications on the unconformity of the rule of law. In four cases the regulation was declared as non-compliant with the Constitution.

- **What are the lessons learned and success stories from your work that you would like share with other NHRIs and partners?**

The recommendation to the government: the more amplified and precise it is, with a specified deadline, the more it resembles an application to the

Constitutional court in terms of form and content, the more likely legislator and the government will react promptly.

I believe that this kind of response I have achieved due to the previous applications to the Constitutional Court. Before I was aware, that a dialogue, negotiations and compromise are valuable tools, but I have realized that it does not work.

- **Do you usually seek any international/regional support when you work on ESR in Latvia?**

I am preparing alternative reports to the Council of Europe and UN institutions when the state gives an account on the implementation of some international treaty. Very often the Ombudsman's opinion is also included in the experts' recommendations to the state. I also call on NGOs to be active in the preparation of parallel reports. This provides an opportunity to later refer to the recommendations as an authoritative source in negotiations with the government.

Likewise, I am meeting officials of the European Commission services every year to ensure that country reports are as accurate as possible in the inconsistencies identified by the Ombudsman.

Still, I wish to hear sharper criticisms to the governments of the Member States from the side of the supranational organizations. Otherwise their recommendations reach the governments just for a little moment of disturbance and uneasiness, winding up easily. And it is obvious, that for the national governments this kind of reports are just a formality.

- **Sum up in 3 points what can be replicated in different contexts and NHRI's and other actors can get inspiration from?**

For me the secret for successful result is hidden in accuracy of arguments, persistence and courage.

The fundament for acting this way stands on the certain guarantees of independence and privileges of the Ombudsman allowing to point at unpleasant and inconvenient things to the government. Often, if those nonconformities are not being told and discussed, the decision cannot be reached, and reforms are postponed year after year.