



## **ANED country report on the implementation of policies supporting independent living for disabled people**

**Country:** Latvia

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## **PART 1: EXECUTIVE SUMMARY AND CONCLUSIONS**

In Latvia there are no specific strategies or policies for independent living. At the same time there are several laws (Law on Medical and Social Protection of Disabled Persons (1992), Law on Social Security (1995), Law on Social Services and Social Assistance (2003) and others) stating legal rights for people with disabilities to receive social services and necessary support based on the person's needs.

According to the Law on Social Services and Social Assistance, social services shall be provided only based on assessment of the individual needs and resources of a person conducted by a social work specialist, in the place of residence of the client, or as near to it as possible. A client has the right to participate in the decision-making process related to the receipt of all kinds of social services. Quite often relatives or family members help the person with disabilities to take decisions. Only when the scope of such services is not sufficient social care and social rehabilitation shall be provided in a long-term care and social rehabilitation institution. When providing social services, the institutions shall ensure interdisciplinary and inter-institutional cooperation using basic principles for provision of social services. The Law on Social Services and Social Assistance states that a client has the right to participate in the decision-making process related to the receipt of all kind of social services.

Support for persons with disabilities is therefore based on principles of: provision for services in place of residence of the client, or as near to it as possible; provision of social care and social rehabilitation in long-term social care and rehabilitation institutions when the amount of social services in place of residence of the client is not sufficient for the client; evaluation of individual needs and resources of a person; provision of interinstitutional and interdisciplinary cooperation for institutions in providing of social services; participation of a person in the decision-making process and child care in a family like environment (such as a foster family) .

The network of services for disabled persons in municipalities is underdeveloped; institutional care services are predominant. At the end of 2008 there were about 120,000 persons with disability (including children), or about 5% of total population of Latvia. About 6,366, or 5% of total number of persons with disability live in institutions. The rest (113,338) live in the community with their families or with other types of support.

Those living in community receive services in day care centres and other necessary services. Currently, 93 such day care centres are operating in Latvia. 13 day care centres provide day care service to clients at the age of retirement (including persons with dementia), 21 day care centres for persons with intellectual disability and 4 day care centres for persons with physical impairments. From 10,633 persons receiving home care services in 2008, 3,072 were adults with disabilities and 75 disabled children.

Persons with disability, according to the legislation, have equal rights with any other person, excepting if a person is not able to defend his/her interests and a trustee or guardian is assigned. In this case, with judgement of a general jurisdiction court, the legal capacity is deprived and according to the procedure set out in the legislation a trustee is assigned.

It is necessary to provide support from the state budget to projects aimed towards the development of alternative services in municipalities and to plan and develop support for different groups of persons by implementing the necessary services for persons with mental health conditions, persons with intellectual disability, blind-and-deaf persons, blind persons, deaf persons and persons with mobility impairments.

Progress towards independent community living has been slow.



The implementation of the planned activities in recent strategical documents (the Policy Guidelines for Reduction of Disability and its Consequences; the Program on Development of Social Care and Social Rehabilitation Services for People with Mental Impairments 2009.-2013. [www.lm.gov.lv](http://www.lm.gov.lv)) requires significant financial resources and it will be the one of the most complicated problems in the near future. The most urgent task is to ensure access to persons with disabilities, on an equal basis with others, to social services, to the physical environment, to transportation, to information and communications and to other facilities and services open or provided to the public, but in the current financial crisis the budget is reduced significantly and affects the development of programs now and in near future.

At the same time NGOs of and for disabled people have a significant role and they are deeply involved during the preparation of drafts and developing amendments on existing legislation, through participation in National Council of Disability Affairs (advisory institution, established in 1997), through campaigning activities within projects, as well as in consultation institutions (such as Councils) in local municipalities.



## PART 2: LEGAL AND POLICY CONTEXT

There are no specific strategies or policies for independent living, or separate laws. The legal rights of disabled people to independence in the community like other people are stated in several branch laws regulating to specific areas, for example in social services, education, transportation, environment. These legal rights are explained in the following laws:

The **Law on Medical and Social Protection of Disabled Persons** (1992), which regulates the procedure of rendering medical and social assistance to disabled persons, assistance in employment issues, the rights of disabled persons to receive material assistance and assistance in promoting their social integration.

The **Law on Social Security** (1995) identifies equal access to social services and legal protection. This Law prescribes the principles for the structure and operation of a social security system, the main social rights and duties of a person, the basic conditions for its implementation thereof, as well as regulating the types of social services, including social and instructional assistance, and promoting social fairness and social security. The purpose of the Law is to ensure that social services are duly provided and that the authorities that are responsible for the provision of services are easily accessible. In ensuring social services, differential treatment based on a person's race, skin colour, gender, age, disability, state of health, religious, political or other persuasion, national or social origin, property or marital status or other circumstances shall be prohibited<sup>1</sup>.

The **Law on Social Services and Social Assistance** (2002). The purpose of the Law is to establish principles for the provision and receipt of social work, social care, social rehabilitation services and social assistance, the range of persons who have the right to receive these services and assistance, as well as the principles for payment and financing of social care and social rehabilitation services. In this Law concept 'social assistance' is defined as a benefit in cash or in kind the granting of which is based on evaluation of the material resources of person (families) who lack the means to satisfy basic needs. Social assistance to a client shall be provided on basis of an evaluation of his or her material resources – income and poverty, individually providing for the participation of each client in conformity with the Law on Social Security<sup>2</sup>.

The Regulation of the Cabinet of Ministers 'The Requirements for Social Service Providers' prescribes the requirements (minimum standards) to be complied with by social care, social rehabilitation and social work service providers.

The **Law On Local Governments (1995)** sets out the general provisions and economic basis for the activities of the local governments of Latvia, the competence of local governments, the rights and responsibilities of city or county councils and their institutions, as well as of the chairpersons of city or county councils, the relations of local governments with the Cabinet of Ministers and ministries, as well as the general provisions for relations among local governments.

<sup>1</sup> [http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/On\\_Social\\_Security.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/On_Social_Security.doc)

<sup>2</sup> [http://www.socmin.lt/get\\_file.php?file=RTpcXEluZXRwdWJcXFNtYXJ0d2ViL3NvYy9tL21fZmlsZXMvd2ZpbGVzL2ZpbGU5ODYuZG9jO3NvY2lhbCBwYXNsYXVndSBpc3QuZG9jOzs=](http://www.socmin.lt/get_file.php?file=RTpcXEluZXRwdWJcXFNtYXJ0d2ViL3NvYy9tL21fZmlsZXMvd2ZpbGVzL2ZpbGU5ODYuZG9jO3NvY2lhbCBwYXNsYXVndSBpc3QuZG9jOzs=)



The functions of local governments (relevant to persons with disabilities): to provide for the education of residents (ensuring the specified rights of residents to acquire primary and general secondary education; ensuring children of pre-school and school age with places in training and educational institutions; organisational and financial assistance to extracurricular training and educational institutions and education support institutions, and others); to maintain culture and facilitate the preservation of traditional cultural values and the development of creative folk activity (organisational and financial assistance to cultural institutions and events, support for the preservation of cultural monuments, and others); to ensure access to health care, as well as to promote a healthy lifestyle of residents; to ensure social assistance (social care) to residents (social assistance for poor families and socially vulnerable persons, ensuring places for old people in old-age homes, ensuring places for orphans and children without parental care in training and educational institutions, provision of overnight shelters for the homeless, and others); to provide assistance to residents in resolving issues regarding housing<sup>3</sup>.

**The Law on State Social Allowances (2002).** The purpose of this Law is to determine the types of state social allowances (benefits), the range of those persons who have the right to the state social allowances, the conditions for the granting thereof, the procedures for granting and disbursement, as well as the appeal procedures for decisions related to these allowances<sup>4</sup>.

In addition for children with disabilities - according to the **Law on Protection of the Rights of the Child**, the State shall ensure the rights and freedoms of all children without any discrimination – irrespective of race, nationality, gender, language, political party alliance, political or religious convictions, national, ethnic or social origin, place of residence in the State, property or **health status**, birth or other circumstances of the child, or of his or her parents, guardians, or family members. The Law determines that a **child with physical or mental disabilities** also has the right to everything that is necessary for the satisfaction of his or her special needs. Legal enactments regarding the rights of children with disabilities provide the access to mainstream schools. The State shall ensure that all children have equal rights and opportunities to acquire education commensurate to their ability. In addition, legal enactments on education determine the rights of children with disabilities to choose educational establishment to acquire education commensurate to their ability. The law provides that a child has the right to such living conditions and benevolent social environment as will ensure his or her full physical and intellectual development. Each child has rights on appropriate food, clothes and shelter. A child with physical or mental disabilities has rights on all that is necessary to ensure his/her special needs. The child has rights on permanent residence. The local government shall provide assistance and support to families in which there are children, guaranteeing shelter, warmth and clothing, and nutrition appropriate to his or her age and state of health, for each child residing in the local government territory<sup>5</sup>.

**The Education Law** states that every citizen of the Republic of Latvia and every person who has the right to a non-citizen passport issued by the Republic of Latvia, every person who has received a permanent residence permit, as well as citizens from European Union States who have been issued a temporary residence permit, and their children, have equal right to acquire education, regardless of their state of health<sup>6</sup>. The same Law identifies education target groups and one of them is persons with special needs. Within the Law local government ensures food service in special educational institutions and boarding schools in accordance with the procedures and in the amounts prescribed by the Cabinet of Ministers.

<sup>3</sup> <http://www.ttc.lv/New/lv/tulkojumi/E0118.doc>

<sup>4</sup> [http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Law\\_on\\_State\\_Social\\_Allowances\\_.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Law_on_State_Social_Allowances_.doc)

<sup>5</sup> <http://www.humanrights.lv/doc/latlik/bern.htm>

<sup>6</sup> <http://izm.izm.gov.lv/education/general-education.html>



Special education programmes provide that a person with special needs may acquire special education at an educational institution, if it ensures that such person has the opportunity to acquire an education in such institution corresponding to the state of health and the type of developmental disorders. The State Centre for Special Education makes provisions of Education Law concerning special education work in practice. Special education will provide opportunities and conditions for learners with special needs to receive education in any educational institution in accordance with their health condition, aptitude and level of development, and at the same time will provide psychological and medical help to the learner and prepare him/her for work and integration into society.

There are no direct policies providing choices for disabled people to live independently in their own homes in the community. Politically, Latvia develops social care services in both institutions and so called alternatives to institutional social care services. At the same time equal opportunities principle in to society is increasingly accented. In autumn 2007, the European Commission reconciled and the Cabinet of Ministers approved State Strategic Frame Document (further-SSFD), which determines the strategy for adoption of EU funds for the planning period 2007-2013. One of horizontal priorities in the SSFD strategy, execution of which should be provided by implementing of EU co-financed Action Programs, was equal opportunities. Considering the involvement of the Ministry of Welfare in equal opportunity policy making and the experience of co-ordination of horizontal aims in the preceding planning period, the Ministry of Welfare has been delegated with responsibility for the co-ordination of Horizontal Priority Equal Opportunities (in the area of gender equality, disability and aging) in the EU fund planning period for 2007-2013. Starting from March 2008, compliance with the equal opportunity aspect (including disability) is ensured also through the Cabinet of Ministers Instruction for preparation of annotations to legal acts. The instruction requires that an annotation of any legal act has to contain an ex-ante impact assessment on equal opportunity aspects (including disability).

Persons with disability, according to the legislation, have equal rights with any other person without disability, excepting, if a person with disability is not able to defend his/her interests and a trustee or guardian is assigned. With the judgement of a general jurisdiction court the legal capacity is deprived and, according to the procedure set in the legislation, a trustee is assigned.

The legislation of the Republic of Latvia currently provides both procedural and material legal acts that regulate in which cases the capacity to act of a person can be restricted by the judgement of the court and in which cases it can be renewed. According to the procedural legal acts in Latvia all persons can realize their rights via a legal representative. Article 216 of **Civil Law** (hereinafter – CL) states that persons in need of protection shall be entrusted to the care of guardians and trustees who shall act on behalf of these persons. But according to the Paragraph 1 of the Article 217 of CL the trusteeship in its turn is established over persons found by a court to be lacking capacity to act due to mental illness or mental deficiency.

This paragraph states that trusteeship is established over persons found by a court to be lacking capacity to act due to mental illness or mental deficiency (Article 358). Article 355 of CL states that Trustees of adults shall be appointed pursuant to judgment of a court, by the appropriate Orphan's court, which shall, in the first place appoint as trustee the spouse of the person or one of the nearest kin, as well as observing the last will instructions of any person who has left him or her an estate. Article 356 of CL states that trusteeship for adults shall be subject to the relevant provisions regarding guardianship for minors, insofar as these provisions do not conflict with Articles 357-364 which regulate trusteeship over people with mental health conditions.

Chapter 33 of the **Civil Procedure Law** provides legal provisions declaring a person as lacking capacity to act and establishing trusteeships. To declare a person is lacking capacity to act it is necessary to submit an application to a court in which evidences confirming the mental illness or mental deficiency and evidences confirming the incapacity of such person is presented. A matter regarding the declaring of a person as lacking capacity to act and to establish a trusteeship shall be adjudicated by the court, with a representative of the Orphan's Court and a public prosecutor participating. The person in regard to whose lack of capacity to act the matter is being adjudicated shall be invited to the court sitting if his or her medical condition permits this. If a person, whom a court judgment has found to be lacking capacity to act, regains capacity, the court pursuant to the application of the Orphan's Court or a public prosecutor may terminate the trusteeship. Adjudicating a matter regarding finding a person as having capacity to act, a court psychiatric expert-examination opinion is obligatory and, if necessary, a psychologist shall also be called.

The legislation of the Republic of Latvia currently does not provide for partially legal capacity.

The **draft Law on Disability** (expected to be passed by the Parliament in June 2009) provides to establish a home service of personal assistants for the disabled persons with severe functional, mental or hearing impairments. However, the main role of this new law is to establish the system of disability assessment.

**The Program on Development of Social Care and Social Rehabilitation Services for People with Mental Impairments 2009.-2013** (accepted by the Cabinet of Ministers on 5 March 2009) provides to develop alternative social care services for people with mental impairments:

- establishing and maintenance of three group homes in 2012 (with financial support from state budget LVL 707226) and another three group homes in 2013 (with financial support from state budget LVL 675696);
- facilitation of social work with people (with total financial support from state budget LVL 419424 in 2012.-2013.);
- organization of society information measures (regional seminars, informative materials, administration of web-pages, sole information actions, thematic courses for municipal social work specialists (with total financial support from state budget LVL 199600 in 2012.-2013.))

At the same time the Program on Development of Social Care and Social Rehabilitation Services for People with Mental Impairments 2009.-2013 provides for the development of traditionally accepted social care in institutions with provision of bringing up number of places or establishing new places in existing social care institutions. There are no plans to reduce the number of places in institutions in Latvia.

The planned political objectives are following:

Indicator	2009	2010	2011	2012	2013
Reduced waiting time to receive services in social care institution (months)	30	30	30	24	21
Reduced number of persons waiting for social care services (% against 2008)	0	0	0	4	4
Number of persons in social care institutions receiving qualitative social care services	650	650	650	910	1070
Number of persons, who have better	0	0	0	316	521



accessibility to alternative social care services (in comparison with situation in 2008)					
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New ideas about independent living have come from different NGOs of and for disabled people, e.g. the Union of people with disabilities and their friends '[APEIRONS](#)'; The Latvian Umbrella Body for Disability Organisations ([SUSTENTO](#)); [Latvian Deaf Society](#); [Latvian Blind Society](#); Latvian Association '[Rūpju bērns](#)' (*for example – accessible environments for disabled persons*). NGOs are the main players in this field and are promoting the concept of independent living through participation in National Council of Disability Affairs, and through campaigning activities within projects.

The National Council of Disability Affairs (NCDA) was established in 1997 by the Ministry of Welfare in order to facilitate cooperation among institutions and involve non-governmental organizations in decision making processes related to integration facilitation of disabled people. It is described in Section 5 on good practice.





### **PART 3: PROGRESS TOWARDS INDEPENDENT COMMUNITY LIVING**

Small progress has been made in several fields, by introducing new types of services helping disabled people to be able to live in their own homes in the community. For example, on 25 May 2006, amendments to the Law on Social Services and Social Assistance were adopted stipulating a new type of service – a halfway house. Residence in halfway houses is a transitional stage for people who have lived in special care centres, but are deemed capable of leading an independent life outside them, receiving necessary services at day care centres and other municipal establishments. In halfway houses, people can also acquire skills necessary for independent life. When a person residing in a halfway house is ready for independent life he/she is moved to a group house. Halfway houses are developed within six existing social care homes for people with mental and psycho-social impairments in Liepāja district, Daugavpils district, Jelgava and Rīga district (Allaži and Ropaži), Rūja. Until now, 161 clients have received halfway house services.

Another example is development of special software for speech synthesis, worked out under the framework of the project 'Employment facilitation of disabled persons' (European Community Initiative EQUAL) the Social Integration State Agency (SIVA). Now it is available in the SIVA homepage [www.siva.gov.lv](http://www.siva.gov.lv) (download is free of charge) and provides people with blindness and vision impairment automatic voice transcription (screen reader with audio output). This tool gives an opportunity for disabled people with vision impairments to use computer comfortably in daily living, learning, training processes as well as in daily work. This is an opportunity to obtain necessary information.

However, the most commonly provided service alternative to institutional living is a day care centre service. Only during recent years day care centres were established for providing services to different population groups. Now 93 such day care centres are operating in Latvia. 13 day care centres operate in Latvia providing day care service to clients at the age of retirement (including persons with dementia), as well as 21 day care centres for persons with intellectual disability and 4 day care centres for persons with physical impairments. Day care centres for persons with mental conditions receive state co-financing (state co-financing is foreseen for the first 4 years of operation of the centre, in further years all costs have to be financed by the municipality). All other day care centres are financed from the municipal budget.

At the end of 2007 there were 10 group houses for persons with mental conditions financed from the municipal budget and 5 group houses with state co-financing. In 2007 group houses services were provided for 135 persons, in 2008 – 153 persons.

If a person requires care at their place of residence and the family members living together with this person cannot ensure the care required (due to old age, their state of health or employment) the person has the right to receive a social care service. In 2006 home care services were provided for 10,612 persons, in 2007 – for 10,851 persons, in 2008 – for 10,633 persons. Along with home care services the person may also receive other services – such as a warm lunch at home (in 2007 provided for 808 persons, in 2008 for 897 persons).

In 2007 a 'Safety button' service (to ensure the possibility to communicate with the emergency service 24 hour operator) were provided for 209 persons, in 2008 for 275 persons. ([www.sp.gov.lv/?object\\_id\\_570](http://www.sp.gov.lv/?object_id_570))

Institutional care is the traditional and most developed form of care. The lack of financial resources restricts development of new services (both community services and the building of new institutions).



During last year and in 2009 lack of financial resources became a huge problem for the Latvian Government, which is now going to cease several programmes or accessibility of services, e.g. the availability of technical aids or personal assistants.

There is no precise statistical data about persons with disability in Latvia. According to aggregated information at the end of 2008 there were about 120,000 persons with disability (including children), or about 5% of total population of Latvia.

About 6,366, or 5% from total number of persons with disability live in institutions - 5,771 adults and 595 children (226 of them with mental and physical impairments up to 4 years of age) live in childcare centres. 231 disabled children (with severe mental impairments aged 4-18 years) live in children's social care institutions. 138 children with disability aged 2-18 years of age and deprived of parental care live in orphanages. 161 people live in half-way houses, 153 live in group houses for persons with mental impairments or mental health conditions. The rest (113,338) live in the community with their families or with other types of support.

There are no processes safeguarding people to continue living in the community. The lack of supporting services, lack of personal financial recourses and lack of support from family members or relatives quite often leads people to choose traditionally accepted care services in institutions. Only during recent years new services (e.g. day care centres, group homes, safety buttons, and etc.) were developed, but the availability and access to these services is unsatisfactory. The lack of alternative services, the low qualification and level of knowledge of municipal social workers, as well as lack of necessary social work specialists in municipalities, are basic reasons why persons with disabilities must often choose institutional forms of care. Also, stereotypes existing in society restrict people with disabilities from living inclusively in the community.

It is necessary to provide a support from the state budget to projects, which are aimed towards the development of the network of alternative services in municipalities and to plan and develop support for different groups of persons by implementing the necessary services for persons with psychic sicknesses, persons with mental conditions, blind-and-deaf persons, blind persons, deaf persons and persons with mobility impairments, but in the situation where Latvia is facing bankruptcy, this seems idealistic.

There is no readily available evidence of the overall expenditure on institutional support in comparison to support for people living independently in the community. In some ways comparison can be made comparing expenses of different services and amount of benefits received.

The average cost of social care services provided in a social care institution for one adult in 2006 was LVL 253 per month, for children LVL 371 (financed from state budgets). For the same period the average cost of home care for one person was LVL 25.44, for day care services LVL 64.5, for group home services LVL 140.88 (financed from municipal budgets) <sup>7</sup>

For comparison, the average level of disability pension in 2006 was LVL 73.28 per month and the minimum wage LVL 90 per month (see ANED country report on social protection and social inclusion).

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<sup>7</sup> [www.socpp.gov.lv/?object\\_id=570](http://www.socpp.gov.lv/?object_id=570)



## PART 4: TYPES OF SUPPORT FOR INDEPENDENT LIVING IN THE COMMUNITY

According to the Law on Social Services and Social Assistance social services shall be provided only based on assessment of the individual needs and resources of a person conducted by a social work specialist, in the place of residence of the client or as near to it as possible. Only when the scope of such services is not sufficient, social care and social rehabilitation shall be provided in a long-term care and social rehabilitation institution. When providing social services, the institutions shall ensure interdisciplinary and inter-institutional cooperation.

Basic principles of provision of social services:

- provision of services in place of residence of the client or as near to it as possible;
- provision of social care and social rehabilitation in long term social care rehabilitation institutions in case when the amount of social services is not sufficient for the client;
- evaluation of individual needs and resources of a person;
- provision of interinstitutional and interdisciplinary cooperation for institutions in providing of social services;
- participation of a person in the decision making process;
- a child care in a family like environment.

There are two main forms of social services – social care and social rehabilitation. Social care services involve a set of measures aimed at the satisfaction of the basic needs of those persons who have 'objective difficulties taking care of themselves due to old age or functional disorders and includes services at the place of residence of the person as well as in long-term social care institutions'. The aim of the provision of social care services is to ensure that the quality of life does not deteriorate for a person who, due to old age or functional disorders, cannot ensure such through his or her own effort<sup>8</sup>. Social rehabilitation service – a set of measures aimed at the renewal or improvement of the social functioning abilities in order to ensure the recovery of social status and integration into society and includes services at the place of residence of the person and at a social care and social rehabilitation institution or at the place of residence or at a social care and social rehabilitation institution. The purpose of the provision of social rehabilitation services is 'to prevent or reduce the negative social consequences in the life of a person caused by a disability, incapacity for employment, the serving of a sentence of deprivation of liberty, addiction or violence and other factors' (in accordance with the Latvian Social Charter<sup>9</sup>).

Social care and social rehabilitation services shall be provided at the place of residence of a person, ensuring home care, rehabilitation at the place of residence, day care and social rehabilitation institutions, group apartments (group houses), service apartments, night shelters or shelters or elsewhere and a long-term social care and social rehabilitation institutions<sup>10</sup>.

In general the local government in the territory of which a person has registered his or her main place of residence has a duty to provide the person with disabilities with a possibility to receive social services and social assistance corresponding to his or her needs.

Social services financed by municipalities:

- Institutional care for elderly people and disabled persons with physical disabilities;
- Institutional care for child orphans and children without parental care over age of two years;
- Home Care;
- Social apartments;
- Day-care centres;

<sup>8</sup> [http://www.socpp.gov.lv/texts\\_files/SPSP\\_likums\\_2007\\_EN.doc](http://www.socpp.gov.lv/texts_files/SPSP_likums_2007_EN.doc)

<sup>9</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Reporting/StateReports/Latvia4\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Reporting/StateReports/Latvia4_en.pdf)

<sup>10</sup> See, [http://www.community-living.info/documents/Latvia\\_GovernmentResponse.pdf](http://www.community-living.info/documents/Latvia_GovernmentResponse.pdf)



- Crisis centres;
- Group houses;
- Halfway houses;
- Service apartments.

The law on Social Services and Social Assistance provides obligations of municipalities' regarding provision of social services:

- Municipality in whose territory a person has registered his/her place of residence is obliged to provide this person with an opportunity to receive social services in accordance with his/her needs.
- If the municipality has received information either from physical entities or institutions about person who might need social services, it shall be an obligation of the municipality to verify this information and to inform the person or its legal representative on rights and opportunities, as well as procedure for receipt of these services.
- Municipalities, who have not established the required providers of social services, shall conclude agreements with other providers of social services in their territory or with other municipalities on provision of the above-mentioned services, as well as their payment. These social services shall be fully or partially funded from the municipality's budget.
- If a person wishes to receive social services financed from the state budget it shall be an obligation of the municipality to provide inspection of person's living conditions and assessment of necessities performed by social work specialist.

The State shall ensure<sup>11</sup>:

1. the vocational rehabilitation of disabled persons;
2. the social rehabilitation of persons with impaired vision and hearing;
3. the social rehabilitation of children who have suffered from violence;
4. the social rehabilitation in appropriate institutions of children who have become addicted to narcotic, toxic or other intoxicating substances;
5. technical aids for the persons with continuous or lasting organism dysfunctions or anatomic defects if they have received an opinion of a medical practitioner regarding the need for the technical aids;
6. for persons with functional disorders – social rehabilitation services and social rehabilitation centres;
7. the social rehabilitation of victims of the traffic in human beings;
8. a support programme for children who have not been declared invalids suffering from celiac disease.

Social rehabilitation services for persons with complete or severe eyesight and hearing loss are provided by public organisations. The Latvian Society of Blind provides rehabilitation services for persons with sight loss and Latvian Association of the Deaf provides rehabilitation of persons with loss of hearing. These public organisations receive state budget financing for provision of these services. Social rehabilitation of persons with complete or severe sight and hearing loss is directed to mitigate influence of sight and/or hearing loss on person's functional abilities.

It includes measures providing psychological adaptation, orientation in environment, training on communications skills with others, as well as acquiring of self-care skills that would promote integration into environment and society of persons with complete or severe eyesight and hearing loss.

<sup>11</sup> See, [http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/latvia\\_reply.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/latvia_reply.doc)



A child with special needs, whose care his or her family is not able to ensure, shall be taken, according to the Protection of the Rights of the Child law, into the full care of the State or local government. In such cases parents do not need to pay for childcare.

There are several long-term social care and social rehabilitation centres in Latvia that provide care for children with disabilities. These institutions improve the services through projects, for example, by establishing half way houses and implementing projects in social, culture and sports field to improve inclusion of children with disabilities in society.

The availability of above mentioned social services depends on different circumstances. First of all it depends on the financial possibilities of the state budget and the budgets of local municipalities. Other circumstances include: previous system of services, size of local municipality (number of inhabitants); existence of state financed centres in the area; political will and understanding of problems of disabled people, existence of NGOs in the concrete area etc. This means that the availability of services in different municipalities varies greatly. The situation is better in larger municipalities (Riga, Jelgava, Daugavpils and others) and worst in smaller municipalities, especially in the situation where regional reform is going on.

For next coming years the situation could become worse because of the shortage of available financial resources. Latest news from the mass media indicate that the Government is planning to reduce expenditure in the social service field. For example, the Social Service Board, which was responsible for evaluation of quality of social services, will be reorganised from 1 July 2009 and the tasks taken over by the [Ministry of Welfare and Inspection of Children Rights Protection](#) or reorganisation of the state agency 'Technical Aids Centre'.

According to the law on Social Services and Social Assistance Cabinet of Ministers had accepted regulations of so-called minimum standards of social services. When it comes to making a decision on how much help people with disabilities can apply for, then a minimum of necessary service is stated, but according to individual needs or other circumstances, the available level of help could be different (but not less than the minimum stated in regulation). In many cases the available financial possibilities of person, family and local municipality play the main role. As the law states that municipalities have the right to develop other necessary services, situations are different. Some of local municipalities use (or buy) social services developed by NGOs (e.g., supported employment developed by Latvian Association 'Rūpju bērns', training to independent living developed by Liepaja branch of Latvian Blind Society) (see in section 5 for other examples) or from the private sector (e.g., social care services in institutions).

According to the law people with disabilities and their family members could receive assistance or consultations about their problems (because the law also regulates social work) but in practice it is very difficult to receive. The main problems are lack of qualified social workers and the low level of their knowledge about disability issues.

The same law states that a client (also people with disabilities) has the right to participate in the decision-making process related to the receipt of social services. Social work specialists involve people with disabilities as far as possible in decisions on their personal care plans, which include necessary social services. At the same time, persons with disabilities must pay for all services except some services financed from the state budget, or those stated by local municipality as free of charge (e.g. day care services for persons with intellectual disabilities where clients are paying only small share payment). In situations when the client is unable to pay for services, the legal duty lies on relatives or legal guardians. In the case when relatives or legal guardians are unable to pay, services are paid by the local municipality.



#### **4.1: PERSONAL ASSISTANCE SERVICES**

Personal assistance services (personal assistants) are in early development. Based on the Law on Social Services and Social Assistance some of the municipalities (e.g., Riga) have started to finance personal assistants for people with disabilities, mainly wheelchair users.

Currently, implementing the Policy Guidelines for Reduction of Disability and its Consequences in close connection with draft Law on Disability, the Ministry of Welfare plans to start provision of new services financed from the European Social Fund. The program proposes to train unemployed persons who will become personal assistants to people using wheelchairs. Discussions are still going on with many unresolved questions - for example, the provision of personal assistants also to people with mental disabilities, the level of involvement of people with disabilities in decision-making about the selection of personal assistants and other questions (interview with civil servant from Ministry of Welfare). There is currently no published information on this initiative.



## 4.2: ASSISTIVE EQUIPMENT AND ADAPTATIONS

Section 25 'Provision of Technical Aids' in the Law On 'Social Services and Social Assistance states that following persons have the right to receive technical aids if they have received an opinion of a medical practitioner regarding the need for the technical aids:

- 1) disabled persons;
- 2) disabled children under the age of 18 years;
- 3) children for whom the technical aids are necessary to reduce or eliminate functional inability;
- 4) adult persons for whom the technical aids is necessary to reduce or eliminate functional inability; and
- 5) persons with anatomic defects — a prosthesis or orthopaedic footwear.

The Cabinet of Ministers regulate procedures by which persons receive technical aids and regulations on the distribution of technical aids, and approve list of technical aids (so called positive list) to be financed from the state budget.

People with disabilities can receive technical aids from the state agency and its regional units free of charge; they need pay only a participation payment. Additionally technical aids can be purchase in special shops or from NGOs.

According to statistics<sup>12</sup> from the State agency 'Technical aids centre' technical aids were delivered:

Year	2005	2006	2007
Number of disabled persons received technical aids	18676	17806	19901
including children with disabilities	2739	3041	3175
From them			
woman	12799	11153	12574
man	5877	6653	7327

For delivery of technical aids in 2006 the agency spent LVL 1,903,109, but in 2007 LVL 2,203,109 (a 15% increase).

The Law On Social Services and Social Assistance states, that a client has the right to participate in the decision-making process related to the receipt of social services. The client has a duty to 'actively become involved in the solution of his or her problem by performing the duties of participation'<sup>13</sup>. Social work specialists as far as possible involves clients in decisions on their personal care plans, it depends on the client's state of mental capacity. The same Law states that client must pay for all services excepting some services financed from the state budget. There are no personal budgets or individual budgets for persons with disabilities.

<sup>12</sup> [www.tpc.gov.lv/lv/publikacijas-un-statistika/publiskie-parskati/](http://www.tpc.gov.lv/lv/publikacijas-un-statistika/publiskie-parskati/)

<sup>13</sup> MISSOC - [http://ec.europa.eu/employment\\_social/missoc/2006/02/2006\\_02\\_lv\\_en.pdf](http://ec.europa.eu/employment_social/missoc/2006/02/2006_02_lv_en.pdf)





## PART 5: EVIDENCE OF GOOD PRACTICE IN THE INVOLVEMENT OF DISABLED PEOPLE

Although there are no specific strategies or policies for independent living, disabled people and their organizations are consulted and involved in development of policy planning documents through National Council of Disability Affairs on a national level or in Councils at the municipal level (e.g. Riga).

**The National Council of Disability Affairs** (NCDA) was established in 1997 by the Ministry of Welfare in order to facilitate cooperation among institutions and involve non-governmental organizations in the decision-making processes related to integration of disabled people. NCDA is an advisory institution that takes part in development and implementation of integration policy for disabled people. There are involved seven field ministers, the Chairperson of the Latvian Association of Local and Regional Governments, The Ombudsman, Chairman of Public Utilities Commission, Director of Society Integration Foundation, President of Free Trade Union Confederation of Latvia and representatives from non-governmental organizations. The NGOs have played the significant role and were deeply involved during preparation of drafts and developing amendments on existing legislation (for example, *Policy Guidelines for Reduction of Disability and its Consequences*, draft law *On Disability and its sub laws*, the conformity assessment of national legal acts to the United Nation Convention On the Rights of Persons with Disabilities).

NGOs representing persons with disabilities also have opportunity to participate in the process of policy planning as well as monitoring of implementation in the ministry of Welfare. Social Inclusion Policy department, Unit of Equal Opportunities for Disabled people organise regular meetings with NGOs representing persons with disabilities to discuss topical issues, news in the disability policy area and to consult them, if needed.

Theoretically, there is opportunity for a disabled person to receive support from other people when deciding what kind of help they need. It could be in situations when person or his/her relative or family member is a member of some NGO. This support is based mainly on personal experience and knowledge of where and what kind of support is available. There are several examples of how this support is organized in NGOs (e.g. support groups, consultations). If disabled people are involved as employers or providers of support, advice, information or advocacy services, then quite often it is on a voluntary basis and they do not receive any salary. In other cases they could be paid workers within projects.

As good example is the organisation APEIRONS (the organization of people with disabilities and their friends) working on promoting environmental accessibility for persons with disabilities. 'APEIRONS' developed a work group aiming to develop an environment accessibility system. After two years mutual work there have been changes in legislation, environment accessibility experts have been trained, and informative materials produced. All preconditions have been created in order to allow environment accessibility norms to become self-evident when building, reconstructing and repairing premises. In 2002 there were 10 booklets issued for designers and owners of buildings explaining the main principles of providing of accessibility. In 2004 a handbook was issued containing four draft standards on equipping accessible environments and the Tomare resolution on universal design principles. In 2005 a draft standard was prepared on accessibility for blind people environment and in 2006 a booklet was issued on accessibility of the rural environment. Apeirons has organized seminars (about accessibility of the environment for persons with disabilities and requirements for accessibility of the environment in normative acts regarding design of buildings) for municipal architects and staff of municipalities of the largest cities in all districts of Latvia. In the area of accessibility of the environment there are trained social experts - persons with disabilities, engaged in all districts of Latvia. Municipalities are dealing successfully with matters of environmental adjustment, where experts are engaged in regular jobs.





The new website [www.videspieejamiba.lv](http://www.videspieejamiba.lv) has been created to inform disabled persons as well as the responsible authorities about the commonly accepted standards for ensuring accessibility and to ensure accessible information about accessibility issues in Latvia and abroad.

In October 2008 APEIRONS in cooperation with MICROSOFT LATVIA opened the first Centre for e-accessibility in Latvia, where persons with disabilities will be able to examine various products of supportive technologies, for instance, keyboards with different size and form, vertical mouse, cursor balls, touch sensitive monitors, etc. Users, employers, representatives from schools, social workers will be advised how to adapt computer for the individual needs of persons with disability.

NGO "SUSTENTO" is realizing a Project on Development of the movement for independent life (financed from EEA and Norway grants). Within this Project informative materials about basic principles of independent life will be prepared, four informative seminars will be organized and summer Academy for training of experts of the movement will be organized and Movement for independent life in Latvia will be established ([www.sustento.lv/resource/show/442](http://www.sustento.lv/resource/show/442)).

The development of centres for independent living co-ordinated and managed by disabled people themselves is in an initial phase. One such centre is working in Liepaja, managed by Liepaja Blind society. The Centre is situated in a flat of three rooms, fully equipped for all needs of disabled people of all kinds of disabilities. 2-3 people per month can receive necessary support and knowledge about independent living. The course for one person is 25 days, two times. The service is paid by municipality. ([www.redzigaismu.lv](http://www.redzigaismu.lv))



## PART 6: REFERENCES

All strategical documents are available on the ministry homepage [www.lm.gov.lv](http://www.lm.gov.lv).

Civil Law, [www.likumi.lv](http://www.likumi.lv)

Civil Procedure Law, [www.likumi.lv](http://www.likumi.lv)

Education Law, [www.likumi.lv](http://www.likumi.lv)

Law on Disability (draft), [www.mk.gov.lv](http://www.mk.gov.lv)

Law on Local Governments, [www.likumi.lv](http://www.likumi.lv)

Law on Medical and Social Protection of Disabled Persons, [www.likumi.lv](http://www.likumi.lv)

Law on Protection of the Rights of the Child, [www.likumi.lv](http://www.likumi.lv)

Law on Social Security, [www.likumi.lv](http://www.likumi.lv)

Law on State Social Allowances, [www.likumi.lv](http://www.likumi.lv)

Law on Social Services and Social Assistance

State Agency 'Technical aids centre' Annual Report, 2007 (available in latvian ), Riga, 2008;  
[www.tpc.gov.lv/lv/publikacijas-un-statistika/publiskie-parskati/](http://www.tpc.gov.lv/lv/publikacijas-un-statistika/publiskie-parskati/)

The Program on Development of Social Care and Social Rehabilitation Services for People with Mental Impairments 2009.-2013. (accepted in the Cabinet of Ministers on 5<sup>th</sup> of March 2009); (available in latvian ); [www.lm.gov.lv](http://www.lm.gov.lv)

Latvian Association 'Rūpju bērns'; [www.saule-rb.lv](http://www.saule-rb.lv)

Latvian Blind Society, [www.lnbc.lv](http://www.lnbc.lv)

Latvian Blind Society, Liepaja branch; [www.redzigaismu.lv](http://www.redzigaismu.lv)

Latvian Deaf Society; [www.lns.lv](http://www.lns.lv)

Latvian Umbrella Body for Disability Organisations (SUSTENTO);  
[www.sustento.lv/resource/show/442](http://www.sustento.lv/resource/show/442)

Social Services Board; [www.socpp.gov.lv/?object\\_id=570](http://www.socpp.gov.lv/?object_id=570)

State agency 'Technical Aids Centre'; [www.tpc.gov.lv](http://www.tpc.gov.lv)

Union of people with disabilities and their friends 'APEIRONS'; [www.apeirons.lv](http://www.apeirons.lv)

Union of people with disabilities and their friends 'APEIRONS'; [www.videspieejamiba.lv](http://www.videspieejamiba.lv)