



### **A case regarding restriction upon pre-election campaign on the Internet initiated**

On 19 May 2016 the 2<sup>nd</sup> Panel of the Constitutional Court initiated the case “On Compliance of the word “the Internet” in Section 32(1) of “Pre-election Campaign Law” with Article 100 of the Satversme of the Republic of Latvia”.

#### **Contested Norm**

The contested norm provides: “On the election day, and the day before the election day, the placement of materials of pre-election campaign in electronic mass media radio programmes and broadcasts, public use outdoor areas and indoor premises, publications, on the Internet and authorities and capital companies referred to in Section 25 of this Law is prohibited, with the exception of placement of such announcements (advertisements) referred to in Sections 14, 17 and 19 of this Law, which provide information on meeting of a political party, association of political parties, voters association or deputy candidate with voters.”

#### **Norm of Higher Legal Force**

Article 100 of the Satversme: “Everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express his or her views. Censorship is prohibited.”

#### **The Facts**

The application was submitted by twenty members of the 12<sup>th</sup> Saeima. They note that the prohibition of pre-election campaign (on the election day, as well as the day before the election day) is applied also to communication in the Internet, *inter alia*, communication in social networks. The applicants hold that this prohibition places disproportional restrictions upon the freedom of speech.

## **Legal Proceedings**

The Constitutional Court has invited the Saeima to submit to the Constitutional Court a written reply on the facts of the case and the legal substantiation by 19 July 2016.

The term for preparing the case is 19 October 2016. The Court shall decide on the type of procedure and the date for hearing the case after the case has been prepared.

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The press release was prepared with the aim to facilitate understanding of the cases examined 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 home page of the Constitutional Court [www.satv.tiesa.gov.lv](http://www.satv.tiesa.gov.lv).

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