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**The Constitutional Court terminates legal proceedings in the case regarding  
restrictions upon pre-election campaigning on the Internet**

On 18 January 2017 the Constitutional Court decided to terminate legal proceedings in Case No. 2016-09-01 “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**

Section 32(1) of “Pre-Election Campaign Law” (in the wording that was in force from 1 January 2013 to 14 July 2016) provided: “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.”

**Facts of the Case**

The application was submitted by twenty members of the 12<sup>th</sup> Saeima. They noted that the prohibition of pre-election campaign (on the election day, as well as on the day before the election day) was applied also to communication in the Internet. Allegedly, the contested

norm provided too broad a definition of the concept “Internet”, thus placing disproportional restrictions upon the right to freedom of speech.

### **The Court’s Findings and Ruling**

The Saeima has requested termination of legal proceedings, since the contested norm has become invalid. [9]

In assessing, whether grounds for terminating legal proceedings existed, the Constitutional Court established: 1) whether the contested norm had become invalid, and 2) whether conditions that required continuing legal proceedings did not exist. [10]

Section 32(1) of “Pre-election Campaign Law” was amended by the law of 16 June 2016 “Amendments to “Pre-election Campaign Law””, defining precisely that on the election day and the day before the election day only such pre-election campaign on the Internet, which is performed as paid service, is prohibited. [11]

In assessing, whether no circumstances existed that would require continuing legal proceedings, the Constitutional Court took into consideration the fact that the case had been initiated on the basis of an application submitted by twenty members of the Saeima and that abstract review of norms had to be carried out on the basis of such application. Moreover, the applicants noted in their additional explanations to the Constitutional Court that circumstances requiring continuation of legal proceedings did not exist. [12]

The Constitutional Court noted that the applicant’s legal substantiation for the alleged incompatibility of the contested norm with the Satversme was based upon the assumption that the contested norm defined the concept of “the Internet” too broadly. Since the legislator, by amendments introduced to Section 32(1) of “Pre-election Campaign Law” on 16 June 2016, has defined exactly what kind of campaigning on the Internet on the election day, as well as the day before the election day, is prohibited, the case under review no longer contains a dispute. [12]

The Constitutional Court concluded that in the case under review there were no conditions requiring continuation of legal proceedings and terminated legal proceedings. [12]

The decision by the Constitutional Court is final and not subject to appeal. The decision [in Latvian] is available on the home page of the Constitutional Court: [http://www.satv.tiesa.gov.lv/wp-content/uploads/2016/05/2016-09-01\\_Lemums\\_izbeigsana.pdf](http://www.satv.tiesa.gov.lv/wp-content/uploads/2016/05/2016-09-01_Lemums_izbeigsana.pdf)

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The press release was prepared with the aim to facilitate understanding of the decision by the Constitutional Court. It shall not be regarded as part of the decision and is not binding upon 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).

**Ketija Strazda**

Assistant to the President of the Constitutional Court

[Ketija.Strazda@satv.tiesa.gov.lv](mailto:Ketija.Strazda@satv.tiesa.gov.lv)

+ 371 26200580