



A case initiated with respect to a norm in the Cabinet Regulation that defines the right of an imprisoned person to use certain objects in cells and common use premises

On 14 November 2018, the Constitutional Court at its assignments sitting initiated the case “On Compliance of Para 40 in the Cabinet Regulation of 30 May 2006 No. 423 “The Internal Regulations of an Institution for Deprivation of Liberty” with Article 112 of the *Satversme* of the Republic of Latvia”

The Contested Norm

Para 40 in the Cabinet Regulation of 30 May 2006 No. 423 “The Internal Regulations of an Institution for Deprivation of Liberty” provides: “Upon receiving the permission of the administration of the institution for deprivation of liberty, the sentenced persons may use in cells and common use premises during the period set in the daily regime their personal radio-broadcast receivers, television sets and video games attached to them. It is allowed to use personal fridges and electric kettles for storing and preparing food purchased from the store of the institution for deprivation of liberty.”

The Norm of Higher Legal Force

Satversmes 112. pants: “Everyone has the right to education. The State shall ensure that everyone may acquire primary and secondary education without charge. Primary education shall be compulsory.”

The Facts

The case has been initiated on the basis of an application by Ansis Ataols Bērziņš. The applicant, while being in the institution for deprivation of liberty, had requested the permission to receive a personal portative computer brought to him for preparing his doctoral thesis. However, his request had been denied since the regulatory enactments

that define the objects that persons deprived of liberty have the right to purchase, store, use, as well as receive in parcels sent or brought to them, do not envisage portable computers.

The applicant holds that the contested norm is incompatible with Article 112 of the *Satversme* since it does not provide for the possibility to receive and use a portable computer, which he needs for working on his doctoral thesis.

Legal Proceedings

The Constitutional Court has requested the Cabinet to provide a reply on the facts of the case and legal substantiation by 14 January 2019.

The term for preparing the case is 14 April 2019. The Court shall decide upon the procedure and the date for hearing the case after the case has been prepared.

The press release was prepared with the aim to facilitate understanding of cases heard 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 homepage of the Constitutional Court www.satv.tiesa.gov.lv.

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