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**A case initiated regarding the regime for serving the sentence of deprivation of liberty for men, who have been convicted form committing a serious or a particularly serious crime**

On 28 December 2018, the 3<sup>rd</sup> Panel of the Constitutional Court initiated the case “On Compliance of Section 50<sup>4</sup> of the Sentence Execution Code of Latvia with Article 91 of the *Satversme* of the Republic of Latvia”.

**The Contested Norm**

Section 50<sup>4</sup> of the Sentence Execution Code of Latvia (hereinafter – the Code) establishes the regime for serving the sentence in closed prisons, *inter alia*, that men, who have been sentenced to the deprivation of liberty for committing a serious or a particularly serious crime, serve the sentence in a closed prison.

**The Norm of Higher Legal Force**

Article 91 of the *Satversme* of the Republic of Latvia (hereinafter – the *Satversme*): “All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind.”

**The Facts**

The case was initiated with respect to an application submitted by Andris Otto. The applicant has been convicted to deprivation of liberty. Pursuant to Section 50<sup>4</sup> of the Code, he began serving his sentence at a closed prison at the lowest level of sentence serving regime. The Applicant holds that the particular norm is incompatible with Article 91 of the *Satversme* as it causes a situation, where the men, who have been sentenced for serious and particularly serious crimes, begin serving their sentence of deprivation of liberty at the lowest level of sentence serving regime at a closed prison. Whereas the women, who have been sentenced for serious and particularly serious crimes,

begin serving their sentence at the lowest level of sentence serving regime at a partly-closed prison. Accordingly, the scope of the rights and obligations that these persons have at the institution for deprivation of liberty, are said to differ.

### **Legal Proceedings**

The Constitutional Court has requested the *Saeima* to provide a reply on the facts of the case and legal substantiation by 28 February 2019.

**The term for preparing the case is 28 May 2019.** The Court shall decide upon the 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 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](http://www.satv.tiesa.gov.lv).

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