



**A case initiated with respect to a norm, which prohibits convicted persons from meeting arrested persons and persons serving a sentence at another institution for deprivation of liberty**

On 14 April 2020, the 3<sup>rd</sup> Panel of the Constitutional Court initiated the case “On Compliance of the First Sentence of Section 45 (5) of the Sentence Execution Code of Latvia with Article 96 of the *Satversme* of the Republic of Latvia”.

**The Contested Norm**

The first sentence of Section 45 (5) of the Sentence Execution Code of Latvia:

“Convicted persons shall not be permitted to meet arrested persons and the persons who are serving a sentence in other deprivation of liberty institutions.”

**The Norm of Higher Legal Force**

Article 96 of the *Satversme* of the Republic of Latvia (hereafter – the *Satversme*):

“Everyone has the right to inviolability of his or her private life, home and correspondence.”

**The Facts**

The case was initiated on the basis of Artjoms Zablockis’ application. While serving a sentence at an institution for deprivation of liberty, he had requested the head of the institution to permit him a long-duration visit by his mother. His mother, also, was serving a sentence at an institution for deprivation of liberty; however, she had received permission from the head of the institution to leave the territory of the institution for a short period of time. The contested norm does not provide for the rights of a convicted person to meet with convicted persons who serve a sentence at another institution for deprivation of liberty. Hence, the applicant’s request had been dismissed.

The applicant holds that the contested norm restricts his right to private life since it prohibits from maintaining a personal relationship with a member of his family. It is alleged that the restriction on fundamental rights, included in it, is not proportional since the legitimate aim of it could be reached by measures that are less restrictive on a person's fundamental rights. For example, it could be regulation allowing the administration of the institution for deprivation of liberty to assess circumstances on a case-by-case basis in deciding whether to permit a convicted person to meet a person, who is serving a sentence at another institution for deprivation of liberty.

### **The Legal Proceedings**

The Constitutional Court has requested the institution, which issued contested act, the *Saeima*, to submit a written reply on the facts of the case and the legal reasoning by **15 June 2020**.

**The term for preparing the case is 14 September 2020.** The Court will decide on the type of procedure and the date for hearing the case after it 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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