



A case initiated with respect to a norm that prohibits a person, who has been punished for an intentional criminal offence, to serve in an institution belonging to the system of the Ministry of the Interior

On 11 September 2020, the 4th Panel of the Constitutional Court initiated the case “On Compliance of Para 4 of Section 4 of the Law “On the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration” with Article 101 and Article 106 of the *Satversme* of the Republic of Latvia”.

The Contested Norm

Para 4 of Section 4 of the law “On the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration” provides that a person, who has not been punished for an intentional criminal offence – irrespective of extinguishing or expungement of the criminal record – may serve.

The Norm of Higher Legal Force

Article 101 of the *Satversme* of the Republic of Latvia (hereafter – the *Satversme*):

“Every citizen of Latvia has the right, as provided for by law, to participate in the work of the State and of local government, and to hold a position in the civil service.

Local governments shall be elected by Latvian citizens and citizens of the European Union who permanently reside in Latvia. Every citizen of the European Union who permanently resides in Latvia has the right, as provided by law, to participate in the work of local governments. The working language of local governments is the Latvian language.”

Article 106 of the *Satversme*:

“Everyone has the right to freely choose their employment and workplace according to their abilities and qualifications. Forced labour is prohibited. Participation in the relief of disasters and their effects, and work pursuant to a court order shall not be deemed forced labour.”

The Facts

The applicant had served as a professional in an institution belonging to the system of the Ministry of the Interior until he had been dismissed from the service, by the decision of the respective institution, on the grounds of being unsuitable for the service because he had been punished for an intentional criminal offence. The decision had been substantiated, *inter alia*, by Para 4 of Section 4 of the Law “On the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration”. The applicant holds that the contested norm infringes upon his right to hold a position in the civil service, included in Article 101 of the *Satversme*, and the right to freely choose his employment, included in Article 106 of the *Satversme*.

The Legal Proceedings

The Constitutional Court has requested the *Saeima* to submit a written reply on the facts of the case and the legal reasoning by 11 November 2020.

The term for preparing the case is 11 February 2021. The Court will decide on the type of procedure and the date for hearing the case after it has been prepared.

The decision on initiation of the case is available here: https://www.satv.tiesa.gov.lv/wp-content/uploads/2020/09/2020-50-01_Lemums_par_ierosinasanu-1.pdf

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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