



Satversmes tiesa

Press Release

• Case No. 2022-19-01 •

02.06.2022.

A case initiated with respect to a provision that defines the grounds
for debarring a sworn advocate

On 2 June 2022, the 4th Panel of the Constitutional Court initiated the case “On Compliance of Para 3 of Section 16 of the Advocacy Law of the Republic of Latvia with the First Sentence of Article 106 of the *Satversme* of the Republic of Latvia”.

THE CONTESTED NORM

Pursuant to Para 3 of Section 16 of the Advocacy Law of the Republic of Latvia (hereafter – the contested norm), persons, the criminal proceedings regarding committing an intentional criminal offence against whom had been terminated for reasons other than exoneration, are debarred from the number of sworn advocates.

THE NORM OF HIGHER LEGAL FORCE

The first sentence of Article 106 of the *Satversme* of the Republic of Latvia (hereafter – the *Satversme*): “Everyone has the right to freely choose their employment and workplace according to their abilities and qualifications.”

THE FACTS

Criminal proceedings had been initiated against the applicant; however, on the basis of a decision by the official directing the proceedings, they were later terminated on non-exonerating grounds. The applicant is a sworn advocate and the contested norm defines one of the conditions, in the presence of which a sworn advocate must be debarred from the number of sworn advocates. The applicant notes that the contested norm does not envisage discretion for the Latvian Council of Sworn Advocates in adopting the decision

on debaring a person from the number of sworn advocates and, thus, this norm will cause an infringement of her fundamental rights defined in the first sentence of Article 106 of the *Satversme*, i.e., the right to freely choose one's employment. The applicant holds that the absolute prohibition, included in the contested norm, is excessively broad and is not proportionate.

LEGAL PROCEEDINGS

The Constitutional Court has requested the institution, which issued the contested act, i.e., the *Saeima*, to submit to the Constitutional Court its written reply presenting the facts of the case and legal reasoning by **2 August 2022**.

- The term for preparing the case is **2 November 2022**.

The Court shall decide on the procedure and date for hearing the case after the case is prepared.

The decision on initiation of the case is available here: https://www.satv.tiesa.gov.lv/web/viewer.html?file=https://www.satv.tiesa.gov.lv/wp-content/uploads/2022/06/2022-19-01_lemums_par_-ierosinasanu-1.pdf#search=