REPORT ON THE WORK OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA 2019

Report on the Work of the Constitutional Court of the Republic of Latvia in 2019.
Riga: Constitutional Court of the Republic of Latvia, 2020.
ISBN 978-9934-8756-8-7

INTRODUCTION

This Report reflects the activities of the Constitutional Court of the Republic of Latvia [hereafter – the Constitutional Court] from 9 December 2018 to 8 December 2019. Continuing the tradition initiated the previous year, 9 December, the day when the Constitutional Court was established, marks the starting point of the reporting period.

The Report begins by Foreword by President of the Constitutional Court Ineta Ziemele, further it contains statistics on the numbers of applications received, cases initiated and completed by the Constitutional Court.

The second part of the Report reflects the Constitutional Court's case law of the previous judicial year. First, it indicates the developments in the case law in the cases completed during the reporting period, as well as short descriptions of these cases. The case law is divided as follows – fundamental rights, international law and the European Union law, administrative law, and criminal law. This division, though, is conditional since at least one fundamental right is examined in most cases examined by the Constitutional Court. Finally, this part contains decisions on terminating legal proceedings as well as the decisions by the Constitutional Court's Panels on initiating a case or refusal to initiate a case.

The third part of the Report presents the Constitutional Court's dialogue with the society and state institutions as well as the judicial dialogue in the European legal space and international cooperation. The speech given by President of the Constitutional Court Ineta Ziemele at the solemn hearing on 9 January 2019 for the opening of the judicial year is published as one of the manifestations of this dialogue. Finally, the Report contains a list of publications by the Constitutional Court's Justices and personnel as well as findings from these publications.

CONTENT

FOREWORD

The Constitutional Court has concluded another productive judicial year. The Court's work was effective, it examined cases with growing complexity and engaged in a dialogue with society – both on its decisions and the values included in the Constitution of the Republic of Latvia (hereafter – Constitution). During the reporting period the Constitutional Court continued to function as the safeguard of Latvia's democratic state governed by the rule of law. Indeed, it is the Constitutional Court's responsibility before the Sovereign to protect the existence of Latvia as a democratic state governed by the rule of law and foster its sustainable development. This responsibility imposes the obligation to review meticulously the compliance of legal norms adopted in the state with the Constitution.

The Constitution comprises the basic values, on which the people of Latvia have agreed. The Constitution shows both Latvia's direction for the development and the way for attaining the chosen goals. The Constitutional Court by its judgments, in turn, ensures that Latvia's development in the particular period of time and manifestations thereof comply with the Constitution.

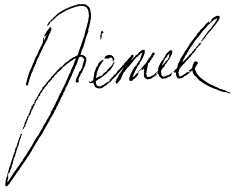
In the judgments adopted last year, the Constitutional Court has ruled on human dignity, the State language, principle of good legislation and the right to know one's rights, as well as the right to equality, a fair trial, inviolability of private life, property, freedom to choose one's employment, social security, protection of a family, education and protection of ethnic minorities. Each of these areas could be compared to crossroads, where one must take a turn. The Constitutional Court, as an independent and unbiased actor of the Latvian democratic discourse, checks, whether the chosen direction complies with the Constitution.

For example, in cases No. 2018-12-01 and No.2018-22-01, the Constitutional Court examined the education reform and noted that exercising the rights of ethnic minorities could not be directed at the segregation of society and jeopardise social cohesion. If different identities retreat each in its own space of identity, this jeopardises the possibility of democratic discourse and acting together in a united society. Hence, the Constitutional Court in its judgment developed the idea and pre-requisites of n integrated society. In reality, successful developmentof Latvia requires an integrated society: certain togetherness of the Latvian nation and ethnic minorities. This is ensured, inter alia, on the basis of the State language; the ability to use the State language freely is the basis for a person's civil participation and for a free access to available information space. A person who is proficient in the State language can compare and assess critically the available information and be qualitatively involved in the public discourse, which is an integral part of a democratic society. Another aim of the Constitution is to maintain a sustainable society. In case No. 2018-15-01, the Constitutional Court noted that academic freedom is one of the pre-conditions for a sustainable society. Academic freedom is the person's freedom to obtain, improve and transfer knowledge by engaging in research, by studying, participating in discussions, documenting, engaging in development and creativity, teaching, giving lectures and writing. The academic freedom comprises the freedom to teach and participate in discussions, without being subject to pressure of certain doctrines, the freedom to carry out research, to disseminate and publish the research results, the freedom to express one's opinion on the institution or the system, in which one works, freedom from institutional censorship as well as the freedom to join professional or representative academic institutions. Only in these conditions of academic freedom, a person can make full use of the opportunities provided by the higher education and science. The quality of the society of the 21st century is determined by its ideas; for the ideas to develop, in turn, academic freedom and scientific freedom are necessary.

Society develops constantly, as does its legal system, which has the task to regulate new legal relationships. Hence, the Constitutional Court also must keep evolving both in the way its rulings are made and in the way it shapes its role in Latvia and beyond. This Court as a constitutional court of a Member state of the European Union has a special duty since it carries out its decisions in a legal environment which consists of national, European and the international law. The Constitutional Court must define its role and working methods within this environment.

Keeping up with the times, the Constitutional Court implements its function by actively engaging in both national- and international-level dialogue. That's why last year the Constitutional Court established a new tradition by holding a solemn hearing in January to open the Court's new judicial year. The purpose of this solemn hearing is to reveal and reinforce the special place of the Constitutional Court as a first-level constitutional body of a democratic state governed by the rule of law in the constitutional order of Latvia.

I strongly believe that the Constitutional Court, also in 2019, was able to ensure constitutional justice and, thus, has fostered society's trust in the State of Latvia.



Prof. Ph. D. Ineta Ziemele
President of the Constitutional Court
of the Republic of Latvia

1 STATISTICS

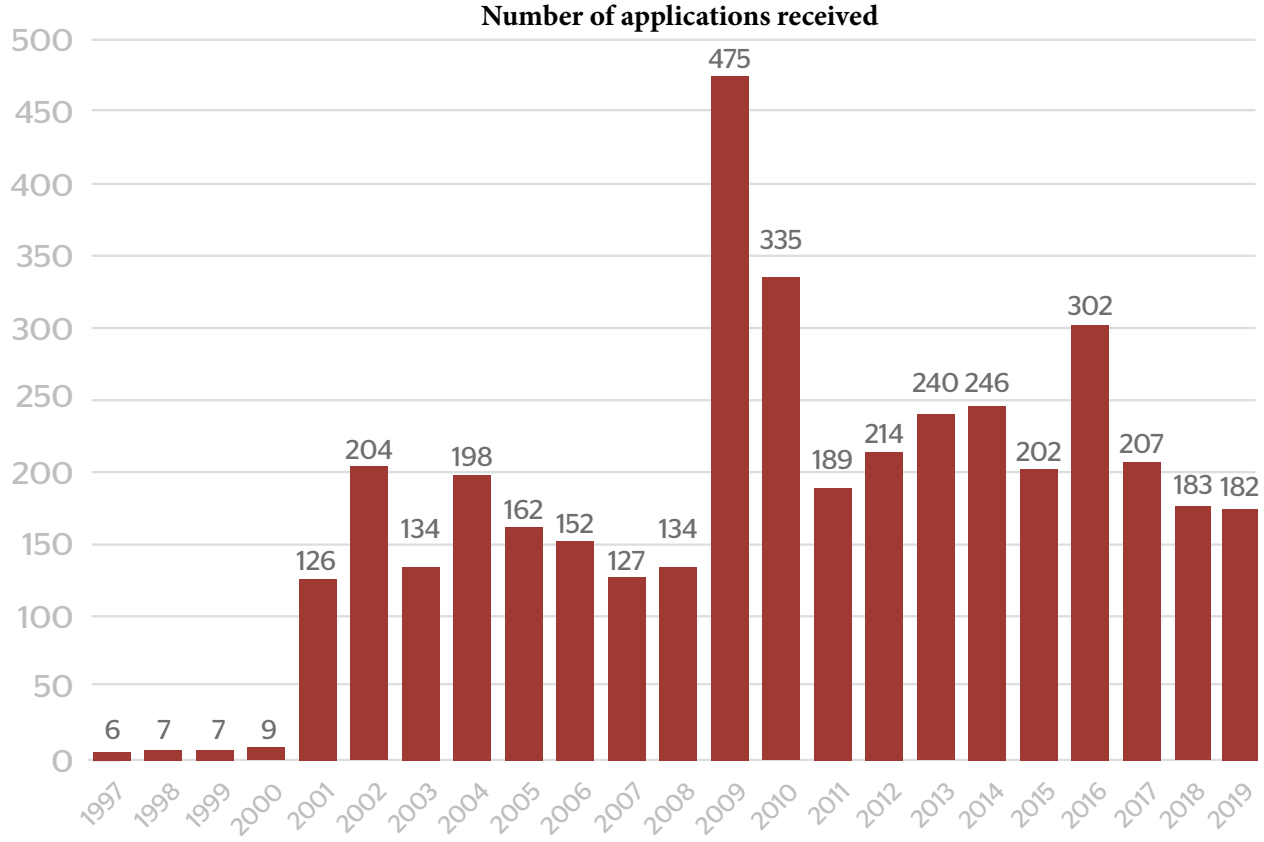
Justices of the Constitutional Court. From left: Jānis Neimanis, Daiga Rezevska, Sanita Osipova, Ineta Ziemele, Aldis Laviņš, Gunārs Kusiņš, Artūrs Kučs.
Photo: Toms Norde.

From 9 December 2018 to 8 December 2019, 372 individual parties submitted claims before the Constitutional Court. Of these, 182 were registered as applications to initiate a case and transferred for examination before the Constitutional Court's Panels. In turn, the remaining 190 claims were recognised as being obviously outside the Court's jurisdiction or an answer was provided in accordance with the procedure established in Freedom of Information Law.

Last year, the Constitutional Court initiated 32 cases. 22 cases were initiated on the basis of a constitutional complaint, four – on the basis of a court's application, three – on the basis of the Ombudsman's application, two – on the basis of application by twenty members of the Parliament, and one – on the basis of application by a local government council.

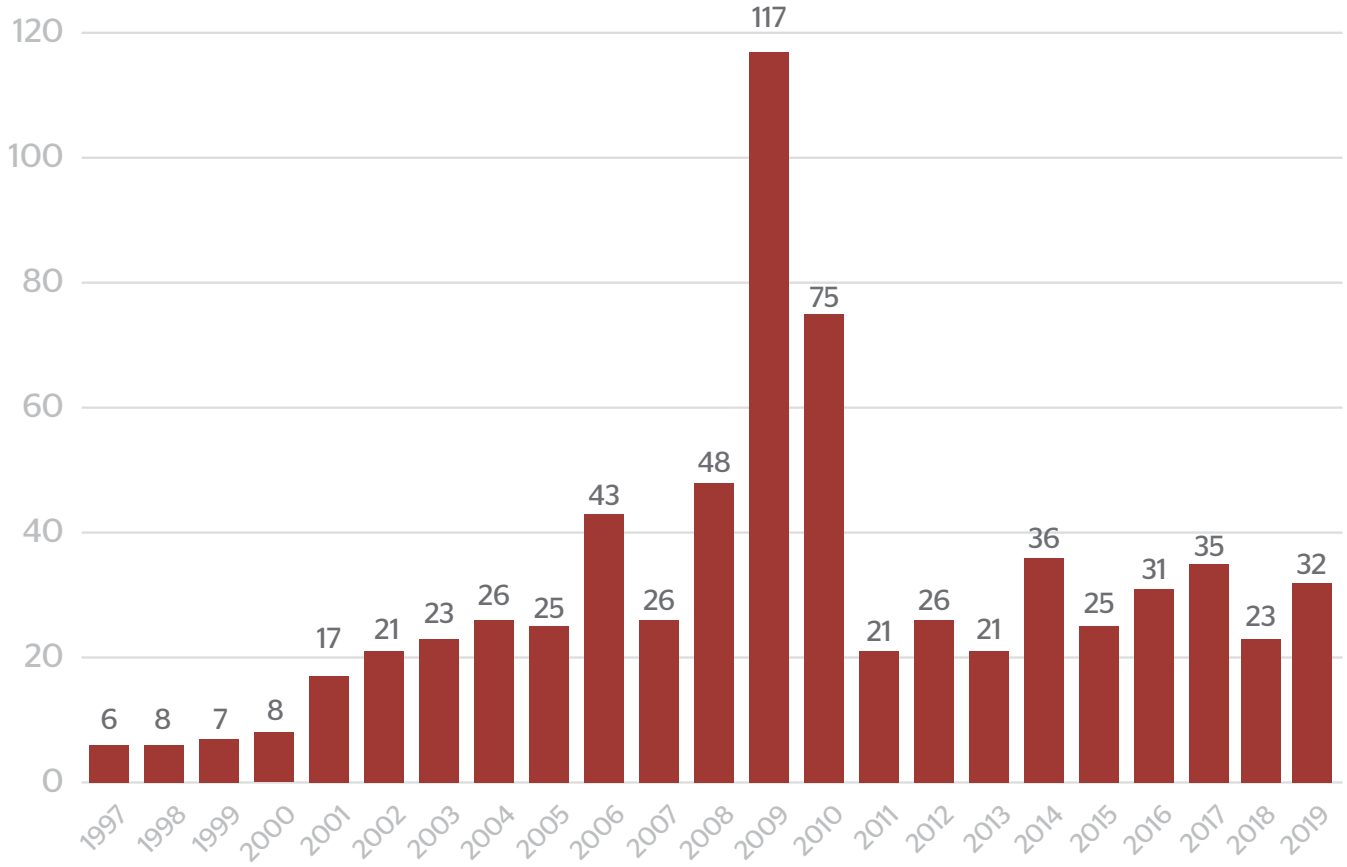
During the reporting period, the Constitutional Court examined 20 cases. Judgments were delivered in 17 cases, whereas in three cases legal proceedings were terminated. Legal proceedings were suspended in one case in order to request a preliminary ruling to the Court of Justice of the European Union. The constitutionality of 38 legal norms was reviewed in the judgments, 23 legal norms were recognised as being compatible; however, 15 of them – as incompatible with the Constitution. Justices added their separate opinions to nine judgments.[1]

Number of applications received

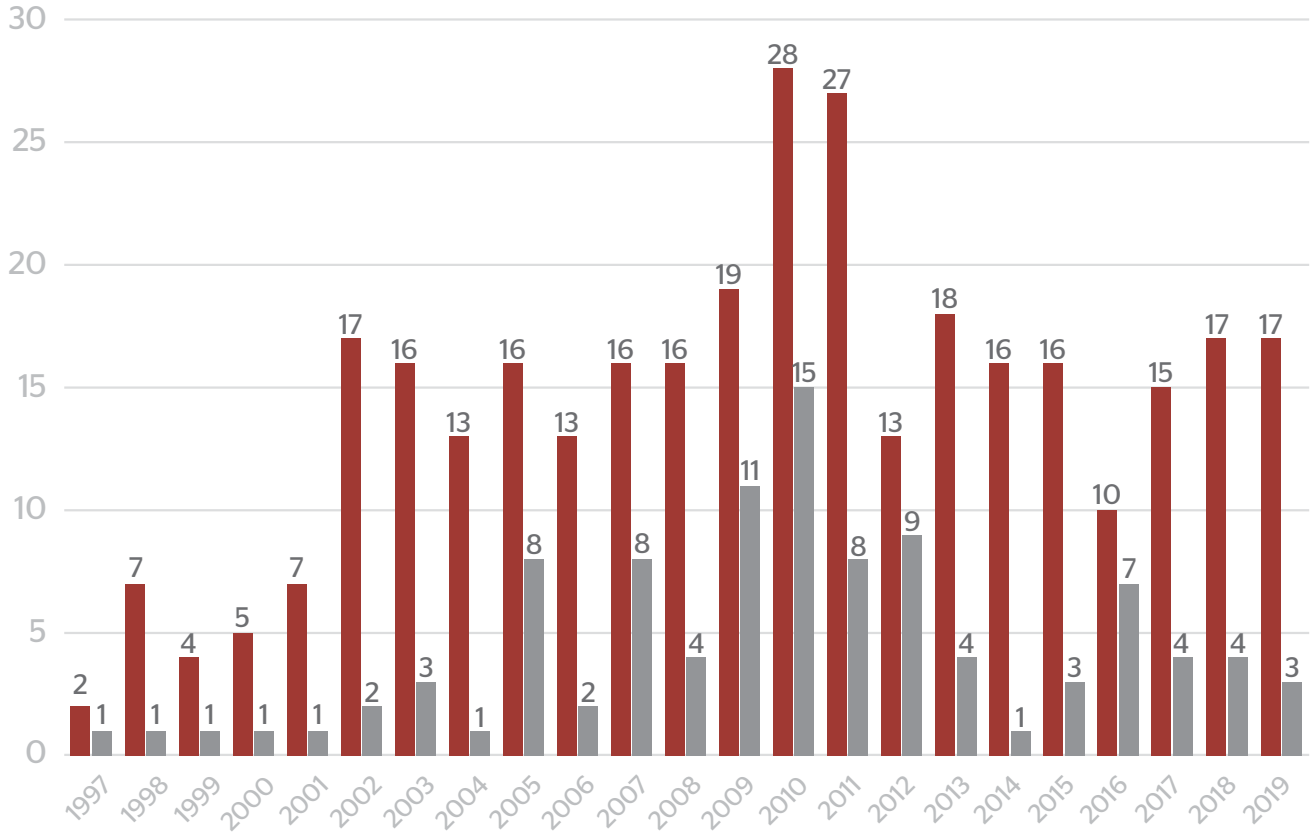


1 Including the separate opinions that were signed by the Justices but had not been published yet in accordance with Section 33 (1) of the Constitutional Court Law – Separate Opinion of Justices I. Ziemele and S. Osipova of 31 October 2018 in case No. 2017-33-03, Separate Opinion of Justice J. Neimanis of 1 November 2018 in case No. 2017-33-03, Separate Opinion of Justices I. Ziemele, S. Osipova and A. Kučs of 1 November 2018 in Case No. 2017-35-03, Separate Opinion of Justice J. Neimanis of 1 November 2018 in case No. 2018-04-01.

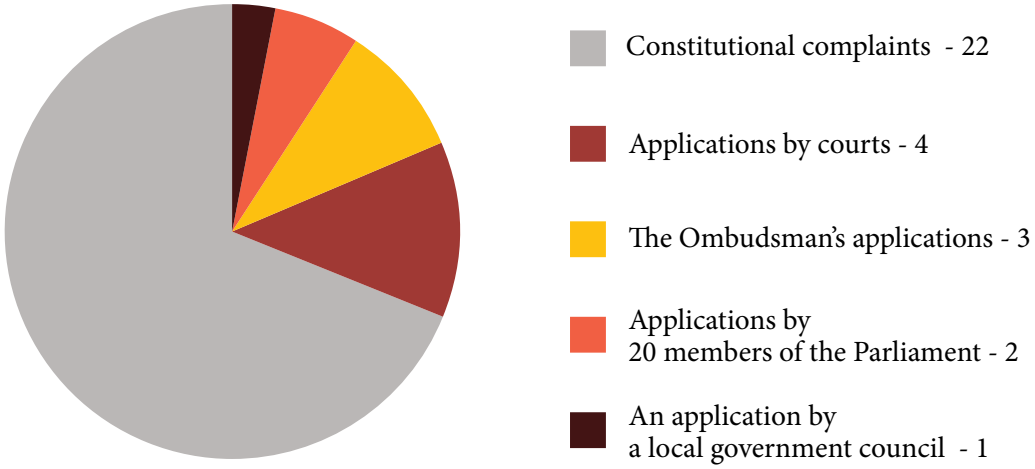
Number of initiated cases



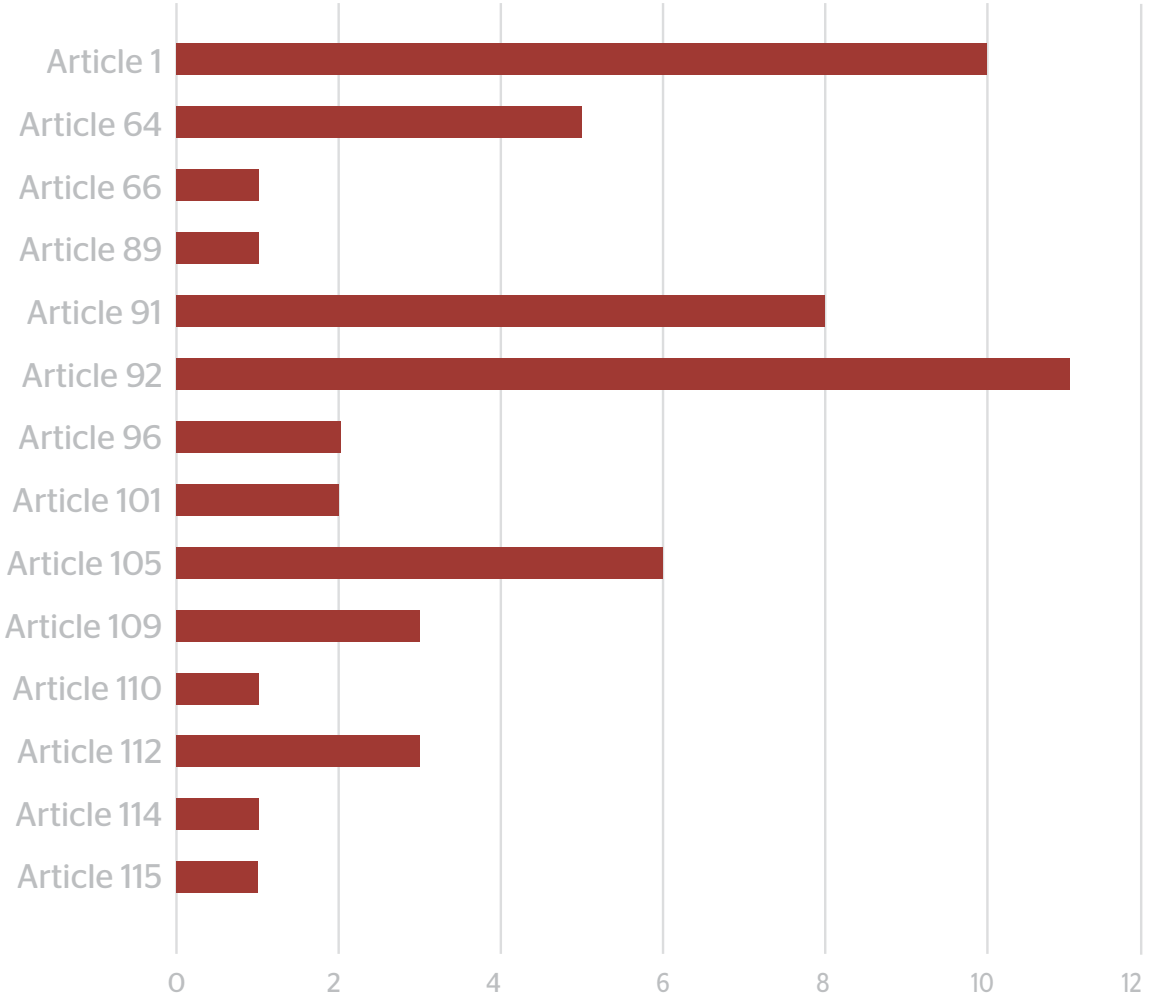
Number of cases heard (judgments and decisions on terminating legal proceedings)



Breakdown of the initiated cases depending on the applicant



Initiated cases by Articles of the Constitution



2 CASE LAW

2.1. FUNDAMENTAL RIGHTS

This chapter comprises information about cases, in which the compliance of a legal norm with the fundamental rights defined in the Constitution was examined and in which the legal issues that were examined were not closely linked to another area of law. The trends in the development of the Constitutional Court's case law in the particular area of fundamental rights are analysed first, insight into the examined cases is provided afterwards.

The right to know one's rights

Although Article 90 of the Constitution introduces the catalogue of fundamental rights included in the Constitution and this fact alone proves the significance of the fundamental right included in this Article, during the whole history of the Constitutional Court's existence only six cases have been initiated with respect to a legal norm's compliance with the right to know one's rights. During the reporting period, this right was examined in case No. 2018-10-0103[2] regarding criminal liability for circulating goods of strategic importance and in case No. 2018-13-03[3] regarding the accessibility of building standards.

In its judgment in case No. 2018-10-0103 the Court maintained the approach which had been consolidated in its previous case law that the term "law", used in the second sentence of Article 92 of the Constitution, was included in the term "rights" used in Article 90 of the Constitution. Therefore, the norms that define criminal liability may be recognised as being "law" within the meaning of the second sentence of Article 92 of the Constitution only if they comply with the same quality criteria for legal norms that are included in Article 90 of the Constitution.
Whereas in the decision on terminating legal proceedings in case No. 2018-13-03, the Court included a new finding regarding the moment when the infringement of the right defined in Article 90 of the Constitution occurs. The Court found: if legal norms imposed an imperative obligation upon a person then the infringement of the right defined in Article 90 of the Constitution, as regards the accessibility of these norms, occurred at the moment when the person had to fulfil the obligations defined in the contested norms.

The right to equality

Last year, the principle of legal equality, enshrined in Article 91 of the Constitution, was examined in case No. 2018-06-0103[4] regarding the allowance for transport costs for a disabled person, cases No. 2018-12-01 and No. 2018-22-01 regarding the language of instruction, case No. 2018-14-01 regarding remuneration for over-time work to officials with special service ranks of institutions of the Ministry of the Interior and the Prison Administration, case No. 2018-21-01 regarding allowance for a child's guardian residing abroad, as well as in case No. 2018-25-01 regarding the regime for serving prison sentences for men.

In case No. 2018-14-01 the contested norm established differential treatment of persons with special service ranks and it manifested itself as different amount of remuneration for over-time work. The Court noted that the need to save the state budget resources could justify the refusal to grant resources for performing functions of lesser importance or introduction of general austerity measures in circumstances of economic recession. However, saving of the state budget resources cannot serve as a legitimate aim for differential treatment of groups of persons who are in similar and comparable circumstances. Hence, the Court recognised that the differential treatment established by the contested norm lacked a legitimate aim.

2 Information about case No. 2018-10-0103 is included in "Criminal law" section of the Report.
3 For more extensive information about case No. 2018-13-03 see the section "Decisions on terminating legal proceedings" of the Report.
4 Information about case No. 2018-06-0103 is included in the section "State law (the institutional part of the Constitution)" of the Report.

In cases No. 2018-06-0103 and No. 2018-21-01 the compliance of the contested norms with Article 91 of the Constitution was examined in conjunction with the right to social security enshrined in Article 91 of the Constitution. In case No. 2018-21-01 the Constitutional Court noted: if the state had envisaged by law a particular type of social support to a person, this support becomes a part of the state's social security system. The Court recognised that the legislator had taken the necessary measures to ensure to persons who performed the duties of a guardian the possibility to exercise their social rights. However, the contested norm established differential treatment of persons who performed the duties of a guardian, depending upon their permanent place of residence. This regulation had been envisaged to ensure that the resources at the society's disposal were used effectively. The Court underscored that in examining the compliance of the contested regulation with the principle of legal equality it was the legitimate aim of the differential treatment caused by this regulation that was important, not the general purpose of the contested regulation. Similarly, as in case No. 2018-14-01, it was noted that saving of the state budget resources could not serve as a legitimate aim for differential treatment of persons who were in similar and comparable circumstances, in particular if the best interests of a child were affected by it. Hence, it was recognised that the differential treatment caused by the contested norm lacked a legitimate aim.

In cases No. 2018-12-01 and No. 2018-22-01, the applicants were of the opinion that the contested norms caused, in several aspects, discriminatory treatment on the basis of language of students belonging to ethnic minorities. In its first judgment about the language of instruction in case No. 2004-18-0106 the Constitutional Court already had recognised that a person belonging to an ethnic minority was not in similar conditions with a person belonging to the title nation.[5] A similar approach emerged also in cases that were heard last year. Namely, in view of the constitutional status of the State language and its importance in the functioning of a democratic state as well as the fact that neither the Constitution nor the norms of international law binding upon Latvia imposed an obligation on the state to ensure to a student the possibility to use a language which was not an State language in a proportion that he or she preferred. The Constitutional Court noted in both cases that students whose native language was not the State language were not in comparable circumstances with students, whose native language was the State language.

In the reporting period, the Constitutional Court reviewed its first case regarding gender as one of the criteria falling within the content of Article 91 of the Constitution. In its judgment in case No. 2018-25-01 the Court found that the contested norm envisaged differential treatment of adult men and women who had committed a serious or a particularly serious crime, had been sentenced to deprivation of liberty and were serving their sentences. This treatment most pronouncedly was manifested with respect to restrictions established for the convicts in communicating with their families as well as with respect to financial restrictions. This differential treatment had evolved due to special measures taken by the state for ensuring the rights of convicted women and decreasing gender equality that had developed historically. The Court took into account that during the last decades in the European cultural space the notions of the traditional roles of each gender had significantly changed ant that convicted persons, irrespectively of their gender, might perceive differently a prison sentence and restrictions related to it as well as re-socialisation. Whereas the legal regulation which was based solely on the gender criterion did not take into account the individual risks and needs of each convicted person and envisaged stricter restrictions of rights of men than of women. The Court underscored that the legislator could not use considerations of economic nature to substantiate why the regulation that envisaged differential treatment of convicted men had not been reviewed for years. Hence, it was recognised that the differential treatment of convicted men envisaged in the contested norm lacked objective and reasonable grounds.

The right to inviolability of private life and correspondence

In the reporting period, the right defined in Article 96 of the Constitution was examined in case No. 2018-11-01[6] regarding the publication of the remuneration of officials and employees of state and local government institutions, in case No. 2018-24-01 regarding control of private correspondence of detained persons, and in case No. 2019-01-01 regarding the prohibition for person who have been punished for violent crimes to adopt the spouse's child.

In its judgment in case No. 2018-11-01 the Court developed the finding already enshrined in its case law[7] that processing the data linked to a person's private life, including disclosing and storing thereof, fell within the scope of a person's right to inviolability of private life. In view of the commitments that Latvia has assumed upon accession to the European Union, *inter alia*, the provisions included in the General Data Protection Regulation,[8] the Court recognised that information

5 See Judgment of 13 May 2005 by the Constitutional Court in case No. 2004-18-0106, para 13 of the Findings.

6 Information about case No. 2018-11-01 is included in the section "State law (institutional part of the Constitution)" of the Report.

7 See judgment of 14 March 2011 by the Constitutional Court in case No. 2010-51-01, para 13, judgment of 16 June 2016 in case No. 2015-18-01, para 10, and Judgment of 11 October 2018 in case No. 2017-30-01, para 11.2.

8 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/

about an identifiable natural person's name, surname, position, the remuneration calculated for this person and other amounts of money to be disbursed to this person should be considered as being personal data. Since the contested norm envisaged publishing and storing such information, it interfered with a person's private life. The Court found that such a restriction of the right to inviolability of private life had not been established by a law adopted in due procedure and was incompatible with Article 96 of the Constitution.

In its judgment in case No. 2018-24-01 the Court recognised that the right to inviolability of correspondence comprised also the right to communicate freely with other persons, maintaining the personal nature of such communication and confidentiality that protected such communication in various situations.[9] Whereas the obligation established in the contested norm to open and inspect private correspondence of persons deprived of their liberty, as well as the right to intercept it in certain cases restricted this right. This restriction had been established by law and served public interests to prevent threats to public order and security, as well as to ensure unhindered course of criminal proceedings. However, these aims could be achieved by more lenient measures. It was possible to control correspondence only if, following an individual assessment of circumstances, a valid need to perform such a control could be established and only in the scope necessary to avert threats to other persons' rights or to public security. Hence, the Court recognised the contested norm, insofar it envisaged control of correspondence throughout the period of detention, without an individual assessment of circumstances and without establishing a threat to other persons' rights or to public order, as being incompatible with Article 96 of the *Constitution*.

In case No. 2019-01-01 the legal proceedings in the part of the claim regarding the compatibility of the contested norm with Article 96 of the Constitution were terminated; however, this ruling comprises several new findings regarding the content of this norm. First, the Court underscored that the right included in Article 96 of the Constitution was inextricably linked to the constitutional axiom included in the preamble to the Constitution: Latvia as a democratic state governed by the rule of law is founded on human dignity and freedom. A person's private life is that area of human existence where an individual as a reasonable being and the supreme value of a democratic state governed by the rule of law exercises his or her freedom. However, in specifying the respective norm of the Constitution in conjunction with the norms included in international human rights documents the Court concluded that the right to adopt a particular child did not belong to the aspect of the inviolability of private life and that Article 96 of the Constitution did not comprise a state's duty to ensure this. Therefore, it was recognised that the contested norm did not interfere with a person's right to inviolability of private life included in Article 96 of the Constitution.[10]

The right to property

The matters related to the right to property which had been rather topical in the previous years last year were examined only in three cases: case No. 2018-09-01[11] regarding the storage of property removed in cases of administrative violations, case No. 2016-04-03[12] regarding the discontinued disbursement of support for a farmer for early retirement to his heirs, and in case No. 2018-17-03 regarding gambling halls in the historical centre of Riga.

In its judgment in case No. 2018-09-01 the Court found that the regulation aimed at ensuring that the costs of storing removed property would be paid by the person who had been held liable for an administratively violation caused adverse financial consequences to this person. Hence, it restricted a person's right to property established in Article 105 of the Constitution. However, this restriction had been established by law, had a legitimate aim, and complied with the proportionality principle.

In case No. 2016-04-03 the Constitutional Court recognised for the first time in its case law that a right of a material nature with respect to which a person has developed legal expectations also fell within the scope of Article 105 of the Constitution. In view of, *inter alia*, the facts of the particular case and the regulation of the European Union law in this area, the Court found that the right of the heirs of a farmer who had given up a farm, to receive, after his death, the early retirement support in the framework of "Latvia's Rural Development Plan for the Implementation of Rural Development Programme for 2004-2006" measure "Early Retirement"[13] was to be considered as an object of the right to property. The Cabinet of Ministers by adopting the norms that were contested in the case had restricted this right. The Constitutional Court recognised that this restriction had been established by law, it had two legitimate aims, and it was proportional.

In its judgment in case No. 2018-17-03 the Court first noted that the right acquired by a person to engage in a certain type of business activities fell within the scope of

EC (General Data Protection Regulation).

9 Compare, see Judgment of 18 December 2009 by the Constitutional Court in case No. 2009-10-01, para 11.

10 See also the section "The right to the protection of family and the rights of the child".

11 Information about case No. 2018-09-01 is included in the section "Administrative law" of the Report.

12 Information about case No. 2016-04-03 is included in the section "International law and the European Union law" of the Report.

13 See Cabinet Regulation of 30 November 2004 No. 1002 "Procedure for Implementing the Programming Document "Latvia's Rural Development Plan for the Implementation of Rural Development Programme for 2004-2006"".

the first sentence of Article 105 of the Constitution. The Court concluded that the contested norm in the Riga City Council's binding regulation restricted the right of an organiser of gambling to engage in business activities in a place where until then, on the basis of a permit issued previously by the local government and the licence of a gambling hall, it had engaged in a business activity. In establishing whether this restriction was constitutional, the Court took into account the possible adverse consequences of gambling upon an individual and the society as a whole as well as the cultural and historical significance of the historical centre of Riga and the legal regulation on its protection. The Court recognised that the restriction had been established by law, was aimed at protecting other persons' rights and public welfare, and it was compatible with the proportionality principle.

The right to freely choose employment

The right defined in the first sentence of Article 106 of the Constitution was examined in case No. 2018-15-01[14] regarding the fixed-term employment contracts of associate professors and professors.

In this judgment the Court took into account both the legal acts of the European Union in the respective field and the practice of their application as well as Article 113 of the Constitution. The Court found that the contested norms restricted a person's right to retain one's employment, characterised by academic freedom. This restriction had been established by law and it had a legitimate aim. However, it could be recognised as being proportional only if the legal acts envisaged a mechanism that would ensure that an employee was protected against abuse of successively concluded fixed-term employment contracts. The Court found that such a mechanism had not been envisaged and recognised that the legislator had not duly balanced the rights of the society as a whole and the interests of those occupying the position of an associate professor or a professor. Hence, the contested norms were found to be incompatible with the first sentence of Article 106 of the Constitution.

The right to protection of the family

The right to protection of the family was examined in case No. 2019-01-01 regarding the prohibition for persons convicted of violent criminal offences to adopt the spouse's child.

This case was the first time in the Court's case law when the issue of the scope of Article 96 and Article 110 of the Constitution and their interconnection in cases where the contested norms pertained to family life was analysed.[15] The findings by the Constitutional Court and the European Court of Human Rights regarding the content of the concept "family" were elaborated, noting that a family was a social institution based on close personal ties identifiable in the social reality, founded on understanding and respect. Moreover, the existence of such close personal ties followed not only from the fact of marriage or kinship but could also develop as the result of actual co-habitation. In the cases adjudicated thus far regarding the compliance of

14 Information about case No. 2018-15-01 is included in the section "International law and the European Union law" of the Report.

15 See also section "The right to inviolability of private life and correspondence".

legal norms with Article 110 of the Constitution, the Court, predominantly, had to examine whether the state had duly fulfilled its obligation to ensure social and economic protection of a family.[16] In this case, however, it was recognised for the first time that the state's obligation to ensure legal protection to a family, *inter alia*, introducing such legal regulation that defined the legal framework of family relationship, fell within the scope of Article 110 of the Constitution. The Court found that the legal regulation on the institution of adoption was one of the ways how the legislator fulfilled this obligation. Since the main issue in the case under review concerned the state's actions in setting a prohibition for a person to adopt the spouse's child and pertained to the aforementioned obligation, the Court had to examine whether the state had fulfilled this obligation. To do this, the Court verified whether the legislator had taken measures to ensure legal protection to a family in the field of adoption and whether these measures had been duly implemented. The Court found that the aforementioned measures had been taken; however, the legislator had included in the contested norm an absolute prohibition that was incompatible with the principle of proportionality. Hence, the Court ruled that the contested norm, insofar it established an absolute prohibition with respect to persons who submitted an application to adopt the spouse's child, was incompatible with Article 110 of the Constitution.

The right to education

Issues related to the right to education have been reviewed at the Constitutional Court comparatively seldom[17] – the Court has examined the compliance of legal norms with Article 112 of the Constitution on its merits only in four cases. Three of them were heard this year: case No. 2018-12-01 and case No. 2018-22-01 regarding the language of instruction as well as case No. 2018-23-03 regarding the permitted objects in prisons.

Until now the Court had noted with respect to the content of Article 112 of the Constitution that the right to education in essence meant the right to quality education.[18] The first sentence of this article establishes the fundamental right to receive education in the broadest understanding of this right and is applicable

16 See, for example, Judgment of 4 November 2005 by the Constitutional Court in case No. 2005-09-01, para 8.2., and Judgment of 15 February 2018 in case No. 2017-09-01, para 9.

17 See Judgment of 10 May 2000 by the Constitutional Court in case No. 2000-01-04, para 1 of the Findings, Judgment of 13 May 2005 in case No. 2004-18-0106, para 5.2., 11 and 20.3.3. of the Findings, Judgment of 14 September 2005 in case No. 2005-02-0106, para 9, 12 and 18, Judgment of 2 May 2007 in case No. 2006-30-03, para 15, as well as Judgment of 24 November 2017 in case No. 2017-07-01, para 16.

18 See Judgment of 2 May 2007 by the Constitutional Court in case No. 2006-30-03, para 15.

to education programmes of all levels and kinds, including higher education.[19]

Although legal proceedings in case No. 2018-12-01 in the part regarding the compliance of the contested norms with Article 112 of the Constitution were terminated, elaborated explanation of the content of the right to education was provided and several new findings were expressed. The Court recognised, *inter alia*, that the state's obligation to create a system of education that was accessible to all students followed from this norm of the Constitution. The state-financed basic and secondary education is to be considered as the minimum of rights that the state has committed itself to guarantee and the decreasing of which is impermissible. The Court noted that Article 112 of the Constitution defined the state's obligation to ensure to all students access to education in the State language to facilitate the achievement of the aims set for the system of education. This right, however, does not comprise the right of students or their parents to choose the language of instruction in a state or local government institution of education. Likewise, Article 112 of the Constitution does not envisage the state's obligation to guarantee that, on the level of basic or secondary education in the system of education established by it, the possibility to obtain education in another language alongside the State language in particular proportion of use preferred by students or their parents. Hence, the Court concluded that the contested norms did not affect the right to education.

In its judgment in case No. 2018-22-01 the Court specified the content of the right to education, stating that it included also a person's freedom to choose to obtain general education not only at a state or local government institution of education but also at a private institution of education. The right of persons belonging to ethnic minorities to found and to head private institutions of education, the aim of which is the acquisition, safeguarding and development of the minority language and culture, in turn, follows from the first sentence of Article 112 and Article 114 of the Constitution. However, the general education provided by such educational institutions can be officially recognised only if it complies with the requirements included in the standards of general education set by the state. The Court noted that the language of instruction was one of the most important elements in the process of general education and that the state had the right to regulate it. In doing so, balance should be struck between the need to ensure to all persons belonging to ethnic minorities the possibility to master, within the framework of general education, the State language on the level that would allow inclusion into the life of the state and society without difficulties, and the possibility to learn the language of the respective ethnic minority, as well as to obtain education in this language to preserve one's linguistic and cultural identity, without, however, causing segregation on linguistic grounds. The Court found that the legal norms that regulated the learning and use of the minority languages in process of general education at private educational institutions restricted the rights of persons belonging to ethnic minorities that followed from the first sentence of Article 112 and Article 114 of the Constitution. However, this restriction was recognised as being compatible with the Constitution.

In its judgment in case No. 2018-23-03, the Court for the first time attributed the scope of the right to education to a doctoral level study programme. The Court recognised that the state did not have the obligation to ensure to all persons the right to study in a doctoral study programme. However, if such a study programme had been established and a person, by meeting certain requirements, had been enrolled in it, then this person had the right to continue the studies. The said right applies also to convicted persons, insofar it is compatible with the purpose of serving the sentence and the prison regime. The Court noted that a person who was following an education programme of the highest level had the right to choose methods for research work as well as study aids. If a person, in turn, needs special computer hardware in order to carry out their research then the prohibition to use such a study aid is to be recognised as a restriction on the right to education. The Court found that the restriction included in the contested norm, insofar it did not envisage the right of the prison administration to decide on the permission for a convicted person to use a study aid for continuing studies to obtain the highest level education, was incompatible with Article 112 of the Constitution.

The rights of ethnic minorities

In the cases regarding the language of instruction referred to above the Constitutional Court also formulated several new findings regarding the scope of Article 114 of the Constitution.

In the judgment in case No. 2018-12-01, unlike in case No. 2004-18-0106,[20] the content of the concept "ethnic minority" was revealed first of all. In this respect, the Court noted that Latvia had recognised as the criteria for a person's belonging to an ethnic minority the differences in culture, religion and language, nationality and the historic link of the particular ethnic minority to Latvia. If a person who resides permanently in Latvia self-identifies as an ethnic minority who has historically lived in the territory of Latvia, they may exercise the rights guaranteed in Article 114 of the Constitution. The Court recognised that the right of ethnic minorities to develop their language, ethnic and cultural singularity, *inter alia*, within the framework of the system of education established by the state followed from Article 114 of the Constitution, interpreted in conjunction with the international human rights

19 See Judgment of 6 May 2011 by the Constitutional Court in case No. 2010-57-03, para 11.1.

20 See Judgment of 13 May 2005 by the Constitutional Court in case No. 2004-18-0106, para 9.

documents in the area of minority protection. The state must support the preservation and development of the singularity of ethnic minorities within the framework of a united system of education, promoting the development of a common identity of a democratic society, rather than by contrasting the minority rights with the interests of the society as a whole. The Court found that the rights established in Article 114 of the Constitution were exercised through the participation of ethnic minorities in the public discourse in the State language.

Although in case No. 2018-22-01 the Court examined Article 114 of the Constitution in conjunction with Article 112 of the Constitution, it further developed the findings included in the previous judgment regarding the rights of ethnic minorities. The Court noted that one of the elements of fundamental rights of persons belonging to ethnic minorities was the right to master the language of the particular ethnic minority and to use it as the language of instruction in the process of education. However, this right is not absolute. Namely, the relationship between the Latvian nation and ethnic minorities is based on reciprocal recognition of values. The norms contested in both cases defining the language of instruction were found to be compatible with Article 114 of the Constitution.

Case No. 2018-12-01

Judgment [in English]
Press release [in English]
Video [in Latvian]
Press conference [in Latvian]

On 23 April 2019, the Constitutional Court adopted a judgment in case No. 2018-12-01 "On the compliance of Article 1(1), the words of Article 1(2) "on the level of pre-school education and basic education, abiding by the provisions of Article 41 of this law", and the words of the Article 3(1) "primary education" of the law "Amendments to the Education Law" of 22 March 2018 and Article 2 of the Law of 22 March 2018 "Amendments to the General Education Law" with the second sentence of Article 91, Article 112 and Article 114 of the Constitution of the Republic of Latvia".

In this case the legal regulation on the language of instruction in state and local government institutions of education that provided minority education programmes on the level of basic and secondary education was reviewed.

The case has been initiated on the basis of an application submitted by twenty members of the 12th convocation of the Parliament. It was noted in the application that previously the languages of ethnic minorities had been used more extensively in the Latvian system of education, but the contested norms restricted their use in education programmes disproportionally. It was maintained that the contested norms are incompatible with Article 112 of the Constitution which allegedly imposes an obligation upon the state to ensure that education is acceptable to its addressees. It was alleged that the contested norms were incompatible also with the principle of prohibition of discrimination, included in the second sentence of Article 91 of the Constitution which prohibits the discrimination of persons belonging to ethnic minorities on linguistic grounds. Finally, the contested norms were said to be incompatible also with the right of ethnic minorities to protection, guaranteed in Article 114 of the Constitution. I was alleged that reducing the use of minority languages denied students essential pre-conditions for safeguarding and developing their national identity.

At the outset the Constitutional Court decided on several procedural issues: 1) it extended the limits of the claim with respect to the legal norms on the language of instruction at the level of basic education; 2) it decided

that the contested norm with respect to the language of instruction in private institutions of education, i.e., Article 9(1[1]) of the Education Law should be reviewed in case No. 2018-22-01.

Second, the Constitutional Court found that the right to education, defined in Article 112 of the Constitution, did not comprise the right of students or their parents to choose the language of instruction in state or local government institution of education if this was contrary to the principle of unity of the system of education established by the state or did not promote such approach to the state system of education that would allow reaching the aims of education with respect to all students. Neither does Article 112 of the Constitution envisage the state's obligation to guarantee that, within the framework of the educational system established by the state, on the level of basic and secondary education, alongside the State language also the possibility to acquire education in another language in a specific proportion preferred by students or their parents would be ensured. Thus, the Constitutional Court was not persuaded that the contested norms affected the right to education. Therefore, legal proceedings in the case in the part regarding the compliance of the contested norms with Article 112 of the Constitution were terminated.

Third, the Constitutional Court indicated that students whose native language was not the State language but another language were not in comparable circumstances with students whose native language was the State language. Persons whose native language is not the State language do not have the right to demand that differential treatment would be ensured with respect to the language of instruction in state and local government institutions of education belonging to the state's system of education. Moreover, students who have chosen to obtain education in minority education programmes are not comparable to students undertaking an in-depth study one of the State languages of the European Union (for example, at the Riga French Lycée, the Riga English Gymnasium, or the Riga Gymnasium of Nordic Languages). Likewise, they are not comparable to those students belonging to ethnic minorities, who attend institutions of education that implement programmes of education of ethnic minorities in accordance with bilateral or multilateral international agreements entered into by the Republic of Latvia. Since discriminatory treatment cannot be established, the contested norms comply with the second sentence of Article 91 of the Constitution.

Fourth, the Constitutional Court held that the right of ethnic minorities to develop their language, their ethnic and cultural singularity, *inter alia*, within the framework of the system of education established by the state followed from Article 114 of the Constitution. However, exercising the rights of ethnic minorities may not be aimed at social segregation. The state must support the preservation and development of the singularity of ethnic minorities within the framework of a united system of education, promoting the development of a common identity of a democratic society and not by contrasting the rights of ethnic minorities with the shared interests of society. The task of the educational system is to ensure that each student, including those belonging to ethnic minorities, would know the State language at a level that allows one to participate, according to one's own choice, in public life and be involved in the democratic processes of the state. The Court found that the system of education established by the state envisaged curriculum in the state and local government institutions of education that ensured the possibilities to learn the language of ethnic minorities as well as to preserve the culture and identity of ethnic minorities, awhile at the same time creating for the students belonging to ethnic minorities equal possibilities to develop into full-fledged members of Latvia's society. Neither did the contested norms restrict the possibilities of students belonging to ethnic minorities to cultivate their language, ethnic and cultural singularity. Thus, the contested norms, insofar as they define the language of instruction in state and local government institutions of education, are compatible with Article 114 of the Constitution.

The judge of the Constitutional Court Jānis Neimanis appended to the judgment his separate opinion [in Latvian]. It is noted in the opinion that the Constitutional Court could not have transferred the claim regarding Article 9(1[1]) of the Educational Law for examination in case No. 2018-22-01 because the Constitutional Court Law did not provide for such a procedural action. The judge also underscored that the content of fundamental rights defined in Article 114 of the Constitution did not comprise as extensive rights of persons belonging to national minorities as to demand the state to ensure to them the possibility to obtain secondary education in a minority language and to maintain state or local government schools for acquiring education in minority languages.

The rights of ethnic minorities are aimed at ensuring balance in society, by creating a favourable environment for preserving the languages, ethnic and cultural singularities of ethnic minorities and, at the same time, ensuring due respect for the constitutional values.

Case No. 2018-14-01

Judgment [in Latvian]
Press Release [in English]

On 2 May 2019, the Constitutional Court adopted a judgment in case No. 2018-14-01 "On the compliance of Article 14(7[1])(1) of the law "Remuneration of Officials of State and Local Government Authorities"

with the first sentence of Article 91 of the Constitution of the Republic of Latvia".

In this case, the legal norm which determined the remuneration for over-time work which the officials with special service ranks of the institutions of the Ministry of the Interior and the Prison Administration performed during a break that was not granted to them, was reviewed.

The case was initiated with respect to an application submitted by the District Administrative Court. It was noted in the application that, in general, a surplus pay in the amount of 100 per cent of the salary for the person is envisaged in regulatory acts for over-time work. However, in accordance with the contested norm, the over-time work which officials with special service ranks performed when it had been impossible to grant them rest time had to be paid for like for regular working hours. Allegedly, this differential treatment lacks a legitimate aim therefore the contested norm is incompatible with the equality principle.

First, the Constitutional Court recognised that the institutions belonging to the system of the Ministry for the Interior (the Internal Security Bureau, the State Police, the State Border Guard, the State Fire and Rescue Service as well as colleges subordinated to them) and the Prison Administration ensured performance of significant public functions in the area of public security and welfare protection. Special requirements regarding the organisation of the working time as well as special office-related restrictions have been established for officials with special service ranks of these institutions. Hence, officials with special service ranks are not in comparable circumstances with other officials and employees of state institutions or the private sector.

Second, the Constitutional Court noted that the contested norm was applicable to those officials with special service ranks who had performed over-time work at the time when it had not been possible to grant them a break. In accordance with the legal norms of the European Union, "the active time on duty" during a break that has not been granted, irrespectively of the fact that during this period officials with special service ranks are involved in performing their duties of office only in case of need, is to be considered over-time work. The decisive factor for classifying working time is exactly a person's obligation to be in a location determined by the employer in order to, in case of necessity, perform one's professional duties immediately. This classification of working time cannot be influenced by the intensity, productivity and amount of the work performed during the particular period or the fact that the employer ensures to the employee the possibility to use the resting room during the time when his services are not required.

Pursuant to the contested norm, over-time work is paid for in accordance with the hourly rate set for each official. Whereas for officials with special service ranks who have performed over-time work at any other time a surplus payment in the amount of 100 per cent of the hourly wages set for them has been envisaged. Hence, the contested norm establishes a differential treatment of groups of persons, who are in circumstances that are similar and comparable according to certain criteria.

Third, the Constitutional Court found that the differential treatment envisaged by the contested norm ensured only savings of the state budget resources. However, saving the state budget resources cannot serve as the legitimate aim for differential treatment of persons who are in circumstances that are similar and comparable according to certain criteria. Hence, no legitimate aim can be discerned why lower remuneration should be set for the same group of officials for over-time work performed in a certain period than for the over-time work performed in another period. Since the differential treatment established by the contested norm lacks a legitimate aim it is incompatible with the first sentence of Article 91 of the Constitution.

The legislator has an obligation to ensure to an employee for over-time work such remuneration that exceeds the regular remuneration set for him. Moreover, in accordance with the principle of equality the legislator should ensure that employees who are in circumstances that are similar and comparable according to certain criteria receive equal remuneration for the over-time work performed.

Case No. 2018-17-03

Judgment [in Latvian]
Press release [in English]

On 16 May 2019 the Constitutional Court adopted a judgment in case No. 2018-17-03 "On the compliance of para. 459 of the Binding Regulation of the Riga City Council of 7 February 2006 No. 38 "Regulation on the Use of and Construction in the Territory of the Historical Centre of Riga and the Protective Zone Thereof" with the first, the second and the third Sentence of Article 105 of the Constitution of the Republic of Latvia".

The restrictions set by the Riga City Council on establishing gambling halls in the historical centre of Riga were examined in the case.

The case was initiated on the basis of an application by the District Administrative Court. It was noted in the application that the contested norm included in the spatial plan of the local government prohibited the

establishment of gambling halls in the historical centre of Riga, except in four- and five-star hotels. It was alleged that the contested norm prohibited organisers of gambling from engaging in business activities and, thus, placed disproportional restrictions on their right to property.

First, the Constitutional Court recognised that, in practice, there were two ways in which a local government could curb the spread of places where gambling was organised within its territory: the local government could establish respective restrictions on the use of territory in the spatial plan; or the local government could adopt individual decisions to not issue a permit or revoke an already issued permit to open a place for organising gambling. The aforementioned legal solutions do not exclude but rather supplement each other – they can operate alongside one another and ensure the most meaningful system for controlling the spread of venues where gambling is organised.

Second, the Constitutional Court took into account that the historical centre of Riga was a cultural monument under the protection of UNESCO and the state, moreover, it was the liveliest part of Riga. The historical centre of Riga, in addition to the material objects, including buildings, streets, squares, is characterised by a special atmosphere and mood, created by people and activities going on in it. Hence, the special rules on the preservation, protection and development of the historical centre of Riga are applicable not only to the part of the city and cultural-historical values located in it that is visually perceptible but also to its content, the intangible aspect of it.

Third, the Constitutional Court noted that, historically, gambling had been perceived as an entertainment and society had always been interested in it. Therefore, a balance should be ensured between organising gambling as entertainment events and public interests, *inter alia*, the protection of persons' rights, by preventing the possible development of gambling addiction and, thus, decreasing both the risk of public health hazards and socials risks. The Court recognised that the restriction on fundamental rights established in the contested norms was aimed at preservation and protection of the historical centre of Riga and its cultural-historical values, an individual's right to live in a benevolent environment, the society's right to sustainable development and the society's right to be protected against the adverse impact of gambling, as well as the rights of gamblers and their next of kin.

Fourth, the Constitutional Court underscored: in view of the possible adverse consequences of gambling that affect individuals and the society in general, the state has been given greater discretion in regulating this sector compared to other sectors. In adopting the plan of the historical centre of Riga, the Riga City Council had assessed what should be given the preference – the interests of commercial operators or those of the society. Moreover, the existing legal regulation allows commercial operators to mitigate the adverse consequences of the restriction of their property rights and respects their legal expectations. Hence, the public benefit from the restriction of fundamental rights established in the contested norm outweighs the adverse consequences incurred by a person because of this restriction. Therefore, the contested norm complies with the first, the second and the third sentence of Article 105 of the Constitution.

Judges of the Constitutional Court Artūrs Kučs and Gunārs Kusiņš appended their separate opinion

to the judgment [in Latvian]. It is noted that the Constitutional Court in its judgment did not follow its own requirements regarding the clarity of authorisation granted to local governments and, also, had intervened into the legislator's competence by making considerations of expedience as to the most appropriate legal solution in the particular situation. The legislator had not authorised local governments to regulate the organisation of gambling by the means of binding regulations (*inter alia*, by spatial planning) but only by the means of individual permits.

The architectonic form of the urban environment cannot be separated from its social meaning and use. The special rules on the preservation, protection and development of the historical centre of Riga are applicable not only to the part of the city and cultural-historical values located in it that is visually perceptible but also to its content, the intangible aspect of it, in order to ensure comprehensive preservation, protection and also sustainable development of the historical centre of Riga.

Case No. 2018-21-01

Judgment [in Latvian]
Press release [in English]

On 16 May 2019 the Constitutional Court adopted a judgment in case No. 2018-21-01 "On the compliance of Article 4(1) and Article 20(1)(2) of "Law on State Social Allowances", insofar they apply to the remuneration for performing the duties of a guardian, with Articles 91 and 109 of the Constitution of the Republic of Latvia". The case concerned the discontinuation of the disbursement of the remuneration to a guardian if the guardian had moved for permanent residence abroad.

The case was initiated on the basis of an application of the Supreme Court. It was noted that the contested norms prohibited a guardian residing permanently abroad to receive remuneration for performing the duties of a guardian. However, a guardian's duties do not disappear when the guardian and the child move abroad. Hence, allegedly, the contested norms caused differential treatment depending on the state which was the permanent place of residence for the guardian and the child. This was said to be incompatible with the principle of equality and the right to social security.

First the Constitutional Court reviewed the Parliament's request to terminate legal proceedings in the case because the contested norms had become void. The Constitutional Court decided to continue legal proceedings so that administrative courts could resolve the disputes in the administrative cases that had already been initiated, in which the contested norms had to be applied.

Second, the Constitutional Court recognised that, as to its nature, remuneration for performing the duties of a guardian was a compensation for assuming the duties of a guardian and the ward's stay in the guardian's family. Thus, the guardian is ensured financial support both for the child's maintenance and for performing the duties of a guardian. Moreover, this remuneration serves as a financial incentive for a person to become a child's guardian, thus facilitating compliance with the principle that the best interests of a child should take the priority. The Court also underscored that the scope of a guardian's duties did not depend on the change of the guardian's and the ward's permanent place of residence. Every guardian dedicates time and effort to care for the child and protect his rights, and the scope of the guardian's duties does not change while the status of a guardian was retained. Hence, all persons who perform the duties of a guardian are in circumstances that are similar and comparable according to certain criteria.

Third, the Constitutional Court concluded that the contested norms placed guardians in different situations depending on the country which was the guardian's permanent place of residence. However, such differential treatment lacked a legitimate aim. Although the contested norms were aimed at saving the state budget resources, it may not serve as the legitimate aim for the differential treatment of persons who are in circumstances that are similar and comparable according to certain criteria, in particular, if this affects the best interests of a child to grow up in a family environment. Since the differential treatment envisaged in the contested norms was not aimed at protecting the best interests of a child, it could not be compatible with the legitimate aim defined in Article 116 of the Constitution – protecting the public welfare. Hence, the contested norms are incompatible also with Article 91 and Article 109 of the Constitution.

Judge of the Constitutional Court Jānis Neimanis appended a separate opinion to the judgment [in Latvian]. It was noted in the opinion that the contested norms revealed a general principle of social law of any nation state – the principle of residence. In accordance with this principle, the state provides social support to those persons who reside permanently on its territory, and discontinues it if a person resides permanently in another state. This principle cuts across systemically the entire area of social rights in the state.

Saving the state budget resources may not serve as the legitimate aim for differential treatment of persons who are in similar and comparable circumstances, in particular if this affects the best interests of a child to grow up in a family environment.

Case No. 2018-22-01

Judgment [in Latvian]
Press release [in English]
Press conference [in Latvian]

On 13 November 2019 the Constitutional Court adopted a judgment in case No. 2018-22-01 "On the compliance of Article 1(1) of the Law of 22 March 2018 "Amendments to the Education Law" with Article 1, the second sentence of Article 91, the first sentence of Article 112 and Article 114 of the Constitution of the Republic of Latvia".

The legal regulation on the language of instruction in private institutions of education was examined in the case.

Three cases with respect to compliance of the contested norm with the Constitution were initiated in the Constitutional Court on the basis of constitutional complaints submitted by persons belonging to ethnic minorities. All three cases were joined in the present case No. 2018-22-01. Moreover, in the present case the Court reviewed the contested norm by taking into account also the arguments expressed in case No. 2018-12-01. In that which was initiated on the basis of an application submitted by twenty members of the 12th convocation of the Parliament, the Court decided to review the constitutionality of the contested norm in the framework of the present case.

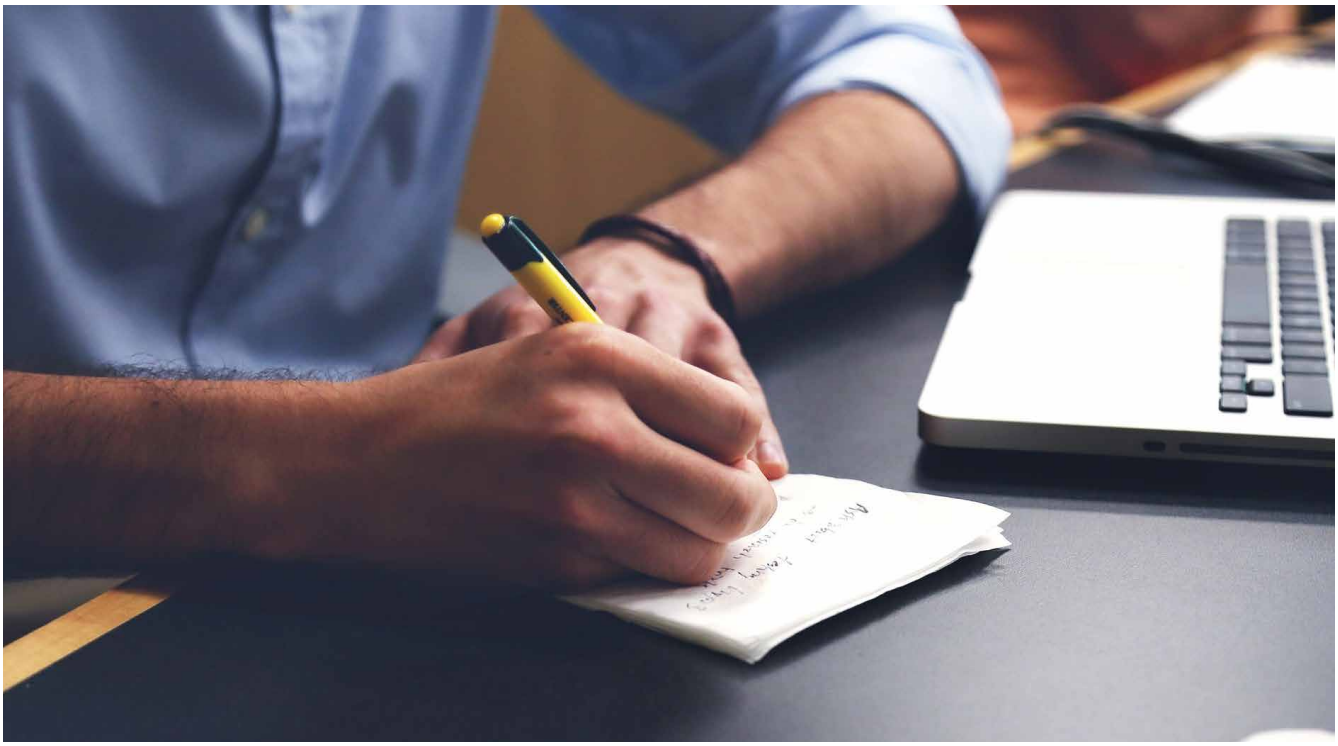
The applicants noted that in accordance with the contested norm the general education in private institutions will have to be acquired in the State language. Thus, in the aforementioned institutions of education persons belonging to ethnic minorities would be deprived of the possibility to acquire education in the minority language, which was said to be necessary to preserve and develop the culture and identity of persons belonging to ethnic minorities. It was alleged that the contested norm restricted also the right to education since due to it the quality of education might be diminished. Moreover, the contested norm was said to be incompatible with the principle of prohibition of discrimination and the principle of legal certainty.

First, the Constitutional Court recognised that all students needed the ability to freely use the State language in order to function successfully in society after obtaining general education. Therefore, the state has the right to set in the standard of general education such requirements with respect to the content and study process of general education that are necessary to ensure that students would be able to freely use the State language. Private institutions of education also must comply with these requirements – in order to issue a state-recognised education certificate the programmes they provide must comply with the conditions of the state standards in exactly the same way as the programmes of general education provided by the state and local-government institutions of education. Thus, private institutions of education are incorporated into the state system of education and are subject to the requirements of the standards of general education established by the state.

However, the state must take into account that the rights of ethnic minorities to develop their language, ethnic and cultural singularity follow from Article 114 of the Constitution. Therefore the state must find a balance, appropriate for its circumstances, between the need to ensure to all persons belonging to ethnic minorities the possibility to master the State language on the level that would allow them to integrate, without difficulties, in the life of the state and society, and the possibility to learn the language of the respective ethnic minority and to acquire education in this language in order to preserve their linguistic and cultural identity, without causing segregation on linguistic grounds. Moreover, the state should ensure that the regulation on the languages of instruction would not render ineffective the right to education of persons belonging to ethnic minorities. The state may not permit that due to linguistic barriers the quality of education of persons belonging to ethnic minorities would suffer or that education became inaccessible to these persons.

Second, the Constitutional Court noted that language was an essential element in the identity of any person and, in particular, of persons belonging to ethnic minorities. Therefore, in learning and using the minority language in the process of education, not only formal acquisition of this language but also the development of the identity of a person belonging to an ethnic minority should be ensured. This means that a legal regulation that would totally exclude the use of minority language from the process of education or reduce it to the use of the minority language as a language of instruction in learning only this language as a concrete subject, could not be regarded as being compatible with Article 114 of the Constitution.

Having examined the facts of the case, the Court concluded that the contested norm and the legal norms systemically linked to it did not diminish the quality of education. The private institutions of education still have the right to deliver in the stage of basic education minority education programmes, teaching a significant part of the curriculum of basic education in the language of an ethnic minority. Whereas on the level of secondary education, the specialised course "Language and Literature of the Ethnic Minority", as well as other subjects that are not referred to in the



standard of secondary education – specialised courses linked to the identity and culture of an ethnic minority – are taught by using the minority language as the language of instruction. This use of minority languages in the process of general education ensures to the persons belonging to ethnic minorities the minimum of rights to due acquisition of the minority language and preservation of identity. At the same time, the Court underscored that the state had the obligation to constantly control the quality of education by using effectively the mechanism established for controlling the quality of education to identify possible changes of the quality of education.

Third, the Constitutional Court concluded that the students whose native language was not the State language were not in comparable circumstances with those students whose native language was the State language. Likewise, those students who, in acquiring general education, study in-depth a language of states of the European Union cannot be compared to those students who have chosen to acquire general education in institutions of education that provide programmes of education of ethnic minorities. Hence, the contested norm does not violate the principle of prohibition of discrimination. Neither a violation of the principle of legal certainty could be identified, since the legislator had established a lenient transition to the legal regulation included in the contested norm and the legal norms that are systemically linked to it.

In view of the above, the Constitutional Court found the contested norm to be compatible with Article 1, the second sentence of Article 91, the first sentence of Article 112 and Article 114 of the Constitution.

If a person in the process of general education does not master the State language at a sufficient level that would allow to use it freely, the education provided to this person cannot be considered as being of high quality.

Case No. 2018-23-03

Judgment [in Latvian]
Press release [in English]

On 24 October 2019, the Constitutional Court adopted a judgment in case No. 2018-23-03 "On the compliance of para. 40 of the Regulation of the Cabinet of Ministers of 30 May 2006 No. 423 "The Internal Regulations of an Institution for Deprivation of Liberty" with Article 112 of the Constitution of the Republic of Latvia".

The legal norm which determined the objects that convicts were allowed to use was examined in the case.

The case was initiated on the basis of a constitutional complaint. It was noted in the application that the applicant who was serving his sentence at an institution for deprivation of liberty had requested the permission to use a personal computer without internet connection but with special software. He needed the computer to work on his doctoral thesis. However, this request was dismissed since the regulatory enactments, including the contested norm, did not envisage a convict's right to store, purchase at the prison shop or receive as a package or postal delivery a personal computer. The applicant held that this restricted his right to education.

First, the Constitutional Court recognised: although doctoral studies fell within the scope of the right to education, the state did not have the obligation to ensure to all persons the right to study in a doctoral study programme. However, if a study programme like this had been established and a person, by meeting certain requirements, had been enrolled in it, then this person had the right to continue the studies to obtain education of the highest level. The said right applies also to convicted persons. Convicted persons also have the right to continue studies, insofar as it is compatible with the purpose of serving the sentence and the prison regime.

Second, the Constitutional Court noted that a person who was studying in an education programme of the highest level, was entitled to choose research methods, including study aids. What kind of supplementary aids a person needs is determined by the nature of the research. If a person needs to use special computer hardware in his research, then the prohibition to use such a study aid restricts the right to education. The contested norm envisages such a restriction; it defines the personal household appliances that a convicted person may use; however, personal computer hardware is not among the listed objects.

Third, the Constitutional Court found: in order to ensure a balance between a person's right to continue studies to acquire education of the highest level and the need to ensure order and security in a prison, the legal regulation should grant the right to the prison administration to decide on the permission or prohibition to use the aids for continuing studies. This would be possible if the contested norm provided that, following an individual assessment of circumstances, the prison's administration would have the right to allow the convict to use the study aids needed for the continuation of studies. If risks of jeopardising the security or order were identified, the prison administration could deny to the person the possibility to use the particular study aid. Thus, there is a more lenient measure that would restrict the fundamental rights to a lesser extent but would allow reaching the legitimate aim of the restriction in the same quality. Therefore, the contested norm is not proportional and is incompatible with Article 112 of the Constitution.

The Constitutional Court also drew the attention of the Cabinet of Ministers to the fact that the contested norm and other similar norms of Cabinet regulations were worded in a way that defined those objects that a convicted person was allowed to keep. This means that prison administration does not have the right to allow a convicted person to use other objects, not referred to in these legal norms, even if their use would not jeopardise the order and security in the prison. Such rules could cause disproportional infringements of fundamental rights. Therefore, it is the Cabinet's duty to consider improvements to the particular legal regulation.

Education is important in places of imprisonment to foster a development of socially positive understanding of values of a convicted person and his full integration in the society after serving the sentence. Education is one of the main measures of social rehabilitation.

Case No. 2018-24-01

Judgment [in Latvian]
Press release [in English]

On 28 June 2019, the Constitutional Court adopted a judgment in case No. 2018-24-01 "On the compliance of Article 28(2) of the Law "On the Procedure for Holding under Arrest", in the wording that was in force until 2 January 2018, with Article 96 of the Constitution of the Republic of Latvia".

The case concerned norms that envisaged that all private correspondence of arrested persons had to be controlled during the whole period of detention.

The case was initiated on the basis of an application of the Supreme Court. It was noted in the application that the contested norm established the obligation of the employees of investigation prisons to control all of the private correspondence of arrested persons. It was alleged that the contested norm did not envisage restrictions and conditions with respect to the situations, the duration and the way in which the correspondence of an arrested person had to be controlled. So extensive control was said to restrict the right to private life.

First, the Constitutional Court recognised that the right to inviolability of correspondence that fell within the scope of the right to private life included also the right to communicate freely with other persons, retaining the personal nature of mutual communication and confidentiality that protected such communication. Written communication of arrested persons with other persons is particularly important because the freedom of these persons has been restricted. Moreover, isolation from the society can increase the risk of the abuse of power in places of imprisonment. Therefore, it is important that an arrested person could both send and receive letters and other postal items with his or her privacy being respected. However, the inviolability of an arrested person's correspondence can be restricted to prevent threats to order and safety and to ensure an undisturbed course of criminal proceedings.

Second, the Constitutional Court noted that the control of an arrested person's communication could not exceed the need to ensure the order and security of an investigation prison, as well as the purpose of

arrest. Hence, correspondence may be controlled only to ensure that the course of arrest complies with the established order (*inter alia*, by preventing prohibited substances and objects from coming at the disposal of an arrested person) and would ensure that the aims of arrest are reached (*inter alia*, preventing flight and disappearance of evidence, influencing of witnesses). Control of correspondence is a tool for preventing such risks.

Third, the Constitutional Court found that the correspondence of an arrested person could be controlled, *inter alia*, opened, read or intercepted in the case if the responsible official has grounds for performing such control and the particular type of control had been chosen to prevent infringements of the rights of others or threats to public security. The intensity and the form of control could depend on various conditions; *inter alia*, the length of arrest and the arrested person's conduct in the place of imprisonment. Hence, a more lenient measure for reaching the legitimate aims of the restriction on fundamental rights established in the contested norm exists – control of correspondence on the basis of an individual assessment of circumstances.

In view of the above, the Constitutional Court held that the contested norm was incompatible with Article 96 of the Constitution.

The control of correspondence may not be automatic. Systemic and ungrounded control of correspondence is incompatible with the right to private life.

Case No. 2018-25-01

Judgment [in Latvian]
Press release [in English]

On 7 November 2019, the Constitutional Court adopted a judgment in case No. 2018-25-01 "On the compliance of Article 50^4 of the Sentence Execution Code of Latvia with Article 91 of the Constitution of the Republic of Latvia".

The legal regulation that established a different regime for serving a prison sentence for men compared to women was examined in the case.

The case was initiated on the basis of a constitutional complaint. It was noted in the complaint that the applicant was serving a sentence of deprivation of liberty at a closed prison at the lowest level of sentence serving regime. The contested regulation provided that men who had been convicted for committing serious and particularly serious crimes had to serve their sentence in a closed prison. Meanwhile, women serve their sentence for committing equally serious crimes at a semi-closed prison. Dues to this, stricter restrictions

on fundamental rights had been established for men compared to women, therefore the contested regulation was said to be incompatible with the principle of equality.

First, the Constitutional Court recognised that different regimes for serving their sentences had been established for men and women who had been convicted for serious or particularly serious crimes, and, hence, also the scope of rights and restrictions defined for them differed. Most pronouncedly these differences are manifested in restrictions on communication with the family and financial restrictions on the amount of money that the convicted persons may use to make purchases at the prison shop.

Second, the Constitutional Court found that the differential treatment of convicted men had developed due to the special measures implemented by the state to protect women's rights and, historically, had occurred to decrease gender inequality. In the second half of the 20th century modern society became aware that certain societal groups, including women, were more vulnerable and less protected than other members of society. Therefore, states are obliged to act – to implement certain measures to improve the situation of these persons. However, these special measures certainly may not cause preservation of unequal or differentiated standards and must be revoked when those aims which envisage equal opportunities and equal treatment are reached. Therefore, the legislator must verify regularly whether the additional protection of the special group is still required.

Third, the Constitutional Court noted that maintaining their relationships with the family was equally important both for convicted women and convicted men. Today it is no longer questioned that the father and the mother have equal rights in the upbringing of children, and the importance of the father in the child's development is particularly emphasised. Moreover, although significant anatomical and physiological differences between the genders exist, the notion of pronounced gender differences in perception, thinking and behaviour has become out-dated. In terms of personality traits, perception, emotions, thinking and behaviour men and women are very similar, and much greater differences exist between individuals irrespectively of their gender. Also in terms of socialisation similarities between persons of both genders are much greater than the statistically observable differences. Hence, legal regulation that establishes a stricter regime for serving the sentence for men compared to women and the different rights and restrictions that follow from it (in particular, restrictions of private life) does not ensure respect for the rights of convicted men. Moreover, the Court took into account that when restricting the rights of a convicted person to communicate with their family, at the same time the rights of family members to communicate with the convict are also restricted. Hence, the contested regulation does not ensure the same protection to the families of convicted men as to the families of convicted women and, *inter alia*, infringes upon the best interests of the convicted men's children.

Finally, the Constitutional Court dismissed the Parliament's argument that changes to the current procedure could cause practical difficulties. A legislator may not use considerations of economic nature to substantiate why a regulation that envisages differential treatment of convicted men has not been reviewed for years. The Court also added that such restrictions on contact with other persons as had been presently established in closed prisons were impermissible with respect to any category of convicted persons.

In view of the above, the Constitutional Court recognised that the differential treatment envisaged in the contested regulation lacked objective and reasonable grounds, therefore the said regulation was incompatible with Article 91 of the Constitution. To give the legislator sufficient time for adopting new regulation, the contested regulation was recognised as being void as of 1 May 2021.

Maintaining a relationship with the family is of equal importance for both convicted women and convicted men.

Case No. 2019-01-01

Judgment [in Latvian]
Press release [in English]

On 5 December 2019 the Constitutional Court adopted a judgment in case No. 2019-01-01 "On the compliance of Article 163(4)(1) of the Civil Law with Articles 96 and 110 of the Constitution of the Republic of Latvia".

The legal regulation that prohibited a person who had been punished for violent criminal offences from adopting the spouse's child was examined in the case.

The case was initiated on the basis of an application by the Supreme Court. It was noted in the application that the Supreme Court was hearing a case regarding issuing of an administrative act by which the applicant would be recognised as the adopter of his spouse's child. The applicant and the children are said to have an actual family relationship. However, the orphans' court on the basis of the contested norm has refused to recognise the applicant as the adopter because he had been punished for criminal offences involving violence or threat of violence. Since the contested norm was alleged to prohibit the examination of the facts of the particular case and does not allow exceptions, it was said to be incompatible with the inviolability of private life and protection of the family.

First, the Constitutional Court established the scope of Articles 96 and 110 of the Constitution. The state's obligation to ensure economic, social and legal protection of the family follows from Article 110 of the Constitution. This obligation requires establishing such legal regulation that creates and maintains the legal framework of family relationships that exist in the social reality, determining the personal and financial relations of the participants of these relationships. The Court noted that protection of an actual family fell within the scope of Article 110 of the Constitution. Namely, the existence of close personal ties on which a family is based may follow from a concluded marriage or the fact of kinship; however, in the social reality, these ties may develop also in other ways, for example, as the result of actual co-habitation. Even in the absence of a biological link or legally recognised relationship of a child and a parent, actual family relationship may exist between a child and a person who has cared for this child. Hence, the obligation to ensure legal protection to a family comprises also defining the legal family relationship, *inter alia*, also by creating the legal framework of adoption. At the same time, the Court underscored that as the result of the adoption a family is provided for the child and not a child – for the family. Hence, the right to adopt a particular child does not fall within the scope of the right to the protection of private life guaranteed in Article 96 of the Constitution. Therefore, the Court terminated legal proceedings in the case in the part regarding the compliance of the contested norm with Article 96 of the Constitution.

Second, the Constitutional Court concluded that the prohibition to become an adopter included in the contested norm was applicable to any person who had been punished for a criminal offence involving violence or threats of violence. It does not allow for exceptions. Moreover, this prohibition has been set for life – it is in force for an undetermined period even after the criminal record has been removed or extinguished. Thus, the prohibition included in the contested norm is absolute. The Court found that the legislator was entitled to establish legal regulation that did not ensure complete individualisation and was equally applicable to objectively comparable, although different, cases. However, in establishing an absolute prohibition that was included in the contested norm which was based on a very broad range of criminal offences and was not limited in time the legislator was obliged to examine the scope of this prohibition and the consequences of its application.

Third, as emphasised by the Constitutional Court, the state should ensure, to the extent possible, that a child grows up in family-like environment. Moreover, to ensure that the best interests of a child are respected, this family needs legal, economic and social protection of the state. A child's rights both to protection against violence and to grow up in a family-like environment are considerations regarding protection of the rights of a child that are equal in priority and both comply with the best interests of a child. If these considerations are in conflict, these need to be balanced in order to reach a resolution of the situation that complies with the best interests of the child. The legislator had not done such a balancing.

Fourth, the Constitutional Court noted: in establishing an absolute prohibition for a person with a previous criminal record to acquire the status of an adopter, not solely the fact that a person had been previously punished for a particular criminal offence but also the criteria characterising this person were important – for example, the person's attitude to the previously committed crime, their way of life after committing it, and the person's actual relationship with the spouse's child. Also, it should be taken into account that a person's attitude to the criminal offence he has committed and the system of values may change over time. Hence, the state's obligation to protect all children against violence would be met also if a person who previously had been punished for committing a criminal offence referred to in the contested norm with his attitude, conduct and actions had proved that he did not cause threats to the adoptee's safety, could become the adopter of the spouse's child. Thus, the possibility of an individual assessment of a person would achieve the aim of the absolute prohibition included in the contested norm – protection of children's rights – in the same quality.

In view of the above, the Constitutional Court recognised that the absolute prohibition included in the contested norm was not proportionate. Therefore, the contested norm, insofar it established an absolute prohibition with respect to persons who submit an application to adopt the spouse's child, is incompatible with Article 110 of the Constitution.

The state's obligation to ensure legal protection to the family requires such a legal regulation that creates and maintains the legal framework of family relationships that exist in the social reality, determining the personal and financial relations of the participants of these relationships.

2.2. INTERNATIONAL LAW AND THE EUROPEAN UNION LAW

In the reporting period, the Constitutional Court has examined several cases involving the application of international and the European Union law.

International law

International law was applied in case No. 2018-12-01[21] regarding the language of instruction in state and local-government institutions of education. The Constitutional Court noted that the criteria of prohibition of discrimination included in the second sentence of Article 91 of the *Constitution*, should be "read into it", *inter alia*, by taking into account the openness of the Latvian legal system to international law. In accordance with it, language and ethnicity are prohibited criteria of discrimination. Hence, these content of the second sentence of Article 91 of the Constitution comprises also the aforementioned criteria. Likewise, in interpreting the right to the protection of ethnic minorities, envisaged in Article 114 of the Constitution, the Court recognised that the content of this right should be revealed in conjunction with documents of international law in the area of minority protection that were binding upon Latvia. The Court concluded that also persons who had come to Latvia during the Soviet period could rely upon Article 114 of the Constitution. If a person who permanently resides in Latvia self-identifies with an ethnic minority which has historically lived on the territory of Latvia they can exercise the rights guaranteed in Article 114 of the Constitution.

Moreover, the Constitutional Court noted that the context in which the standard of the Framework Convention for the Protection of National Minorities binding upon Latvia had to be interpreted, was formed also by the practice of other states and the analysis of this practice. At the same time, the Court noted that legal significance should be attached to the findings made by the committee of experts established by the international agreement. The committee of experts, by exercising the competence defined in the agreement, can contribute to the interpretation of the agreement in connection with the analysis of national practices. However, the competence of the committee of experts should be differentiated from the court's competence – only a court provides a legally binding interpretation of an international agreement. The Constitutional Court recognised that the state's obligation to ensure a form of preserving and developing minority languages, ethnic and cultural singularity as the minority language such as the language of instruction in education or a certain proportion of using this language within the framework of the state-established system of education in state and local government schools did not follow from the Framework Convention on the Protection of National Minorities.

European Union law

Pursuant to the Constitutional Court's case law, with the ratification of the Treaty on the Accession of the Republic of Latvia to the European Union, the European Union law has become an integral part of the Latvian legal system.[22] Thus, in establishing the content of national regulatory enactments and in applying them, Latvia must take into account the legal acts of the European Union that reinforce democracy and the interpretation of these acts consolidated in the case law of the Court of Justice of the European Union.[23]

The European Union law had an important role in several cases that were heard last year by the Constitutional Court. One of these is case No. 2016-04-03. In this case the Court had to decide whether the Cabinet of

21 See also case No. 2018-22-01 about the language of instruction in private institutions of education. Information about case No. 2018-12-01 and case No. 2018-22-01 is included in the section "Fundamental rights" of the Report.

22 Judgment of 17 January 2008 by the Constitutional Court in case No. 2007-11-03, para 24.2.

23 Judgment of 6 March 2019 by the Constitutional Court in case No. 2018-11-01, para 16.2. and para 18.4.1.

Ministers in discontinuing disbursement of farmers' early retirement support to the heirs of its recipient had not violated the principle of legal expectations and, thus, placed disproportional restrictions on the right to property established in Article 105 of the Constitution. In this case, *inter alia*, Regulation No. 1257/99[24] was applicable which envisaged the possibility for farmers who had reached a certain age to discontinue farming and to take an early retirement. To clarify what should be considered as the object of the right to property in this case, on 28 February 2017 the Constitutional Court decided to refer a question to the Court of Justice of the European Union for a preliminary ruling. If the said Regulation prohibited Member States from envisaging the possibility to inherit the support granted in the framework of the measure,[25] then the right of the heirs of the person who had transferred the farm to receive this support could not be regarded as an object of the right to property and, hence, the contested norm could not place restrictions on fundamental rights.

The Court of Justice of the European Union recognised that the early retirement support in the case if the farmer who transferred the farm died could not be transferred to his heirs; however, the heirs of the farmer had developed legal expectations that the right to receive support could be inherited.[26] In view of the above and the facts of the case, the Constitutional Court found that the right of the heirs of the farmer who had transferred the farm to receive payments of early retirement support after his death had to be considered as being an object of the right to property. The Court held that the heirs' legal expectations were not to be protected in this particular case and that the restriction on their right to property had been proportional.

The Constitutional Court requested a preliminary ruling from the Court of Justice of the European Union for the second time in case No. 2018-18-01 regarding the accessibility of information contained in the state register of vehicles and their drivers. In examining this case, the Constitutional Court had questions regarding the content of the General Data Protection Regulation.[27] The Regulation does not determine, *prima facie*, that it should be applied also to information linked to a person's convictions in cases of administrative violations; moreover, with respect to this legal issue case law of the Court of Justice of the European Union had not evolved yet. The Constitutional Court referred to the Court of Justice of the European Union also a question regarding the principle of the primacy of the European Union law. Namely, it asked whether the principle of the supremacy of the European Union law and the principle of legal certainty should be interpreted

24 Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations.

25 Measure "Early Retirement" of the Rural Development Plan for 2004-2006; Cabinet Regulation of 30 November 2004 No. 1002 "Procedure for Implementing the Programming Document "Latvia's Rural Development Plan for the Implementation of Rural Development Programme for 2004-2006"", which approved the programming document "Latvia's Rural Development Plan for the Implementation of Rural Development Programme for 2004-2006".

26 See Judgment of 7 August 2018 by the Court of Justice of the European Union in case C-120/17 "*Administratīvā rajona tiesa pret Ministru kabinetu*".

27 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

to mean that the application of the contested norm and preservation of its legal consequences until the final ruling by the Constitutional Court enters into force are not incompatible with them.

The European Union law was taken into account also in case No. 2018-15-01 regarding fixed-term employment contracts concluded with associate professors and professors. To establish the scope of the right to freely choose one's employment envisaged in the first sentence of Article 106 of the Constitution, the Court took into account the legal acts of the European Union in the particular field, *inter alia*, Directive 1999/70/EC.[28] In accordance with the aforementioned legal acts, the Court had to ascertain whether protection against abusing the possibility of concluding successive fixed-term contracts had been ensured. The Court recognised that the contested norms did not provide for such a protection.

Whereas in case No. 2018-11-01[29] the Constitutional Court recognised a violation of the principle of good legislative practices, *inter alia*, in interconnection with the European Union law. The Court noted that the legislator, before establishing a restriction on the inviolability of private life, had to assess the legal acts of the European Union. What had to be assessed was Article 16(1) of the Treaty on the Functioning of the European Union and Article 8(1) of the Charter of Fundamental Rights of the European Union which provide that everyone has the right to the protection of their personal data. The protection of this right is defined in greater detail in the General Data Protection Regulation. In accordance with Article 4(1) and (2) of this Regulation publication and storing of information about applicants established in the contested norms is to be recognised as data processing. The Constitutional Court noted that at the time when the contested norms were adopted this Regulation had entered into force but was not applicable yet. During this period, the Member States had to take the necessary legislative measures to ensure compliance of the national legal norms with the legal norms of the European Union and to prepare for applying the legal norms of the European Union. Hence, the Parliament in accordance with the principle of good legislative practice had to assess, in the course of adopting the contested norms, the requirements set by the General Data Protection Regulation regarding data protection.

Finally, in case No. 2018-14-01[30] regarding remuneration for over-time work for officials with special service ranks of the Ministry of the Interior and the Prison Administration, the Constitutional Court examined the regulation on organising working time in the context of both the European Union and international law. The Court noted that the criteria that the regulation on organising working time included in the national regulatory enactments, including regulation on over-time work, were defined by Directive 2003/88/EC.[31] Moreover, in the area of employment, also the norms of the Revised European Social Charter which had been ratified by the law of 14 February 2013 "On the Revised European Social Charter" were binding upon the Republic of Latvia. By the said law, the Republic of Latvia recognised as binding upon it, *inter alia*, Article 4(2) of the Charter which provided every employee's right to increased remuneration for over-time work, with exceptions in some cases. The Constitutional Court underscored that the legislator had the obligation, which followed from Article 4(2) of the Charter, to ensure remuneration to employees for over-time work that was higher than the ordinary remuneration for work established for them. Moreover, in accordance with the principle of equality, the legislator must ensure that employees who are in circumstances that are similar and comparable according to certain criteria receive equal remuneration for the over-time work they had done.

Case No. 2016-04-03

Judgment [in Latvian]
Press release [in English]

On 18 December 2018, the Constitutional Court adopted a judgment in case No. 2016-04-03 "On the compliance of the Cabinet of Ministers Regulation of 14 April 2015 No. 187 "Amendment to the Cabinet of Ministers Regulation of 30 November 2004 No. 1002 "Procedure for Implementing the Programming Document "Latvia's Rural Development Plan for the Implementation of Rural Development Programme for 2004-2006"""" with Article 105 of the Constitution of the Republic of Latvia".

Discontinuation of disbursement of early retirement support to heirs of their recipients was examined in the case.

The Regulation of the Council of the European Union No. 1257/99 (hereafter – Regulation No. 1257/99) defines support measures for rural development. It envisages, *inter alia*, the possibility for older farmers to discontinue farming activities and take early retirement. It is noted in the programming document "Latvia's Rural Development Plan for the Implementation of Rural Development Programme for 2004-2006" that this measure creates the possibility

28 Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, by which the Framework agreement in fixed-term work, annexed to this Directive, is introduced.
29 Information about case No. 2018-11-01 is included in the section "State law (institutional part of the Constitution)" of the Report.
30 Information about case No. 2018-14-01 is included in the section "Fundamental rights" of the Report.
31 Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

for elderly farm owners, who, for various reasons, cannot continue and develop business activities, to transfer (to hand over, sell, give as a gift) the farm to another person, receiving early retirement support. The Cabinet Regulation of 30 November 2004 No. 1002 "Procedure for Implementing the Programming Document "Latvia's Rural Development Plan for the Implementation of Rural Development Programme for 2004-2006"" (hereafter – Regulation No. 1002), in turn, provided that the support granted to a farmer during the remaining period was paid to his heirs. In 2015, the Cabinet amended this Regulation, deleting the norm, which envisaged the possibility to inherit the early retirement support.

The case was initiated on the basis of an application by the District Administrative Court. It is noted in the application hat this Court is hearing a case regarding discontinuation of the disbursement of the early retirement support. Although the agreement on early retirement envisaged that the support would be paid to the farmer or his heirs until 2021; however, the disbursement thereof was discontinued in 2015 – after the contested norm of the Cabinet Regulation was adopted.

In examining the case, on 28 February 2017, the Constitutional Court decided to refer a question to the Court of Justice of the European Union for a preliminary ruling.

On 7 August 2018, the Court of Justice of the European Union delivered the judgment in case C-120/17 "*Administratīvā rajona tiesa v. Ministru kabinets*". The Court of Justice of the European Union recognised that Regulation No. 1257/99 precluded the Member States from implementing measures that would allow inheriting the early retirement support. Whereas the national legal norm, which envisaged the possibility of inheriting the early retirement support and which the European Commission had approved as being compatible with Regulation No. 1257/99, had raised legal expectations of the heirs of the recipients of this support.

Firstly, the Constitutional Court noted that the early retirement support, in view of its personal nature, in the case of the recipient's death could not be transferred to his heirs. However, the heirs of the transferor of the farm had developed legal expectations that the right to receive the support was inheritable. Thus, the aforementioned right is to be considered as being an object of the right to property.

Secondly, the Constitutional Court recognised that the unity of the legal system was an important element of the principle of a democratic state governed by the rule of law. I.e., reciprocally aligned legal norms should exist in the state, which operate harmoniously within the framework of a united legal system. This equally applies to compliance of the legal norms of Latvia – a Member State of the European Union – with the European Union law, which is part of the Latvian legal system. Hence, the principle of a democratic state governed by the rule of law establishes the State's obligation to ensure that the early retirement support would be disbursed in a legal way, complying with the norms of the European Union law. The State does not have the right to continue supporting farmers' heirs on the basis of a legal norm that is incompatible with Regulation No. 1257/99.

Thirdly, the Constitutional Court found that the Cabinet had achieved a proportionate balance between the interests of various persons. The contested norm prevents inefficient use of the financial resources of the European Union and the state. Whereas economic operators have no grounds to expect that, in implementing the European Union law, the Member States will not amend the legal regulation, pursuant to which persons may inherit the early retirement support. At the same time, the Court underscored that the Cabinet had discontinued the disbursement of the early retirement support not completely but only with respect to one group of such persons, who were not a party of the agreement on granting the early retirement support, and, moreover, without demanding these persons to repay the support they had already received. Hence, the restriction on a person's fundamental rights, included in the contested norm, is compatible with Article 105 of the Constitution.

The principle of a democratic state governed by the rule of law establishes the State's obligation to ensure that the early retirement support would be disbursed in a legal way, complying with the norms of the European Union law.

Case No. 2018-15-01

Judgment [in Latvian]
Press release [in English]

On 7 June 2019, the Constitutional Court adopted a judgment in case No. 2018-15-01 "On the compliance of Articles 27(5) and 30(4) of the Law "On Institutions of Higher Education" with the first sentence of Article 106 of the Constitution of the Republic of Latvia".

The practice of concluding successive fixed-term contracts with a person elected to the position of an associate professor or a professor was examined in the case.

The case was initiated on the basis of a constitutional complaint. It was noted in the complaint that, in accordance with the contested norms, an employment contract on performing the obligations of an associate

professor had been concluded between the applicant and the University of Latvia for the term of six years. Every time when the term of the contract expires it is necessary to participate in a competition and conclude a new contract. Since the applicant does permanent and lasting work this fixed-term employment is said to place disproportional restrictions on his right to work.

First, the Constitutional Court broadened the claim to examine the legal regulation not solely with respect to associate professors but also with respect to professors.

Second, the Constitutional Court noted that the first sentence of Article 106 of the Constitution did not guarantee exactly the right to work but the right to freely choose one's employment and workplace. However, this norm does not prohibit the State from setting requirements that a person must meet to take certain employment. At the same time, the Court took into account Article 113 of the Constitution, from which, *inter alia*, the state's obligation to respect, protect and ensure academic freedom of professoriate followed. For professoriate, the workplace is one of the main procedural guarantees for freely exercising academic freedom.

Third, the Constitutional Court recognised that higher education and science was indispensable pre-requisite for sustainable development of the state and society in general. The term, defined in the contested norm, for which a person is elected to the position of an associate professor or a professor and for which an employment contract is concluded with this person, is aimed at regular renewal of academic staff, thus, fostering the development of scientific research and artistic creativity.

Fourth, the Constitutional Court found that the criteria for legal regulation on fixed-term employment contracts were defined by the framework agreement introduced by a Directive of the European Union[32]. One of its principal aims is to prevent abuse of successive fixed-term employment contracts. I.e., in accordance with Clause 5 of the framework agreement, the regulatory enactments of a Member State, where the conclusion of such employment contracts is allowed, should include measures for preventing the risk that such contracts are abused. In the regulatory enactments of Latvia, with respect to professoriate, protection against the abuse of successive fixed-term contracts is not envisaged (for example, the maximum total term of successive fixed-term contracts or the maximum number of renewals has not been defined, it is not provided that following a certain period a fixed-term employment contract may be transformed into an employment contract for an indefinite period). Therefore, the contested norms, insofar they do not ensure such protection, are incompatible with the first sentence of Article 106 of the Constitution.

Judge of the Constitutional Court Ineta Ziemele appended her separate opinion to the judgment [in Latvian]. It is noted therein that conclusion of contracts with professoriate for the term of six years did not facilitate activities of professoriate in accordance with the principle of academic freedom and, in the long-term, did not ensure high-quality science in areas of national importance. The legislator should focus, in particular, to this issue, considering and developing a meaningful solution.

The stability of employment is an essential pre-condition for the protection of employees. Fixed-term employment contracts can comply with the needs of both employers and employees only in certain conditions.

Case No. 2018-18-01

Decision [in Latvian]
Press release [in English]

On 4 June 2019, the Constitutional Court adopted a decision on referring a question to the Court of Justice of the European Union (hereinafter CJEU) for a preliminary ruling in case No. 2018-18-01 "On the compliance of Article 14^1(2) of the Road Traffic Law with Article 96 of the Constitution of the Republic of Latvia".

The legal regulation, in accordance with which information on the demerit points, registered in the state register of vehicles and their drivers, is generally accessible, is examined in the case.

The case was initiated on the basis of a constitutional complaint. It is noted therein that the state joint-stock company "Road Traffic Safety Directorate" had registered the applicant's demerit points. These points are said to be personal data on convictions and offences, therefore, in accordance with the General Data Protection Regulation, special requirements should be met in processing these data. If these requirements are not met the applicant's right to private life is said to be violated.

Firstly, the Constitutional Court recognised that the aim of registering demerit points was to record administrative offences in road traffic in order to, depending on their number, impose on the drivers of vehicles additional coercive measures. Whereas the registration of demerit points or the absence thereof allows concluding, whether a person had been punished

32 EAK – UNICE – CEEP Framework agreement in fixed-term work, introduced by Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.

for administrative offences in road traffic. Information about a driver's name, surname and the registered demerit points are personal data, the disclosure thereof – processing of personal data.

Secondly, the Constitutional Court found that, pursuant to Article 10 of the General Data Protection Regulation, processing of personal data relating to criminal convictions and offences may be carried out only under the control of official authority or when the processing is authorised by the European Union or national legal acts, providing for appropriate safeguards for the rights and freedoms of data subjects. Although demerit points are information relating to the conviction of vehicle drivers in cases of administrative offences, Article 10 of the General Data Protection *prima facie* does not provide that it would be applicable to such information. If the said Article provides for special rules regarding the processing of such personal data that relate to a person's convictions and offences in cases of administrative violations in a situation like the one in the present case then the status of generally accessible information could not be defined for information on a person's registered demerit points. Since case law of the Court of Justice of the European Union has not evolved with respect to the legal issue under review, the Constitutional Court decided to refer the following questions to CJEU:

1) Whether the concept used in Article 10 of Regulation 2016/679 "processing of personal data relating to criminal convictions and offences or related security measures" should be interpreted to mean that it applies to the processing of information about the registered demerit points for violations of the drivers of vehicles envisaged in the contested nor?

2) Irrespectively of the answer to the first question – should the norms of Regulation 2016/679, in particular, the principle of "integrity and confidentiality", enshrined in Article 5(1)(f), be interpreted to mean that it prohibits the Member States from establishing the status of a generally accessible information for information on the registered demerit points of drivers of vehicles and allowing processing these data in the form of disclosure?

3) Whether the recital 50 and recital 154 of the Preamble to Regulation 2016/679, Article 5(b) and Article 10, as well as Article 1(2)(cc) of Directive 2003/98/EC[33] should be interpreted to mean that they prohibit such legal regulation of the Member States that prohibits transferring the information on the demerit points of drivers of vehicles registered for violations for re-use?

4) If the answer to any of the above questions is affirmative – whether the principle of the supremacy of the European Union laws and the principle of legal certainty should be interpreted to allow the application of the contested norm and maintaining the legal consequences thereof until the date when the final ruling by the Constitutional Court enters into force?

In establishing the content of national regulatory enactments and in applying them, Latvia must take into account the legal acts of the European Union that reinforce democracy and the interpretation of these acts consolidated in the case law of the Court of Justice of the European Union.

33 Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information, which was amended by Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013.

2.3. STATE LAW (INSTITUTIONAL PART OF THE CONSTITUTION)

In the reporting period, the Constitutional Court has delivered three judgments that are attributable to the area of state law. All three judgments refer to the legislative process. In two cases the Court examined, whether the Cabinet had acted in compliance with the authorisation granted by the legislator. Whereas in the third case, several new findings were provided with respect to the legislative process in the Parliament in compliance with the Constitution.

In its judgment in case No. 2018-06-0103, the Constitutional Court mainly examined an issue, which *prima facie* already had been extensively examined in its case law, – whether the Cabinet had acted in accordance with the authorisation granted by the legislator. However, in difference to the majority of the cases of this kind, where the Court examined, whether the Cabinet had not exceed the limits of its authorisation or had acted *ultra vires*, in case No. 2018-06-0103 it was analysed whether the Cabinet had fulfilled the legislator's will with respect to the amount of transport allowance and establishing the procedure for granting it, abiding by the aim defined by the legislator – to ensure to all disabled persons with restricted mobility equal possibility to exercise the right to this allowance. To phrase it differently, it was examined, whether the Cabinet, in issuing the contested norms, had done everything to reach the aim defined by the legislator. The Court came to the conclusion that his had not been done; moreover, it noted that the legislator had had the obligation to identify the legal collision between the authorising norms and the contested norms, issued on the basis of them, and also to ensure that this collision was eliminated. In its case law thus far, the Court had reached comparable findings in its judgment of 2 May 2012 in case No. 2011-17-03, in which it had found that the Cabinet had not acted in accordance with the authorisation granted by the legislator because it had not fulfilled the obligation to adapt legal regulation to the technological development. However, the judgment in case No. 2018-06-0103 is significant by the fact that a legal norm issued by the Cabinet was for the first time recognised as being incompatible with the Constitution because it failed to reach the aim defined by the legislator already at the moment it was issued.

The fact that the Cabinet had not implemented the legislator's will and the aim of the authorisation in full was noted also by Judges of the Constitutional Court Daiga Rezevska and Artūrs Kučs in their separate opinion appended to the judgment in case No. 2018-16-03. However, in this case, the majority of the Constitutional Court's judges had reached a conclusion to the contrary, i.e., that the norms of the regulation issued by the Cabinet on implementing the mandatory procurement – the control of electricity self-consumption and calculation of over-compensation – had been issued in compliance with the authorisation granted by the legislator. The Court noted that it was the obligation of the Parliament to decide itself, in the legislative procedure, on the most important issues in the life of the state and society, whereas the Cabinet could be authorised to draft the norms required to enforce the law in practice.

Finally, in its judgment in case No. 2018-11-01, the Constitutional Court for the first time applied the principle of good legislative practice and revealed the content of this principle. Having established that the contested norms restricted the applicants' right to inviolability of private life, the Court assessed whether this restriction had been established by a law adopted in due procedure. In the circumstances of the particular case, the Court identified threefold violation of the principle of good legislative practice in the course of adopting the contested norms. First, the contested norms could not be included in a draft law that was part of the package of draft laws accompanying the draft state budget law. Second, the Parliament had not examined the objections made by the President with respect to norms that were similar to the contested norms when these had been included in another law. Third, the Parliament, in adopting the contested norms, had not duly assessed, whether they complied with the General Data Protection Regulation. Assessment of the compliance of the norms with the European Union law is necessary to allow everyone ascertain that the adoption of the contested norms does not hinder reaching the aims of the European Union. The Court found that the violations in the legislative

procedure that had been allowed were substantial, thus recognising the contested norms as being incompatible with the Constitution.

Although the elements of the principle of good legislative practice that were examined in case No. 2018-11-01 previously had been reviewed in the Constitutional Court's case law, the year of 2019 is marked in the Court's history, *inter alia*, by the fact that Court put special emphasis in the "processualisation" of a restriction on fundamental rights, i.e., on reviewing the quality of legislative process.

Case No. 2018-06-0103

Judgment [in Latvian]
Press release [in English]

On 12 December 2018, the Constitutional Court adopted a judgment in case No. 2018-06-0103 "On the compliance of Article 12(1) of the Law "On State Social Allowances" and Annex 9 to the Cabinet Regulation of 23 December 2014 Nr. 805 "Regulations Regarding the Criteria, Time Periods and Procedures Determining Predictable Disability, Disability, and the Loss of Ability to Work" with the first sentence of Article 91 and Article 109 of the Constitution of the Republic of Latvia".

The legal regulation which envisaged the right to receive allowance to compensate for the transport costs to a person with disability who had difficulties in moving due to a health disorder of a physical nature but not because of a mental health disorder, was examined in the case.

The case was initiated on the basis of an application by the District Administrative Court. It is noted therein that the applicant in the case heard by the District Administrative Court had been diagnosed with severe mental development disorders, which hinder movement. Therefore, he needs the transport allowance envisaged in the contested legal norm. To receive it, an opinion by the State Medical Commission for the Assessment of Health Condition and Working Ability is required. However, the contested norms of the Cabinet regulation envisage that such an opinion is issued only to persons with physical health disorders. The applicant is of the opinion that this is incompatible with the equality principle and the right to social security.

First, the Constitutional Court found that the contested norm of the law was comprehensive and envisaged the granting of the transport allowance to all persons with disability who have difficulties with movements. Hence, the contested norm of the law is compatible with the Constitution.

Second, the Constitutional Court recognised that the Cabinet of Ministers, in establishing the procedure for granting the transport allowance, had to comply with the legislator's aim to ensure equal rights to allowance to all disabled persons with difficulties in moving, irrespectively of the cause of these difficulties. However, the contested norms of the Cabinet Regulation do not comprise mental health disorders. Hence, one group of persons – persons with mental health disorders – have been denied the right, which has been ensured to another group of persons, who are in comparable circumstances, – personas with physical health disorders.

Third, the Constitutional Court emphasised that the Cabinet could issue only such norms that reached the aim set by the legislator. Therefore, the Cabinet had to draft regulation that would ensure that the transport allowance was available to any person with disability, who objectively needed it. Since the regulation that was drafted did not comply with the aim set by the legislator, the differential treatment caused by it was not established by legal norms adopted in the procedure set out in regulatory enactments. Hence, the contested norms of the Cabinet Regulation, insofar they do not envisage a transport allowance to a person with disability, whose difficulties in moving are linked to mental health disorders, are incompatible with Article 91 in conjunction with Article 109 of the Constitution.

The Constitutional Court also noted that the legislator should ensure, through parliamentary review or other legal means at its disposal, that the authorisation was exercised in accordance with the Constitution. If legal norms adopted by the Cabinet which are contrary to the legislator's aims exist alongside the legal norms adopted by the legislator for a long time, the legislator itself should see to it that this legal collision is identified and eliminated immediately.

The Cabinet may issue only such legal norms that reach the aim set by the legislator.

Case No. 2018-11-01

Judgment [in Latvian]
Press release [in English]

On 6 March 2019, the Constitutional Court adopted a judgment in case No. 2018-11-01 "On the compliance of Article $3(9^2)(1)$ and (s) of the law "On Remuneration of Officials and Employees of State and Local Government Authorities" with Article 96 of the Constitution of the Republic of Latvia".

The legal regulation which envisaged the obligation of state and local government institutions to publish on the institution's homepage and store for at least eight years information about remuneration of officials and employees was reviewed in the case.

The case was initiated on the basis of a constitutional complaint submitted by employees of several State-established institutions of higher education. It was noted therein that the contested norms restricted their right to private life since they established the obligation of the institution of higher education to publish every month on its homepage all remuneration and other amounts of money calculated for officials and employees, indicating the name, surname, position, and the calculated amount. The applicants hold that the restriction on fundamental rights included in the contested norms had not been established by a law adopted in due procedure, that it lacks a legitimate aim and is not proportional.

First, the Constitutional Court recognised that also the principle of good legislative practice followed from the principle of a state governed by the rule of law. This principle, *inter alia*, allows understanding why the legislator has established a particular restriction on fundamental rights and what the considerations are that make such a restriction admissible in a democratic state governed by the rule of law. The requirements that follow from the principle referred to above must be complied with in establishing any restriction on fundamental rights.

Second, the Constitutional Court established that the draft law, which comprised the contested norms, had been included in the package of draft laws accompanying the draft state budget law, had been recognised as being urgent and adopted in two readings. However, only such matters that pertain to the particular fiscal year and are closely linked to the use of state financial resources may be included in the package of draft laws referred to above. The fact alone that the contested norms determine transparency of information relating to the use of state and local government budget resources does not mean that it was necessary to adopt these norms to regulate the State's fiscal actions in the framework of current fiscal year. Hence, the contested norms could not have been included in a draft law that was part of the package of draft laws accompanying the draft state budget law.

Third, the Constitutional Court noted that norms that had been similar to the contested norms had been included in another law, which the President had returned to the Parliament for re-examination. The Parliament had been obliged to examine the objections made by the President in the course of adopting the contested norms. If the President has objected to a legal regulation, the Parliament may not try to avoid reviewing this legal regulation by including the respective legal regulation in another draft law. It would be contrary to the *bona fide* principle, the principle of good legislative practice, and the principle of inter-institutional loyalty. If the Constitution envisages the President's right to require the Parliament to re-examine a draft law then the Parliament is obliged to review the objections made by the President. Moreover, this review should be such as to allow identify the considerations why the objections made by the President had been dismissed.

Fourth, the Constitutional Court concluded that due legislative procedure also meant that the Parliament, in adopting new legal norms, had to assess the compliance of these legal norms with the European Union law that had entered into force but had not become applicable yet. Therefore, the Parliament had to examine whether the contested norms would comply with the General Data Protection Regulation. This assessment was

necessary to allow everyone ascertain that the adoption of the contested norms did not hinder reaching the aims of the European Union.

In view of the above, the Constitutional Court found that the principle of good legislative practice had not been complied with in the course of adopting the contested norms and that the violations of the legislative procedure that had been allowed were substantive. Hence, the restriction on fundamental rights included in the contested norms had not been established by a law adopted in due procedure and the contested norms were incompatible with Article 96 of the Constitution.

The fact alone that the legislator has discussed legal regulation, possibly, even repeatedly, does not mean that the legislator had, indeed, reviewed the compliance of the restriction on fundamental rights, included in this legal regulation, with the Constitution.

Case No. 2018-16-03

Judgment [in Latvian]
Press release [in English]

On 18 April 2019, the Constitutional Court adopted a judgment in case No. 2018-16-03 "On the compliance of para. 91, para. 92, para. 98 and para. 99, and para. 2 of Annex 8 of the Cabinet Regulation of 10 March 2019 No. 221 "Regulations Regarding Electricity Production and Price Determination upon Production of Electricity in Cogeneration" and of the last sentence of para. 63[8], para. 106, para. 107, para. 113 and para. 114, and para. 2 of Annex 10 of the Cabinet Regulation of 16 March 2010 No. 262 "Regulations Regarding Electricity Production and Price Determination upon Production of Electricity from Renewable Resources" with Article 64 of the Constitution of the Republic of Latvia".

The norms of the Cabinet Regulation on implementing mandatory electricity procurement – control of self-consumption of electricity and calculation of over-compensation – were examined in the case.

The case was initiated on the basis of an application by twenty members of the 12th convocation of the Parliament. It is noted therein that the contested norms allow unjustified excessive state aid for the production of electricity in cogeneration and from renewable resources. It was alleged that the contested norms determine without justification a delayed transitional period to control over the implementation of the self-consumption principle, thus revoking or postponing the implementation of the requirements set in the law for more than a year. The amendments to the regulation on over-compensation, in turn, allow unjustified large support for electricity operators, since the state aid granted to the merchant and other income have not been taken into account in the calculation of over-compensation. As the result of this, all final users of electricity, proportionally to their consumption of electricity, must cover the unfoundedly high payment of the component of mandatory procurement. By the contested norms, the Cabinet had decided on matters that fell within the competence of the Parliament and the contested norms are incompatible with the content and purpose of the authorising norms of laws. The Cabinet had failed to meet the legislator's requirement that electricity should be supplied to end-users for justified price. Hence, the contested norms are said to be incompatible with Article 64 of the Constitution.

First, the Constitutional Court recognised that the Parliament had established the principle of self-consumption in the Electricity Market Law – envisaged the right of electricity producers to sell and, accordingly, to the public trader the obligation to purchase the surplus of electricity produced from renewable energy resources and in co-generation, which had remained after using electricity for the power plant's needs. Moreover, the Parliament has provided in this law that the expenditure caused by the guaranteed payment and as the result of mandatory procurement had to be covered by all end-users. The Parliament has authorised the Cabinet of Ministers to establish the procedure for implementing these requirements.

Second, the Constitutional Court noted that the State should control the use of state aid and, thus, should also control compliance with the principle of self-consumption. The initial mechanism for controlling compliance with the self-consumption principle had not allowed preventing all cases, where the right to sell electricity in the framework of mandatory procurement had been exercised in bad faith. Therefore, an additional control mechanism was envisaged, at the same time defining a transitional period to introduce it. The Court found that the Cabinet could establish such a transitional period; moreover, this period was neither disproportionately short nor excessively long. The Court dismissed the applicant's argument that the transitional period would revoke or suspend implementation of the requirements set in law or obstacles would be created for carrying out verifications regarding past periods. Thus, the Cabinet, by adopting the contested norms that regulate control of self-consumption, has acted within the framework of authorisation granted by the legislator.

Third, the Constitutional Court recognised that support for producing electricity in co-generation and from renewable resources had been envisaged to promote production of such electricity, compensating to the producers for their costs and, at the same time, ensuring reasonable profit to them. Hence, the authorisation granted by the legislator to determine

a justified electricity price means that the rules on setting the price must be envisaged in accordance with the requirements of the legal system and to the extent that would allow reaching the aim of the state aid, defined by the legislator, with reasonable costs. The Court found that Cabinet, by the contested norms that regulated the calculation of over-compensation, had established a procedure, which envisaged preventing in the future the identified over-compensation to electricity producers, by exercising the rights envisaged in the Electricity Market Law, and this mechanism for preventing over-compensation had been approved by the European Commission. Likewise, the Court noted that retaining the rights of merchants, granted previously in accordance with the Energy Law had been the legislator's aim. Whereas the scope of the Cabinet's authorisation is restricted by the limits of discretion set by the legislator. The Court underscored that the Cabinet had established such regulation for preventing over-compensation that allowed calculating effectively and forecast, in accordance with the principle of sustainable development, commensurate profit for the producers of electricity and substantiating, accordingly, the electricity price for end-users.

In view of the above, the Constitutional Court found that the Cabinet, in adopting the contested norms on controlling self-consumption and calculation of over-compensation, had complied with the authorisation granted by the legislator. Hence, the respective norms are compatible with Article 64 of the Constitution.
Judges of the Constitutional Court Daiga Rezevska and Artūrs Kučs appended their separate opinion to the judgment [in Latvian]. It is noted therein that the contested norms that regulate the control of self-consumption had not been adopted in due time to implement in full the legislator's will and the aim of the authorisation. Whereas the contested norms that regulate the calculation of over-compensation are incompatible with the legislator's will and the aim of the authorisation to prevent over-compensation, taking into account the total state aid provided to a particular electricity producer.

In accordance with the principle of parliamentary supremacy, it is admissible that the Cabinet is authorised to draft the norms that are necessary to enforce a law in practice. The Parliament, in turn, has the obligation to decide itself in the procedure of legislation on all most important matters in the life of the state and society.

2.4. ADMINISTRATIVE LAW

Last year, the Constitutional Court heard two cases pertaining to area of administrative law. Issues related to performance of the autonomous functions of a local government and storing of property removed in a case of administrative violation were examined.

In case No. 2018-08-03, establishment and maintenance of cemeteries was examined as one of local government's autonomous functions. The Constitutional Court assessed whether a local government had the right to set a payment for using a grave. To find an answer to this question, the Constitutional Court provided an extensive description of human dignity, also – after death. All fundamental rights are based on human dignity as a constitutional value. Protection of human dignity after death is based also upon cultural and religious traditions that follow from the Latvian folk wisdom. Human dignity defines the obligation of the next-of-kin to bury a deceased person and granting of a gravesite is a necessary pre-condition to ensure that this obligation to bury is fulfilled.

In examining the possibility to set a rental payment for using a grave, the Constitutional Court analysed such types of local government revenue as rental payment, payment for services, and local government duties. The Court found that none of these types could be used to demand payment for using a grave. For example, if granting of a gravesite would be considered a service for a charge, human dignity would not be respected.

In case No. 2018-09-0103 regarding the storage of property removed in a case of administrative violation, the Constitutional Court revealed the content of the principle of expedience. In accordance with this principle, an official is granted discretion, *inter alia*, in removing property. The Court also referred to the principle of the rule of law and the proportionality principle. According to the principle of the rule of law, establishing an obligation for a person to cover the costs of ineffective, excessively long storage of removed property would be impermissible. It follows from the principle of proportionality, in turn, that an institution and a court should assess on case-by-case basis the proportionality of the costs of storing property removed in a case of administrative violation, taking into account, *inter alia*, the sanction applied to a person, his or her financial situation, as well as actions taken to bring forward the case, and consider, whether it had been necessary to keep the property at the State's disposal at all. Hence, the Constitutional Court recognised the contested regulation as being compatible with the Constitution because it had to be applied in compliance with all the legal principles referred to above.

Case No. 2018-08-03

Judgment [in Latvian]
Press release [in English]

On 5 March 2019, the Constitutional Court adopted a judgment in case No. 2018-08-03 "On the compliance of paras. 18 and 20 of the Binding Regulation of the Jūrmala City Council of 4 September 2014 No. 27 "Regulation on the Operations and Maintenance of the Municipal Cemeteries of Jūrmala City" with Article 1 of the Constitution of the Republic of Latvia".

A local government's right to set payment for the use of a grave was examined in the case.

The case was initiated on the basis of the Ombudsman's application. It is noted therein that the establishment and maintenance of cemeteries is an autonomous function of a local government, the performance of which should be financed from the local government's budget. Cemeteries are said to have the status of public property; therefore, their civil turnover is restricted. Moreover, the local government does not have the right to set a fee for using a grave. Therefore, the Jūrmala City Council, in setting a fee for using a grave, has violated the principle of a state governed by the rule of all, enshrined in Article 1 of the Constitution.

First, the Constitutional Court recognised that human dignity was a constitutional value that characterised human being as the supreme value of a democratic state

governed by the rule of law. It must be protected both in the relationship between the state and a person and in inter-personal relationships, as well as after a person's death. Hence, human dignity must be protected also in cases, in which matters related to the burying of a deceased person are regulated.

Second, the Constitutional Court found that one of the autonomous functions of a local government was establishment and maintenance of cemeteries; the performance of this function also must be financed from the local government's budget resources. Traditionally, cemeteries and separate graves have served to ensure dignified burial of a deceased person. Hence, cemeteries are local government property transferred into public use, serving public needs and therefore cannot be rented out to gain income.

Third, the Constitutional Court noted that granting of a grave was not a service, for which, in accordance with the law, the local government would have the right to demand payment. The local government's action – granting a grave to a person – as to its nature was not a service since there was the obligation to bury, which did not give a choice to the next-of-kin, i.e., the body of a deceased person had to be buried in a cemetery. The fact that a local government demands payment for granting a grave as payment for service is contrary to the rule that also after a person's death his or her body must be treated with respect.

Finally, the Constitutional Court underscored that the law did not envisage a local government's right to set a fee for using a grave either. Therefore, the Jūrmala City Council, in adopting the contested norms, had exceeded its competence, established in regulatory enactments, had not respected subordination to legal acts and law. Therefore, the Court recognised the contested norms as being incompatible with Article 1 of the Constitution.

It is the duty of a democratic state governed by the rule of law, in regulating matters related to burying of a deceased person, to protect human dignity also after a person's death.

Case No. 2018-09-0103

Judgment [in Latvian]
Press release [in English]

On 14 December 2018, the Constitutional Court adopted a judgment in case No. 2018-09-0103 "On the compliance of Article 257(8) of the Latvian Administrative Violations Code and para. 74 of the Cabinet Regulation of 7 December 2010 No. 1098 "Regulation on Handling of Property and Documents Removed in a Case of Administrative Violation" with Articles 92 and 105 of the Constitution of the Republic of Latvia".

A person's obligation to cover the costs of storing property that had been removed in a case of administrative violation was examined in the case.

The case was initiated on the basis of an application of the Supreme Court. It is noted therein that, pursuant to the contested regulation, a person who has been made administratively liable has to cover those costs of storing property that have occurred until the moment when the decision on confiscation of property becomes enforceable. The respective moment is said to depend upon the fact whether a person exercises her right to contest and appeal against a decision in a case of administrative violation. While the institution and the court review a person's complaint, the storing of the removed property continues and, thus, also the costs of storing the property increase. In the particular case, the costs exceeded the amount of administrative fine imposed upon the person several times. Hence, a person's right to property is being restricted and the right to a fair trial is hindered because a person incurs adverse financial consequences only because he or she exercises the right to turn to a court.

First, the Constitutional Court recognised that property removed in a case of administrative violation was recognised as being under the state's jurisdiction at the moment when the final decision on making a person administratively liable entered into force. There may be cases, in which a person, to whom a sanction has been applied in a case of administrative violation, has to cover the expenditure that has occurred in connection with the storage of the removed property.

Second, the Constitutional Court noted that the principle of expedience was important in the administrative liability law. It means that the responsible institution or official has been granted discretion in deciding whether they will initiate administrative record-keeping, what kind of procedural measures will be used, and whether the case of administrative violation will be concluded with a decision on establishing administrative liability for the particular violation. Since the competent official, in removing property, enjoys discretion, he or she always must consider expedience and assess, whether, in the particular case, the restriction of a person's rights is commensurate with the purpose of this action. *Inter alia*, he or she also must control the duration of property storage. Specification of legal consequences and application to a particular case may not collide with the proportionality principle.

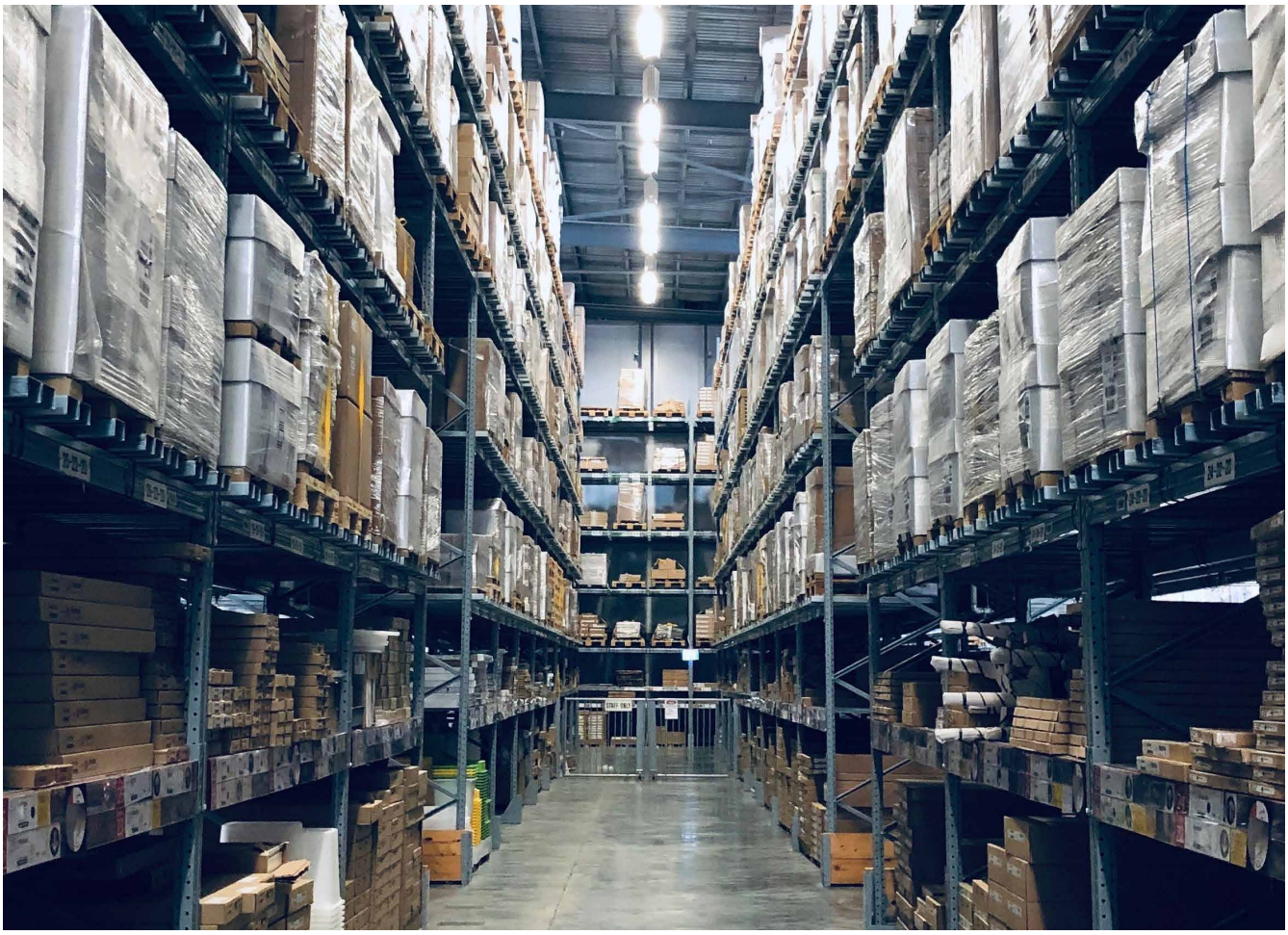
Third, the Constitutional Court underscored that the institution and the court should assess on case-by-case basis the proportionality of the costs of storing property removed in a case of administrative violation, taking into account, *inter alia*, the sanction applied to a person, his or her financial situation, as well as actions

taken to bring forward the case, and considered, whether it had been necessary to keep the property at the state's disposal at all. Appropriate application of the contested regulation would ensure compliance with the proportionality principle in each particular case. Hence, correct application of the contested regulation does not cause incompatibility of the restriction on the right to property with the proportionality principle.

Fourth, the Constitutional Court found that the contested regulation restricted the right to access to court because the obligation to cover the costs related to litigation, which increase according to the length of administrative proceedings, could deter a person from turning to the court. At the same time, the aforementioned obligation encourages a person to consider, whether starting or continuing litigation would be reasonable. This could prevent the submission of ungrounded applications or complaints, thus decreasing the court's workload and fostering effectiveness of the court's work. Taking into account considerations regarding the proportionality of the restriction on the right to property, included in the contested regulation, the Court found that the restriction on the right to a fair trial, which followed from this regulation, was proportional.

In view of the above, the Constitutional Court recognised the contested regulation as being compatible with Articles 105 and 92 of the Constitution.

The institution and the administrative court have the obligation to ensure that in calculating the costs of storing property that has been removed in an administrative case and claiming compensation for it, restrictions on a person's fundamental rights would be proportional.



2.5. CRIMINAL LAW

In the reporting period, the Constitutional Court has examined one case linked to the criminal law. The compliance of legal norms which envisaged criminal liability for violating the prohibition on circulating goods of strategic importance, with the principle *nullum crimen, nulla poena sine lege* included in the second sentence of Article 92 of the Constitution was examined in it. The Court verified, whether the legal norms were sufficiently clear to allow to find a person guilty and to punish them on the basis of these norms.

Until now, the Court had examined the principle *nullum crimen, nulla poena sine lege* only in two cases. Moreover, in the case that was heard during the reporting period, the Court discussed this principle very extensively, analysing it in interconnection with the right to know one's rights, enshrined in Article 90 of the Constitution. The Court derived from the aforementioned fundamental right the quality criteria of legal norms to be used also in verifying the compliance of a legal norm with the second sentence of Article 92 of the Constitution.

In the examined case, the principle of technological neutrality was characterised for the first time; the legislator may apply this principle in drafting legal norms in the fields of technologies. In accordance with this principle, technologies may be regulated by using general concepts, thus ensuring the sustainability of the regulation.

Case No. 2018-10-0103

Judgment [in Latvian]
Press release [in English]
Press conference [in Latvian]

On 21 February 2019, the Constitutional Court adopted a judgment in case No. 2018-10-0103 "On the compliance of Article 237^{1}(2) of the Criminal Law, in the wording that was in force from 1 April 2013 to 1 December 2015, with Article 90 and the second sentence of Article 92 of the Constitution of the Republic of Latvia and of sub-para "e" of Annex 10A905 of the Cabinet Regulation No. 645 of 25 September 2007 "Regulation on the National List of Goods and Services of Strategic Significance", in the wording that was in force from 28 November 2009 to 23 January 2014, with the second sentence of Article 92 of the Constitution of the Republic of Latvia".

The clarity of legal regulation, which established criminal liability for violating the prohibition on circulating goods of strategic importance, was examined in the case.

The case was initiated on the basis of a constitutional complaint. It is noted therein that the applicant had been recognised as being guilty of committing a criminal offence envisaged in the contested norm of the Criminal Law because a piece of equipment referred to in the contested norm of the Cabinet Regulation – wide-bandwidth noise generator that can be used to hinder operational activities – had been found with him. However, the applicant, allegedly, could not have anticipated that he could be made criminally liable because the contested norms were not sufficiently clear. Hence, the right to know one's right, envisaged in Article 90 of the Constitution, had been violated, as well as the principle set out in the second sentence of Article 92 of the Constitution that a person may be found guilty and punished only for activities that have been stipulated as being criminal by law.

First, the Constitutional Court recognised that Article 90 of the Constitution comprised quality criteria of legal norms, pursuant to which any legal norm had to be accessible as well as sufficiently clear and foreseeable. Likewise, norms that establish criminal liability can be recognised as being "law" in the meaning of the second sentence of Article 92 of the Constitution only if they meet these criteria. Moreover, criminal liability is the most severe possible form of legal liability and its consequences may have a significant impact upon a person's life also after the criminal sentence has been served. Therefore, the norms that envisage criminal liability should be, as to their content, more exact than the norms in other areas of law.

Second, the Constitutional Court found that pursuant to the contested norm of the Criminal Law, criminal liability set in for violating a particular prohibition on circulating goods of strategic importance. In Latvia, circulation of goods of strategic importance is regulated by the law "On the Circulation of Goods of Strategic Significance". It prohibits natural persons from acquiring, storing and using equipment or devices specially designed or adapted for the operational activity measures indicated in the National List of Goods and Services of Strategic Significance of the Republic of Latvia defined by the Cabinet. It follows from this List, in turn, that equipment and device for hindering measures of operational activities fall within the category of equipment or devices specially design or adapted for measures of operational activities.

In assessing whether the List and, thus, also the contested norm of the Cabinet Regulation, had been issued in accordance with the legislator's authorisation, the Court noted: to reach in full the aim of the law "On the Circulation of Goods of Strategic Significance", it is necessary to restrict the circulation not only of the equipment that could be used to take measures of special operational activities but also the circulation of the equipment that can be used to hinder measures of operational activities. Hence, the Cabinet has the right to include goods in the list in a way, in which the designation of a type of goods belonging to a certain category of goods is not exactly the same as the name of the category, insofar it is systemically and meaning-wise necessary for full control over the circulation of goods of strategic importance belonging to this category and for reaching the aims of the law.

Third, the Constitutional Court referred to the principle of technological neutrality, which is aimed at ensuring the sustainability of regulation in areas of technologies. The legal norms that have been drafted and adopted in compliance with the principle of technological neutrality comprise general concepts that characterise the respective technologies to be regulated. Thus, the legislator could have, instead of listing concrete names and models of equipment belonging to the group of equipment intended for hindering measures of operational activities, used general designations for the particular type of equipment. Enumeration of equipment would require only disproportional investment of resources into the process of drafting it and would also make the respective legal norms inflexible and would significantly decrease their effectiveness in the changing actual circumstances. Solely the fact that the contested norm of the Regulation does not list the devices to be subject to control but is using general designations that characterise the function of devices does not mean that the regulation of the contested norm is unclear.

Fourth, the Constitutional Court underscored that a legal norm had to be recognised as being sufficiently clear and foreseeable also in the case if a person, by receiving appropriate legal assistance, could have anticipated the kind of actions, as the result of which he could be made criminally liable for committing a criminal offence envisaged in the respective legal norm. Thus, even if the person himself was unable to identify the elements of the criminal offence envisaged in the contested norm of the Criminal Law, he could have established it by receiving appropriate legal assistance. Moreover, a procedure, in which a person can clarify whether the particular product has been included in the National List of Goods and Services of Strategic Significance and what kind of restrictions on its circulation are applicable, has been established in the Republic of Latvia – a person may turn to the Committee for Control of Goods of Strategic Importance to identify the particular good.

In view of the above, the Constitutional Court found the contested norm of the Criminal Law to be compatible with Article 90 and the second sentence of Article 92 of the Constitution, whereas the contested norm of the Cabinet Regulation was found to be compatible with the second sentence of Article 92 of the Constitution.

Judges of the Constitutional Court Ineta Ziemele and Sanita Osipova appended a separate opinion to the judgment [in Latvian]. It is noted therein that the second sentence of Article 92 of the Constitution demands special care from the legislator in defining offences that entail criminal punishment. If the legislator had wanted to establish punishment not only for violating a prohibition on circulating equipment specially designed or adapted for measures of special operational activities but also for violating the prohibition to circulate equipment intended for hindering such activities, it had to be included *expressis verbis* in the norm that establishes criminal liability.

Article 90 of the Constitution comprises quality criteria for legal norms, pursuant to which any legal norm must be accessible as well as sufficiently clear and foreseeable. Only such an injunction which, *inter alia*, complies with all criteria set for the quality of a legal norm can be recognised as being a generally binding legal norm, i.e., vested with legal force.

2.6. DECISIONS ON TERMINATING LEGAL PROCEEDINGS

In 2019, the Constitutional Court has made three decisions on terminating legal proceedings – in cases No. 2018-13-03, No. 2018-19-03, and No. 2018-20-01.[34]

In case No. 2018-13-03, the decision on terminating legal proceedings was made on the basis of Article 29(1)(3) of the Constitutional Court Law because the applicant had not complied with the time-limit for submitting a constitutional complaint defined in Article $19^2(4)$ of the Law. There have been only a few cases in the Constitutional Court's case law where the Court in adopting a decision on terminating legal proceedings had applied Article 29(1)(3) of the Law. This norm provides that legal proceedings in a case may be terminated before the judgment is delivered by a Constitutional Court's decision if the Court establishes that the decision on initiating a case does not comply with the requirements of Article 20(5) of the Constitutional Court Law. One of these requirements pertains also to the time-limit for submitting a constitutional complaint defined in Article $19^2(4)$ of the Law, and the decision in case No. 2018-13-03 contributes significantly to revealing the content of this time-limit.

In case No. 2018-19-03 the decision on terminating legal proceedings was adopted on the basis of Article 29(1)(6) of the Constitutional Court Law because, after a case had been initiated by the Constitutional Court, the applicant had turned to an administrative court to protect its rights. The decision in case No. 2018-19-03 is important, first, because it emphasises the role of the subsidiarity principle in the constitutional legal proceedings. Second, it points repeatedly to the significance and the role of the administrative court as an effective legal remedy for ensuring the protection of fundamental rights.

Whereas in case No. 2018-20-01 the decision on terminating legal proceedings was adopted on the basis of Article 29(1)(5) of the Constitutional Court Law because the applicant's claim already had been adjudicated in the judgment in case No. 2018-15-01. The finding that an adjudicated claim applies not only to the findings of the Constitutional Court regarding the constitutionality of the legal norm under review but also to the date as of which the contested norm had been recognised as being incompatible with a norm of higher legal norm enriches the Court's case law.

Case No. 2018-13-03

Decision [in Latvian]
Press release [in English]

On 18 April 2019, the Constitutional Court adopted a decision in case No. 2018-13-03 "On the compliance of paras. 4 and 5 of the Cabinet of Ministers Regulation of 21 April 1998 No. 139 "Regulation on the Latvian Building Standard LBN 205-97 "The Standards of Designing Masonry and Reinforced Masonry Constructions"" with Article 90 of the Constitution of the Republic of Latvia."

Case No. 2018-13-03 was initiated on the basis of a constitutional complaint. It was requested to declare paras. 4 and 5 of the Cabinet of Ministers Regulation of 21 April 1998 No. 139 "Regulation on the Latvian Building Standard LBN 205-97 "The Standards of Designing Masonry and Reinforced Masonry Constructions" (hereafter – Regulation No. 139) incompatible with a person's fundamental right to know one's rights, enshrined in Article 90 of the Constitution. Paras. 4 and 5 of the Regulation No. 139 had become void on 1 June 2015, and they envisaged that certain building standards of the Soviet period had to be taken into account in certain cases of designing buildings. The applicant noted that the said building standards of the Soviet period were not accessible to him.

In its decision on terminating legal proceedings in case No. 2018-13-03, the Constitutional Court first

34 For example, in 2017 and 2018 four decisions on terminating legal proceedings were adopted, whereas in 2016 and 2015 – five decisions like these.

examined the request of the Cabinet of Ministers to terminate legal proceedings. In the written reply it was requested to terminate legal proceedings because the contested norms had become void as of 1 June 2015.

The Constitutional Court dismissed the Cabinet's request, noting that the law envisaged a possibility to terminate legal proceedings but not an obligation to do so. The fact that the norm which has been contested in a case has become void *per se* is not always the grounds for terminating legal proceedings. Therefore, the Court has to examine whether there are no other circumstances requiring continuation of the legal proceedings in the case. In establishing whether circumstances requiring continuation of legal proceedings exist, it must be taken into account the fact that a person submits a constitutional complaint to defend their fundamental rights established in the Constitution. Therefore, in considering the matter of terminating legal proceedings, the Court must first take into account the need to protect the fundamental rights of persons defined in the Constitution. The applicant has requested the Constitutional Court to recognise the contested norms as being void with respect to him as of the moment of their adoption. Therefore, the fact that the contested norms have become void *per se* cannot be the grounds for terminating legal proceedings in the present case.

The Constitutional Court particularly underscored that continuation of legal proceedings in the case could be necessary to ensure the protection of a person's fundamental rights that could have been infringed upon. Therefore, first the infringement of the applicant's fundamental rights and the moment it occurred had to be established. Although this matter already had been assessed by the Panel in deciding on the initiation of the case, the Panel, however, had been limited in this assessment as regards the materials at its disposal. The Court in examining the case examined repeatedly the infringement on a person's rights and the moment it occurred, taking into account the materials collected during the preparatory stage of the case.

In his constitutional complaint the applicant indicated as the moment when his fundamental rights had been infringed upon the moment when the contested norms had been applied in the administrative proceedings regarding the annulment of his building practice certificate. However, the Constitutional Court did not uphold this view regarding the moment when the infringement on fundamental rights occurred. The Court noted that the applicant had to act in compliance with the contested norms already in 2010, when he was designing the part of a building structure. It also follows from the materials in the case and the explanations provided by the applicant that he had been aware of his duty to apply paras. 4 and 5 of Regulation No. 139 as well as the Soviet building standards to which these norms referred to already in 2010. Since the applicant did not have general legal remedies at his disposal to eliminate the infringement on his fundamental rights, established in Article 90 of the Constitution, in terms of accessibility of the contested norms, pursuant to Article $19^2(4)$ of the Constitutional Court Law he had the right to turn to the Constitutional Court within six months as of the moment when the infringement on his fundamental rights occurred. This means that the applicant had the right to submit a constitutional complaint within six months as of the moment when he became aware that at the time of designing a part of a building structure he had a mandatory obligation to implement norms that, allegedly, had not been accessible to him.

The Constitutional Court found that applicant had designed the project of a part of a building structure where he had the obligation to implement the contested norms until 7 June 2010, which is proven by the explanatory note for the project of a part of a building structure prepared by the applicant. However, he turned to the Constitutional Court on 21 June 2018. Hence, the Constitutional Court found that the applicant had not abided by the term for submitting the constitutional complaint set in Article $19^2(4)$ of the Constitutional Court Law and the legal proceedings in the case should be terminated.

The Court's finding that, in certain sectors, professional activities could be linked to the safety risk for other persons, therefore, it was of particular importance for the specialists employed in these sectors to have as comprehensive as possible understanding of the content of their obligations and to approach these with appropriate care is to be seen as an important contribution to the interpretation of Article 90 of the Constitution. Construction should be regarded as one of such areas. Not knowing the content of professional obligations that follow from the contested norms and failure to comply with these norms may cause adverse consequences that may be manifested also as a significant threat to human lives and health. Therefore, a person, who has to perform his professional activities in accordance with the contested norms, must act in due time upon establishing that these norms are not accessible to him. If the state had imposed imperative obligations on a person by the contested norms then the infringement upon a person's fundamental rights established in Article 90 of the Constitution regarding the accessibility of these norms occurred at the moment when the person had to perform the obligation defined in the contested norms.

Case No. 2018-19-03

Decision [in Latvian]
Press release [in English]

On 7 October 2019, the Constitutional Court adopted the decision in case No. 2018-19-03 "On the compliance of paras. 100 and 139 of the Binding Regulation of the Ventspils City Council of 2 March 2012 No. 9 "Ventspils Free Port Rules" with Article 64 and the first and the third sentence of Article 105 of the Constitution".

Case No. 2018-19-03 was initiated on the basis of a constitutional complaint. It was requested therein to recognise paras. 100 and 139 of the Binding Regulation of the Ventspils City Council of 2 March 2012 No. 9 "Ventspils Free Port Rules" (hereafter – the binding Regulation No. 9) as being incompatible with Article 64 of the Constitution and the right to property established in Article 105 of the Constitution. Paras. 100 and 139 of the binding Regulation No. 9 envisage the requirements for operators engaged in polluting activities to install a cargo vapour emission control system and an odour monitoring system.

In its decision on terminating the legal proceedings in case No. 2018-19-03, the Constitutional Court, first of all, examined the request made the Ventspils City Council to terminate legal proceedings in the case. I.e., it was requested in the written reply to terminate the legal proceedings in the case because, allegedly, the contested norms did not infringe on the applicant's fundamental rights.

The Constitutional Court dismissed the request made by the Ventspils City Council, referring to its case law. It pointed out that "the right to property" within the meaning of Article 105 of the Constitution should be understood as all rights of financial nature that a person could exercise for its own good and could use according to its own wishes, *inter alia*, these could be a person's economic interests related to business activities. The contested norms established an obligation to install control and monitoring systems within a definite term. To comply with these requirements, the applicant had to make financial investments, and this could have an impact on the applicant's possibilities to engage in future business activities. Hence, the Court found that the contested norms restricted the applicant's rights defined in the first and the third sentence of Article 105 of the Constitution.

At the same time, the Constitutional Court found that, after the case No. 2018-19-03 had been initiated, the applicant had been issued the permit to engage in A category polluting activities. This permit includes, *inter alia*, also the requirements regarding environmental protection defined in the contested norms. Disagreeing with the requirements included in this permit, the applicant contested these at the District Administrative Court. The applicant has requested the administrative court to revoke the conditions in the A category permit that had been established by the contested norm because, *inter alia*, these had been established contrary to the authorisation granted by the legislator. I.e., in the law "On Pollution", the legislator had authorised the Cabinet rather than the local government – the Ventspils City Council – to regulate any issues pertaining to limiting odours caused by polluting activities.

Hence, the Constitutional Court recognised that it had to ascertain whether, in the particular legal situation, the applicant had exhausted all general legal remedies at its disposal.

First of all, the Constitutional Court underscored that all applicants had to comply with the subsidiarity principle. The purpose of this principle is to ensure that a court, upon hearing cases on their merits, first of all would use the legal methods at its disposal to reach an outcome that was compatible with the Constitution. Hence, in complying with the principle of subsidiarity, prior to turning to the Constitutional Court, a person must exhaust all real and effective possibilities to defend by general legal remedies its fundamental rights that have been infringed upon.

With respect to the administrative court as an effective legal remedy, the Constitutional Court, in turn, referred to the finding consolidated in its case law that an administrative court, in realising its competence, established and examined all legal and factual matters important in the case. Thus, a comprehensive judicial review is conducted in the administrative proceedings. The principle of objective inquiry needs to be particularly highlighted, as it is a safeguard for effective protection of private person's rights in administrative procedure. Moreover, in accordance with Article 104(3) of the Administrative Procedure Law, if it is recognised that local government's binding regulations are incompatible with the Cabinet Regulation or the law or that the Cabinet Regulation is incompatible with the law, or an internal normative act is incompatible with an external normative act or a directly applicable general principle of law, the Court does not apply the respective legal norm. In such a case, the Court, in its decision or judgment, substantiates its opinion regarding incompatibility with the legal norms of higher legal force.

Within the framework of examining a case, an administrative court must verify, in accordance with its competence, whether the contested norms comply with the authorisation granted by the legislator. If the contested norms were recognised as being incompatible with norms of higher legal force, they would not be applied to the applicant. Hence, it is possible to achieve in the administrative legal proceedings an outcome that could eliminate the alleged infringement on the applicant's fundamental rights.

Therefore, in the applicant's situation, the administrative legal proceedings are an effective legal remedy. Since the applicant has not exhausted all possibilities to defend its rights by general legal remedies, the legal proceedings in the present case should be discontinued on the basis of Article 29(1)(6) of the Constitutional Court Law.

Case No. 2018-20-01

Decision [in Latvian]
Press release [in English]

On 8 October 2019, the Constitutional Court made a decision in case No. 2018-20-01 "On the compliance of the second sentence of Article 27(5) and the first

sentence of Article 30(4) of the law "On Institutions of Higher Education" with the first sentence of Article 106 of the Constitution of the Republic of Latvia".

Case No. 2018-20-01 was initiated on the basis of a constitutional complaint. It was requested therein to recognise the second sentence of Article 27(5) and the first sentence of Article 30(4) of the law "On Institutions of Higher Education" with the first sentence of Article 106 of the Constitution. The contested norms of the law provided that a person could work in the position of an associate professor or a professor only for a fixed term, i.e., six years.

In its judgment in case No. 2018-15-01 the Constitutional Court recognised the contested norms of the law "On Institutions of Higher Education" with respect to associate professors and professors, insofar they did not ensure protection against abuse of successively concluded employment contracts, as being incompatible with the first sentence of Article 106 of the Constitution. Thus, the claim regarding the compliance of the contested norms with the first sentence of Article 106 of the Constitution had already been adjudicated in the judgment in case No. 2018-15-01 and examination of the constitutionality of the contested norms was not necessary.

The applicant in case No. 2018-20-01 had requested recognising the contested norms as being void as of the moment when the infringement on his fundamental rights occurred. Thus, the Constitutional Court had to examine whether the claim had been adjudicated also in this part. The Court, in examining this claim, noted that already in its judgment in case No. 2018-15-01 it had presented its considerations as to why the contested norms could not be recognised as being void as of a certain past date. Hence, the claim regarding the validity of the contested norm had been adjudicated with respect to the applicant in case No. 2018-20-01 and the pre-condition for terminating legal proceedings set Article 29(1)(5) of the Constitutional Court Law was present.

At the same time, the Court noted that the applicant had submitted a statement of claim to a court of general jurisdiction requesting it, *inter alia*, to recognise the employment agreement as having been concluded for an unlimited term. Whereas pursuant with the judgment in case No. 2018-15-01, until new regulation is adopted, the right of respective persons to retain the existing employment should be examined by directly applying the first sentence of Article 106 of the Constitution, as well as the findings included in the judgment. This finding by the Constitutional Court is applicable also to cases that are being adjudicated and comprise a dispute regarding the validity of an employment contract, the term of which has been set in accordance with the contested norms, by verifying, whether the use of successive fixed-term employment contracts had not been abusive.

The Constitutional Court drew the attention of parties applying legal norms that its judgment was a generally binding source of law for applying the norm. The findings of the Court and the interpretation of the legal norm provided by it must be taken into account in the course of applying the legal norm. If the contested norms have been recognised as being incompatible with legal norms of higher legal force and void, insofar they do not ensure protection against abuse of successively concluded fixed-term employment contracts, then at the time when these norms must be applied, this must be done in accordance with Article 32(2) of the Constitutional Court Law, in compliance with the interpretation provided in the Constitutional Court's ruling.

The party applying legal norms has the obligation to take all actions falling within its competence to ensure the effectiveness of the European Union law and reach a solution that would comply with the aim of the directive. I.e., if the parties applying legal norms establish that the successively concluded fixed-term employment contract have been abused then the legal norms of the respective state must be interpreted and applied in compliance with the European Union law.

In particular, the Constitutional Court drew attention to the statements made in the judgment in case No. 2018-15-01: the legislator must ensure compliance of the contested norms with the first sentence of Article 106 of the Constitution by introducing into the legal system measures that would ensure protection against abuse of successively concluded fixed-term employment contracts.

2.7. PANELS' DECISIONS

From 9 December 2018 to 8 December 2019, 183 applications regarding initiation of a case were transferred to the Constitutional Court's Panels for examination, and 32 cases were initiated. During the reporting period of 2019, the number of initiated cases was approximately by 40 per cent higher than in the reporting period of 2018.[35] The number of applications submitted to the Court, in turn, is similar to this number in the reporting period of 2018.[36]

Most of the cases – 22 – were initiated on the basis of constitutional complaints, of which 14 cases – on the basis of natural persons' complaints, and eight – on the basis of legal persons' complaints. Four cases were initiated on the basis of applications by courts: three on the basis of an application by an administrative court and one case on the basis of an application by a court of general jurisdiction which was hearing two civil cases.[37] Three cases were initiated on the basis of the Ombudsman's application, and two cases – on the basis of an application by at least twenty members of the Parliament. One case was initiated also on the basis of a local government's application, requesting to examine the legality of a minister's order by which a decision adopted by a local government council had been suspended.

Similarly, to the previous years, the second largest group of applications on the basis of which cases are initiated consists of applications by courts of general jurisdiction and administrative courts. In 2019 they submitted in total nine applications.[38]

In 2019 the trend which was observed in the previous years continued; i.e., several applicants referred to in paras. 1 to 12 of Article 17(1) of the Constitutional Court Law did not submit applications, for example, the President, the Parliament, the Cabinet, and the Council of the State Audit. Likewise, in 2019, no applications were received from the Council for the Judiciary, the Prosecutor General, a court that examined a criminal case, a judge of the Land Register Department, while registering immovable property or corroborating the title related to it in the land register, as well as a local government's council when the contested act infringes on a local government's rights.

As is customary in the legal proceedings before the Constitutional Court, the majority of applications are constitutional complaints. In 2019 167 constitutional complaints were submitted to the Constitutional Court, which amounted to more than 90 per cent of all applications received by the Court. 90 per cent of the constitutional complaints, in turn, were submitted by natural persons, and approximately 10 per cent – by legal persons (limited liability companies, joint-stock companies, and associations).

To substantiate the infringement on their fundamental rights, private persons in their constitutional complaints, as in the previous years, most often have referred to the equality principle and the principle of prohibition of discrimination included in Article 91 of the Constitution, the right to a fair trial, enshrined in Article 92, as well as the right to property established in Article 105.

However, applicants have made no reference to some of the fundamental rights included in Chapter 8 of the Constitution. For example, in 2019 no application

35 The reporting period of 2018 covered the time from 1 January 2018 to 8 December 2018, and, within it, 23 cases were initiated by the Constitutional Court.

36 From 1 January 2018 to 8 December 2018, 182 applications regarding initiation of a case were transferred to the Constitutional Court's Panels for examination.

37 See application by the Senate of the Supreme Court regarding initiation of a case No. 121/2019 and No. 122/2019 and the decision by the 3rd Panel of the Constitutional Court on initiating a case on the basis of these applications.

38 During the reporting period of 2018, courts of general jurisdiction and administrative courts submitted nine applications to the Constitutional Court.

included a request to review the compatibility of a legal act or norm with the obligation of the state, set in Article 93 of the Constitution, to protect by law everyone's right to life, Article 97 – the right to free movement and to freely choose one's place of residence, Article 99 – the freedom of thought, conscience and religious conviction, Article 102 – the right to unite in associations, political parties, and other public organisations, Article 103 – the right to peaceful meetings and street processions, as well as the freedom to pickets, Article 108 – the right to collective agreement, the right to strike and the right to freedom of trade unions, as well as Article 113 – the state's obligation to create the freedom of scientific, artistic or other creative activity.

Most frequently contested norms in the applications have been the norms of the Civil Procedure Law – in 33 applications, the norms of the Criminal Procedure Law – in 21 applications, the norms of the Criminal Law – in nine applications, the norms of the Latvian Administrative Violations Code – in six applications, and the norms of the Administrative Procedure Law – in five applications.

In difference to 2018, when not a single case was initiated with respect to norms of the Civil Procedure Law, in 2019, seven cases were initiated regarding the compliance of the norms of the said law with the Constitution. All these cases pertain to an aspect of the right to a fair trial – a person's right to access to a cassation instance court in civil procedure. In total, in eight cases initiated in 2019,[39] the Constitutional Court was requested to examine various issues related to access to a cassation instance court in criminal proceedings.

Article 20(7) of the Constitutional Court law provides that the decision on initiating a case or refusal to do so must be adopted within a month after the date of receipt of the application. In complicated cases, the Court may decide to extend this term to two months. In 2019 the Panels made five decisions[40] on extending the term for examining the submitted application. The applicants in these cases were private persons.

In these decisions, the Panels concluded that the submitted application pertained to a complex legal issue and thus, an in-depth analysis of the legal reasoning was required. Following an additional assessment and receipt of additional information, in three cases[41] a decision to refuse initiation of a case was made.[42]

Article 20(7[1]) of the Constitutional Court Law provides: if a Panel decides on refusal to initiate a case and a judge – member of the Panel – votes against such ruling by the Panel, moreover, has substantiated objections, the examination of the application and passing of the decision is transferred to the assignments sitting in full composition of the Court. In 2019, one application[43] regarding initiation of a case was transferred to an assignment sitting for examination. A decision to refuse initiation of a case was made with respect to this application.[44]

The Constitutional Court Law does not prohibit an applicant from submitting an application repeatedly if the Constitutional Court's Panel has decided to refuse initiation of a case on the basis of the initial application. In such cases, the applicant can eliminate the deficiencies in the application identified by the Panel.

In 2019, the Panels examined approximately 40 constitutional complaints that had been submitted repeatedly. With respect to six of these repeatedly submitted complaints[45] the Panels have decided to initiate cases No. 2019-04-01, No. 2019-06-01, No. 2019-15-01, No. 2019-20-03, and No. 2019-22-01. Thus, if the complaint has been submitted timely, then also in the case where the decision is made to refuse initiating a case the person still has the possibility to eliminate the deficiencies identified by the Panel and submit an application repeatedly, in compliance with the requirements set in the law.

The Constitutional Court also continued the practice that was successfully started in the previous years to publish on its homepage, in the section "Panel decisions on refusal to initiate a case",[46] those decisions that point to important aspects in the application of

39 Case No. 2019-11-01, No. 2019-13-01, No. 2019-15-01, No. 2019-16-01, No. 2019-18-01, No. 2019-23-01, No. 2019-26-01, No. 2019-30-01.

40 For example, in 2018, the Constitutional Court's Panels adopted 9 decisions on extending the term for examining an application, in 2017 – 2 decisions, but in 2016 – 10 decisions.

41 Applications No. 157/2019 and No. 158/2019 regarding initiation of a case were not examined in this reporting period.

42 Decision of 11 February 2019 by the 4th Panel of the Constitutional Court on refusal to initiate a case on the basis of application No. 186/2018, decision of 26 March 2019 by the 2nd Panel on refusal to initiate a case on the basis of application No. 15/2019, and the decision of 16 May 2019 by the assignments sitting on refusal to initiate a case on the basis of application No. 45/2019.

43 Application regarding initiation of a case No. 45/2019.

44 Decision of 16 May 2019 by the assignments sitting of the Constitutional Court on refusal to initiate a case on the basis of application No. 45/2019.

45 Application regarding initiation of a case No. 19/2019, No. 39/2019, No. 96/2019, No. 114/2019, No. 129/2019 and No. 132/2019.

46 All Panels' decisions regarding initiation of cases are published on the Constitutional Court's homepage in the section "Initiated and adjudicated cases".

the Constitutional Court Law. This section comprises a selection of Panel decisions that allow persons who draft the applications to gain a better understanding of the Constitutional Court Law and makes it easier to prepare an application that meets the requirements set in the law. In 2019, 70 anonymised[47] decisions of Panels were published, providing rich informative material about problematic issues in the interpretation of the Constitutional Court Law.

Decisions on initiating cases

The cases that were initiated pertained to most diverse legal issues, *inter alia*, such that were related to controlling the correspondence of convicted persons. The sentence serving regime. Prohibition for a person with a criminal record to become an adopter. The procedure for granting the rights of an expert of the Latvian Council of Science. The rights of a member of a local government council to combine several offices in the local government. The State language as the language of instruction in pre-school educational institutions, colleges, institutions of higher education as well as private institutions of education. Limits on the total costs of consumer credit. Suspending a member of the Parliament to whose criminal prosecution the Parliament has given consent from fulfilling his official duties. Financing the operations of the Financial and Capital Market Commission. Compensation in cases of violating the rules on using natural gas. Access to cassation instance court in civil procedure. The legality of the spatial plan of a local government. The time-limit for submitting a cassation complaint in criminal proceedings. The minister's right to suspend a local government's decision to organise a survey of inhabitants. The amount of compensation for non-pecuniary damages in criminal proceedings. Clarity and foreseeability of a norm of the Criminal Law. The level of guaranteed minimum income. Criteria for recognising a person as being indigent. The amount of state social security allowance. The regulation by the Public Utilities Commission on the rules on connecting to the system for transmitting natural gas. The legality of sub-programmes of the state budget.

In 2019 the Constitutional Court initiated several cases with similar claims, facts and legal reasoning to cases that the Court had already initiated.[48] In six Panel decisions on initiating a case in view of procedural economy it was indicated that it was not necessary to request the institution which had issued the contested act to submit repeatedly its written response regarding the facts of the case and the legal reasoning. In 2019 most often cases were initiated with respect to Article 1 of the Constitution – 11 cases, the right to a fair trial

47 The Panels' decisions regarding applications submitted by courts and subjects of abstract control are not anonymised. The Panels' decisions on applications submitted by private persons are anonymised.

48 Case No. 2019-04-01, No. 2019-06-01, No. 2019-07-01, No. 2019-16-01, No. 2019-18-01, No. 2019-19-0103, No. 2019-23-01, No. 2019-26-01, No. 2019-30-01.

enshrined in Article 92 – 11 cases, the principle of equality and prohibition of discrimination included in Article 91 – 8 cases, as well as the right to property defined in Article 105 – 6 cases.[49] Likewise, the Court has initiated cases regarding the compliance of legal norm (act) with Articles 66, 89, 96, 101, 109, 110, 112, 114 and 115 of the Constitution, as well as the European Charter of Local Self-Government and the Energy Law.

In five cases initiated in 2019, it was requested to examine the compliance of a legal norm (act) with Article 64 of the Constitution.[50] To a certain extent, this indicator reflects a trend of 2019, namely, an increase in the number of applications where the applicants reason that the institution that issued the legal norm, for example, the Cabinet of Ministers, had acted *ultra vires* and exceeded the competence granted to it. Moreover, for the second time in the history of the Constitutional Court, a case regarding the compliance of a law with Article 64 of the Constitution was initiated.[51]

If an application submitted to the Court is recognised as compatible with the Constitutional Court Law, then the Panel initiates a case on the basis of it. Thus, the decisions on initiating a case usually do not comprise an extensive assessment of the application's content and form. However, in some cases Panels have to decide on certain contentious issues that are relevant for the initiation of the case. For example, this was done in deciding to initiate case No. 2019-02-03.[52] In examining an application submitted by the District Administrative Court regarding the compliance of the Cabinet of Ministers Regulation and the Decision of 15 January 2018 of the Latvian Council of Science No. 19-1-1 "The Procedure for Granting the Rights of an Expert of the Latvian Council of Science" (hereafter – the Procedure) with the Constitution, the Court verified whether the Procedure comprised generally binding (external) legal norms.

The applicant had noted that the Procedure as to its form was an internal regulatory enactment, however substantially it comprised external legal norms. The Panel of the Constitutional Court upheld this argument of the applicant. It noted, by referring the Constitutional Court's case law, that a regulatory enactment was a legal act that comprised legal norms – abstract, generally binding injunctions on conduct that applied to an unspecified circle of persons and were repeatedly applicable. A subject of public law issues internal regulatory enactments to define its own or a subordinated institution's internal work procedure or to explain the procedure of applying an external regulatory enactment, and such acts are binding only upon the issuing institution, its structural units and employees. Whereas external regulatory enactments are binding upon an abstract circle of persons, and they regulate legal relationships, for example, between a subject of public law, on the one hand, and a private person, on the other hand, or mutual legal relationships of private persons.

The Procedure defines the pre-conditions that a person must meet to acquire the public law status of an expert of the Latvian Council of Science, which is neither the status of an employee nor an official of the

49 In these cases, in total, compliance of eight norms (acts) with Article 105 of the Constitution is contested.
50 In these cases, in total, compliance of seven norms (acts) with Article 64 of the Constitution is contested.
51 Case No. 2008-09-0106, No. 2019-19-0103 and No. 2019-28-0103.
52 Application regarding initiation of case No.12/2019.

institution. The Procedure sets the criteria for granting the status of an expert, it has an external effect and applies to an unspecified circle of person – all scientists who apply for the rights of an expert of the Latvian Council of Science. Hence, the Procedure comprises generally binding (external) legal norms. Thus, the Panel recognised that the Constitutional Court had jurisdiction over the claim of the application to examine the compliance of the Procedure with Articles 1 and 64 of the Constitution.[53]

When deciding on initiation of a case, the Constitutional Court's Panels decide also on other requests made by the applicant, which do not pertain directly to the constitutionality of the contested norms. A decision like this may pertain, for example, to suspending the enforcement of a court ruling.

In the applications on the basis of which cases No. 2019-13-01[54] and No. 2019-18-01[55] were initiated the applicants had requested suspension of the enforcement of a judgment of a court of general jurisdiction in a civil case. The Panels in examining these requests referred to their case law and noted that suspending the enforcement of a ruling was to be considered as an exceptional measure in the legal proceedings before the Constitutional Court, which should be applied only to reach important aims, for example, to ensure the protection of a person's rights in those cases where the enforcement of the ruling in the respective case of the court of general jurisdiction before the ruling by the Constitutional Court had come into effect might render the enforcement of the Constitutional Court's ruling impossible or could cause significant damage for the applicant. Thus, in deciding on the request to suspend the enforcement of a court's ruling, the Constitutional Court assesses: 1) whether the application provides substantiation for this request; 2) whether such conditions exist in the case, due to which the enforcement of the ruling before the Constitutional Court's ruling had entered into force could render the enforcement of the Constitutional Court's ruling impossible or the enforcement of the ruling could cause significant harm to the applicant.

The Constitutional Court's Panels recognised that the applications did not provide substation as to why, in the applicant's situation, the enforcement of the court's ruling should be suspended. Neither did it follow from the applications or the documents annexed to them that the particular case involved conditions due to which the enforcement of the ruling before the Constitutional Court's ruling had entered into force could render the enforcement of the Constitutional Court's ruling impossible. Hence, the Constitutional Court dismissed these requests made by the applicants.[56] In its decision on initiating case No. 2019-18-01 the Panel noted in addition that if the contested norm were to be recognised as being incompatible with the Constitution it would not mean, *per se*, that the judgment of the regional court would be quashed. Hence, conditions due to which the enforcement of the respective judgment could cause significant damage to the applicant that would hinder defending his fundamental rights in the framework of the case initiated by the Constitutional Court did not exist.

Whereas in applications on the basis of which case No. 2019-22-02[57] was initiated the applicants requested suspending the enforcement of a judgment by a court of general jurisdiction in a criminal case. Applications No. 129/2019 and No. 132/2019 contained a request to recognise as being incompatible with the Constitution one norm of the Criminal Law which, as the applicants maintained, was unclear and unforeseeable. The requests regarding the suspension of the enforcement of judgments were substantiated by the consideration that the enforcement of the judgment would infringe upon their right to freedom, included in the first sentence of Article 94 of the Constitution. If the enforcement of the judgment were not suspended but the Constitutional Court would recognise the contested norm as being incompatible with the second sentence of Article 92 of the Constitution, the applicants could receive compensation for the infringement upon their rights only by claiming compensation for non-pecuniary damage in the procedure established in the Law on Compensation for Damage Caused in Criminal Proceedings and Record-keeping of Administrative Violations. However, it was alleged that compensation cannot compensate in full for the non-pecuniary damage caused to a person.

The Constitutional Court's Panel found that there was no reasoning in the applications as to why the possibly incomplete compensation for non-pecuniary damage in the procedure established in the Law on Compensation for Damage Caused in Criminal Proceedings and Record-keeping of Administrative Violations could cause significant harm to the applicant. In view of the above and the applicants' actual situation, the Panel concluded that there were no such conditions in the particular case due to which the enforcement of the judgment in the criminal case should be suspended.

53 Decision of 25 February 2019 by the 4th Panel of the Constitutional Court regarding initiation of a case on the basis of application No. 12/2019.

54 Application regarding initiation of case No.88/2019.

55 Application regarding initiation of case No.117/2019.

56 Decision of 18 July 2019 by the 1st Panel of the Constitutional Court regarding initiation of a case on the basis of application No. 88/2019, and the decision of 19 September 2019 by the 3rd Panel on initiation of case on the basis of application No. 117/2019.

57 Decision of 10 October 2019 by the 2nd Panel of the Constitutional Court regarding initiation of a case on the basis of application No. 129/2019 and No. 132/2019.

The submitter of constitutional complaint had included several requests in the application on the basis of which case No. 2019-07-01[58] was initiated. The requests were as follow: first: to limit the public access to a number of annexes to the application and to particular parts of the application, i.e., information about the lending products provided to the applicant; second, to limit the public access also to its title, registration number and legal address so that the applicant's employees and investors would not find out about its doubts regarding continuation of commercial activities after the contested norms entered into force; third, to examine the case at a closed court hearing.

In deciding on the first request the Panel noted that in accordance with Article 28[3](2) of the law "On Judicial Power" until the moment when the final ruling by the court has entered into effect, the materials of the case are accessible only to those persons who have been granted this right in procedural laws. Article 24 of the Constitutional Court Law, in turn, provides that only participants of the specific case, i.e., the applicant and the institution or the official who has issued the contested act, have the right to familiarise themselves with the materials of case that has not been heard yet.

It follows from Article 19 of the Commercial Law that merchants have the right to assign the status of a commercial secret to information about the lending products provided by the applicants. The Constitutional Court does not have at its disposal information proving that assigning of a status of a commercial secret to this information would not comply with the requirements set in Article 19 of the Commercial Law. Pursuant to the requirements set in Article 7(3) of the Freedom of Information Law the applicant had informed the Constitutional Court about this fact. In this case, in accordance with Article 7(5) of the Freedom of Information Law, this information has the status of restricted access information. In view of the fact that this status of the aforementioned information followed from the law, it was not necessary for the Constitutional Court to decide on assigning this status and the applicant's request had to be left unexamined.

The Panel noted, in particular, that the Constitutional Court law clearly defined information that had to be transferred to the institution which had issued the contested act; i.e., the application in the form in which it had been submitted to the Constitutional Court had to be sent to it, not an edited or redacted application. It is presumed that persons who submit an application to the Constitutional Court have familiarised themselves with the requirements of the Constitutional Court Law and, thus, are aware of the consequences of this action.

In deciding on the applicant's second request, the Panel noted that information about turning to the Constitutional Court was not any of the situations referred to in Article 5(2) of the Freedom of Information Law when the information should be considered as being restricted access information. For example, it was neither a commercial secret nor information about the private life of natural persons. Hence, the Panel dismissed this request made by the applicant.

In deciding on the request to examine the case at a closed hearing, the Panel underscored that pursuant to Article 22(1) of the Constitutional Court Law during the assignments sitting that is convened when the preparation of the case is finalised issues regarding examining the case at a court hearing are decided on, *inter alia*, on hearing the case in written procedure or at a court hearing attended by the participants of the case. Whereas Article 27(3) of the Constitutional Court Law provides that the decision on examining a case at a closed hearing is made by the Constitutional Court. Thus, the Constitutional Court's Panel does not have the competence to decide on this request and it must be decided on at the assignments sitting after the case has been transferred for examination. Hence, the Panel left the aforementioned request unexamined.[59]

The application on the basis of which case No. 2019-28-0103[60] was initiated comprised the applicant's request to assign the status of restricted access to information provided in the application and the annex to it. The Panel noted that case materials, until the moment when the Court's final ruling entered into force, were accessible only by those persons to whom such right had been granted by procedural laws. Pursuant to Article 24 of the Constitutional Court Law, only the participants of the specific case have the right to familiarise themselves with the materials in the case that had not yet been adjudicated. The same applied to the right to receive copies of documents included in the case materials. In view of the fact that until the final ruling by the Constitutional Court was adopted the information referred to in the applicant's request was accessible only to the participants in the case, it was not necessary to restrict access of third persons to it. Hence, the applicant's request was dismissed.[61]

As in the previous years, it can be noted also with respect to the legal reasoning of applications received in 2019 that it was not always sufficient to allow the Court to initiate a case regarding the compliance of the contested regulation with all those legal norms of higher legal force indicated by the applicant. In several cases, the applicant has requested examining the compliance of the contested norms with several

58 Application regarding initiation of case No. 41/2019.

59 Decision of 25 April 2019 by the 3rd Panel of the Constitutional Court regarding initiation of a case on the basis of application No. 41/2019.

60 Application regarding initiation of case No. 151/2019.

61 Decision of 22 November 2019 by the 4th Panel of the Constitutional Court regarding initiation of a case on the basis of application No. 151/2019.

legal norms of higher legal force; the Panel, however, decided to initiate a case only with respect to a part of them.[62] This means that the applicant should verify carefully whether indeed the application contains legal reasoning regarding the alleged incompatibility of each contested norm with each legal norm of higher legal force indicated in the application.

The request included in some applications to review the compliance of the contested regulation with more than twenty legal norms of higher legal force – those of the Constitution and of various international documents of human rights protection – is still to be noted as a negative trend.[63] In examining such a request, the Constitutional Court's Panel stated that the compliance of contested norms with the norms of the Constitution was always examined in conjunction with international legal acts in the field of human rights. If the applicant requests the examination of the compliance of the contested norms with international legal acts in the field of human rights, then the application should substantiate that these international legal acts envisage a more extensive scope of human rights protection compared to the Constitution and, thus, the compliance of the contested norm with these international legal acts should be examined in addition to review of its compatibility with the Constitution.[64]

In conclusion, several trends relating to the constitutional complaints on the basis of which cases were initiated in 2019 need to be mentioned.

First, it should be underscored that four cases were initiated with respect to an infringement on the applicant's fundamental rights which was expected to occur only in the future. This shows that persons are active in protecting their rights that have been infringed upon and try to defend their rights as timely as possible.

Second, the number of the initiated cases in which the person has exhausted all general legal remedies before turning to the Constitutional Court has increased. In 2018, the number of such cases was only two; whereas in 2019, a person had exhausted all the available general legal remedies before turning to the Constitutional Court already in five initiated cases.[65] Moreover, in 2019, the number of cases where a private person had no available general legal remedies because he contested the constitutionality of legal norms related to legal proceedings before the cassation instance court was relatively high.[66]

Decisions on refusal to initiate a case

From 9 December 2018 to 8 December 2019 the Constitutional Court's Panels adopted 151 decisions on refusal to initiate a case. This number is very similar to the number of such decisions in 2018.[67] The legal grounds for Panel decision to refuse initiation of a case are Article 20(5) and (6) of the Constitutional Court Law. These norms regulate several instances when the Panel has the right to adopt this decision.

The Constitutional Court's jurisdiction over the case

Article 20(5)(1) of the Constitutional Court Law provides that the Court refuses to initiate a case if it has no jurisdiction over it. In 2019, this norm was applied in 14 decisions on refusal to initiate a case.

The Court's jurisdiction is defined by the Constitution and the Constitutional Court Law. This jurisdiction is exhaustively defined in Article 16 of the Constitutional Court Law. This means that the application to the Court may not comprise a claim that is not referred to in Article 16 of the Constitutional Court Law. The following can be mentioned as examples of claims which, in accordance with the rulings made by the Panels in 2019 do not fall within the Court's jurisdiction:

1) a request to examine compliance of several norms of the Constitution with the Forced Labour Convention of the International Labour Organisation of 28 June 1930 and its Protocol relating to issues of social policy and

62 See, for example, Decision of 4 March 2019 by the 3rd Panel of the Constitutional Court regarding initiation of a case on the basis of application No. 19/2019; decision of 8 April 2019 by the 4th Panel regarding initiation of a case on the basis of application No. 39/2019; decision of 9 May 2019 by the 1st Panel regarding initiation of a case on the basis of application No. 50/2019; decision of 18 July by the 1st Panel regarding initiation of a case on the basis of application No. 77/2019; decision of 25 September 2019 by the 4th Panel regarding initiation of a case on the basis of application No. 114/2019; decision of 18 October 2019 by the 3rd Panel regarding initiation of a case on the basis of application No. 126/2019.

63 Application regarding initiation of case No. 77/2019.

64 Decision of 18 July 2019 by the 1st Panel of the Constitutional Court regarding initiation of a case on the basis of application No. 77/2019.

65 Case No. 2019-03-01 and application regarding initiation of a case No. 18/2019; case No. 2019-10-0103 and application regarding initiation of a case No. 59/2019; case No. 2019-14-03 and application regarding initiation of a case No. 89/2019; case No. 2019-21-01 and application regarding initiation of a case No. 124/2019; case No. 2019-22-01 and application regarding initiation of a case No. 129/2019 and Nr. 132/2019.

66 Application No. 71/2019 regarding initiation of case No. 2019-11-0; application No. 88/2019 regarding initiation of case No. 2019-13-01; application No. 96/2019 regarding initiation of case No. 2019-15-01; application No. 94/2019 regarding initiation of case No. 2019-16-01; application No. 117/2019 regarding initiation of case No. 2019-18-01, application No. 126/2019 regarding initiation of case No. 2019-23-01, application No. 141/2019 regarding initiation of case No. 2019-26-01, application No. 161/2019 regarding initiation of case No. 2019-30-01.

67 From 1 January 2018 to 8 December 2018, the Constitutional Court's Panels adopted 147 decisions on refusal to initiate a case.

the Charter of Fundamental Rights of the European Union.[68] The Panel emphasised in its decision that within the Latvian legal system the Constitution was the legal norm of the supreme legal rank. The compliance of international agreements binding upon the Republic of Latvia with the Constitution is presumed; however, the Constitutional Court's jurisdiction allows verifying this presumption. Any person may submit a constitutional complaint to the Constitutional Court regarding an alleged violation of the fundamental rights defined in the Constitution. However, the applicant's request to recognise some articles of the Constitution as being incompatible with international agreements does not fall with the Constitutional Court's jurisdiction in accordance with Article 16 of the Constitutional Court Law;

2) a request to examine a matter regarding the possibility for the applicant to receive compensation for losses calculated by the Nature Conservation Agency or compensation for losses that had occurred because the responsible state institutions had failed to introduce a scheme of state aid that would be compatible with the Constitution;[69]

3) a request to grant to the applicant the legal aid provided by the state for preparing the legal reasoning of the application in accordance with the provisions of the State-Ensured Legal Aid Law.[70] The Panel noted in its decision that in accordance with Article 9[1] of the State-Ensured Legal Aid Law the state-ensured legal aid in the legal proceedings before the Constitutional Court is granted to a person with respect to whose constitutional complaint the Constitutional Court had refused to initiate a case, indicating as the only grounds for this decision the lack of legal reasoning or its obvious insufficiency for satisfying the claim. Pursuant to Article 21 of the aforementioned Law, the application regarding legal aid is examined by the Legal Aid Administration. It adopts decisions on granting legal aid or refusal to grant it and informs the applicants about the decision as well as, in cases stipulated in this Law, appoints the legal aid provider;

4) a request to verify information about the payments of taxes and state duties made by the applicant;[71]

5) a request to verify whether the fact that officials do not receive supplementary payment for work involving special risk complies with Article 107 of the Constitution and the equality principle;[72]

6) a request to revoke a ruling by a court of general jurisdiction;[73]

7) a request to transfer an application submitted to the Constitutional Court for examination to an international judicial institution of constitutional law;[74]

8) a request to grant compensation to the applicant and to ask a written reply to a person's submission from the prison;[75]

9) a request to recognise a municipal council's decision on reorganising a school as being incompatible with several norms of the Constitution and the law;[76]

10) a request to recognise several norms of Cabinet Regulation as being incompatible with the judgment of a court of general jurisdiction and the Ombudsman's report.[77]

The applicant is not eligible to submit a claim

Article 20(5)(2) of the Constitutional Court Law provides that the Constitutional Court may refuse to initiate a case if the applicant is not eligible to submit an application. In 2019 this norm has not been applied in any decision by the Panel. Also previously the Panels had applied Article 20(5)(2) of the Constitutional Court Law only in rare exceptional cases.

68 Decision of 17 January 2019 by the 1st Panel of the Constitutional Court to initiate a case on the basis of application No. 2/2019.

69 Decision of 28 January 2019 by the 3rd Panel of the Constitutional Court to initiate a case on the basis of application No. 3/2019.

70 Decision of 19 February 2019 by the 1st Panel of the Constitutional Court to initiate a case on the basis of application No. 13/2018, and the decision of 19 February 2019 by the 1st Panel to initiate a case on the basis of application No. 14/2018.

71 Decision of 7 May 2019 by the 3rd Panel of the Constitutional Court to initiate a case on the basis of application No. 47/2019.

72 Decision of 24 May 2019 by the 2nd Panel of the Constitutional Court to initiate a case on the basis of application No. 58/2019.

73 Decision of 18 July 2019 by the 1st Panel of the Constitutional Court to initiate a case on the basis of application No. 79/2019, decision of 7 August 2019 by the 2nd Panel to initiate a case on the basis of application No. 95/2019, decision of 6 November 2019 by the 2nd by Panel to initiate a case on the basis of application No. 137/2019, decision of 21 November 2019 by the 1st Panel to initiate a case on the basis of application No. 148/2019.

74 Decision of 28 August 2019 by the 2nd Panel of the Constitutional Court to initiate a case on the basis of application No. 106/2019.

75 Decision of 10 September 2019 by the 3rd Panel of the Constitutional Court to initiate a case on the basis of application No. 109/2019.

76 Decision of 25 November 2019 by the 3rd Panel of the Constitutional Court to initiate a case on the basis of application No. 150/2019.

77 Decision of 14 November 2019 by the 2nd Panel of the Constitutional Court to initiate a case on the basis of application No. 146/2019.

Incompatibility of the application with the requirements of the Constitutional Court Law

Article 20(5)(3) of the Constitutional Court Law provides that the Constitutional Court may refuse initiation of a case if the application does not meet the requirements set in Article 18 or 19–19^3 of this Law. This norm has been applied most often in Panels' decisions on refusing to initiate a case.

The application does not substantiate an infringement on a person's fundamental rights

It follows from Article 19^2(1), Article 19^2(6)(1) and Article 18(1)(4) that the submitter of the constitutional compliant has the obligation to substantiate how the contested norm infringes on their fundamental rights defined in the Constitution. It is often mentioned in the Panels' decisions that an infringement on a person's fundamental rights can be identified if: first, the person has the fundamental rights established in the Constitution, i.e., the contested norm falls with the scope of the particular fundamental right; second, it is exactly the contested norm that infringes upon a person's fundamental rights established in the Constitution.[78] On the basis of the aforementioned norms of the Constitutional Court Law, the Panels in 2019 adopted 63 decisions on refusing to initiate a case with respect to the whole application or a part thereof. Similarly, to the previous years, also in 2019 a large part of these decisions by the Panels pertained to cases where a person instead of contesting the constitutionality of a legal norm in substance challenged the way in which this legal norm had been interpreted and applied.

Article 19^2(1) and Article 19^2(6)(1) of the Constitutional Court Law are used as the grounds for refusal also in such cases where the contested norm does not infringe on the applicant's fundamental rights. Thus, in application No. 65/2019, submitted by two legal persons – a joint-stock company and an association, it was requested to recognise as being incompatible with the Constitution a norm of the Value Added Tax Law, insofar it applied to leasing immovable property in the case of compulsory land lease. It was noted in the application that the joint-stock company had brought a claim to court relating to the legal relationship of land lease. In the course of adjudicating this civil case, the joint-stock company ceded all rights to claim to the association with respect to the defendant in the particular civil case.

The Panel noted in its decision that, pursuant to Article 1800 of the Civil Law in the case of cession only the right to claim is transferred to the cessionary rather than the contractual relationship from which this right is derived. Article 1804 of the Civil Law, in turn, provides that, regardless of cession, the former creditor continues to be the creditor until such time as the cessionary receives satisfaction from the debtor or has brought an action against the debtor, or at least has informed the debtor of the cession in an appropriate manner. Until such time, the debt may also be paid to the cedent, as well as a settlement may be made with the cedent, and likewise the cedent retains the right to claim. Hence, the association, as the result of transfer of the right to claim, has not become the subject of the legal relationship of compulsory lease. Moreover,

78 Decision of 16 August 2019 by the 2nd Panel of the Constitutional Court to initiate a case on the basis of application No. 103/2019.

the association is not registered in the State Revenue Service's register of value-added taxpayers. In view of the above, the application does not substantiate that the norm of the Value Added Tax Law causes adverse consequences exactly for the association. Thus, the Panel found that the association's application was incompatible with the requirements of Article $19^2(1)$ and Article $19^2(6)(1)$ of the Constitutional Court Law.[79]

The applicant has not exhausted all general legal remedies

Article $19^2(2)$ of the Constitutional Court Law provides that a constitutional complaint may be submitted only after all possibilities to defend the infringed rights by general legal remedies had been used – a complaint to a higher standing institution or an official as well as a complaint or a statement of claim to a court of general jurisdiction, or if the person does not have such possibilities. This norm defines the obligation of the submitter of the constitutional complaint to exhaust all available general legal remedies before turning to the Constitutional Court. In 2019 Panels adopted 13 decisions on refusal to initiate a case on the basis of Article $19^2(2)$ of the Constitutional Court Law.

In 2019, the Panels have repeatedly pointed to a person's obligation to turn to administrative courts to defend their rights that had been infringed upon before turning to the Constitutional Court. Thus, the applicant noted in the application regarding initiation of case No. 75/2019 that he was at an institution for deprivation of liberty and had been convoyed to court hearings several times. Although in accordance with the contested norm of the Cabinet Regulation he had been provided food at this time, the products referred to in the contested norm did not ensure a fully balanced meal, including recommended nutrients.

The Panel, referring to the Supreme Court's case law, noted, first, that the Cabinet Regulation which comprised the contested norm was interpreted to mean as defining the minimum standards of food and did not prohibit from finding individual solutions also in cases not envisaged in the Regulation. For example, to substitute or supplement the food with specific products to ensure that the particular convict is ensured an appropriate amount of all the necessary nutrients as well as the necessary amount of energy. If the applicant considers that, in the particular situation, the special food norm included in the contested norm did not ensure sufficient nutrition to him, he had the right to submit a complaint to the Prisons Administration about the actual actions taken by the prison. The Prisons Administration's decision could be appealed against to a court in the procedure established in the Administrative Procedure Law.

Moreover, in accordance with Article 104(1) of the Administrative Procedure Law, in case of doubts the administrative court verifies whether the legal norm applied by the institution or to be applied in the administrative legal proceedings complies with the

79 Decision of 14 June 2019 by the 1st Panel of the Constitutional Court to initiate a case on the basis of application No. 65/2019.

legal norms of higher legal force. If the administrative court were to consider that the norm of the Cabinet Regulation is incompatible with the law, then, pursuant to Article 104(3) of the Administrative Procedure Law, it would not apply the respective legal norm. In cases where an institution's decision or actions substantially violate the fundamental rights of a convicted person, he has the right to turn to the administrative court. Moreover, in the interests of reaching a fair outcome, the administrative court must interpret legal norms in compliance with the legal norms of higher legal force as well as eliminate the deficiency of law if this can be done by means of legal methods.

Thus, in the particular case the applicant has access to general regal remedies to protect his rights that had been infringed upon, and he had not yet exhausted these remedies. Hence, the Panel recognised that the application was incompatible with the requirements of Article 19^2(2) of the Constitutional Court Law.[80]

The submitter of application No. 15/2019 argued that the contested norms of the Cabinet Regulation were incompatible with several norms of the Treaty on the Functioning of the European Union and several directives of the European Union. Moreover, the norms of the national law applicable in the case should be interpreted in accordance with the case law of the Court of Justice of the European Union. The contested norms cannot be contested in a court of general jurisdiction, and they impose an obligation on an institution to issue a mandatory administrative act that is unfavourable for a person.

The Panel noted, first, that, pursuant to the European Union law, the national [general jurisdiction] courts interpreted and applied national legal norms in view of the provisions made in the directives of the European Union and that they had to act in a way that ensured uniform application of the European Union law. Article 15(4) of the Administrative Procedure Law also provides that the legal norms of the European Union are applied in accordance with their place in the hierarchy of legal force of external regulatory enactments. In applying the legal norms of the European Union, the institution and the court take into account the case law of the Court of Justice of the European Union. Pursuant to the European Union law, the national court has the obligation, notwithstanding deficiencies in national legal norms, to apply an outcome of interpretation that is most compatible with the European Union law.

The administrative courts, in turn, in exercising their competence, establish and assess all issues of law and fact that are important in the case and exercise comprehensive judicial review of an administrative act issued by an institution or its actual actions. In view of the above, legal proceedings in an administrative court cannot be recognised as being an ineffective legal remedy in the meaning of the Constitutional Court Law. Moreover, in accordance with Article 104 (2) of the Administrative Procedure Law, if an administrative court acknowledges that a legal norm is incompatible with the Constitution or a norm (act) or international law, it suspends proceedings in the case and sends a substantiated application to the Constitutional Court. Hence, the applicant has not used all general legal remedies to defend her rights. Therefore, the Panel recognised the application as being incompatible with the requirements of Article 19^2(2) of the Constitutional Court Law.[81]

The applicant has missed the six-months term for submitting the application

Article 19^2(4) of the Constitutional Court Law provides that a constitutional complaint may be submitted within six months after the ruling by the final institution has entered into force. If it is impossible to defend the fundamental rights enshrined in the Constitution by general legal remedies the constitutional complaint may be submitted to the Constitutional Court within six months from the moment when the infringement on fundamental rights occurred. In 2019, the Panels adopted 7 decisions on refusal to initiate a case on the basis of Article 19^2(4) of the Constitutional Court Law.

A person may contest the constitutionality of several norms of one law in one constitutional complaint. However, also in this case it is important to take into account that the requirement regarding the term of six months set in the law applies to each norm of this law. An example is a situation when various norms of the same law had been applied in various proceedings before a court of general jurisdiction. Thus, examining application No. 74/2019, the Panel concluded that the applicant had turned to the Constitutional Court in connections with two decisions by the Supreme Court's assignments sitting adopted in two different legal proceedings. However, one of them had entered into effect more than 6 months before the application was submitted to the Constitutional Court. Hence, in this part of the claim, the application had been submitted to the Constitutional Court disregarding the time-limit defined in the Constitutional Court Law.[82]

Establishing the exact starting point of the time-limit of six months is important also in the case where a person does not have access to general legal remedies. Thus, in application No. 32/2019 the applicant contested the constitutionality of a regulation of the Cabinet Regulation that had been applied when a local government adopted a spatial plan. The Panel noted that the requirements of a local government's spatial plan affected a person's right to property as of the moment

80 Decision of 5 July 2019 by the 3rd Panel of the Constitutional Court to initiate a case on the basis of application No. 75/2019.

81 Decision of 26 March 2019 by the 2nd Panel of the Constitutional Court to initiate a case on the basis of application No. 15/2019.

82 Decision of 8 July 2019 by the 2nd Panel of the Constitutional Court to initiate a case on the basis of application No. 74/2019.

when it entered into force. This is the moment when a person's right to know her rights were affected. The fact that pursuant to a norm of the Cabinet Regulation a person is not individually informed about the public discussions about the spatial plan cannot be contested or appealed against by general legal remedies. Therefore, in this case the term for submitting the constitutional complaint had to be counted from the moment when the infringement on fundamental rights occurred, i.e., as of the moment when the spatial plan entered into force.[83]

The application does not include legal reasoning

Article 18(1)(4) of the Constitutional Court Law provides that legal reasoning must be included in the application to the Constitutional Court. In 2019, upon establishing that it had not been included in the applications, the Panels adopted 38 decisions on refusal to initiate a case. In all cases when the aforementioned grounds for the refusal to initiate a case were applied, an application to the Court had been submitted by private persons. With respect to all these applications, the Panels found that the application complied with the general requirements of the law; i.e., the Constitutional Court had jurisdiction over the case, the person had substantiated the infringement on fundamental rights enshrined in the Constitution, the person had exhausted all general legal remedies (or the person had had no access to such remedies) and had abided by the six months' time-limit for submitting the application.

Pronounced brevity is typical of the applications with respect to which a Panel adopted the respective decisions. Namely, the applicants present the facts of the case and their own general opinion on the content of the particular norm of the Constitution and of the contested norm, as well as quote, for example, other legal norms, case law, and findings from the legal doctrine. Likewise, in some cases, the applicant, for example, only indicates that the contested norm had not been adopted in proper legislative procedure or that the restriction on fundamental rights included in it lacks a legitimate aim. However, the Panels do not consider this to be sufficient legal reasoning in the meaning of the Constitutional Court Law. "Recommendations for Drafting a Constitutional Complaint" [in Latvian] found on the homepage of the Constitutional Court should be used as a model for eliminating such deficiencies.

The application does not meet other requirements set in Article 18 of the Constitutional Court Law

Article 18 of the Constitutional Court Law defines the requirements to be met by the applicant referred to in Article 17(1) of this Law. The applicant's obligation to formulate clearly the claim to the Constitutional Court is to be regarded, *inter alia*, as one of these requirements. Namely, the contested norm (act) and also the norm (act) of higher legal force must be precisely indicated in the application.

In examining application No. 92/2019, the Panel pointed out that pursuant to Article 16 of the Constitutional Court Law, the Constitutional Court reviewed the compliance of a contested act (norm) with legal norms of higher legal force. Therefore, the applicant in wording the claim must indicate the legal norm of higher legal force. The application includes the presentation of the facts of the case and the applicant's opinion on the content of the contested act and its alleged illegality, legal norms and findings included in the Constitutional Court's rulings are quoted. However, the application does not include a claim to the Constitutional Court in compliance with the Constitutional Court Law, i.e., a particular legal norm of higher legal force with which, in the applicant's view, the contested act is incompatible. Although several legal norms are indicated in the application which are used by the applicant to substantiate what kind of legal act it has issued; however, her will cannot be clearly identified: the legal norm, with which in the applicant's opinion, the contested act is incompatible cannot be identified. The Panel cannot eliminate this deficiency by interpreting the information provided in the application. Hence, it was recognised that the application was incompatible with the requirements set in Article 18(1)(5) of the Constitutional Court Law.[84]

Likewise, when examining application No. 131/2019 the Panel established that the applicant had indicated legal norms of higher legal force, the compatibility with which of the Cabinet Regulation should be examined. However, the applicant had not specified the norms of the contested Regulation, the compliance of which with the legal norms of higher legal force should be reviewed by the Constitutional Court. A reasonable interpretation of the applicant's claim, likewise, did not lead to assurance that he would have wanted to submit an application regarding the compliance of the whole contested Regulation with the legal norms of higher legal force. Hence, it was found that the application was incompatible with the requirements set Article 18(1)(5) of the Constitutional Court Law.[85]

Article 18(2) of the Constitutional Court Law provides that contesting of several acts in one application is permissible only in the cases indicated in this Law. It has been recognised in the Constitutional Court's case law that, in view of the principle of procedural economy of legal proceedings before the Constitutional Court, in some cases also the norms of several regulatory enactments that regulate closely interconnected legal

83 Decision of 3 April 2019 by the 4th Panel of the Constitutional Court to initiate a case on the basis of application No. 32/2019.

84 Decision of 16 August 2019 by the 2nd Panel of the Constitutional Court to initiate a case on the basis of application No. 98/2019.

85 Decision of 10 October 2019 by the 4th Panel of the Constitutional Court to initiate a case on the basis of application No. 131/2019.

issues may be contested in the framework of one application.[86] However, in examining application No. 72/2019, the Panel concluded that the application did not provide assurance that the contested norms regulated closely interconnected legal issues and that examination of the constitutionality thereof within the framework of one case could facilitate comprehensive and swift examination of the case. Thus, the Panel found that the application was incompatible with the requirements of Article 18(2) of the Constitutional Court Law.[87]

Article 17(1)(9) of the Constitutional Court Law provides that a court which adjudicates a civil case, a criminal case or an administrative case has the right to submit an application. Pursuant to Article 19[1](1)(2) of the Law an application should be submitted if the court while examining an administrative case in cassation procedure is of the opinion that the norm which has been applied by the institution or should be applied in the legal proceedings in this case is incompatible with the Constitution. Moreover, in accordance with Article 18(1)(4) of the Law, the court must provide legal reasoning for this opinion.

In application No. 31/2019, the Supreme Court requested the Constitutional Court to review Article 72(5)(1) of the Law on the Protection of Children's Rights, insofar it established an absolute prohibition to a person who had been convicted for criminal offences related to violence or threat of violence to work as a teacher in institutions of education for children. The Constitutional Court's Panel established that the right of a person with criminal record to work as teacher in institutions of education for children currently was regulated by two legal norms of equal legal force – both the norm of the Law on the Protection of Children's Rights that was contested in the application and the new wording of Article 50(1) of the Education Law, which had been adopted in the light of the Constitutional Court's judgment in case No. 2017-07-01.[88]

In accordance with Article 9(6) of the law On Official Publications and Legal Information, if a contradiction between norms of equal legal force is detected, the most recent legal norm must be applied. The applicant had not substantiated as to why, in view of the above, in the present case the contested norm specifically should be applied to the person who had turned to the administrative court, rather than Article 50(1) of the Education Law in the new wording, which reflects the new approach by the legislator to resolving the dispute; i.e., an individual assessment of a person who wants to work as a teacher, *inter alia*, with children. Hence, the Panel ruled that the application was incompatible with the requirements of Articles 18(1)(4) and 19[1](1)(2) of the Constitutional Court Law.[89]

Res judicata

Article 20(5)(4) of the Constitutional Court Law provides that the Constitutional Court may refuse initiation of a case if the application has been submitted with respect to an already adjudicated claim. In 2019 the Panels did not adopt a single decision on the basis of this norm. To compare, in 2018, for example, this norm had been applied in 10 decisions by the Panels. A possible reason as to why Article 20(5)(4) of the Constitutional Court Law was not applied in the Panel decisions of 2019 could be the fact that the applicants, prior to submitting an application to the Constitutional Court, carefully verify whether this matter had not already been adjudicated in the Court's judgment. Hence, applications regarding adjudicated claims are not submitted.

In reviewing application No. 74/2019, the Panel assessed whether the application had not been submitted with respect to an adjudicated claim. It established that it followed from the application and the annexed documents that the contested norm had been applied to the applicant in the wording, in which it had been expressed by the law of 9 June 2016 "Amendments to the Civil Law", which entered into force on 13 July 2016. Whereas in the judgment in case No. 2013-02-01[90] the constitutionality of this norm in the wording that was in force until 12 July 2016 was reviewed. Hence, the Panel recognised that the claim regarding compatibility of the contested norm with Article 92 of the Constitution could not be recognised as being *res judicata*.[91]

Changes in the legal reasoning or the presentation of facts

Article 20(5)(5) of the Constitutional Court Law grants to the Constitutional Court's Panel the right to refuse initiation of a case if the legal reasoning or presentation of facts included in the application, substantially, have not changed compared to a previously submitted application, with respect to which the Panel has made a decision. In 2019, the Panels have made 22 decisions on refusing to initiate a case.

Article 20(5)(5) of the Constitutional Court Law is based on the principle of procedural economy and

86 Decision of 29 July 2008 by the 2nd Panel of the Constitutional Court to initiate a case on the basis of application No. 75/2008.

87 Decision of 19 June 2019 by the 4th Panel of the Constitutional Court to initiate a case on the basis of application No. 72/2019.

88 Judgment of 24 November 2017 by the Constitutional Court in Case No. 2017-07-01.

89 Decision of 27 March 2017 by the 3rd Panel of the Constitutional Court to initiate a case on the basis of application No. 31/2019.

90 Judgment of 21 October 2013 by the Constitutional Court in Case No. 2013-02-01.

91 Decision of 8 July 2019 by the 2nd Panel of the Constitutional Court to initiate a case on the basis of application No. 74/2019.

unburdens the Panel's work in cases when applications, the legal reasoning and presentation of facts of which are similar to the presentation of facts and legal reasoning of the previous application, are repeatedly submitted to the Court.

In applying Article 20(5)(5) of the Constitutional Court Law, the Panel has recognised: if the application includes a new claim, requesting recognising the contested norm as being incompatible with a legal norm of higher legal force which had not been indicated in the previous application, then the legal reasoning of the repeatedly submitted application has changed on its merits. In other words, the Panel must examine the compliance of the new claim included in the repeated application with the requirements of the Constitutional Court Law in this part of the claim.[92]

If the Panel has decided on refusal to initiate a case, noting that the applicant had not legally substantiated the infringement on his fundamental rights, established in the Constitution, then the fact that a person indicates in the repeated application another moment when the infringement on fundamental rights occurred is meaningless. I.e., the moment when a person's fundamental rights were infringed upon can be established when the infringement on a person's fundamental rights is identified. Therefore, formal changes relating to the date when the infringement upon fundamental rights occurred cannot be regarded as being the substantiation of the very existence of an infringement upon fundamental rights.[93]

The legal reasoning is obviously insufficient for satisfying the claim

Pursuant to Article 20(6) of the Constitutional Court

92 Decision of 6 March 2019 by the 4th Panel of the Constitutional Court to initiate a case on the basis of application No. 24/2019.

93 Decision of 4 June 2019 by the 4th Panel of the Constitutional Court to initiate a case on the basis of application No. 60/2019.

Law, a Panel has the right to refuse initiating a case if the legal reasoning provided in the constitutional complaint is obviously insufficient for satisfying the claim. In 2019, the Panels adopted 21 decisions on the basis of this norm.

Article 20(6) of the Constitutional Court Law applies only to those cases where a constitutional complaint is submitted to the Constitutional Court. The matters to which these decisions by the Panels pertain basically apply to such areas as tax law, criminal procedure, civil procedure, and spatial planning. The Constitutional Court has developed extensive case law in these areas of law, and the Court already has provided its assessment on many matters of these areas. In general, the cases where Article 20(6) of the Constitutional Court Law was applied reflect with sufficient precision those matters of fundamental rights and areas of law that are most relevant for private persons in constitutional law.

Other requests made by the applicants

Other matters also have been decided on in the decisions by the Constitutional Court's Panels on refusal to initiate a case. For example, in application No. 190/2018 and No. 47/2019 the applicants requested a suspension of the contested norm. The Panel indicated in its decision that Article 19^2(5) of the Constitutional Court Law envisaged only one temporary measure if a constitutional complaint had been submitted – suspending the enforcement of a court's ruling. The legislator has not envisaged other temporary measures in the Constitutional Court Law. The applicant's request to suspend the contested norm is not related to suspending the enforcement of a court's ruling, neither is it a procedural issue that has not been regulated in the Constitutional Court Law or in the Rules of Procedure of the Constitutional Court, which the Constitutional Court would have the right to decide on. Hence, these requests made by the applicants were left unexamined.[94]

In several applications the applicants had expressed requests pertaining to confidentiality of personal data or setting the status of restricted access to information allowing to identify natural persons.[95] Thus, in adopting the decision regarding application No. 187/2018 the Panel indicated in the decision that the Constitutional Court in accordance with the third sentence of Article 26(1) of the Constitutional Court Law, had established a procedure in accordance with which during the stage of examining the application the matter of restricting access to information included in the case materials should be decided on. In accordance with this procedure, during the stage of examining the application, this matter is decided by that Panel of the Constitutional Court which examines the respective application.[96]

Pursuant to Article 28^3 of the law "On Judicial Power" the application and the documents annexed to it after examination of which a decision is adopted to refuse initiation of the case are restricted access information. The decision on refusal to initiate a case may be published on the homepage of the Constitutional Court, redacting the data that allow identifying natural persons. Hence, the applicant's request to grant the status of restricted access to information that allows identifying a natural person must be dismissed.[97]

In application No. 104/2019, the applicant demand recusal of five judges of the Constitutional Court. This request was examined as the first one in the Panel decision. The Panel noted that pursuant to Article 25(5) of the Constitutional Court Law recusal of judges of the Constitutional Court could not be requested. Hence, this recusal requested by the applicant had to be left unexamined.[98]

94 Decision of 15 January 2019 by the 4th Panel of the Constitutional Court to initiate a case on the basis of application No. 190/2018, and decision of 7 May 2019 by the 3rd Panel to initiate a case on the basis of application No. 47/2019.

95 For example, applications regarding initiation of a case No. 187/2018, No. 190/2018, No. 9/2019 and No. 29/2019.

96 Decision of 22 November 2016 by the assignments sitting of the Constitutional Court "On the procedure for deciding on the request to restrict the access to information included in the application in the stage of examining the application".

97 Decision of 7 January 2019 by the 1st Panel of the Constitutional Court to initiate a case on the basis of application No. 187/2018.

98 Decision of 28 August 2019 by the 2nd Panel of the Constitutional Court to initiate a case on the basis of application No. 104/2019.

3 DIALOGUE

Dialogue, as one of the cornerstones of effective communication, forms relationships that are based on confidence and trust. Latvia, as a democratic state governed by the rule of law, needs qualitative dialogue to promote the development of the state and society. The Constitutional Court develops dialogue on a national, European and international level. The dialogue implemented by the Constitutional Law aims, on all levels, to provide correct, clear and timely information, effective hearing of the other party, and in-depth examination of the situation. Dialogue is the preferred tool by which the Constitutional Court identifies and searches for the most suitable solutions for overcoming challenges in the area of law, typical of the present age.

First of all, the Constitutional Court develops the dialogue with society in accordance with the "Strategy of Judicial Communication" and "Guidelines on Communication for the Judicial System", approved by the Council for the Judiciary, as well as the Communication Strategy of the Constitutional Court. It is significant that the Constitutional Court informs the society on its work not only in matters of legal proceedings but also on the work done in the framework of national, European and international cooperation. The Constitutional Court's role is broader than its functions defined by the law; therefore, several national-level activities are linked to raising public awareness of the basic values of Latvia as a democratic state governed by the rule of law, which are included in the Constitution.

The dialogue with public institutions needs to be highlighted alongside the dialogue with the society. The Constitutional Court has recognised that its task is not only to resolve disputes regarding compatibility of laws with the Constitution but also to provide its assessment of matters that are of constitutional importance. The annual meetings of the Constitutional Court's Justices with the President, heads of other branches of the state power and the Ministry of Justice have become a tradition. Last May, Justices of the Constitutional Court invited for the first time the representatives of all foreign embassies in Latvia in order to inform them about the Court, its jurisdiction and the relevant matters of constitutional law in Latvia.

The judicial dialogue within the European legal space and international cooperation, in turn, comprises the Constitutional Court's dialogue with the Latvian courts and constitutional courts of other Member States of the European Union and other countries, including the Court of Justice of the European Union, the European Court of Human Rights, and the International Court of Justice. This dialogue allows to share experience, acquire new knowledge, engage in constructive discussions and to exchange opinions on the relevant matters and issues in constitutional law in such a way which encompasses not only the national level but also includes reflection on the European and global issues.

3.1. DIALOGUE WITH SOCIETY

The Constitutional Court's press releases aim to inform the society on the cases initiated and adjudicated as well as on other Court's activities and events. The court responds to questions by mass media representatives and provides additional information both about applications and cases that have attracted greater public interest as well as other current matters, not only judicial proceedings.

For the second year, the Constitutional Court has been cooperating with the creative team of the portal of the official gazette (*Latvijas Vēstnesis*) to produce Justice's video commentaries, in which is provided a brief and yet comprehensive reflection on the ruling. In the commentary, the Justice explains the merits of the case, the legal issues examined by the Court and the main findings, as well as the ruling's interest for the society. During the reporting period, nine video commentaries [in Latvian] were produced – in case No. 2018-09-0103 regarding the obligation to cover the storage costs of removed property, in case No. 2018-11-01 regarding publication of the remuneration of employees of state and local government institutions, in case No. 2018-08-03 regarding the norms requiring payment for using a grave, in case No. 2018-16-03 regarding control over electricity self-consumption and calculation of over-compensation, in case No. 2018-13-03 on terminating legal proceedings in the case regarding accessibility of building standards, in case No. 2018-14-01 regarding compensation for overtime work to officials with special service ranks, in case No. 2018-17-03 regarding restrictions set by the Riga City Council on opening gaming halls in the historical centre of Riga, in case No. 2018-25-01 regarding the sentence serving regime for men, and in case No. 2019-01-01 regarding the prohibition to become an adopter.

If the case has been heard at an open hearing with the participants of the case attending, a press conference is organised after the ruling has been pronounced. A press conference was convened also in case No. 2018-22-01 regarding the language of instruction in private institutions of education, which was heard in written procedure, however it had raised an important public interest. Usually, both the President of the Court and the reporting Justice participate in these press conferences. Mass media representatives are invited to the press conference, it is also streamed live, and the video recording is available on the Constitutional Court's homepage. During the reporting period, three press conferences were held: in case No. 2018-10-0103 regarding criminal liability for the violation of prohibition to circulate equipment and devices intended for hindering operational measures, in case No. 2018-12-01 on the language of instruction in state institutions of education, and in the case referred to above – No. 2018-22-01 – on the language of instruction in private institutions of education.

Since contemporary society needs easily accessible information, in 2019, the Constitutional Court joined the social network *Twitter*, setting up its account @Satv_tiesa. This step proves the Constitutional Court's readiness to adapt to contemporary trends and wish to gain wider public attention to ensure unmediated, meaningful, qualitative and timely information by the Constitutional Court on its national- and international-level activities. During the reporting period, 290 *Twitter* posts were made, it was joined by 416 followers. The statistical data offered by *Twitter* post management application *Tweetdeck* prove that in the period from April to December posts of the account @Satv_tiesa had more than 300 000 views.

On 2019, the official journal *Latvijas Vēstnesis*, in cooperation with the Constitutional Court and the Supreme Court, introduced a new solution to the accessibility of the court's rulings on the site Likumi.lv. It links directly legal norms to the Constitutional Court's rulings and references to the Findings by the Supreme Court or the Senate. To inform society about this initiative, a press conference [in Latvian] was held and an informative video [in Latvian] was produced.

In July 2019, the Constitutional Court made public the database of the Constitutional Court's case law, developed over a course of several years, and offered to all interested parties the possibility to use the Constitutional Court's collection [press release in English] of books and

publications issued during its existence. This decision was taken with the aim to share with the general public the resources that the Justices and the Court's employees had carefully created, systematised and collected for more than 22 years. Thus, the Constitutional Court, to the extent possible, uses the possibilities offered by the contemporary age of technologies to ensure convenient access to information. Presently, the database of the Constitutional Court's case law is available to everyone after downloading and installing on one's computer the database application *Citavi*. The list of books and publications in the Court's collection, in turn, is published on the Constitutional Court's homepage and any interested person, upon request, may use a particular book or publication at the library of the Constitutional Court. These innovations have been highly appreciated by society.

In addition to the aforementioned initiative, in mid-2019, the Constitutional Court in cooperation with the official publisher *Latvijas Vēstnesis* published "Constitution of the Republic of Latvia. Findings by the Constitutional Court" ["Latvijas Republikas Satversme: Satversmes tiesas atziņas"]. This publication comprises, along with the text of the Constitution, more than 400 explanatory findings revealed in the Constitutional Court's rulings. The aim of the publication is to bring closer the people to the basic law of the state, to highlight the fundamental values of a democratic state governed by the rule of law that are reflected in the findings of the Constitutional Court, to facilitate consolidation of civic awareness and culture as well as to foster the inner freedom of each person living in Latvia.

At the end of August, a discussion organised by the Constitutional Court was held at the National Library of Latvia to mark the Library's centenary "Is everything that hurts fundamental rights?". It was moderated by Vice-president of the Constitutional Court Professor Sanita Osipova, the participants of the discussion were sworn advocate, leading partner of law office "COBALT Lauris Liepa and journalist of the Latvian Radio 1 Aidis Tomsons. The discussion was an attempt to look for answers to such questions as: what are the fundamental rights, what is a fundamental rights violation, whether a restriction on fundamental rights could have a legitimate aim and whether it was easy for people in Latvia to defend their fundamental rights. Video recording of the discussion is also available.

Pupils

During the last year, the Constitutional Court addressed the pupils in schools in a targeted way, explaining the foundations of the State of Latvia, structure of the legal order as well as the importance of Constitution and the role of the Constitutional Court in Latvia as a democratic state governed by the rule of law.

This was the third successive year when the Justices and employees of the Constitutional Court, continued the tradition established on the 20th anniversary of the Constitutional Court, visited educational institutions to provide lectures on the basic principles of the state structure, the Constitution and the Constitutional Court. Last year, the Constitutional Court's Justices and employees visited three educational institutions: Kapsēde Basic School, Basic School "Rīdze" and Dagda Secondary School. This tradition will be continued also in 2020.

In February the Constitutional Court opened its door to 11 pupils, supporting the "Shadow Day" [press release in Latvian], organised by *Junior Achievement Latvia*. 11 schools were represented at the Shadow Day: Cēsis State Gymnasium, Edgars Kauliņš Lielvārde Secondary School, Eleja Secondary Scholl, Ludza Gymnasium, Mārupe Secondary School, Riga Gymnasium No. 1, Riga Gymnasium No. 2, Riga Gymnasium No. 3, Riga Secondary School No. 47, Tukums Rainis Gymnasium, and Riga Grammar School of Nordic Languages. During the visit, "the shadows" had the opportunity to find out more about the work of the Constitutional Court and meet with the Justices and the Court's employees to discuss matters linked to the choice of profession and specificities of legal work at the Constitutional Court.

The Constitutional Court also continued cooperation with the youth magazine "Ilustrētā Junioriem". To promote adolescents' interest in the Constitutional Court and current issues of law, Justice of the Constitutional Court Aldis Laviņš gave an extensive interview about the profession of a judge, whereas Justice Jānis Neimanis informed about adolescent's rights to use their pocket money. The Justices' contribution was published in October and December 2019 issues of the magazine. Directions of collaboration have been outlined also for 2020.

To educate school pupils, the Constitutional Court continued collaboration with the creative team of the youth quiz "Gudrs, vēl gudrāks" [Smart, Even Smarter] of the Latvian Television. Eight questions were prepared for the quiz regarding the Constitution, the state and the judicial power for pupils of Grades 6-12. The questions were asked during the final contests of various groups of grades.

In February 2019, the final ceremony [press release in English] of the competition of pupils' drawings "My Fundamental Rights in the Constitution" and competition of essays "The Next One Hundred Years of the Constitution of Latvia" was held. 82 schools from all regions of Latvia had applied for participation, whereas pupils and teachers from 21 schools were invited for the awards ceremony. The event was attended by officials from the Ministry of Education and Science, the Ministry of Culture, the Ministry of Justice as well as partners of cooperation of the competition, i.e. representatives from the Art Academy of Latvia, magazines "Jurista Vārds", "Ilustrētā Junioriem", "Domuzīme", as well as Kristīne Čakste, the granddaughter of the first President of Latvia Jānis Čakste. A video [with subtitles in English] of the awards ceremony was produced where Justices explain

what fundamental rights are and express their opinion on the pupils' work submitted for the competition.

To ensure that the works submitted for the competition could be seen throughout Latvia, the Constitutional Court has also created a travelling exhibition of pupils' art-works, including 46 bright drawings and 12 quotes from the creative essays. A catalogue [in Latvian] of the exhibition was created, comprising not only the drawings but also essays. The exhibition will be displayed at the Central Research Library of Liepāja, Madona Regional Library, Rūjiena Municipal Library, Sigulda Regional Library [press releases in Latvian] as well as at the annual Constitutional Law Policy Seminar in Ratnieki. All openings of the exhibition were attended by a Justice or an employee of the Constitutional Court, giving an educational lecture about the state, the Constitution, the fundamental rights and the Constitutional Court.

In view of the successful course of the competition, in September, the Constitutional Court announced the third competition [press release in English] of pupils' drawings and essays on the fundamental values included in the Constitution.

Teachers

At the beginning of April, the Constitutional Court, in cooperation with the National Centre for Education, organised the second informative seminar [press release in Latvian] "Society, the state, the law – in the discourse of constitutional values" for teachers of social sciences, politics and law. Teachers from the schools of Kurzeme region were invited to the seminar. The aim of the seminar was to provide to the teachers more detailed insight into several topics of legal nature and to improve their understanding of legal issues in the curriculum. It is planned to organise the seminar again in 2020, inviting to participate teachers from other regions who teach social sciences, politics and law.

Law students and student organisations

Every year the Constitutional Court supports organisations that hold moot courts. In April 2019, the courtroom of the Constitutional Court hosted for the fourth time the Final Moot Court organised by the Ombudsman of the Republic of Latvia. Active involvement of the Constitutional Court's Justices and employees of the Legal Department in preparing the cases, assessment of the submitted work and serving as the jurors of moot courts has become traditional. This is proven by Kārlis Dišlers XXI Constitutional Moot Court, organised in December 2019 by Professor Kārlis Dišlers Foundations and the European Law Students Association Latvia.

During the reporting period, the Constitutional Court welcomed six interns – two of them obtained this opportunity after successful participation in a moot court competition, whereas four students from the University of Latvia had their internship in the Court as part of the study process. The interns were assigned to the Legal Department of the Constitutional Court.

In 2019, the Constitutional Court also welcomed several delegations of local and foreign [press release in Latvian] students. During these meetings, students were told about the Constitutional Court's jurisdiction and

role in a democratic state governed by the rule of law. The Constitutional Court was visited also by members of SIPE (Association of the European Public Law). It should be underscored that the legal staff of the Constitutional Court visited also the University of Latvia and the Riga Graduate School of Law to speak with local and international students about the Constitutional Court's work.

Representatives of creative industries

The Constitutional Court continued the tradition that was started in 2018 in collaboration with the National Library of Latvia (hereafter – NLL), when the idea to organise interdisciplinary discussions between representatives of various fields about Latvia, the state, society and fundamental values enshrined in the Constitution was implemented. The participants of the discussions, seeking inspiration in the most memorable episodes in the Latvian history and cultural heritage as well as most important works, turned to topics pertaining to the existence and essence of the State of Latvia. During the reporting period, two *Conversations about Latvia* were held.

The third event of Conversations about Latvia [press release in Latvian]"Writings that Shape the Nation" was held in July 2019 at NLL. The discussion was moderated by Vice-president of the Constitutional Court Sanita Osipova, the participants were scholar of literature Ausma Cimdiņa, actor Vilis Daudziņš, film director Ivars Seleckis and Director of NLL Andris Vilks. The conversation initiated a discussion on the nation-building writings (texts) in the past, present and the future. The event was also recorded on video [in Latvian].

The fourth event of the series Conversations about Latvia [press release in Latvian] "The Constitution. The Universal and the Christian Values" was held at NLL in October 2019. It was moderated by Vice-president of the Constitutional Court Sanita Osipova, the participants of the discussion were philologist Agnese Irbe, artist Sandra Krastiņa, researcher of cultures Andrejs Mūrnieks, and Zbigņevs Stankevičs, the Metropolitan Archbishop of Riga of the Roman Catholic Church. This conversation stimulated an exchange of thoughts on the universal and Christian values that have been laid as the foundations of the Latvian identity. The event was streamed live and was recorded on video [in Latvian].

Conferences, discussions and other events

08.02.2019.
President of the Constitutional Court Ineta Ziemele participated in the 77th International Scientific Conference of the University of Latvia.
Press release [in Latvian]
Photo
Video [in Latvian]

11.02.2019.
President of the Constitutional Court Ineta Ziemele gave a presentation at the Central Library of Kuldīga on the fundamental values enshrined in the Constitution and opened for the last time the exhibition of works from pupils' drawings and essays "My Constitution", organised by the Constitutional Court.
Press release [in Latvian]
Photo
Video [in Latvian]

13.02.2019.
Shadow Day 2019 held at the Constitutional Court.
Press release [in Latvian]
Photo

15.02.2019.
The award ceremony of the competition of drawings by Grade 6 pupils "My Fundamental Rights in the Constitution" the competition of Grade 9 and Grade 12 pupils' essays "The Next One Hundred Years of the Latvian Constitution" at the Constitutional Court.
Press release [in English]
Photo
Video [in Latvian]

13.03.2019.
The official publisher *Latvijas Vēstnesis*, in collaboration with the Constitutional Court and the Supreme Court" organised a press conference to inform about the new solutions to ensure accessibility of court rulings.
Press release [in Latvian]
Video [in Latvian]

09.04.2019.
The Constitutional Court, in cooperation with the National Centre for Education, organised an educational seminar "Society, the state, the law – in the discourse of constitutional values" for teachers of social sciences, politics and law from Kurzeme region.
Press release [in Latvian]

12.04.2019.
Vice-president of the Constitutional Court Sanita Osipova addressed the general meeting of the Latvian sworn advocates.
Press release [in Latvian]

23.04.2019.
President of the Constitutional Court Ineta Ziemele participated in the event organised by the Ombudsman's Bureau "The Days of Lawyers 2019".
Press release [in Latvian]
Tweet [in Latvian]

26.04.2019.
Vice-president of the Constitutional Court Sanita Osipova visited basic school "Rīdze" and met pupils of Grade 9, to whom she gave a lecture on the Constitution and the Constitutional Court.
Press release [in Latvian]
Tweet [in Latvian]

15.05.2019.
President of the Constitutional Court Ineta Ziemele opened the travelling exhibition "Constitution in the Eyes of Pupils", created by the Constitutional Court, and visited Kapsēde basic school.
Press release [in Latvian]
Tweets: 1; 2 [in Latvian]

06.06.2019.
The Constitutional Court, in cooperation with the National Library of Latvia, organised the third event in the series *Conversations about Latvia* on the topic "Writings that Shape the Nation".
Press release [in Latvian]
Photo
Video [in Latvian]
Tweets: 1; 2 [in Latvian]

11.06.2019.
President of the Constitutional Court Ineta Ziemele participated in the event for launching the publication of scientific commentaries on the Constitution "The Commentaries on the Constitution of the Republic of Latvia. Chapter V "Legislation"" at the Parliament.
Press release [in Latvian]
Photo

22.07.2019.
The Constitutional Court made publicly accessible the database of the Court's case law as well as made accessible the Court's collection of books and publications.
Press release [in English]
Tweet [in Latvian]

02.08.2019.
Participants of the summer school of legal science "*Projekt Netzwerk Ost-West*" visited the Constitutional Court.
Press release [in Latvian]
Tweet [in Latvian]

31.08.2019.
Discussion organised by the Constitutional Court to honour the centenary of the Library "Is Everything that Hurts Fundamental Rights?" was held at the National Library of Latvia.
Press release [in Latvian]
Video [in Latvian]
Tweet [in Latvian]

12.09.2019.
Vice-president of the Constitutional Court Sanita Osipova opened the travelling exhibition "Constitution in the Eyes of Pupils", created by the Constitutional Court, and gave an educational lecture to the pupils of Rūjiena Secondary School.
Press release [in Latvian]
Tweet [in Latvian]

13.09.2019.
Justice of the Constitutional Court Gunārs Kusiņš participated in a scientific conference "Jānis Čakste – 160" in the Parliament.
Tweet [in Latvian]

23.09.2019.
The Constitutional Court announced the third edition of the competition of pupils' drawings and essays dedicated to the basic law of the state.
Press release [in Latvian]
Tweet [in Latvian]

07.10.2019.
Justice of the Constitutional Court Daiga Rezevska opened the travelling exhibition "Constitution in the Eyes of Pupils", created by the Constitutional Court, and gave an educational lecture to the pupils of Sigulda State Gymnasium.
Press release [in Latvian]
Tweet [in Latvian]

18.10.2019.
President of the Constitutional Court Ineta Ziemele participated in the plenary session of the 7th International Scientific Conference of the Faculty of Law of the University of Latvia "The task, significance of the science of law and the future in legal systems".
Press release [in English]
Photo
Tweet [in English]

31.10.2019.
The Constitutional Court, in cooperation with the National Library of Latvia, organised the fourth event in the series *Conversations about Latvia* on the topic "The Constitution. Universal and Christian Values".
Press release [in Latvian]
Photo
Video [in Latvian]
Tweets: 1; 2 [in Latvian]

13.11.2019.
Justice of the Constitutional Court Artūrs Kučs and Justice's Assistant Eva Vīksna opened the travelling exhibition "Constitution in the Eyes of Pupils", created by the Constitutional Court, at Madona Regional Library and gave an educational lecture to the librarians from libraries of Madona Region.
Press release [in Latvian]
Photo
Tweet [in Latvian]

15.11.2019.
President of the Constitutional Court Ineta Ziemele participated in the event for launching the book created by the Latvian Institute of International Affairs, the Ministry of Foreign Affairs and the Parliament "The Centenary of Latvia's Foreign Affairs. Global Thought and Latvia".
Video [in Latvian]
Tweet [in Latvian]

3.2. DIALOGUE WITH STATE INSTITUTIONS

In a democratic state governed by the rule of law, a dialogue between state institutions is needed to ensure effective functioning of the mechanism of checks-and-balances in the relations between the branches of state power. From the perspective of effective functioning of the state, it is important that all branches of the state power perform their functions duly, do not exceed the limits of their competence and respect each another. Therefore, the annual meetings of the Constitutional Court's Justices with the President, heads of the branches of the state power and the Minister for Justice have become traditional. Within this dialogue relevant issues of constitutional law, current matters related to the judicial power, and aspects related to increasing the authority of the judicial power and on increasing public trust in the state power are discussed. This year, for the first time the joint external sitting of the Parliament Legal Committee and the Subcommittee of Judicial Policy of the Parliament was held at the Constitutional Court with the participation of the Constitutional Court's Justices. Several issues related to the Constitutional Court were examined during this joint sitting.

21.03.2019.
Justices of the Constitutional Court met with Minister for Justice Jānis Bordāns at the Constitutional Court.
Press release [in English]

03.04.2019.
Justices of the Constitutional Court met with President Raimonds Vējonis at the Constitutional Court.
Press release [in English]
Photo

08.05.2019.
The joint external sitting of the Parliament Legal Committee and the Subcommittee of Judicial Policy of the Parliament was held at the Constitutional Court with the participation of the Constitutional Court's Justices.
Press release [in English]
Photo
Tweet [in Latvian]

21.05.2019.
Justices of the Constitutional Court met with Speaker of the Parliament Ināra Mūrniece at the Constitutional Court.
Press release [in English]
Photo
Tweet [in Latvian]

19.07.2019.
President of the Constitutional Court Ineta Ziemele met with President Egils Levits at the Castle of Riga.
Press release [in English]
Tweet [in Latvian]

16.09.2019.
Justices of the Constitutional Court met with President Egils Levits at the Constitutional Court.
Press release [in English]
Photo
Video [in Latvian]
Tweets: 1; 2 [in Latvian]

07.11.2019.
Justices of the Constitutional Court met with Prime Minister at the Constitutional Court.
Press release [in English]
Photo
Tweet [in Latvian]

3.3. JUDICIAL DIALOGUE WITHIN THE EUROPEAN LEGAL SPACE

The European legal space consists of the legal orders of the Member states of the European Union and the legal system of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Constitutional Court's dialogue with other Latvian courts, the constitutional courts of other Member states of the European Union, as well as the Court of Justice of the European Union and the European Court of Human Rights evolves within the European legal space.

To reinforce the constitutional order of the State of Latvia and to promote the judicial dialogue, in September 2018, the Constitutional Court, in cooperation with the Ministry of Justice and the Court Administration repeatedly announced a competition, inviting judges from the courts of general jurisdiction and administrative courts to apply for a six month long visiting exchange of experience at the Constitutional Court. As the result of the competition, at the beginning of 2019 Judge Līga Biksiniece-Martinova from the Administrative District Court of Riga Court House began performing the duties as an advisor of the Constitutional Court. During this placement, the Judge had the possibility to participate in the examination of applications, work on cases in different stages of legal proceedings before the Constitutional Court as well as to research the Constitutional Court's case law with respect to the right to a fair trial.

During the reporting period, the Constitutional Court's Justices also met with judges from other Latvian courts. At the end of January, a meeting with judges [in Latvian] of the Kurzeme Regional Court, was held, whereas at the beginning of March – judges [in Latvian] from the Panel of Criminal Cases of the Riga Regional Court. During the meeting, current issues in the Latvian legal system were discussed, *inter alia*, in the field of criminal law, as well as various topics relating to t he administration of justice. Qualitative and professional dialogue between judges is important for reinforcing the court system of Latvia.

Within the framework of judicial cooperation, in January, three employees of the Constitutional Court's Chancery had the possibility to explore the organisation of daily work at the Constitutional Court (press release in English) of Czechia.

In mid-December 2018, Justice of the Constitutional Court Aldis Laviņš visited the Supreme Court [in Latvian] of the Republic of Lithuania in Vilnius, where he met with the President of the Supreme Court Rimvydas Norkus and several Judges from the Department of Civil Cases. Justice Laviņš discussed with the Judges issues relating to the effectiveness of civil proceedings and the safeguards for exercising the right to a fair trial. In February, Justice Aldis Laviņš visited also the Supreme Court [in Latvian] of Estonia. Whereas, in May, Justice Aldis Laviņš went on an experience-sharing visit to the Court of Cassation [in Latvian] of France (*Cour de cassation*) to study measures for improving the effectiveness of the French court system, which the Court of Cassation implements in collaboration with the French Government.

In June, Vice-president of the Constitutional Court Sanita Osipova, Justices Aldis Laviņš, Gunārs Kusiņš, Jānis Neimanis and Assistant to the President of the Constitutional Court Ketija Strazda visited the Constitutional Court [in English] of Belgium, where, in the framework of trilateral cooperation, met with the Judges of the Constitutional Court of Belgium and the Constitutional Court of Czechia. At the meeting, Justices shared their experience, examined several current issues of constitutional law as well as discussed aspects of bioethics in the case law of the constitutional courts and explained the legal effects of the constitutional court's judgments in each of the countries.

At the beginning of July, the Constitutional Court's Justices went on an official visit to the Constitutional Court [in English] and the Supreme Court [in English] of Austria. During the meetings, Justices shared their experience and discussed matters of constitutional identity and the role of constitutional courts in the European legal space.

Constitutional Court Justices meeting their counterparts from the Constitutional Court of Austria. Photo: Constitutional Court of the Republic of Latvia.

At the beginning of October, in the framework of trilateral [in English] cooperation, the Constitutional Court's Justices hosted the delegations from the Supreme Court of Estonia and the Constitutional Court of Lithuania. This was the first time when judges from the Baltic States who are reviewing issues of constitutional law on daily basis met at the Constitutional Court. During the meeting, the judges from the Estonian Supreme Court and the Lithuanian Constitutional Court provided extensive insight into the case law, foregrounding cases in taxation matters and cases focusing on issues relating to the protection of human dignity.

In November, as part of bilateral [in English] cooperation, the Constitutional Court's Justices met with the Judges of the Armenian Constitutional Court. The parties discussed the most recent case law of the Courts, judges' independence, liability and immunity of public officials in for working sessions, they also turned to aspects of the quality of legislation. The previous bilateral [in Latvian] meeting was held two years ago.

At the end of November, in turn, three lawyers of the Constitutional Court made an experience-sharing visit to the Court of Justice of the European Union (CJEU) and the General Court [in English] of the European Union (GCEU) (GCEU). During the visit, the lawyers met with GCEU Judge Inga Reine, Judge's Assistant Vineta Bei, CJEU Advocate General Eleanor V. E. Sharpston and several other employees of CJEU and GCEU. The Constitutional Court's lawyers had the possibility to explore the way the daily work of CJEU and GCEU was organised as well as the procedure of preparing cases, they also attended two court hearing. The visit was organised by the Constitutional Court in cooperation with the bureau of GCEU Judge Inga Reine.

At the end of the reporting period, President of the Constitutional Court Ineta Ziemele visited the 121st Plenary Session of the Council of Europe Commission for Democracy through Law (Venice Commission). This was the first plenary session, in which Ineta Ziemele participated in the status of an individual member of the Venice Commission. Justice of the Constitutional Court Aldis Laviņš was approved as her substitute member. Individual members of the Venice Commission are university professors of public and international law, judges of national supreme and constitutional courts, members of national parliaments

as well as several civil servants. They are independent experts who through their participation in democratic institutions or their contribution to the science of law or politics are highly appreciated as professionals in society. The function of expert in the Venice Commission has an individual status and may not be influenced.

07-10.01.2019.
Employees of the Constitutional Court's Chancery went on an experience-sharing visit to the Constitutional Court of Czechia.
Press release [in English]
Photo

07.02.2019.
President of the Constitutional Court Ineta Ziemele met President of the Supreme Court of Finland Timo Esko in Helsinki, Finland.
Press release [in English]

13.02.2019.
Justice of the Constitutional Court Aldis Laviņš met with the Judges of the Estonian Supreme Court in Tartu, Estonia.
Photo

01.03.2019.
Meeting of the Justices of Constitutional Court and the Judges of the Panel of Criminal Cases of the Riga Regional Court was held.
Press release [in Latvian]

20-29.05.2019.
Justice of the Constitutional Court Aldis Laviņš on an experience-sharing visit at the Court of Cassation of France (*Cour de cassation*).
Press release [in Latvian]

10-12.06.2019.
Vice-president of the Constitutional Court Sanita Osipova, Justices of the Constitutional Court Aldis Laviņš, Gunārs Kusiņš, Jānis Neimanis and Assistant to the President of the Constitutional Court Ketija Strazda visited the Constitutional Court of Belgium in Brussels, where, in the framework of trilateral cooperation, met with the Judges of the Constitutional Court of Belgium and the Constitutional Court of Czechia.
Press release [in English]
Photo
Tweets: 1; 2

28.06.2019.
The six months long experience sharing period at the Constitutional Court concluded for Līga Biksiniece-Martinova, the Judge of the Administrative District Court of the Riga Court House.
Press release [in Latvian]

1-3.07.2019.
While on an official visit to the Constitutional Court of Austria, the Constitutional Court's Justices visited also the Supreme Court of Austria and the Embassy of Latvia in Austria.
Press releases: 1; 2; 3 [in English]
Photo
Tweets: 1; 2; 3; 4 [in English]

1-2.10.2019.
In the framework of trilateral cooperation, the Constitutional Court's Justices met with the Judges of the Estonian Supreme Court and the Lithuanian Constitutional Court.
Press releases: 1; 2 [in English]
Tweets: 1; 2 [in English]

17-19.11.2019.
President of the Constitutional Court Ineta Ziemele visited the Judges' meeting at the Court of Justice of the European Union in Luxemburg.

28-29.11.2019.
In the framework of bilateral cooperation, the Constitutional Court's Justices met with the Judges of the Constitutional Court of the Republic of Armenia.
Press release [in English]
Photo
Tweets: 1; 2 [in English]

26-28.11.2019.
The Constitutional Court's lawyers visited the Court of Justice of the European Union and the General Court of the European Union to share experience.
Press release [in English]
Photo
Tweet [in English]

06-07.12.2019.
President of the Constitutional Court Ineta Ziemele attended the 121st Plenary Session of the Council of Europe Commission for Democracy through Law (Venice Commission).
Press release [in English]

3.4. INTERNATIONAL COOPERATION

The reporting period was rich in extensive and comprehensive international-level dialogue with courts and various legal institutions. The international recognisability of the Constitutional Court and its Justices was promoted by the frequent participation of the Constitutional Court's Justices in various international conferences and events. The Constitutional Court is visible on the international level, the opinions of the Constitutional Court's Justices are sought and listened to, this is proven by the regular invitations from courts and institutions to participate in and give presentations at various conferences and fora of constitutional law.

In 2019, President of the Constitutional Court Ineta Ziemele continued active cooperation with foreign ambassadors to Latvia. During the reporting period, Odile Soupison, the Ambassador Extraordinary and Plenipotentiary of France to Latvia, Eugen Revenco, the Ambassador of the Republic of Moldova to Latvia, Sebastiano Fulci, the Ambassador of the Republic of Italy to Latvia and Nikolai von Schoepff, the Ambassador of Germany to Latvia visited the Constitutional Court to discuss the current matters of the states in the area of constitutional law and the issues relating to reinforcing the constitutional identity and facilitating the awareness of constitutional values in society.

In May of this year, the Justices of the Constitutional Court had invited, for the first time, to meeting the representatives from all foreign embassies in Latvia to present to them the Constitutional Court, its jurisdiction and the current issues of the constitutional law in Latvia.

In mid-May, upon the invitation by the Constitutional Court, one of 15 Judges of the International Court of Justice Antônio Augusto Cançado Trindade paid an official visit to Latvia. The Judge of the International Court of Justice met with the Justices and legal staff of the Constitutional Court and discussed with them the current issues of the International Court of Justice, the significance of international law and its growing role in the national law. The Judge of the International Court of Justice gave a guest lecture at the National Library of Latvia "International Courts: Their Shared Mission in Ensuring Justice". Representatives from all branches of the state power, academicians, experts of international law as well as students and other interested persons were invited to the lecture. The guest lecture was streamed live and its video recording in both Latvian and English was made. In the end of the visit, the Judge of the International Court of Justice, together with the Constitutional Court's Justices presented to the People's Bookshelf of NLL books that were important to them, which had motivated them in their career growth and been a source of inspiration in their daily lives (photos).

Constitutional Court Justices and Judge Antônio Augusto Cançado Trindade of the International Court of Justice (in the middle). Photo: Toms Norde.

In June, XIV Congress (press release in English) of Societas Iuris Publici Europaei (SIPE) was held in Riga, it addressed the challenges of digital communication for the state and its democratic order. The Constitutional Court provided organisational support to the Congress. This was a large-scale event, bringing together more than 70 SIPE members, representing all branches of the European public law – the areas of administrative, constitutional and international public law. This event provided an opportunity to explore the current matters in the European public law and meet the legal scholars of various areas of public law.

At the end of October and the beginning of November, the Constitutional Court implemented an experience-sharing project for the Judges and employees of the Constitutional Court of the Republic of Moldova (hereafter – Moldova). This project received development cooperation financing from the Ministry of Foreign Affairs of Latvia in 2019. In the framework of the project, four Judges and four lawyers of the Constitutional Court of Moldova visited the Constitutional Court. This international-level process of sharing experience is a valuable tool for promoting justice. It is gratifying that the Constitutional Court, by implementing the constitutional review for more than two decades, has gained experience and knowledge that is rich enough to serve as support for reinforcing the legal culture of another state. The Embassy of Moldova to Latvia was also involved in the implementation of the project. Outside this project, four Judges' Assistants from the Constitutional Court of Moldova also came on an experience-sharing visit to the Constitutional Court.

18.12.2018.
The delegation of the Parliament of the Republic of Italy paid an official visit to the Constitutional Court.
Press release [in English]
Photo

05.02.2019.
President of the Constitutional Court Ineta Ziemele participated in an international conference on the protection of the rule of law in Europe ("How can we protect the Rule of Law in Europe") organised by the University of Tampere, held in Tampere, Finland.
Press release [in English]
Photo

07-08.03.2019.
President of the Constitutional Court Ineta Ziemele, Vice-president of the Constitutional Court Sanita Osipova and Justice of the Constitutional Court Artūrs Kučs attended an international conference organised by the Constitutional Court of Hungary in Budapest, Hungary.
Press release [in English]

30.04-01.05.2019.
President of the Constitutional Court Ineta Ziemele and Vice-president of the Constitutional Court Sanita Osipova participated at the Heidelberg Round-table Discussion *Heidelberger Gesprächskreis* organised by Max-Plank Institute (*Max-Planck-Institut*) in Heidelberg, Germany.
Press release [in English]
Tweet [in English]

08.05.2019.
Justices of the Constitutional Court met with the representatives of foreign embassies in Latvia.
Press release [in English]
Photo
Tweets: 1; 2 [in English]

13-14.05.2019.
Upon the invitation by the Constitutional Court, Judge Antônio Augusto Cançado Trindade of the International Court of Justice paid an official visit to Latvia.
Press release [in English]
Photo: 1; 2 ; 3
Video [in English]
Tweets: 1; 2; 3 [in English]

23-24.05.2019.
Kristaps Tamužs, the Advisor of the Constitutional Court, participated in the meeting of the Joint Council for Constitutional Justice of the Council of Europe Commission for Democracy through Law (Venice Commission), which was held at the Constitutional Court of Italy in Rome, Italy.
Press release [in English]

30-31.05.2019.
President of the Constitutional Court Ineta Ziemele and Head of the Constitutional Court's Legal Department Alla Spale attended the international conference dedicated to the 25th anniversary of the Constitutional Court of Belarus in Minsk, Belarus.
Press release [in English]
Tweet [in English]

05-07.06.2019.
Justice of the Constitutional Court Artūrs Kučs attended an international seminar on the accessibility of judicial institutions for persons with disabilities, held in Trier, Germany.
Press release [in English]

06-07.06.2019.
Kristaps Tamužs, the Advisor of the Constitutional Court, participated in the Superior Court Network Focal Points Forum in Strasbourg, France.
Press release [in English]

06-12.06.2019.
Four Judge's Assistants from the Constitutional Court of Moldova came on an experience-sharing visit to the Constitutional Court.
Press release [in English]
Photo
Tweet [in Latvian]

13.06-15.06.2019.
The Constitutional Court provided organisational support to XIV Congress of Societas Iuris Publici Europaei (SIPE) on the challenges of digital communication for the state and its democratic order, held in Riga.
Press release [in English]
Photo
Tweets: 1; 2 [in English]

26-28.06.2019.
Justice of the Constitutional Court Jānis Neimanis participated in the international conference organised by the Constitutional Court of Ukraine on the balance of national security and human rights as well as the role of constitutional courts in maintaining this balance, held in Kyiv, Ukraine.
Press release [in English]

01-12.07.2019.
Elīna Podzorova, the Advisor of the Constitutional Court, attended the general several specialised study courses on the European Union law of the Academy of European Law at the European University Institute (*EUI*) in Florence, Italy.
Press release [in English]
Tweet [in English]

04-06.09.2019.
Vice-president of the Constitutional Court Sanita Osipova and Justice of the Constitutional Court Aldis Laviņš participated in the annual conference of the European Law Institute (ELI) in Vienna, Austria.
Press release [in English]

09.09.2019.
President of the Constitutional Court Ineta Ziemele participated in the 5th Conference of the Parliamentary Assembly of the Council of Europe in Riga.
Tweets: 1; 2 [in Latvian]
Press release [in English]

12-13.09.2019.
Justice of the Constitutional Court Artūrs Kučs visited the high-level international conference organised by the Court of Cassation of France (*Cour de cassation*) and the Constitutional Council of France (*Conseil constitutionnel*), held in Paris, France.
Press release [in English]
Tweet [in English]

12-14.09.2019.
President of the Constitutional Court Ineta Ziemele participated in the annual, the 15th Conference of the European Society of International Law (ESIL) in Athens, Greece.
Press release [in Latvian]
Tweets: 1; 2 [in English]

19-20.09.2019.
Uldis Krastiņš, the Advisor of the Constitutional Court, participated in the seminar on European Union legal regulation in the prohibition of discrimination, organised by the Academy of European Law, held in Brussels, Belgium.
Press release [in English]

26.09.2019.
Justice of the Constitutional Court Aldis Laviņš participated in the conference of the Association of Baltic Judges, held in Mäetaguse, Estonia.
Press release [in English]

26.09.2019.
The Constitutional Court welcomed the delegation from the *Parliament* of Moldova, which was accompanied by Ambassador of Moldova to Latvia Eugen Revenco.
Press release [in English]
Tweet [in English]

14.10.2019.
President of the Constitutional Court Ineta Ziemele met with Nikolai von Schoepff, the new Ambassador of Germany to Latvia.
Press release [in English]
Tweet [in English]

19-25.10.2019.
Four lawyers from the Constitutional Court of Moldova attended the Constitutional Court in for an experience-sharing visit, in the framework of the project "Reinforcing the Capacity of the Legal Service of the Constitutional Court of Moldova".
Press release [in English]
Photo
Tweet [in English]

04-10.11.2019.
The Constitutional Court hosted four Judges of the Constitutional Court of Moldova in the framework of the project "Reinforcing the Capacity of the Legal Service of the Constitutional Court of Moldova".
Press release [in English]
Photo
Tweet [in English]

07-09.11.2019.
Vice-president of the Constitutional Court Sanita Osipova attended the international summit "Berlin Wall – 30", dedicated to the 30th anniversary of the fall of the Berlin Wall, in Berlin, Germany.
Press release [in English]
Tweet [in English]

28.11.2019.
Justice of the Constitutional Court Daiga Rezevska participated at the 9th meeting of the CoE-FRA-ENNHRI-EQUINET Collaborative Platform on social and economic rights in Strasbourg, France.
Press release [in English]

3.5. OPENING OF THE CONSTITUTIONAL COURT'S JUDICIAL YEAR

The speech given by President of the Constitutional Court Ineta Ziemele at the solemn hearing for the opening of the Court's judicial year on 9 January 2019.

I. Introduction

Highly esteemed Madam Speaker of the *Parliament*, honourable Prime Minister, honourable Deputy-prime Minister, honourable Chief Justice of the Supreme Court, honourable guest of honour of the hearing Ms Kalniete, ladies and gentlemen,

We have celebrated the centenary of Latvia's statehood and have seen in the new year of 2019, which is the first year of the second century of Latvia's statehood.

The celebration of a birthday always reveals what is important for those celebrating it, what the emphasis is placed on. The celebration of Latvia's statehood focused on the Latvian culture, its achievements, strength, and personalities. Initially, the Latvian nation developed as a cultural nation, and the path towards developing a political nation could start only with the establishment of the state. However, as a civil and political nation, the people of Latvia still have scant experience.

Upon stepping into the second century of Latvia's statehood, the Constitutional Court deemed it necessary to begin it with a solemn hearing for the opening of its new year of work. A glance back into the celebrations of the state's anniversary announces the message of today related to the Constitutional Court's role in the development of Latvia as a democratic state governed by the rule of law and the essence of the Constitutional Court's solemn hearing. To assess the Court's role in the national development, an answer must be provided to the questions what law is and what the Constitutional Court is. An answer to these questions may be narrow and formal. Namely, law is what the Parliament has adopted in the form of legal acts, and the Constitutional Court reviews the compatibility of such legal acts with the basic law of the state or the Constitution. You may often hear this kind of answer, and not only in Latvia. In Europe, the separation of law and policy, i.e., of social processes, has an ancient history, and various legal theories have contributed greatly to the substantiation of this thesis. To put it differently, we are dealing with the widely held view that political and legal matters should be separated, and that lawyers, mainly – the court, do not review political issues. One classic of international law, the former Judge of the International Court of Justice and the European Court of Human Rights, Gerald Fitzmaurice has formulated this principle of the European legal traditions precisely: "We [the court] are not unmindful of, nor are we insensible to, the various considerations of a non-juridical character, social, humanitarian or other, which underlie the case; but these are matters for the political rather than the legal arena."[99]

It is interesting to observe that, in the assessment of a particular social situation within the informative space, a lawyer's perspective is seldom demanded. To my mind, this situation has been aptly characterised by Professor Philip Allot from the Cambridge University, who once stated: "It is admirable that sociologists and philosophers deem it possible to offer an explanation of societal processes, where laws are not allocated the central place. It is admirable that lawyers and philosophers can talk about law as if it were an internally closed system, separated from societal processes."[100] Lawyers are accustomed to a world of their own, often incomprehensible to others. Also, in Latvia the dialogue with lawyers is not easy, there is a perception that lawyer speaks in a language that is understandable only to him and deals with legal norms that operate in a world that runs somewhere parallel to the real life. Law, which is included, *inter alia*, in regulatory enactments,

99 Joint Dissenting Opinion of Judges Fitzmaurice and Spender, South West Africa Cases (Preliminary Objections) [1962] I.C.J. Reports 466.

100 Allot P. The Heath of Nations. Society and Law beyond the State. Cambridge: Cambridge University, 2002, p. 36.

is an enigma for non-lawyers; however, in a democratic state governed by the rule of law ignorance of the law does not release from liability. Isn't this a fundamental contradiction? What exactly a regulatory act comprises, in turn, often can be stated only by a court, and, within the Latvian legal system, the Constitutional Court has the final say, but it takes time to receive this answer. Life, in the meanwhile, goes on.

One might say that this world of legal norms, procedures, rituals, symbols and special language, in which an answer for a particular person in his or her particular situation is found, plays a marginal role in the processes of real life, where a government tries to reach a compromise with trade unions regarding a reasonable taxation system or model of remuneration, deals with the issues of national security, looks for resources to support projects of Latvian and minority culture. Thus, more frequently, social processes include discussions on the rights of a particular social group or the principle of the rule of law; however, examination of the place and the role of law, the legal system or the principle of a state governed by the rule of law remains, if not marginal, then very fragmented. What it should be like and, thus, what is the purpose of the Constitutional Court's solemn hearing?

There are no parallel (areas) worlds in the development of society and, thus, of the state. This thesis is based on the assumption that a human being strives for self-improvement every day. Society develops itself in three dimensions simultaneously. I.e., in ideas, action and law, which is included in legal norms.[101]The law is a wonderful, man-made idea. The legal system allows the society to maintain in the present and to continue in the future the structure, institutions and notions of values that it has established historically. Latvia, in particular, is aware of the force of law since, after all, the idea of an independent state was maintained in legal arguments and assessment of facts.

What is the Constitution? Since human beings strive for self-improvement, society develops constantly. Each society constitutes itself every day. The people of Latvia established their state one hundred years ago but continue to shape their opinion and understanding of the state, the nation and values every day. The people, in constituting themselves, are in constant development. Poet Rainis' theme - change upwards – is still fully unappreciated in the synergy of a human being, society and an idea. The Constitution is a legal norm that originated at the moment when the Latvian nation constituted itself and continues to ensure that, every day, the process of self-constituting of society and its every member proceeds in common interests.[102] The Constitutional Court's task is to supervise this continuous process of society's self-constitution, in the course of which ideas and actions are couched in legal norms, would comply with the idea, on which this process is based; i.e., that it is possible only in a democratic independent state governed by the rule of law. Writer Kronvaldu Atis said: "Each state provides to its members, its citizens a shelter, both against one another and against strangers. Therefore, let us call all law, all the different courts and other contraptions [..], to which we can all hold on and that hold the state itself together, the Constitution, the holding together of the state".[103]

Undoubtedly, there are divergent opinions and ideas of what common interests or good is in all societies. The function of the legislative process is to resolve this conflict and reach a uniform opinion on the common good. Whereas a court and, in particular, the Constitutional Court, analyses the common denominator that has been found regarding the common good and examines, from the perspective of a concrete person who is in concrete circumstances, whether the definition of the common good is reasonable. To put it differently, the court ascertains one more time, whether, indeed, a synthesis of diverse opinions has occurred, which restricts to the least extent human liberty as a fundamental value in a democratic state governed by the rule of law and ensures sustainable development of society. It is exactly this system and approach that ensures that arbitration and unwelcome influence is eradicated from the legislative process.

In a democratic state governed by the rule of law, the principle of separation of powers provides that society in general and each person develops and improves by creating ideas and implementing these activities within a supportive and facilitating legal framework. The essence of the principle of separation of powers is harmonious cooperation between the three branches of power, mutual control and restriction, as well as the moderation of power.[104] Its aim is to ensure that the fundamental values of a democratic state governed by the rule of law are implemented and protected.[105] Namely, only the mechanism of checks and balances, typical of democracy, is able to open the full the possibilities for a person's active work and creativity.[106]

Thus, from the perspective of development of each person and society as a whole and effective functioning of the state, it is important for all branches of power

101 About this idea, see *ibid.* p. 79.

102 See further Allot, op.cit., p. 80.

103 Pleps J. *Satversme*s iztulkošana [Interpretation of the constitution]. Rīga: *Latvijas Vēstnesis*, 2012, 17. lpp.

104 Judgment of 21 January 2002 by the Constitutional Court in case No. 2001-09-01.

105 Judgment of 18 December 2013 by the Constitutional Court in case No. 2013-06-01, para 11.

106 Ziemele I. Brīvība un zināšanas kā priekšnoteikums iedvesmošanai. [Speech by I. Ziemele: Freedom and knowledge as a precondition for inspiring others] Conference for the creative industries "Subject: Creativity" in Cēsis, 2 November 2018. Available: https://www.youtube.com/watch?v=Ci5aEPz6ZIk

to perform their functions duly, for none of them to exceed the limits of their competence and to show appropriate respect for other branches of power and respect the legitimate are of their activities. The judicial power defends justice as one of the fundamental values of a state governed by the rule of law and acts in the interests of the whole society.[107]

In a democratic state, the principle of separation of powers not only separates the branches of power but also comprises the requirements regarding their cooperation since the shared aim of all branches of power is to consolidate the democratic state order, at the centre of which human liberty stands. Mutual cooperation is implemented in the form of respectful dialogue and communication between the branches of power. To communicate means to make something communal, i.e., to transmit information or knowledge from to another as carefully as possible. In a dialogue, persons do not attempt to make common certain ideas or information known to them. In a dialogue, the participants of it rather try to create something common, i.e., they create something anew. Whereas communication may result in the creation of something new only in the presence of the ability to listen to each other without prejudice and without attempts at influencing others.[108]

This is the first solemn hearing held at the Constitutional Court to open the new judicial year of the Constitutional Court. This hearing is a form of the dialogue between the branches of power, offered by the Constitutional Court at the time when the state steps over the threshold into its second century. Guido Raimondi, the President of the European Court of Human Rights, at the opening of the Court's judicial year once stated: "Europe is that part of the world where the democracy's rules of the game have been created and where the compliance with these rules is guaranteed by constitutional and supreme courts." In Latvia, the Constitutional Court guarantees that rules of the game of the chosen democracy are respected in the constant self-constitution process of each resident and society as a whole. Namely, development occurs in a legal framework in accordance with the rule of law principle.

The rule of law is one of the overarching principles of Latvia as an independent and democratic republic. In view of the role of law, the Constitution and the Constitutional Court in the constant development of society, the basic task of this solemn hearing is to take a look back at the cases heard by the Constitutional Court last year and to highlight some findings made by the Court that are essential for reinforcing democracy in Latvia. Information provided by the Constitutional Court is of general importance because, as underscored before, the Court's rulings are part of the law on Latvia, on the basis of which the future social processes will evolve.

II. Statistics

This morning, the Constitutional Court published the report on its work in 2018. The Report is an illustration of what is currently important in the process of development of the Latvian society as well as how compliant with the Constitution the legislator, the executive power and local governments have been in their decisions in this process. The Report comprised detailed information not only on the qualitative indicators of the Constitutional Court's work but also quantitative indicators, reflected in the statistics.

To provide very brief insight into the quantitative indicators of the Constitutional Court's work, I can note that, in 2018, in comparison with 2017, the number of judgments adopted by the Constitutional Court has increased by 13 %, whereas the number of legal norms (acts) reviewed by the Constitutional Court has remained constant. I.e., the constitutionality of 30 legal norms was reviewed. Last year, the Court recognised 18 legal norms (acts) as being incompatible with the legal norms of higher legal force, and, in total, the Court has expressed its assessment of the questions addressed to it on their merits on 568 pages.

III. The rule of law aspects

The principle of Latvia as a democratic state governed by the rule of law sets the guidelines for both the process of legislation and the content of the law, the delegation, restrictions on fundamental rights, effective protection of fundamental rights and other issues. There are no issues, with respect to which the principle of the rule of law would not impose certain quality criteria.

1. The legislative process

In the last years, the Constitutional Court has had to assess the quality of the legislative process repeatedly. For example, in the case regarding the solidarity tax[109], the Constitutional Court analysed the inclusion of a draft law in the package of laws accompanying the draft state budget law, the discussion of a draft law as well as the legislator's discretion in the area of taxation law. Whereas in the case regarding the compulsory lease[110], reviewed last year, the legislator's obligation to examine duly and to substantiate the restriction on a person's fundamental rights as well as to abide by the findings previously expressed by the Constitutional Court were examined.

107 Judgment of 12 November 2015 by the Constitutional Court in case No. 2015-06-01, para 11.1.

108 Bohm D. On Dialogue. London: Routledge, 2004, pp. 2–3.

109 See Judgment of 19 October 2017 by the Constitutional Court in case No. 2016-14-01 on the solidarity tax set for natural persons, and Judgment of 16 November 2017 by the Constitutional Court in case No. 2016-16-01 on the solidarity tax set for legal persons.

110 See Judgment of 12 April 2018 by the Constitutional Court in case No. 2017-17-01.

In the case regarding the compulsory lease, the Constitutional Court recognised that the process, in which a regulatory enactment that restricted a person's fundamental rights was adopted, should convince the society that the adopted act is legal. Society should develop certainty that the need to restrict the fundamental rights included in the Constitution had been carefully considered. Thus, the legislative process should comply not only with the formal requirements set in regulatory enactments but also should facilitate a person's trust in the state and law.

The Constitutional Court underscored that if the legislator had intended to establish repeatedly a restriction on fundamental rights, the constitutionality of which already had been examined by the Constitutional Court, then this restriction should be duly examined and substantiated by the legislator. However, the Parliament had not examined duly the impact of the restriction on fundamental rights on the status of landowners and had not substantiated the compliance of the intended solution with the Constitutional Court's case law. Hence, it was recognised that the contested norms had not been adopted in due procedure and were incompatible with Article 105 of the Constitution.

The Constitutional Court often has turned also to the legislator's discretion. Last year, this matter was examined by the Constitutional Court in several tax-related cases.

2. Taxes

The Constitutional Court has two tasks with respect to taxes and the budget. Firstly, it explains the content of the constitutional norms and the general principles of law pertaining to the state and local government budget. Secondly, the Court verifies, whether the legislator and local governments have abided by the limits of the discretion granted to them in the area of taxes.

During the last year, the Constitutional Court delivered four judgments in this area, related to the value added tax and the tax on immovable property. In two cases, the Constitutional Court reviewed the compatibility of the imposed taxes not only with the Constitution but also the legal regulation of the European Union.

The Constitutional Court recognises that both the legislator and local governments enjoy broad discretion in setting taxes, on the condition that the obligation to establish a taxation system that is aimed at sustainable national development is complied with since only a system like that is able to ensure public welfare. A tax may not be disproportional and ungrounded with respect to property, and it should ensure a reasonable balance between public interests and a person's right to property.

Discretion comprises also the right to set differential tax rates if this complies with the general principles of law and legal norms of higher legal force. The legislator's choice regarding the necessary new taxes and taxes that should be given up, is a matter of expedience, which is not examined by the Court. However, in setting the rates, the Constitution, the European Union law and the general principles of law must be complied with. Therefore, the Constitutional Court noted last year that setting of a different taxation rate solely because of a person's foreign citizenship was inadmissible All citizens of the European Union have the right to equal treatment in the hosting Member state, i.e., Latvia.

In another case, the Constitutional Court recognised that the criterion – the area of premises per one person who had declared place of residence – was the local government's choice regarding the principle for calculating the tax applicable to one object of immovable property tax and such choice could be substantiated both by legal considerations and considerations regarding expedience. However, the principle for calculating the tax, established by the local government, should be reasonably explainable and the contested norm *per se* should comply with legal norms of higher legal force.[111]

3. Local governments

The Constitutional Court has recognised that the aims and objectives set for the contemporary society could be reached only through close cooperation of the state and local governments. Hence, the notion "state", used in the norms of the Constitution, should not be interpreted narrowly, it comprises also local governments.

On the basis of applications submitted by local governments, the Constitutional Court has adopted, in total, 10 judgments and five decisions on terminating legal proceedings. This number of rulings by the Constitutional Court, adopted within 22 years on the basis of applications by local governments, should be deemed as comparatively small.

At the same time, in 2018, the issue of the constitutionality of legal acts issued by local governments played a significant role in the Constitutional Court's work. I.e., in four judgments of 17, delivered by the Constitutional Court in 2018, legal acts issued by local governments were examined.

The judgments in cases No. 2017-28-0306 and No. 2017-35-03 pertained to matters of binding regulations in the area of immovable property tax, adopted by a local government. The judgments in cases No. 2017-32-05 and No.2018-07-05, in turn, were adopted on the basis of applications by local government councils, requesting reviewing the legality of an order by a Minister authorised by the Cabinet, which suspended decisions adopted by a local government council.

111 See Judgment of 18 October 2018 by the Constitutional Court in case No. 2017-35-03.

In case No. 2017-32-05, the Constitutional Court recognised for the first time, that a decision by a Minister authorised by the Cabinet, which suspended a decision by a local government council, was unlawful. I.e., the Court found that this order had been issued *ultra vires*, since the suspended council's decision was to be recognised as an individual legal act and the Minister did not have the right to suspend it.

In this case, the interpretation of Article 101 of the Constitution should be highlighted. The Court recognised that disputes between the local government council and its members should not be solved at a hierarchically higher institution. If a local government or its bodies in their activities violate a councillor's subjective public rights, the alleged violation of the councillor's subjective public rights should be examined by the administrative court, on the basis of the councillor's application.

4. Self-defending democracy

The Constitutional Court presented significant findings on self-defending democracy and national security in case No. 2017-25-01. In this case, the prohibition to stand for the Parliament election for persons, who after 13 January 1991 had been active in the Communist Party of Latvia or other organisations directed against the democratic state order of Latvia, was examined. Firstly, the Constitutional Court recognised that a person did not have the right to stand for the Parliament election, if, after 13 January 1991, they had been active in organisations directed against the democratic state order of Latvia and with their actions had jeopardised and continued to jeopardise the independence of the State of Latvia and the principles of a democratic state governed by the rule of law. Secondly, the Court found that effective exercise of a person's rights and freedoms was most possible in conditions of democracy. However, the exercise of personal rights may not be directed against the independence of the state and the principles of a democratic state governed by the rule of law. Hence, the state may need to take special defensive measures to guarantee the stability and effectiveness of its democratic system. Moreover, the awareness of statehood and democracy has not become sufficiently consolidated in the Latvian society – democracy is not yet considered as being self-evident. Thirdly, the Constitutional Court noted that, in examining the restriction on standing for the Parliament election in each particular case, both the internal and external threats to the state should be taken into consideration.

IV. Dialogue in the European legal space

The Court's solemn hearing is held at the time when we ask questions about the ways our societies cope with the challenges caused by globalisation. Sandra Day O'Connor, the Justice of the Supreme Court of the USA, writes: "When I think about global changes [..] I think about Lego blocks because [..] the state's ability to ensure meaningful democracy in the long term depends on its foundations. If the political system has not been placed on a stable basis it will sway and scatter like sand under pressure."[112] Justice O'Connor considered educated citizens as the most important foundations of democracy. An educated citizen should have access to information about the legal system of the state and the trends in its development.

However, an integral part of global changes is not only reinforcing the dialogue with the citizen. This changes present additional opportunities for a professional dialogue. The global changes determine the need for various forms of dialogue within one society and also among societies. Also in 2018, the Constitutional Court was actively involved in a dialogue with the courts of Latvia, the constitutional courts of the other Member states of the European Union as well as the Court of Justice of the European Union and the European Court of Human Rights. The Constitutional Court's Justices went on official visits to the Council of State of France, the Constitutional Council and the Cassation Court of France as well as the Federal Constitutional Court of Germany.

Last year, the dialogue with other courts most of all was promoted by the international conference organised by the Constitutional Court "The Role of the Constitutional Courts in the Globalised World of the 21st Century", which was held in May and was the major international event in the area of law dedicated to the centenary of Latvia. The conference was attended by representatives of constitutional jurisdictions from 25 countries, including Italy, France, Germany, and Spain. Also representatives from the Court of Justice of the European Union (hereafter also – CJEU) and the European Court of Human Rights (hereafter also – Etch) were among the participants of the conference.

The use of findings made by other courts increases in the framework of the judicial dialogue. The Constitutional Court uses and applies regularly the findings made by ECtHR and CJEU and goes even further if it follows from the process of society's development in Latvia. In more than one-third of the judgments adopted in 2018, the Constitutional Court referred to the case law of ECtHR and noted in several of the judgments that the standard of protecting fundamental rights in particular areas in Latvia was higher than the one set in the European Convention for the Protection of Human Rights and Fundamental Freedoms. ECtHR, in turn, in two rulings of 2018 addressed the Constitutional Court. First of all, in its decision of 22 May 2018 in case "*Soročinskis v. Latvia*"[113], ECtHR noted that, in certain cases, the Constitutional Court should be regarded as an effective legal remedy that should be used before turning to ECtHR. Secondly, in

112 O'Connor S. D. The Majesty of the Law. Reflections of a Supreme Court Justice. New York: Random House, 2003, p. 274.

113 Application No. 21698/08.

its decision of 4 September 2018 in case "*Kvasņevskis and others v. Latvia*"[114], ECtHR made a reference to the Constitutional Court's case law in cases regarding "the ceiling of rental payment".[115] In the context of globalisation, the respect for the Constitutional Court's opinion is very important; however, the Constitutional Court must keep working to maintain this respect.

In 2018, the Constitutional Court concluded the first case in its history, where the procedure of the preliminary ruling at the Court of Justice of the European Union had to be used. The Constitutional Court received the preliminary ruling of 7 August 2018 by the Court of Justice of the European Union in case C-120/17, which answered to the questions referred to by the Constitutional Court in case No. 2016-04-03 on discontinuing the disbursement of farmers' early retirement support to the heirs of its recipients. The Court of Justice of the European Union recognised that the legal acts of the European Union (Council Regulation No. 1257/99, Article 10–12) prohibited the Member states from implementing measures that would allow inheriting the early retirement support. At the same time, the Court noted that the norm that was contested in case No. 2016-04-03 had created legitimate expectations for the heirs of the recipients of this support.[116]

V. Conclusion

The social processes of the recent years occurring in societies belonging to the western cultural space indicate that the reinforcement of the rule of law has become more important than ever before. It is the basis for fostering people's trust in the state and its institutions. In the long-term, freedom without an effective framework of the rule of law does not ensure equal social development, thus placing the state under various risks. Decreasing of inequality should be the absolute priority for the state. Already now, the Constitutional Court has provided many explanations regarding the framework of the rule of law, in which the priority work for the national development should be done. Timely and effective use of the findings made by the Constitutional Court in the political process would be evidence that the next level of the rule of law has been attained in the state.

The Constitutional Court takes a complex look at the process of development of the state and the society, and believes that communication and dialogue are very important in this process. Therefore the Court addressed the Member of the European Parliament, the former European Commissioner and the Minister for Foreign Affairs of Latvia, art historian, who in 2018 was awarded the Truman-Reagan Medal of Freedom, Sandra Kalniete, to give a speech at the Court's solemn hearing and provide her perspective on Latvia as a democratic state governed by the rule of law. We are genuinely happy that Ms Kalniete has honoured us with her presence in this hearing, which, we hope, marks the beginning of a particularly important tradition in Latvia.

114 Application No. 50853/06.

115 Para 54 of the decision.

116 See Judgment of 7 August 2018 by the Court of Justice of the European Union in case C 120/17 "*Administratīvā rajona tiesa pret Ministru kabinetu*".

3.6. PUBLICATIONS

This section aggregates information about the publications by the Justices and employees of the Constitutional Court in 2019 – books and articles, articles in periodicals, interviews, speeches, blogs and encyclopaedia entries.

INETA ZIEMELE

BOOKS:

Ziemele I. Apsveikums [Congratulation]. Grām.: Latvijas Universitātes Juridiskā fakultāte 1919–2019. Fakti un cilvēki, vēstījumi un fotomirkļi. Atkārtots un papildināts izdevums. Rīga: LU Akadēmiskais apgāds, 2019, 13.–14. lpp.

Ziemele I. Konstitucionālās tiesas kā slūžas globalizētajā pasaulē [Constitutional Courts as Lock-Gates in the Globalised World]. Grām.: Konstitucionālo tiesu loma globalizētajā 21. gadsimta pasaulē. *Satversmes* tiesas 2018. gada konferences materiālu krājums. Rīga: Latvijas Republikas Satversmes tiesa, 2019, 194.–203. lpp.

Ziemele I. Neatzīšanas politika Latvijas okupācijas jautājumā [Policy of Non-recongition in the Matter of Latvia's Occupation]. Grām.: Latvijas Ārlietu simtgade. Pasaules doma un Latvija. Rīga: Latvijas Ārpolitikas institūts, 2019, 93.–107. lpp.

Ziemele I. Priekšvārds [Foreword]. Grām.: Latvijas Republikas Satversme. Satversmes tiesas atziņas. Rīga: *Latvijas Vēstnesis*, 2019, 7.–8. lpp.

Ziemele I. Priekšvārds [Foreword]. Grām.: Levits E. Valstsgriba: idejas un domas Latvijai, 1985–2018. Rīga: *Latvijas Vēstnesis*, 2019, 8.–15. lpp.

Ziemele I. Priekšvārds [Foreword]. Grām.: Pacientu tiesību likuma komentāri. Rīga: *Latvijas Vēstnesis*, 2019, 5. lpp.

Ziemele I. Priekšvārds [Foreword]. Grām.: Pārskats par Satversmes tiesas darbu 2018. Rīga: Latvijas Republikas Satversmes tiesa, 2019, 9. lpp. Sk. arī: Ziemele I. Foreword. In: Report on the Work of the Constitutional Court of the Republic of Latvia in 2018. Riga: Constitutional Court of the Republic of Latvia, 2019, p. 9.

Ziemele I. Uzruna konferences atklāšanā [Speech at the Opening of the Conference]. Grām.: Konstitucionālo tiesu loma globalizētajā 21. gadsimta pasaulē. Satversmes tiesas 2018. gada konferences materiālu krājums. Rīga: Latvijas Republikas Satversmes tiesa, 2019, 33.–34. lpp.

Ziemele I. Valsts padome – neatkarīgs konstitucionāls orgāns valsts likumdošanas darbības jomā [The Council of the state – and Independent Constitutional Body in the Area of National Legislation]. Grām.: Latvijas Republikas Satversmes komentāri. V nodaļa. Likumdošana. Rīga: *Latvijas Vēstnesis*, 2019, 374.–379. lpp.

Lejnieks M., Pleps J., Ziemele I. 68. panta komentārs [Commentary on Article 68]. Grām.: Latvijas Republikas Satversmes komentāri. V nodaļa. Likumdošana. Rīga: *Latvijas Vēstnesis*, 2019, 87.–129. lpp.

Ziemele I. Introduction. In: The Role of Constitutional Courts in the Globalised World of the 21st Century. Proceedings of the 2018 Conference of the Constitutional Court of the Republic of Latvia. Riga: Constitutional Court of the Republic of Latvia, 2019, pp. 6–10.

Ulrich G., Ziemele I. Introduction: International Law and Crisis: Dialectical Relationship. In: Ulrich G., Ziemele I. (Eds.) How International Law Works in Times of Crisis. New York: Oxford University, 2019, pp. 1–9.

Spale A., Jurcēna L., Ziemele I. Latvia. In: Albert R., Landau D., Faraguna P. et. al. (Eds.) 2018 Global Review of Constitutional Law. I-CONnect-Clough Center for the Study of Constitutional Democracy at Boston College, 2018, pp. 182–187.

PERIODICALS:

Ziemele I. Demokrātijas otrā elpa postliberālā tehnoloģiju pārvaldītā pasaulē [Redeaming democracy in a Post-liberal, Technology-governed World]. Jurista Vārds, 24.09.2019., Nr. 38, 7.–11. lpp.

Ziemele I. Katram ir jāatbild par saviem nodarījumiem [Everyone Must Account for their Offences]. Jurista Vārds, 27.08.2019., Nr. 34, 10.–12. lpp.

INTERVIEWS:

Benfelde S. Par tiesiskuma un demokrātijas izpratni [On the Understanding of the Rule of Law and Democracy]. Intervija ar I. Ziemeli. Brīvā Latvija, 16.04.2019. Available: http://www.brivalatvija.lv/

Bogustovs A. Viesos: Ineta Ziemele, Satversmes tiesas priekšsēdētāja. Intervija ar I. Ziemeli [Visiting: Ineta Ziemele, President of the Constitutional Court. Interview with I. Ziemele]. TV24 "TOP 5". 19.07.2019. Available: https://xtv.lv/rigatv24/

Garklāva K. Satversmes tiesas priekšsēdētāja: Reģionālās reformas kontekstā būtisks ir cilvēka cieņas jautājums [President of the Constitutional Court: Issue of Human Dignity Important in the Context of Regional Reform]. Intervija ar I. Ziemeli. LNT "900 sekundes", 26.09.2019. Available: https://skaties.lv/

Jansone M., Unāma E. Krustpunktā – Satversmes tiesas priekšsēdētāja Ineta Ziemele [At the Point of Intersection – President of the Constitutional Court Ineta Ziemele]. Intervija ar I. Ziemeli. Latvijas Radio 1 "Krustpunktā", 16.09.2019. Available: http://lr1.lsm.lv/

Kikusts G., Rubene K. Telefonsaruna ar Inetu Ziemeli par Constitutions tiesas un LNB kopprojektu "Sarunas par Latviju" [Phone conversation with Ineta Ziemele about the joint project of the Constitutional Court and NLL "*Conversations about Latvia*]. Intervija ar I. Ziemeli. LTV "Rīta Panorāma", 06.06.2019. Available: https://ltv.lsm.lv/lv/

Krūzkopa S. Satversme ir pamats Latvijas ilgtspējai un katra iedzīvotāja attīstībai [The Constitution is the basis for Latvia's sustainability and the development of each resident]. Intervija ar I. Ziemeli. LV portāls, 07.03.2019. Available: http://www.lvportals.lv/

Puče A. Viesos: Ineta Ziemele, Saulvedis Vārpiņš, Kristīne Līce un Gaidis Bērziņš [Visiting: Ineta Ziemele, Saulvedis Vārpiņš, Kristīne Līce and Gaidis Bērziņš]. TV24 "Kārtības rullis". 01.04.2019. Available: https://xtv.lv/rigatv24/

Puriņa V. "Dienas personība": Saruna ar Satversmes tiesas priekšsēdētāju Inetu Ziemeli [Personality of the Day. Conversation with President of the Constitutional Court Ineta Ziemele]. TV24 "Dienas personība". 07.10.2019. Available: https://xtv.lv/rigatv24/

Ramāns J. Satversmes tiesas priekšsēdētāja: Nepieciešams uzlabot pieņemto likumu kvalitāti [President of the Constitutional Court: Quality of Adopted Laws should be Improved]. Intervija ar I. Ziemeli. Latvijas Radio 1 "Labrīt", 04.11.2019. Available: http://lr1.lsm.lv/

Rēders G. Intervija ar I. Ziemeli [Interview with I. Ziemele]. LTV "1:1. Aktuālā intervija", 15.01.2019. Available: https://ltv.lsm.lv/lv/ltv1

Tunte L. Valsts ir mehānisms, kuru darbina cilvēki [State is a Mechanism Operated by People]. Intervija ar I. Ziemeli. iTiesības, Nr. 5, 8.–13. lpp.

Valdnieks D., Krūmiņa L. Intervija ar I. Ziemeli [Interview with I. Ziemele]. LTV "Rīta Panorāma", 10.01.2019. Available: https://ltv.lsm.lv/lv/

Valdnieks D., Krūmiņa L. Intervija ar Satversmes tiesas priekšsēdētāju Inetu Ziemeli [Interview with President of the Constitutional Court Ineta Ziemele]. LTV "Rīta Panorāma", 11.03.2019. Available: https://ltv.lsm.lv/lv/

Авотиньш В. Профессор: что не так с нашим судом Сатверсме [Professor: What's Wrong with our Satversme]? Intervija ar I. Ziemeli [intervija krievu val.]. Press.lv, 21.01.2019. Available: http://www.press.lv

SPEECHES:

Ziemele I. Moderns tiesiskums Eiropas pilsonim [Contemporary Rule of Law for a Citizen of Europe]. Runa Latvijas Universitātes Juridiskās fakultātes 7. starptautiskajā zinātniskajā konferencē Rīgā 2019. gada 18. oktobrī. Available: www.satv.tiesa.gov.lv/

Ziemele I. Runa akadēmiskajā plenārsēdē LU 77. starptautiskās zinātniskās konferences atklāšanā Rīgā 2019. gada 8. februārī [Speech at the Opening of the Academic Plenary Session of the 77th International Scientific Conference of the University of Latvia on 8 February 2019]. Available: https://www.youtube.com/watch?v=b_Ig8Io--Oc

Ziemele I. Runa Latvijas Pašvaldību savienības 30. Kongresā Rīgā 2019. gada 17. maijā [Speech at the 30th Congress of the Latvian Association of Local Governments on 17 May 2019]. Available: www.satv.tiesa.gov.lv/

Ziemele I. Runa Latvijas Universitātes Juridiskās fakultātes simtgadē Rīgā 2019. gada 16. oktobrī [Speech at the Centenary Event of the Faculty of Law of the University of Latvia on 16 October 2019]. Available: www.satv.tiesa.gov.lv/

Ziemele I. Runa Constitutions tiesas svinīgajā sēdē Rīgā 2019. gada 9. janvārī [Speech at the Solemn Hearing of the Constitutional Court in Riga on 9 January 2019]. Available: www.satv.tiesa.gov.lv/

Freimane-Deksne, I., Sullo P., Mits M., Ziemele I. Cilvēktiesību konference 2019 – Atklāšana. Runa ikgadējās Cilvēktiesību konferences Rīgas Juridiskajā augstskolā atklāšanā Rīgā 2019. gada 31. oktobrī [Human Rights Conference 2019 – Speech at the opening of the Annual Human Rights Conference at the Riga Graduate School of Law on 31 October 2019]. Available: https://www.youtube.com/watch?v=LOknE5TLahE&t=2s

Ziemele I. Runa Tieslietu sistēmas un Tieslietu ministrijas apbalvojumu pasniegšanas ceremonijā Rīgā 2019. gada 15. novembrī [Speech at the Ceremony for Granting Awards of the Justice System and the Ministry of Justice in Riga on 15 November 2019]. Available: www.satv.tiesa.gov.lv/

Ziemele I. Satversmes tiesa un pamattiesību ievērošana Latvijā [The Constitutional Court and Respect for Human Rights in Latvia]. Runa ikgadējā Cilvēktiesību konferencē Rīgas Juridiskajā augstskolā Rīgā 2019. gada 31. oktobrī. Available: https://www.youtube.com/watch?v=g9V81tJ3xao&t=5s

Ziemele I. Can Constitutional Courts Delimit European Identity? Speech at the Conference "Constitutional EUdentity 2019 Unity in Diversity – Common and Particular Values" in Budapest, 8 March 2019. Available: www.satv.tiesa.gov.lv/

Ziemele I. Common European Legal Space and Nation State – Tensions Reflected in Developments in Private Law. Speech at the Summer School organized by the University of Salzburg, 5 July 2019. Available: www.satv.tiesa.gov.lv/

Ziemele I. Constitutional Case-Law as a Source of Law: the Role of Judges in the XXI century. Speech at the International Conference on the 25th Anniversary of the Constitutional Court of Belarus in Minsk, 31 May 2019. Available: www.satv.tiesa.gov.lv/

Ziemele I. Fundamental Rights and Data Protection in European Free Movement Space. Speech at the Erasmus+ Jean Monnet Conference on Competition, Big Data and Fundamental Rights in Riga, 6 December 2018. Available: https://www.youtube.com/watch?v=ybR88P8bQos

Ziemele I. Redeeming Democracy in a Post-Liberal Technology Driven World. Speech at the 14th Congress of the Association of the European Public Law SIPE in Riga, 14 June 2019. Available: www.satv.tiesa.gov.lv/

Ziemele I. Rule of Law and the Role of Judges in the XXI century. Speech at the Conference "*How Can We Protect Rule of Law in Europe*" in Tampere, 5 February 2019. Available: https://moniviestin.uta.fi/

Ziemele I. Safeguarding the Rule of Law and Democracy – the Role of the Constitutional Court. Speech in Bilateral Meeting with the Judges of Constitutional Court of Austria in Vienna, 2 July 2019. Available: www.satv.tiesa.gov.lv/

Ziemele I. Speech at the Latvian Embassy to the Representatives of the Diplomatic Missions in Austria, Vienna, 3 July 2019. Available: www.satv.tiesa.gov.lv/

Ziemele I. Speech to the Representatives of the Diplomatic Missions in Latvia, Riga, 8 May 2019. Available: www.satv.tiesa.gov.lv/

Ziemele I. The Rule of Law of Today Serving the European Citizen. Speech at the 7th International Scientific Conference of the University of Latvia Faculty of Law in Riga, 18 October 2019. Available: www.satv.tiesa.gov.lv/

SANITA OSIPOVA

BOOKS:

Osipova S. Taisnīga tiesa un sabiedrības viedoklis [Fair Trial and Public Opinion]. Grām.: Tiesas un mediju komunikācija. Sabiedriskā viedokļa un mediju ietekme uz taisnīgu tiesu. Rīga: *Latvijas Vēstnesis*, 2019, 87.–101. lpp.

Osipova S. Valoda kā konstitucionāla vērtība [Language as a Constitutional Value]. Grām.: Satversmē nostiprināto vērtību aizsardzība: dažādu tiesību nozaru perspektīva: Latvijas Universitātes 77. starptautiskās zinātniskās konferences rakstu krājums. Rīga: LU Akadēmiskais apgāds, 2019, 13.–24. lpp.

PERIODICALS:

Osipova S. Bioētikas diskurss Latvijas Republikas Satversmes tiesas judikatūrā. Jurista Vārds, 13.08.2019., Nr. 32, 10.–18. lpp. Sk. arī: Osipova S. Bioethics in the Jurisprudence of the Constitutional Court of the Republic of Latvia. Speech in the meeting of Justices from the Constitutional Courts of Latvia, Belgium and Czechia in Brussels, 11 June 2019. Available: www.satv.tiesa.gov.lv/

Osipova S. Informācijas sabiedrība [Information Society]. Jurista Vārds, 26.11.2019., Nr. 47, 43.–45. lpp.

Osipova S. Jālauž klusēšanas siena [The Wall of Silence Must be Broken]. Dr. iur. Sanita Osipova par padomju režīma izvērtēšanu. Delfi.lv, 14.01.2019. Available: http://www.delfi.lv/

Osipova S. Lai atjaunotu taisnīgumu, vispirms ir jānoskaidro patiesība [To Restore Justice, the Truth must be Clarified First]. Jurista Vārds, 21.05.2019., Nr. 20, 11.–12. lpp.

Osipova S. Vai tiesnešiem būtu jāņem vērā sabiedrības viedoklis [Should Judges Take into Account the Public Opinion]. LV portāls, 10.09.2019. Available: http://www.lvportals.lv/

Osipova S. Case Law of the Constitutional Court of Latvia in Reviewing Cases on Family Law. International Journal of the Jurisprudence of the Family, 2018, Vol. 9, pp. 1–16.

Osipova S. Foreword. Law: Journal of the University of Latvia, No. 12, 2019, pp. 5–6.

Osipova S. Sowjetische Ehe- und Familienrecht von den Ersten Dekreten 1917 bis zum letzten Gesetzbuch 1968 vom Standpunkt der Lettischen Sozialistischen Sowjetrepublik. Prąvněhistorické studie, Nr. 49/1. Praha: Univerzite Karlova Nakladatestvi Karolinum, 2019, S. 119–139.

Osipova S. The Baltic States as a Legal Culture Space within the Discourse of Law History Processes (Searching for the Identity of Baltic Law). Miscellanea Historico-Iuridica, 2018, Tom XVII, pp. 209–225.

Osipova S. "The Political Platform of the Latvian People's Council" of 17 November 1918 as the Founder of the Gender Equality Tradition in Latvia within the Discourse of European Ideas on Gender Equality. Law: Journal of the University of Latvia, No. 12, 2019, pp. 96–109.

INTERVIEWS:

Krūzkopa S. Satversmes tiesa par Rīgas domes noteiktajiem ierobežojumiem spēļu zāļu ierīkošanai Rīgas vēsturiskajā centrā. Intervija ar S. Osipovu [The Constitutional Court on the restrictions set by the Riga City Council on establishing gaming halls in the historical centre of Riga. An interview with S. Osipova]. LV portāls, 17.05.2019. Available: http://www.lvportals.lv/

Krūzkopa S. Satversmes tiesas spriedums – sodu izpildes režīms vīriešiem. Intervija ar S. Osipovu [The Constitutional Court's judgment – the sentence serving regime for men. An interview with S. Osipova]. LV portāls, 08.11.2019. Available: http://www.lvportals.lv/

Libeka M. Nācijai ir tiesības zināt patiesību. Intervija ar S. Osipovu [The Nation has the Right to Know the Truth. An interview with S. Osipova]. Latvijas Avīze, 08.01.2019., Nr. 5, 4.–5. lpp.

Līvmane I. Lai taisnīgums un tiesiskums uzvarētu. Intervija ar S. Osipovu [For Justice and the Rule of Law to Win. An interview with S. Osipova]. Praktiskais Latvietis, 25.02.2019., Nr. 8, 6.–7. lpp.

Skuja A. Satversmes tiesā līdz šim iesniegta viena sūdzība saistībā ar "čekas maisiem". Intervija ar S. Osipovu [Until now one complaint submitted to the Constitutional Court relating to "KGB sacks". An interview with S. Osipova] . LNT "900 sekundes", 21.01.2019. Available: https://skaties.lv/

Valdnieks D., Rubene K. Intervija ar Sanitu Osipovu un Ringoldu Balodi par tiesu un mediju komunikāciju [An interview with Sanita Osipova and Ringolds Balodis about communication between courts and media]. LTV "Rīta Panorāma", 23.10.2019. Available: https://ltv.lsm.lv/lv/

Otocki T. "Nie chcemy w ministerstwie kobiet". Trudna droga Łotyszek do równouprawnienia. Intervija ar S. Osipovu. Przegląd Bałtycki, 08.03.2019. Available: https://przegladbaltycki.pl/

SPEECHES:

Osipova S. Brīvība pēc brīvības [Freedom after Freedom]. Runa starptautiskā konferencē "Pasaule bez sienām", kas veltīta Berlīnes mūra krišanas 30. gadadienai Berlīnē 2019. gada 8. novembrī. Available: www.satv.tiesa.gov.lv/

Osipova S. Latvijas Republikas konstitucionālā identitāte Satversmes tiesa spriedumos [The Constitutional Identity of the Republic of Latvia in the Constitutional Court's Judgments]. Runa divpusējās tikšanās laikā ar Austrijas Konstitucionālās tiesas tiesnešiem Vīnē 2019. gada 3. jūlijā. Available: www.satv.tiesa.gov.lv/

Osipova S. Runa studentu korporācijas "Dzintra" jubilejas pasākumā Rīgā 2019. gada 25. maijā. Available: www.satv.tiesa.gov.lv/

ENTRIES IN ENCYCLOPAEDIAS:

Osipova S. Digestas [The Digest]. Nacionālā enciklopēdija, 18.09.2019. Available: https://enciklopedija.lv/

Osipova S. Gregoriāna kodekss [Gregorian Code]. Nacionālā enciklopēdija, 18.09.2019. Available: https://enciklopedija.lv/

Osipova S. Justiniāna institūcijas [The Institutes of Justinian]. Nacionālā enciklopēdija, 18.09.2019. Available: https://enciklopedija.lv/

Osipova S. Justiniāna kodekss [The Code of Justinian]. Nacionālā enciklopēdija, 18.09.2019. Available: https://enciklopedija.lv/

Osipova S. Justiniāna kodifikācija [Justinian's Codification]. Nacionālā enciklopēdija, 18.09.2019. Available: https://enciklopedija.lv/

Osipova S. Justiniāna noveles [The Novels of Justinian]. Nacionālā enciklopēdija, 18.09.2019. Available: https://enciklopedija.lv/

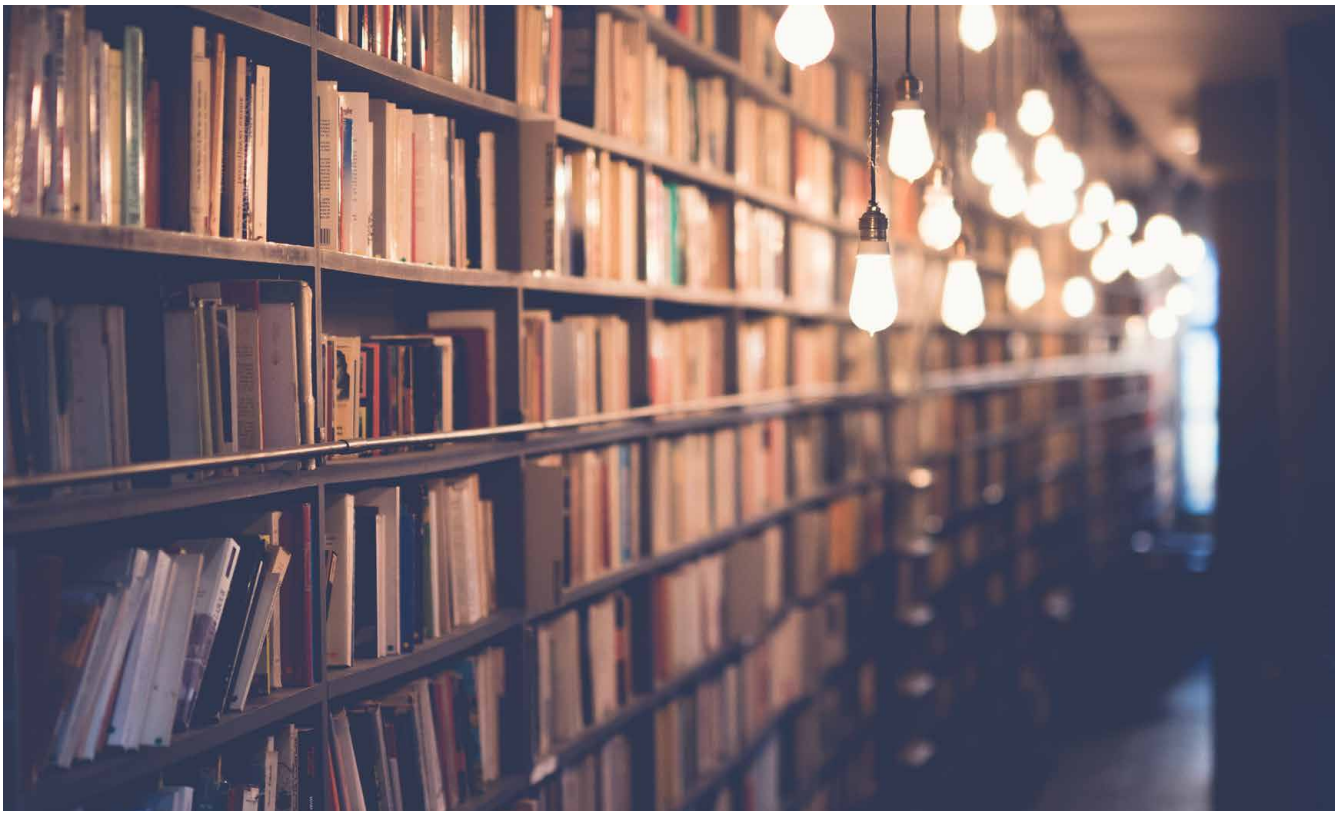
Osipova S. Teodosija kodekss [The Theodosian Code]. Nacionālā enciklopēdija, 18.09.2019. Available: https://enciklopedija.lv/

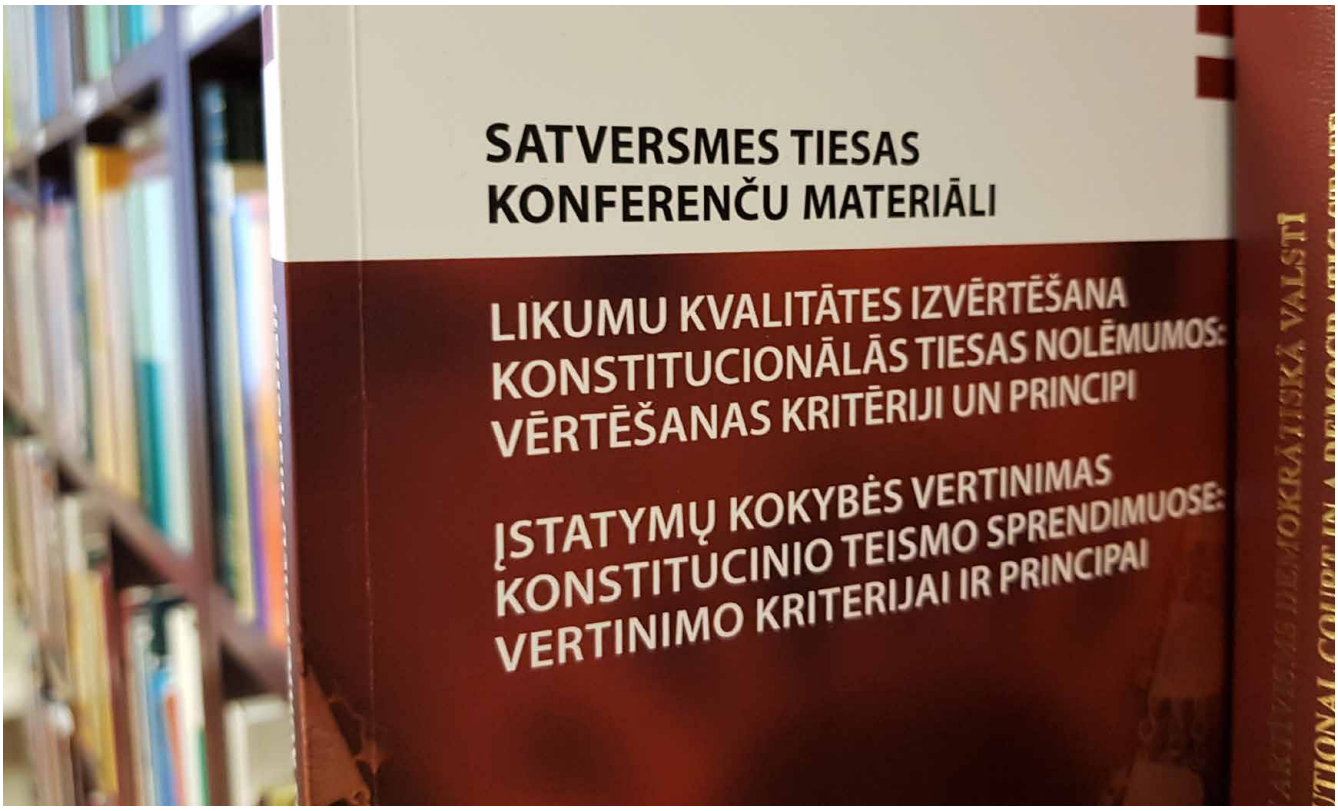
Osipova S. Tiesību socioloģija Latvijā [Sociology of Law in Latvia]. Nacionālā enciklopēdija, 03.09.2019. Available: https://enciklopedija.lv/

ALDIS LAVIŅŠ

BOOKS:

Laviņš A. Satversmes tiesas prakses attīstība laikā no 2015. gada 1. jūnija līdz 2017. gada 1. maijam [The Development of the Constitutional Court's Case Law from 1 June 2015 to 1 May 2017]. Grām.: Likumu kvalitātes izvērtēšana konstitucionālās tiesas nolēmumos: vērtēšanas kritēriji un principi





[Įstatymų kokybės vertinimas Konstitucinio teismo sprendimuose: vertinimo kriterijai ir principai]. Rīga: Latvijas Republikas Satversmes tiesa, 2019, 104.–165. lpp.

PERIODICALS:

Kārkliņš J., Rasnačs L., Ose D., Laviņš A. Daži jautājumi par uzņēmuma līguma izpratni [Some questions regarding the understanding of the contract for work performance]. Jurista Vārds, 10.09.2019., Nr. 36, 7.–13. lpp.

INTERVIEWS:

Krūzkopa S. Spriedums par normām, kas paredz maksu par kapavietas izmantošanu. Intervija ar A. Laviņu [Judgment regarding the norms that envisage payment for using a grave. An interview with A. Laviņš]. LV portāls, 21.03.2019. Available: https://lvportals.lv/

SPEECHES:

Laviņš A. Compensation for Moral Damages in Civil Cases. Speech in the conference of the Council of the Baltic Associations of Judges in Mäetaguse, 26 September 2019. Available: www.satv.tiesa.gov.lv/

GUNĀRS KUSIŅŠ

BOOKS:

Kusiņš G. Likumu kvalitātes izvērtēšana Satversmes tiesas nolēmumos: pienācīgā kārtībā pieņemts likums Satversmes tiesas praksē [Review of the quality of laws in the case law of the Constitutional Court: a law adopted in due procedure]. Grām.: Likumu kvalitātes izvērtēšana konstitucionālās tiesas nolēmumos: vērtēšanas kritēriji un principi [Įstatymų kokybės vertinimas Konstitucinio teismo sprendimuose: vertinimo kriterijai ir principai]. Rīga: Latvijas Republikas Satversmes tiesa, 2019, 63.–103. lpp.

INTERVIEWS:

Gailīte D. Zini savas tiesības: dalītais īpašums. Intervija ar G. Kusiņu, T. Dreiku un J. Zeltiņu [Know your rights: divided property. An interview with G. Kusiņš, T. Dreika and J. Zeltiņš]. LV portāls, Re:Tv, 27.11.2019. Available: https://www.youtube.com/watch?v=vo-uKvVc6io

Krūzkopa S. Satversmes tiesas spriedums par virsstundu darba atlīdzību amatpersonām ar speciālajām dienesta pakāpēm. Intervija ar G. Kusiņu [The Constitutional Court's Judgment on remuneration for over-time work for officials with special service ranks. An interview with G. Kusiņš]. LV portāls, 02.05.2019. Available: https://lvportals.lv/

SPEECHES:

Kusiņš G. Valstsvīrs. Parlamentārā dimensija. Valsts presidents [A Statesman. Parliamentary Dimension. The President of the State]. Runa zinātniskajā konferencē "Jānis Čakste – 160" Rīgā 2019. gada 13. septembrī. Available: http://www.saeima.lv/

DAIGA REZEVSKA

BOOKS:

Rezevska D. Strada-Rozenberga K. Krimināprocesa tiesību avoti [The Legal Sources of Criminal Procedure]. Grām.: Krimināprocesa likuma komentāri. A daļa. Rīga: *Latvijas Vēstnesis*, 2019, 26.–33. lpp.

Rezevska D. Es un Juridiskā fakultāte. Kā mēs sastapāmies un vairs nekad nešķīrāmies [I and the Faculty of Law. How We Met and Never Separated]. Grām.: Latvijas Universitātes Juridiskā fakultāte 1919–2019. Fakti un cilvēki, vēstījumi un fotomirkļi. Atkārtots un papildināts izdevums. Rīga: LU Akadēmiskais apgāds, 2019, 95.–97. lpp.

Pleps J., Rezevska D. Fakultātes absolventa standarts tiesiskajā sistēmā [The Standard of the Faculty's Graduate in the Legal System]. Grām.: Latvijas Universitātes Juridiskā fakultāte 1919–2019. Fakti un cilvēki, vēstījumi un fotomirkļi. Atkārtots un papildināts izdevums. Rīga: LU Akadēmiskais apgāds, 2019, 160.–162. lpp.

Pleps J., Rezevska D. Tiesību teorijas un vēstures zinātņu katedra [The Department of the Theory and History of Law]. Grām.: Latvijas Universitātes Juridiskā fakultāte 1919–2019. Fakti un cilvēki, vēstījumi un fotomirkļi. Atkārtots un papildināts izdevums. Rīga: LU Akadēmiskais apgāds, 2019, 256.–276. lpp.

INTERVIEWS:

Krūzkopa S. Satversmes tiesas spriedums lietā par adopcijas aizliegumu. Intervija ar D. Rezevsku [The Constitutional Court's judgment in the case regarding the prohibition of adoption. An interview with D. Rezevska]. LV portāls, 05.12.2019. Available: https://lvportals.lv/

Krūzkopa S. Satversmes tiesas spriedums par valsts un pašvaldību institūcijās nodarbināto atalgojuma publicēšanu. Intervija ar D. Rezevsku [The Constitutional Court's judgment regarding publication of the remuneration of state and local government institutions' employees. An interview with D. Rezevska]. LV portāls, 10.03.2019. Available: https://lvportals.lv/

Miškina I. Mūsu Latvija ir brīva! Intervija ar D. Rezevsku [Our Latvia is Free! An interview with D. Rezevska]. Siguldas Avīze, 2019, Nr. 11, 6.–7. lpp.

SPEECHES:

Rezevska D. Concretisation and Implementation of Social and Economic Rights by the Constitutional Court of Latvia – Challenges and Solutions for Advancing Social and Economic Rights at National Level. Speech at the 9th Meeting of the *CoE-FRA-ENNHRI-EQUINET* Collaborative Platform on Social and Economic Rights in Strasbourg, 28 November 2019. Available: www.satv.tiesa.gov.lv/

Rezevska D. Speech to the Representatives of the Diplomatic Missions in Latvia, Riga, 8 May 2019. Available: www.satv.tiesa.gov.lv/

JĀNIS NEIMANIS

BOOKS:

Neimanis J. Satversmes tiesas procesa tiesības [The Rights of the Constitutional Court's Procedure]. Rīga: Tiesu namu aģentūra, 2019.

PERIODICALS:

Neimanis J. Valstij nav vajadzīgi tiesneši, kuri spēj izskatīt tikai maza apmēra prasības [The State has no need for judges who are able to review only small claims]. Jurista Vārds, 11.06.2019., Nr. 23, 17.–18. lpp.

Neimanis J. Pašvaldības domes atlaišana [Dismissal of a local government council]. Jurista Vārds, 15.01.2019., Nr. 2, 14.–16. lpp.

INTERVIEWS:

Krūzkopa S. Satversmes tiesas spriedums par elektroenerģijas pašpatēriņa kontroli un pārkompensācijas aprēķinu. Intervija ar J. Neimani [The Constitutional Court's judgment on the control of electricity self-consumption and calculation of over-compensation. An interview with J. Neimanis]. LV portāls, 18.04.2019. Available: https://lvportals.lv/

Krūzkopa S. Satversmes tiesas spriedums par izņemtas mantas glabāšanas izdevumiem. Intervija ar J. Neimani [The Constitutional Court's judgment on storing removed property. An interview with J. Neimanis]. LV portāls, 08.01.2019. Available: https://lvportals.lv/

SPEECHES:

Neimanis J. Pašvaldības deputāta tiesību efektīvas aizsardzības prasība un tās īstenošana pēc Satversmes tiesas 2018. gada 29. jūnija sprieduma lietā Nr. 2017-32-05 [The requirement of an effective protection for the rights of a local government councillor and implementation thereof after the Constitutional Court's judgment of 29 June 2018 in Case No. 2017-32-05]. Runa konferencē par godu administratīvo tiesu 15. gadadienai "No vispārējiem tiesību principiem izrietošā administratīvo tiesu kompetence" Rīgā 2019. gada 6. septembrī. Available: www.satv.tiesa.gov.lv/

Neimanis J. Satversmes tiesas sprieduma tiesiskās sekas [Legal effect of a Constitutional Court's judgment]. Runa tiekoties Latvijas, Beļģijas un Čehijas konstitucionālo tiesu tiesnešiem Briselē 2019. gada 11. jūnijā. Available: www.satv.tiesa.gov.lv/

Neimanis J. Vispārējās jurisdikcijas tiesas un administratīvās tiesas nozīme, stiprinot personas pamattiesību aizsardzību [The significance of a court of general jurisdiction and an administrative court in reinforcing the protection of a person's fundamental rights]. Runa Ukrainas Konstitucionālās tiesas rīkotajā starptautiskajā konferencē par valsts drošības un cilvēktiesību līdzsvaru, kā arī konstitucionālo tiesu lomu šī līdzsvara saglabāšanā Kijevā 2019. gada 27. jūnijā. Available: www.satv.tiesa.gov.lv/

ARTŪRS KUČS

BOOKS:

Kučs A. Tiesnešu un tiesas kritikas robežas Eiropas Cilvēktiesību tiesas praksē [The limits to criticism of judges and the court in the case law of the European Court of Human Rights]. Grām.: Tiesas un mediju komunikācija. Sabiedriskā viedokļa un mediju ietekme uz taisnīgu tiesu. Rīga: *Latvijas Vēstnesis*, 2019, 194.–207. lpp.

SPEECH:

Kučs A. Vai pamattiesību ierobežojums ir noteikts ar likumu? Satversmes tiesas, Eiropas Cilvēktiesību tiesas un administratīvās tiesas prakse [Has a restriction on fundamental rights been established by law. The case law of the Constitutional Court, the European Court of Human Rights and the administrative court]. Available: https://www.youtube.com/watch?v=NvucT-i0gV0

INTERVIEWS:

Krūzkopa S. Satversmes tiesas lēmums par tiesvedības izbeigšanu lietā par būvnormatīvu pieejamību. Intervija ar A. Kuču [The Constitutional Court's decision on terminating legal proceedings in the case regarding the availability of building standards. An interview with A. Kučs]. LV portāls, 18.04.2019. Available: https://lvportals.lv/

GATIS BĀRDIŅŠ

PERIODICALS:

Bārdiņš G. Patstāvīgās iestādes Satversmes tiesas judikatūrā [Independent institutions in the Constitutional Court's case law]. Jurista Vārds, 28.05.2019., Nr. 21, 28.–31. lpp.

LOLITA BĒRZIŅA

BOOKS:

Bērziņa L., Wulff C. Is "The Right to be Forgotten" Good for Human Rights? Grām.: Tiesību zinātnes uzdevumi, nozīme un nākotne tiesību sistēmās I: Latvijas Universitātes Juridiskās fakultātes 7. starptautiskās zinātniskās konferences rakstu krājums. Rīga: LU Akadēmiskais apgāds, 2019, 311.–319. lpp.

Buka A., Bērziņa L. Controlling Obligation to Make References for Preliminary Rulings: Recent Case Law of European Courts. Grām.: Satversmē nostiprināto vērtību aizsardzība: dažādu tiesību nozaru perspektīva: Latvijas Universitātes 77. starptautiskās zinātniskās konferences rakstu krājums. Rīga: LU Akadēmiskais apgāds, 2019, 350.–356. lpp.

PERIODICALS:

Bērziņa L., Fomin I. 'Moldnet' and the 2019 Parliamentary Elections: Navigating Moldova's Russian-Language Digital Media Landscape. Media Forward, 2019, No. 7.

BLOGS:

Bērziņa L. Cīņa pret dezinformāciju: kopā mēs esam stiprāki [Fight against Disinformation: Together We Are Stronger]. 04.07.2019. Available: https://www.cilvektiesibas.info/

Bērziņa L. Sejas atpazīšanas tehnoloģijas: ko darīt likumdevējam [Facial Recognition Technologies: What the Legislator Should Do]. 10.01.2019. Available: https://www.cilvektiesibas.info/

Bērziņa L. Sociālo tīklu spraudņi un personas datu aizsardzība [Social Media Plug-ins and Personal Data Protection]. 19.08.2019. Available: https://www.cilvektiesibas.info/

Bērziņa L. Together We Are Stronger: Social Media Companies, Civil Society, and the Fight against Disinformation. 03.07.2019. Available: https://freedomhouse.org/

KALVIS ENGĪZERS

PERIODICALS:

Engīzers K. Satversmes tiesas tiesnesis tiesību socioloģiskā skatījumā [The Constitutional Court's Justice from the Perspective of Sociology of Law". Jurista Vārds, 23.07.2019., Nr. 29/30, 63.–65. lpp.

LĪNA KOVALEVSKA

PERIODICALS:

Kovalevska L. Piederība valstij [Affiliation with the State]. Satori, 19.12.2019. Available: https://www.satori.lv/

ELĪNA KURSIŠA

BOOKS:

Pumpišs A., Kursiša E. Oficiālā izdevuma institūts demokrātiskā tiesiskā valstī [The Institution of Official Publication in a Democratic State Governed by the Rule of Law]. Grām.: Latvijas Republikas Satversmes komentāri. V nodaļa. Likumdošana. Rīga: *Latvijas Vēstnesis*, 2019, 400.–414. lpp.

KRISTIĀNA PLĀTE

INTERVIEWS:

Burve-Rozīte A. Uz ANO! Intervija ar K. Plāti [To the UN! An interview with K. Plāte]. IR, 6.–12.06.2019., Nr. 23, 10. lpp.

ANDRIS PUMPIŠS

BOOKS:

Pumpišs A., Kursiša E. Oficiālā izdevuma institūts demokrātiskā tiesiskā valstī [The Institution of Official Publication in a Democratic State Governed by the Rule of Law]. Grām.: Latvijas Republikas Satversmes komentāri. V nodaļa. Likumdošana. Rīga: *Latvijas Vēstnesis*, 2019, 400.–414. lpp.

ALLA SPALE

BOOKS:

Spale A. Priekšvārds [Foreword]. Grām.: Likumu kvalitātes izvērtēšana konstitucionālās tiesas nolēmumos: vērtēšanas kritēriji un principi [Įstatymų kokybės vertinimas Konstitucinio teismo sprendimuose: vertinimo kriterijai ir principai]. Rīga: Latvijas Republikas Satversmes tiesa, 2019, 5.–6. lpp.

Spale A., Jurcēna L. 74. panta komentārs [Commentary on Article 74]. Grām.: Latvijas Republikas Satversmes komentāri. V nodaļa. Likumdošana. Rīga: *Latvijas Vēstnesis*, 2019, 173.–183. lpp.

Spale A., Jurcēna L., Ziemele I. Latvia. In: Albert R., Landau D., Faraguna P. et. al. (Eds.) 2018 Global Review of Constitutional Law. I-CONnect-Clough Center for the Study of Constitutional Democracy at Boston College, 2018, pp. 182–187.

SANDIJS STATKUS

BOOKS:

Krūma K., Statkus S. The Constitution of Latvia – A Bridge between Traditions and Modernity. In: Albi A., Bardutzky S. (Eds.) National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law. National Reports. The Hague: Asser, 2019, pp. 951–995.

KRISTAPS TAMUŽS

PERIODICALS:

Kalniņa V., Tamužs K. Vispārējie tiesību principi un cilvēces sirdsapziņa kā starptautisko tiesību pamats. Intervija ar Starptautiskās tiesas tiesnesi Antoniu Augūštu Kansādu- Antônio Augusto Cançado Trindade ādi [The General Principles of Law and Consciousness of the Mankind as the Foundations of International Law. An interview with the Judge of the International Court of Justice]. Jurista Vārds, 11.06.2019., Nr. 23, 19.–24. lpp.

EVA VĪKSNA

BOOKS:

Vīksna E., Priekulis J., Ratnika S. Oficiālo izdevumu vēsture Latvijā [The History of Official Publications in Latvia]. Grām.: Latvijas Republikas Satversmes komentāri. V nodaļa. Likumdošana. Rīga: *Latvijas Vēstnesis*, 2019, 414.–446. lpp.

3.7. FINDINGS FROM PUBLICATIONS

This section comprises findings from the publications by the Justices and employees of the Constitutional Court, listed above. The collected findings pertain to such topics as the society, the state, the law and the court.

Society

The Constitution comprises the principle of sustainable society.[117]

The world develops rapidly and Latvia must keep up with it. This requires new ideas. The best place for ideas to develop is a free and equal society.[118]

All persons naturally wish for self-improvement, and the natural state of a human being is freedom. Through self-improvement, a person may attain greater internal freedom. A free person is creative, brave and able to inspire.[119]

Freedom and initiative are promoted by the constitutional framework of the society we live in. It is exactly the constitutional framework of a democratic state governed by the rule of law that opens up greater opportunities for creativity, which is closely linked to the available knowledge and the status of person's internal freedom.[120]

The development of Latvia needs the work and ideas of all persons. Latvia evolves as the result of creativity and initiative of our people.[121]

People, whose knowledge and mentality have remained in the previous century, must learn, because this state has neither oil nor gold, our gold is educated people.[122]

We have been debating extensively preservation of the environment for the future generations. However, I propose considering also the preservation of a human being: the human being not as a biological creature but the human being as the bearer of culture and full-fledged member of society, really embodying human dignity![123]

The constitutional complaints submitted to the Constitutional Court may serve as an indicator of a kind, revealing what people expect from fundamental rights and the state. First and foremost, it is a fair trial, followed by financial benefits: benefits, pensions, and property. Of course, one can say that we are a relatively poor society, which determines this special significance of financial benefits. However, to a certain extent, all these benefits are meaningless, unless they are supported by human dignity and the requirement to be in charge of one's own life.[124]

117 Ziemele I. Runa Latvijas Universitātes Juridiskās fakultātes simtgadē Rīgā 2019. gada 16. oktobrī. [Speech at the centennial of the University of Latvia], Riga, 16 October 2019, Available: www.satv.tiesa.gov.lv/.

118 Ziemele I. Priekšvārds. Grām.: Latvijas Republikas Satversme. Satversmes tiesas atziņas. [Introduction for the publication "Constitution of the Republic of Latvia. Findings of the Constitutional court], Rīga: *Latvijas Vēstnesis*, 2019, 8. lpp.

119 Ziemele I. Apsveikums. Grām.: Latvijas Universitātes Juridiskā fakultāte 1919–2019. Fakti un cilvēki, vēstījumi un fotomirkļi. Atkārtots un papildināts izdevums. Rīga: LU Akadēmiskais apgāds, 2019, 13. lpp.

120 Ziemele I. Apsveikums. Grām.: Latvijas Universitātes Juridiskā fakultāte 1919–2019. Fakti un cilvēki, vēstījumi un fotomirkļi. Atkārtots un papildināts izdevums. Rīga: LU Akadēmiskais apgāds, 2019, 13.–14. lpp.

121 Ziemele I. Runa Tieslietu sistēmas un Tieslietu ministrijas apbalvojumu pasniegšanas ceremonijā Rīgā 2019. gada 15. novembrī. Available: www.satv.tiesa.gov.lv/

122 Tunte L. Valsts ir mehānisms, kuru darbina cilvēki. Intervija ar I. Ziemeli. iTiesības, Nr. 5, 8. lpp.

123 Osipova S. Runa studentu korporācijas "Dzintra" jubilejas pasākumā Rīgā 2019. gada 25. maijā. Available: www.satv.tiesa.gov.lv/

124 Osipova S. Brīvība pēc brīvības. Runa starptautiskā konferencē "Pasaule bez sienām", kas veltīta Berlīnes mūra krišanas 30. gadadienai Berlīnē 2019. gada 8. novembrī. Available: www.satv.tiesa.gov.lv/

Human dignity is in the centre of contemporary human rights.[125]

In the Western culture at the end of the 20th – beginning of the 21st century, "information society" has developed, which requires the state to find new solutions, *inter alia*, to ensure peace and justice in society, protecting each member of society not only in the material reality but also in the web and cyberspace. Moreover, the state also must become involved in new forms of communication, so that its information would reach its citizens, ensuring to them fast, convenient, a simple exchange of information with the state and receipt of the services guaranteed by the state.[126]

Although the internet is an unsurpassed tool in history for obtaining information anywhere in the world simultaneously, this does not mean that it has only good points. The users face hate, malice and disinformation created by other content providers.[127]

The internet has the potential to both make the negative aspects of human nature flourish and, quite to the contrary, it may help to find solutions that individuals have been searching for a long time.[128]

The internet has turned into a place, where everyone can make their contribution, and it is sometimes called the marketplace of ideas, where the daily creativity of any user may lead to unexpected forms of social, technical, economic and cultural innovations.[129]

The use of the internet raises an even more serious question about the responsibility of members of society, both vis-à-vis other members of society and society in general. In post-liberal society, it is complicated because it was liberalism that allowed revealing the individual rights and freedoms, whereas in the age when liberalism is criticised, the seemingly infinite possibilities opened by the internet make us raise the serious question as to what kind of society we want to live in. 130

The State

On 18 November 1918, the Sovereign of Latvia proclaimed the basic norm that this state that will be ours will be a democratic, socially responsible national state governed by the rule of law. The state is ours because we created it. And all institutions operating in the national legal system work to implement the Sovereign's will.[131]

A state governed by the rule of law is a very complicated, complex structure, it comprises both democracy and the separation of powers; however, all this has been created to one end – to guarantee fundamental human rights. This is why the legislator adopts law, the government enforces these laws, and a person may prove their justice in a court.[132]

We live in a state governed by the rule of law; however, this rule of law state, similarly to Riga in the old saying, will never be completed.[133]

The number of those states that have succeeded in implementing the essence of the rule of law principle definitely will be below a hundred. Latvia should be proud that we are among the rule of law states.[134]

Three fundamental values, which are human rights, the rule of law and diversity of opinion, is the basis for assessing, whether the political order is democratic.[135]

A democratic state governed by the rule of law is a state, where the pluralism of opinions and ideas are the driving force for development.[136]

Democracy, in difference to tyranny, is open both to internal and external criticism due to a very simple reason, i.e., the essence of democracy is diversity of opinions and open debates.[137]

The diversity of opinions is one of the most charming features of democracy.[138]

125 Ziemele I. Demokrātijas otrā elpa postliberālā tehnoloģiju pārvaldītā pasaulē. Jurista Vārds, 24.09.2019., Nr. 38, 10. lpp.
126 Osipova S. Informācijas sabiedrība. Jurista Vārds, 26.11.2019., Nr. 47, 45. lpp.
127 Ziemele I. Demokrātijas otrā elpa postliberālā tehnoloģiju pārvaldītā pasaulē. Jurista Vārds, 24.09.2019., Nr. 38, 8. lpp.
128 Ziemele I. Demokrātijas otrā elpa postliberālā tehnoloģiju pārvaldītā pasaulē. Jurista Vārds, 24.09.2019., Nr. 38, 10. lpp.
129 Ziemele I. Demokrātijas otrā elpa postliberālā tehnoloģiju pārvaldītā pasaulē. Jurista Vārds, 24.09.2019., Nr. 38, 8. lpp.
130 Ziemele I. Demokrātijas otrā elpa postliberālā tehnoloģiju pārvaldītā pasaulē. Jurista Vārds, 24.09.2019., Nr. 38, 8. lpp.
131 Miškina I. Mūsu Latvija ir brīva! Intervija ar D. Rezevsku. Siguldas Avīze, 2019, Nr. 11, 6. lpp.
132 Līvmane I. Lai taisnīgums un tiesiskums uzvarētu. Intervija ar S. Osipovu. Praktiskais Latvietis, 25.02.2019., Nr. 8, 6. lpp.
133 Līvmane I. Lai taisnīgums un tiesiskums uzvarētu. Intervija ar S. Osipovu. Praktiskais Latvietis, 25.02.2019., Nr. 8, 7. lpp.
134 Ziemele I. Runa Tieslietu sistēmas un Tieslietu ministrijas apbalvojumu pasniegšanas ceremonijā Rīgā 2019. gada 15. novembrī. Available: www.satv.tiesa.gov.lv/
135 Ziemele I. Demokrātijas otrā elpa postliberālā tehnoloģiju pārvaldītā pasaulē. Jurista Vārds, 24.09.2019., Nr. 38, 7. lpp.
136 Ziemele I. Runa Tieslietu sistēmas un Tieslietu ministrijas apbalvojumu pasniegšanas ceremonijā Rīgā 2019. gada 15. novembrī. Available: www.satv.tiesa.gov.lv/
137 Ziemele I. Demokrātijas otrā elpa postliberālā tehnoloģiju pārvaldītā pasaulē. Jurista Vārds, 24.09.2019., Nr. 38, 7. lpp.
138 Tunte L. Valsts ir mehānisms, kuru darbina cilvēki. Intervija ar I. Ziemeli. iTiesības, Nr. 5, 11. lpp.

The state as the deciding body of the nation on behalf of the collective will has the obligation to make political decisions regarding all most essential matters. The legislator's decisions, which are not adopted today, tomorrow, due to rapid scientific development, may already be belated.[139]

The state should be honoured and respected; however, we often view the state as one among many service providers and at any moment want to complain about the quality of service.[140]

We expect more than the state is able to provide. We should be conscientious taxpayers because the state cannot give more than we have given it.[141]

The Soviet State, which restricted a person's liberty, at the same assumed responsibility for their lives, – the state had the obligation to provide not only education, health care but also to ensure employment and housing. The state was responsible for everyone leading a life worthy of human dignity. The Soviet State promised it but was unable to deliver it. However, an individual expects from democracy what they did not manage to receive from the Soviet State. People have been deprived of the understanding what it means not only to enjoy one's freedom but also take responsibility for the consequences of one's actions. To assume responsibility for their own lives.[142]

Although, formally, the existence of a state is characterised by the territory, the people and an independent government, it is, nevertheless, quite clear that the existence of a state requires something more. The existence of the state in the long term requires its own national university. Moreover – a state, in particular, a democratic state governed by the rule of law, needs a national faculty of law, lawyers, and legal science.[143]

A lawyer plays a special role in the interactions between the state and a person, and in personal interactions. A lawyer must be able to understand this interaction, to place it into the state's constitutional framework, make the necessary conclusions to find a balance between various interests, and to support the formulation of appropriate and necessary legal norms, as well as to serve as a model in correct application of norms. In a democratic state governed by the rule of law, a lawyer's attitude, stance and opinion – everything is of great importance.[144]

In the globalised world, the State of Latvia will be, *inter alia*, as strong as its lawyers are knowledgeable, creative and responsible.[145]

The local government's aim is to serve people in their communities. As it follows from the principle of a democratic state governed by the rule of law, enshrined in the Constitution, a local government exists for the individual rather than an individual exists to provide financial and other types of support to the local government.[146]

A local government, in upholding human rights on the local level, with the limits of autonomous competence, must create an environment, where all persons can realise their initiatives, actions, ideas, also facilitating the reinforcement of the general democratic legal culture within the state.[147]

The law

Latvia belongs to the Western cultural space. This cultural space is characterised by such principles as democracy, the rule of law and respect for human rights. The Constitution of the Republic of Latvia is founded upon this trinity, i.e., democracy, rule of law, and human rights.[148]

The rule of law is also an element in the society's culture, which characterises a democratic society. However, the history of Latvia shows that the element of the rule of law in the individual and societal culture has particularly suffered. For Latvia to become a welfare state, where each person can develop freely

139 Osipova S. Runa studentu korporācijas "Dzintra" jubilejas pasākumā Rīgā 2019. gada 25. maijā. Available: www.satv.tiesa.gov.lv/

140 Libeka M. Nācijai ir tiesības zināt patiesību. Intervija ar S. Osipovu. Latvijas Avīze, 08.01.2019., Nr. 5, 4. lpp.

141 Libeka M. Nācijai ir tiesības zināt patiesību. Intervija ar S. Osipovu. Latvijas Avīze, 08.01.2019., Nr. 5, 4. lpp.

142 Osipova S. Brīvība pēc brīvības. Runa starptautiskā konferencē "Pasaule bez sienām", kas veltīta Berlīnes mūra krišanas 30. gadadienai Berlīnē 2019. gada 8. novembrī. Available: www.satv.tiesa.gov.lv/

143 Ziemele I. Runa Latvijas Universitātes Juridiskās fakultātes simtgadē Rīgā 2019. gada 16. oktobrī. Available: www.satv.tiesa.gov.lv/

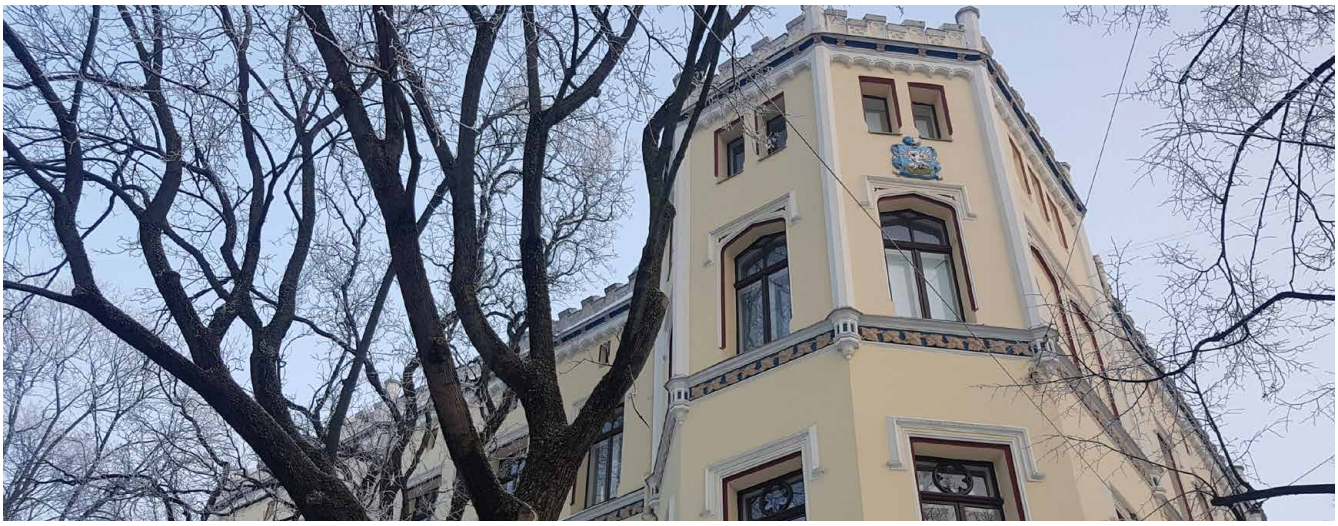
144 Ziemele I. Runa Latvijas Universitātes Juridiskās fakultātes simtgadē Rīgā 2019. gada 16. oktobrī. Available: www.satv.tiesa.gov.lv/

145 Ziemele I. Runa Latvijas Universitātes Juridiskās fakultātes simtgadē Rīgā 2019. gada 16. oktobrī. Available: www.satv.tiesa.gov.lv/

146 Ziemele I. Runa Latvijas Pašvaldību savienības 30. Kongresā Rīgā 2019. gada 17. maijā. Available: www.satv.tiesa.gov.lv/

147 Ziemele I. Runa Latvijas Pašvaldību savienības 30. Kongresā Rīgā 2019. gada 17. maijā. Available: www.satv.tiesa.gov.lv/

148 Ziemele I. Priekšvārds. Grām.: Latvijas Republikas Satversme. Satversmes tiesas atziņas. Rīga: *Latvijas Vēstnesis*, 2019, 7. lpp.



and with dignity, the rule of law principle, which has been enshrined in the Constitution, and the rule of law culture in society need to be reinforced.[149]

The Constitution determines the day-to-day human relationships in Latvia. It determines our communication with state institutions. The Constitution sets the main framework for living, communicating and developing in this society in general. Looking at it from this vantage point, it cannot be allowed that the Constitution starts gathering dust. It is the basic document created by the people of Latvia, to be used daily, for example, Chapter 8 of the Constitution, in which fundamental human rights are enshrined.[150]

A precise legal definition of good governance cannot be provided. It is rather a set of ideas regarding legitimacy, competence and responsibility of governance, its transparency, respect for human rights and the rule of law, which add to the expectations of the majority of people towards those who govern them.[151]

Comprehensive protection of persons' rights and effectiveness of legal remedies is of decisive importance for national security. If persons are not ensured protection of their rights, or if this protection is ineffective, a person cannot feel secure about their lives and property, or other interests. This directly affects also the national security and stability.[152]

The Court

The Constitutional Court is a guardian that protects the basic norm promulgated by the Sovereign, verifying, whether those active in the legal system comply with this will and respect fundamental human rights.[153]

The Constitutional Court is a very specific court – people cannot turn to us just because they a dissatisfied with a court's rulings. We do not review judgments made by other courts. The Constitutional Court is a court of laws, i.e., a person may turn to us if the legislator has unfairly treated them in a law (these can be also Cabinet Regulations or local government binding regulations).[154]

The Constitutional Court promotes the development of qualitative dialogue with other branches of power. In a democratic state governed by the rule of law, a dialogue between state institutions is necessary to promote the function of the mechanism of checks-and-balances, fulfilled by the branches of state power.[155]

Every judge, irrespectively of whether they hear administrative or civil cases in their daily work, should know the criminal law, and *vice versa*. Too narrow specialisation in one matter, neglecting broader areas, actually, depletes knowledge.[156]

149 Ziemele I. Priekšvārds. Grām.: Latvijas Republikas Satversme. Satversmes tiesas atziņas. Rīga: *Latvijas Vēstnesis*, 2019, 7.–8. lpp.

150 Krūzkopa S. Satversme ir pamats Latvijas ilgtspējai un katra iedzīvotāja attīstībai. Intervija ar I. Ziemeli. LV portāls, 07.03.2019. Available: http://www.lvportals.lv/

151 Ziemele I. Runa Latvijas Pašvaldību savienības 30. Kongresā Rīgā 2019. gada 17. maijā. Available: www.satv.tiesa.gov.lv/

152 Neimanis J. Vispārējās jurisdikcijas tiesas un administratīvās tiesas nozīme, stiprinot personas pamattiesību aizsardzību. Runa Ukrainas Konstitucionālās tiesas rīkotajā starptautiskajā konferencē par valsts drošības un cilvēktiesību līdzsvaru, kā arī konstitucionālo tiesu lomu šī līdzsvara saglabāšanā Kijevā 2019. gada 27. jūnijā. Available: www.satv.tiesa.gov.lv/

153 Miškina I. Mūsu Latvija ir brīva! Intervija ar D. Rezevsku. Siguldas Avīze, 2019, Nr. 11, 6. lpp.

154 Līvmane I. Lai taisnīgums un tiesiskums uzvarētu. Intervija ar S. Osipovu. Praktiskais Latvietis, 25.02.2019., Nr. 8, 6. lpp.

155 Tunte L. Valsts ir mehānisms, kuru darbina cilvēki. Intervija ar I. Ziemeli. iTiesības, Nr. 5, 12. lpp.

156 Neimanis J. Valstij nav vajadzīgi tiesneši, kuri spēj izskatīt tikai maza apmēra prasības. Jurista Vārds, 11.06.2019., Nr. 23, 18. lpp.