

# CONSTITUTION OF LATVIA

The people of Latvia, in freely elected Constitutional Assembly, have adopted the following State Constitution:

## Chapter I

### General Provisions

1. Latvia is an independent democratic republic.
2. The sovereign power of the State of Latvia is vested in the people of Latvia.
3. The territory of the State of Latvia, within the borders established by international agreements, consists of Vidzeme, Latgale, Kurzeme and Zemgale.
4. The Latvian language is the official language in the Republic of Latvia. The national flag of Latvia shall be red with a band of white.

[15 October 1998]

## Chapter II

### *Saeima*<sup>1</sup>

5. The *Saeima* shall be composed of one hundred representatives of the people.
6. The *Saeima* shall be elected in general, equal and direct elections, and by secret ballot based on proportional representation.
7. In the division of Latvia into separate electoral districts, provision for the number of members of the *Saeima* to be elected from each district shall be proportional to the number of electors in each district.
8. All citizens of Latvia who enjoy full rights of citizenship and, who on election day have attained eighteen years of age shall be entitled to vote.
9. Any citizen of Latvia, who enjoys full rights of citizenship and, who is more than twenty-one years of age on the first day of elections may be elected to the *Saeima*.
10. The *Saeima* shall be elected for a term of four years.
11. Elections for the *Saeima* shall be held on the first Saturday in October.
12. The newly elected *Saeima* shall hold its first sitting on the first Tuesday in November, when the mandate of the previous *Saeima* shall expire.
13. Should elections for the *Saeima*, by reason of the dissolution of the previous *Saeima*, be held at another time of the year, the *Saeima* so elected shall convene not later than one month after its election, and its mandate shall expire upon

the convening of the new *Saeima* on the first Tuesday in November following the elapse of three years after such election.

14. The electors may not recall any individual member of the *Saeima*.

15. The *Saeima* shall hold its sittings in Riga, and only in extraordinary circumstances may it convene elsewhere.

16. The *Saeima* shall elect a Presidium that shall be composed of a Chairperson, two Deputies and Secretaries. The Presidium shall function continuously during the mandate of the *Saeima*.

17. The first sitting of the newly elected *Saeima* shall be opened by the Chairperson of the preceding *Saeima* or by another member of the Presidium at the direction of the Presidium.

18. The *Saeima* itself shall review the qualifications of its members.

A person elected to the *Saeima* shall acquire the mandate of a Member of the *Saeima* if such person gives the following solemn promise:

"I, upon assuming the duties of a Member of the *Saeima*, before the people of Latvia, do swear (solemnly promise) to be loyal to Latvia, to strengthen its sovereignty and the Latvian language as the only official language, to defend Latvia as an independent and democratic State, and to fulfil my duties honestly and conscientiously. I undertake to observe the Constitution and laws of Latvia."

19. The Presidium shall convene sessions of the *Saeima* and schedule regular and extraordinary sittings.

20. The Presidium shall convene sittings of the *Saeima* if requested by the President, the Prime Minister, or not less than one third of the members of the *Saeima*.

21. The *Saeima* shall establish rules of order to provide for its internal operations and order. The working language of the *Saeima* is the Latvian language.

22. Sittings of the *Saeima* shall be public. The *Saeima* may decide by a majority vote of not less than two-thirds of the members present to sit in closed session, if so requested by ten members of the *Saeima*, or by the President, the Prime Minister, or a Minister.

23. Sittings of the *Saeima* may take place if at least half of the members of the *Saeima* participate therein.

24. The *Saeima* shall make decisions by an absolute majority of votes of the members present at the sitting, except in cases specifically set out in the Constitution.

25. The *Saeima* shall establish committees and determine the number of members and their duties. Committees have the right to require of individual Ministers or local government authorities information and explanations necessary for the work of the committees, and the right to invite to their sittings responsible representatives from the relevant ministries or local government authorities to furnish explanations. Committees may also carry on their work between sessions of the *Saeima*.

26. The *Saeima* shall appoint parliamentary investigatory committees for specified matters if not less than one-third of its members request it.

27. The *Saeima* shall have the right to submit to the Prime Minister or to an individual Minister requests and questions which either they, or a responsible government official duly authorised by them, must answer. The Prime Minister or any Minister shall furnish the relevant documents and enactments requested by the *Saeima* or by any of its committees.

28. Members of the *Saeima* may not be called to account by any judicial, administrative or disciplinary process in connection with their voting or their views as expressed during the execution of their duties. Court proceedings may be brought against members of the *Saeima* if they, albeit in the course of performing parliamentary duties, disseminate:

1) defamatory statements which they know to be false, or

2) defamatory statements about private or family life.

29. Members of the *Saeima* shall not be arrested, nor shall their premises be searched, nor shall their personal liberty be restricted in any way without the consent of the *Saeima*. Members of the *Saeima* may be arrested if apprehended in the act of committing a crime. The Presidium shall be notified within twenty-four hours of the arrest of any member of the *Saeima*; the Presidium shall raise the matter at the next sitting of the *Saeima* for decision as to whether the member shall continue to be held in detention or be released. When the *Saeima* is not in session, pending the opening of a session, the Presidium shall decide whether the member of the *Saeima* shall remain in detention.

30. Without the consent of the *Saeima*, criminal prosecution may not be commenced and administrative fines may not be levied against its members.

31. Members of the *Saeima* have the right to refuse to give evidence:

1) concerning persons who have entrusted to them, as representatives of the people, certain facts or information;

2) concerning persons to whom they, as representatives of the people, have entrusted certain facts or information; or

3) concerning such facts or information itself.

32. Members of the *Saeima* may not, either personally or in the name of another person, receive government contracts or concessions. The provisions of this Article shall apply to Ministers even if they are not members of the *Saeima*.

33. The remuneration of members of the *Saeima* shall be from state funds.

34. No person may be called to account for reporting the sittings of the *Saeima* or its committees if such reports correspond to fact. Information about closed sessions of either the *Saeima* or its committees may only be disclosed with the permission of the Presidium of the *Saeima* or the committee.

[27 January 1994; 4 December 1997; 15 October 1998; 30 April 2002]

## Chapter III

### The President

35. The *Saeima* shall elect the President for a term of four years.

36. The President shall be elected by secret ballot with a majority of the votes of not less than fifty-one members of the *Saeima*.

37. Any person who enjoys full rights of citizenship and who has attained the age of forty years may be elected President. A person with dual citizenship may not be elected President.

38. The office of the President shall not be held concurrently with any other office. If the person elected as President is a member of the *Saeima*, he or she shall resign his or her mandate as a member of the *Saeima*.

39. The same person shall not hold office as President for more than eight consecutive years.

40. The President, at the first sitting of the *Saeima* held after the election of the President, on assuming office, shall take the following solemn oath:

“I swear that all of my work will be dedicated to the welfare of the people of Latvia. I will do everything in my power to promote the prosperity of the Republic of Latvia and all who live here. I will hold sacred and will observe the Constitution of Latvia and the laws of the State. I will act justly towards all and will fulfil my duties conscientiously.”

41. The President shall represent the State in international relations, appoint the diplomatic representatives of Latvia, and also receive diplomatic representatives of other states. The President shall implement the decisions of the *Saeima* concerning the ratification of international agreements.
42. The President shall be the Commander-in-Chief of the armed forces of Latvia. During wartime, the President shall appoint a Supreme Commander.
43. The President shall declare war on the basis of a decision of the *Saeima*.
44. The President has the right to take whatever steps are necessary for the military defence of the State should another state declare war on Latvia or an enemy invade its borders. Concurrently and without delay, the President shall convene the *Saeima*, which shall decide as to the declaration and commencement of war.
45. The President has the right to grant clemency to criminals against whom judgment of the court has come into legal effect. The extent of, and procedures for, the utilisation of this right shall be set out in a specific law. Amnesty is granted by the *Saeima*.
46. The President has the right to convene and to preside over extraordinary meetings of the Cabinet and to determine the agenda of such meetings.
47. The President has the right to initiate legislation.
48. The President shall be entitled to propose the dissolution of the *Saeima*. Following this proposal, a national referendum shall be held. If in the referendum more than half of the votes are cast in favour of dissolution, the *Saeima* shall be considered dissolved, new elections called, and such elections held no later than two months after the date of the dissolution of the *Saeima*.
49. If the *Saeima* has been dissolved, the mandate of the members of the *Saeima* shall continue in effect until the newly elected *Saeima* has convened, but the dissolved *Saeima* may only hold sittings at the request of the President. The agenda of such sittings shall be determined by the President.
50. If in the referendum more than half of the votes are cast against the dissolution of the *Saeima*, then the President shall be deemed to be removed from office, and the *Saeima* shall elect a new President to serve for the remaining term of office of the President so removed.
51. Upon the proposal of not less than half of all of the members of the *Saeima*, the *Saeima* may decide, in closed session and with a majority vote of not less than two-thirds of all of its members, to remove the President from office.
52. If the President resigns from office, dies or is removed from office before their term has ended, the Chairperson of the *Saeima* shall assume the duties of the President until the *Saeima* has elected a new President. Similarly, the Chairperson of the *Saeima* shall assume the duties of the President if the latter is away from Latvia or for any other reason unable to fulfil the duties of office.
53. Political responsibility for the fulfilment of presidential duties shall not be borne by the President. All orders of the President shall be jointly signed by the Prime Minister or by the appropriate Minister, who shall thereby assume full responsibility for such orders except in the cases specified in Articles forty-eight and fifty-six.
54. The President may be subject to criminal liability if the *Saeima* consents thereto by a majority vote of not less than two-thirds.

[4 December 1997]

## Chapter IV

### The Cabinet

55. The Cabinet shall be composed of the Prime Minister and the Ministers chosen by the Prime Minister.

56. The Cabinet shall be formed by the person who has been invited by the President to do so.
57. The number of ministries and the scope of their responsibilities, as well as the relations between State institutions, shall be as provided for by law.
58. The administrative institutions of the State shall be under the authority of the Cabinet.
59. In order to fulfil their duties, the Prime Minister and other Ministers must have the confidence of the *Saeima* and they shall be accountable to the *Saeima* for their actions. If the *Saeima* expresses no confidence in the Prime Minister, the entire Cabinet shall resign. If there is an expression of no confidence in an individual Minister, then the Minister shall resign and another person shall be invited to replace them by the Prime Minister.
60. Meetings of the Cabinet shall be chaired by the Prime Minister, and in the absence of the Prime Minister, by a Minister authorised to do so by the Prime Minister.
61. The Cabinet shall deliberate draft laws prepared by individual ministries as well as matters which pertain to the activities of more than one ministry, and issues of State policy raised by individual members of Cabinet.
62. If the State is threatened by an external enemy, or if an internal insurrection which endangers the existing political system arises or threatens to arise in the State or in any part of the State, the Cabinet has the right to proclaim a state of emergency and shall inform the Presidium within twenty-four hours and the Presidium shall, without delay, present such decision of the Cabinet to the *Saeima*.
63. Ministers, even if they are not members of the *Saeima*, and responsible government officials authorised by a Minister, have the right to attend sittings of the *Saeima* and its committees and to submit additions and amendments to draft laws.

## Chapter V

### Legislation

64. The *Saeima*, and also the people, have the right to legislate, in accordance with the procedures, and to the extent, provided for by this Constitution.
65. Draft laws may be submitted to the *Saeima* by the President, the Cabinet or committees of the *Saeima*, by not less than five members of the *Saeima*, or, in accordance with the procedures and in the cases provided for in this Constitution, by one-tenth of the electorate.
66. Annually, before the commencement of each financial year, the *Saeima* shall determine the State Revenues and Expenditures Budget, the draft of which shall be submitted to the *Saeima* by the Cabinet.
- If the *Saeima* makes a decision that involves expenditures not included in the Budget, then this decision must also allocate funds to cover such expenditures.
- After the end of the budgetary year, the Cabinet shall submit an accounting of budgetary expenditures for the approval of the *Saeima*.
67. The *Saeima* shall determine the size of the armed forces of the State during peacetime.
68. All international agreements, which settle matters that may be decided by the legislative process, shall require ratification by the *Saeima*.

69. The President shall proclaim laws passed by the *Saeima* not earlier than the seventh day and not later than the twenty-first day after the law has been adopted. A law shall come into force fourteen days after its proclamation unless a different term has been specified in the law.

70. The President shall proclaim adopted laws in the following manner:

“The *Saeima* (that is, the People) has adopted and the President has proclaimed the following law: (text of the law).”

71. Within seven days of the adoption of a law by the *Saeima*, the President, by means of a written and reasoned request to the Chairperson of the *Saeima*, may require that a law be reconsidered. If the *Saeima* does not amend the law, the President then may not raise objections a second time.

72. The President has the right to suspend the proclamation of a law for a period of two months. The President shall suspend the proclamation of a law if so requested by not less than one-third of the members of the *Saeima*. This right may be exercised by the President, or by one-third of the members of the *Saeima*, within seven days of the adoption of the law by the *Saeima*. The law thus suspended shall be put to a national referendum if so requested by not less than one-tenth of the electorate. If no such request is received during the aforementioned two-month period, the law shall then be proclaimed after the expiration of such period. A national referendum shall not take place, however, if the *Saeima* again votes on the law and not less than three-quarters of all members of the *Saeima* vote for the adoption of the law.

73. The Budget and laws concerning loans, taxes, customs duties, railroad tariffs, military conscription, declaration and commencement of war, peace treaties, declaration of a state of emergency and its termination, mobilisation and demobilisation, as well as agreements with other nations may not be submitted to national referendum.

74. A law adopted by the *Saeima* and suspended pursuant to the procedures specified in Article seventy-two shall be repealed by national referendum if the number of voters is at least half of the number of electors as participated in the previous *Saeima* election and if the majority has voted for repeal of the law.

75. Should the *Saeima*, by not less than a two thirds majority vote, determine a law to be urgent, the President may not request reconsideration of such law, it may not be submitted to national referendum, and the adopted law shall be proclaimed no later than the third day after the President has received it.

76. The *Saeima* may amend the Constitution in sittings at which at least two-thirds of the members of the *Saeima* participate. The amendments shall be passed in three readings by a majority of not less than two-thirds of the members present.

77. If the *Saeima* has amended the first, second, third, fourth, sixth or seventy-seventh Article of the Constitution, such amendments, in order to come into force as law, shall be submitted to a national referendum.

78. Electors, in number comprising not less than one tenth of the electorate, have the right to submit a fully elaborated draft of an amendment to the Constitution or of a law to the President, who shall present it to the *Saeima*. If the *Saeima* does not adopt it without change as to its content, it shall then be submitted to national referendum.

79. An amendment to the Constitution submitted for national referendum shall be deemed adopted if at least half of the electorate has voted in favour. A draft law submitted for national referendum shall be deemed adopted if the number of voters is at least half of the number of electors as participated in the previous *Saeima* election and if the majority has voted in favour of the draft law.

80. All citizens of Latvia who have the right to vote in elections of the *Saeima* may participate in national referendums.

81. During the time between sessions of the *Saeima*, the Cabinet has the right, if there is an urgent need, to issue regulations that have the force of law. Such regulations may not amend the law regarding elections of the *Saeima*, laws governing the court system and court proceedings, the Budget and rights pertaining to the Budget, as well as laws adopted during the term of the current *Saeima*, and they may not pertain to amnesty, state taxes, customs duties, and loans and they shall cease to be in force unless submitted to the *Saeima* not later than three days after the next session of the *Saeima* has been convened.

## **Chapter VI**

### **Courts**

82. In Latvia, court cases shall be heard by district (city) courts, regional courts and the Supreme Court, but in the event of war or a state of emergency, also by military courts. Judges shall be independent and subject only to the law.

84. Judicial appointments shall be confirmed by the *Saeima* and they shall be irrevocable. The *Saeima* may remove judges from office against their will only in the cases provided for by law, based upon a decision of the Judicial Disciplinary Board or a judgment of the Court in a criminal case. The age of retirement from office for judges may be determined by law.

85. In Latvia, there shall be a Constitutional Court, which, within its jurisdiction as provided for by law, shall review cases concerning the compliance of laws with the Constitution, as well as other matters regarding which jurisdiction is conferred upon it by law. The Constitutional Court shall have the right to declare laws or other enactments or parts thereof invalid. The appointment of judges to the Constitutional Court shall be confirmed by the *Saeima* for the term provided for by law, by secret ballot with a majority of the votes of not less than fifty-one members of the *Saeima*.

86. Decisions in court proceedings may be made only by bodies upon whom jurisdiction regarding such has been conferred by law, and only in accordance with procedures provided for by law. Military courts shall act on the basis of a specific law.

[5 June 1996; 4 December 1997; 15 October 1998]

## **Chapter VII**

### **The State Audit Office**

87. The State Audit Office shall be an independent collegial institution.

88. Auditors General shall be appointed to their office and confirmed pursuant to the same procedures as judges, but only for a fixed period of time, during which they may be removed from office only by a judgment of the Court. The organisation and responsibilities of the State Audit Office shall be provided for by a specific law.

## **Chapter VIII**

### **Fundamental Human Rights**

89. The State shall recognise and protect fundamental human rights in accordance with this Constitution, laws and international agreements binding upon Latvia.

90. Everyone has the right to know about their rights.

91. All human beings in Latvia shall be equal before the law and the courts.

Human rights shall be realised without discrimination of any kind.

92. Everyone has the right to defend their rights and lawful interests in a fair court. Everyone shall be presumed innocent until their guilt has been established in accordance with law. Everyone, where their rights are violated without basis, has a right to commensurate compensation. Everyone has a right to the assistance of counsel.

93. The right to life of everyone shall be protected by law.

94. Everyone has the right to liberty and security of person. No one may be deprived of or have their liberty restricted, otherwise than in accordance with law.

95. The State shall protect human honour and dignity. Torture or other cruel or degrading treatment of human beings is prohibited. No one shall be subjected to inhuman or degrading punishment.

96. Everyone has the right to inviolability of their private life, home and correspondence.

97. Everyone residing lawfully in the territory of Latvia has the right to freely move and to choose their place of residence.

98. Everyone has the right to freely depart from Latvia. Everyone having a Latvian passport shall be protected by the State when abroad and has the right to freely return to Latvia. A citizen of Latvia may not be extradited to a foreign country.

99. Everyone has the right to freedom of thought, conscience and religion. The church shall be separate from the State.

100. Everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express their views. Censorship is prohibited.

101. Every citizen of Latvia has the right, as provided for by law, to participate in the activities of the State and of local government, and to hold a position in the civil service. Local governments shall be elected by Latvian citizens who enjoy full rights of citizenship. The working language of local governments is the Latvian language

102. Everyone has the right to form and join associations, political parties and other public organisations.

103. The State shall protect the freedom of previously announced peaceful meetings, street processions, and pickets.

104. Everyone has the right to address submissions to State or local government institutions and to receive a materially responsive reply. Everyone has the right to receive a reply in the Latvian language.

105. Everyone has the right to own property. Property shall not be used contrary to the interests of the public. Property rights may be restricted only in accordance with law. Expropriation of property for public purposes shall be allowed only in exceptional cases on the basis of a specific law and in return for fair compensation.

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

107. Every employed person has the right to receive, for work done, commensurate remuneration which shall not be less than the minimum wage established by the State, and has the right to weekly holidays and a paid annual vacation.

108. Employed persons have the right to a collective labour agreement, and the right to strike. The State shall protect the freedom of trade unions.

109. Everyone has the right to social security in old age, for work disability, for unemployment and in other cases as provided by law.



110. The State shall protect and support marriage, the family, the rights of parents and rights of the child. The State shall provide special support to disabled children, children left without parental care or who have suffered from violence.

111. The State shall protect human health and guarantee a basic level of medical assistance for everyone.

112. Everyone has the right to education. The State shall ensure that everyone may acquire primary and secondary education without charge. Primary education shall be compulsory.

113. The State shall recognise the freedom of scientific research, artistic and other creative activity, and shall protect copyright and patent rights.

114. Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity.

115. The State shall protect the right of everyone to live in a benevolent environment by providing information about environmental conditions and by promoting the preservation and improvement of the environment.

116. The rights of persons set out in Articles ninety-six, ninety-seven, ninety-eight, one hundred, one hundred and two, one hundred and three, one hundred and six, and one hundred and eight of the Constitution may be subject to restrictions in circumstances provided for by law in order to protect the rights of other people, the democratic structure of the State, and public safety, welfare and morals. On the basis of the conditions set forth in this Article, restrictions may also be imposed on the expression of religious beliefs.

[15 October 1998; 30 April 2002]

Adopted by the Constitutional Assembly of Latvia on 15 February 1922

President of the Constitutional Assembly J. Čakste

Secretary of the Constitutional Assembly R. Ivanovs

## **Transitional Provisions Regarding Amendments to the Constitution of the Republic of Latvia**

### **Transitional Provisions**

(regarding amending Law of 30 April 2002)

Amendments to Article 18 of the Constitution of the Republic of Latvia shall come into force on 5 November 2002.