

Latvia - Constitution

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Chapter I General Provisions

Article 1 [Democratic Republic]

Latvia is an independent democratic republic.

Article 2 [Popular Sovereignty]

The sovereign power of the State of Latvia is vested in the people of Latvia.

Article 3 [Territory]

The territory of the State of Latvia, within the borders established by international agreements, consists of Vidzeme, Latgale, Kurzeme and Zemgale.

Article 4 [Language, Flag]

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.

Chapter II The Parliament [Saeima]

Article 5 [Size]

The Parliament shall be composed of one hundred representatives of the people.

Article 6 [Election]

The Parliament shall be elected in general, equal, direct and secret elections, based on proportional representation.

Article 7 [Electoral Districts]

In the division of Latvia into separate electoral districts, provision for the number of representatives to the Parliament to be elected from each district shall be proportional to the number of electors in each district.

Article 8 [Right to Vote]

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.

Article 9 [Eligibility]

Any citizen of Latvia, who enjoys full rights of citizenship and, who is more than 21 years of age on the first day of elections may be elected to the Parliament.

Article 10 [Term]

The Parliament shall be elected for a term of four years.

Article 11 [Regular Elections]

Elections for the Parliament shall be held on the first Saturday in October.

Article 12 [First Sitting]

The newly-elected Parliament shall hold its first sitting on the first Tuesday in November, when the mandate of the previous Parliament shall expire.

Article 13 [Dissolution]

Should elections for the Parliament, by reason of the dissolution of the previous Parliament, be held at another time of the year, the Parliament so elected shall convene not later than one month after its election, and its mandate shall expire upon the convening of the new Parliament on the first Tuesday in November following the elapse of three years after such election.

Article 14 [Representative Mandate]

The electors may not recall any individual member of the Parliament.

Article 15 [Place of Assembly]

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

Article 16 [Board]

The Parliament shall elect a Presidium which shall be composed of a Chairperson, two Deputies and Secretaries. The Presidium shall function continuously during the mandate of the Parliament.

Article 17 [Opening of First Sitting]

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

Article 18 [Examining Mandates]

The Parliament itself shall review the qualifications of its members.

Article 19 [Sessions, Sittings]

The Presidium shall convene sessions of the Parliament and schedule regular and extraordinary sittings.

Article 20 [Convocation]

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

Article 21 [Standing Orders]

The Parliament shall establish rules of order to provide for its internal operations and order.

Article 22 [Publicity]

Sittings of the Parliament shall be public. The Parliament 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 Parliament, or by the President, the Prime Minister, or a Minister.

Article 23 [Quorum]

Sittings of the Parliament may take place if at least half of the members of the Parliament participate therein.

Article 24 [Majority]

The Parliament 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.

Article 25 [Committees]

The Parliament 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 Parliament.

Article 26 [Enquiry Committees]

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

Article 27 [Interpellation]

The Parliament 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 Parliament or by any of its committees.

Article 28 [Indemnity]

Members of the Parliament 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 Parliament 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.

Article 29 [Immunity Against Arrest and Search]

Members of the Parliament 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 Parliament. Members of the Parliament 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 Parliament; the Presidium shall raise the matter at the next sitting of the Parliament for decision as to whether the member shall continue to be held in detention or be released. When the Parliament is not in session, pending the opening of a session, the Presidium shall decide whether the member of the Parliament shall remain in detention.

Article 30 [Immunity]

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

Article 31 [Right to Withhold Evidence]

Members of the Parliament 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.

Article 32 [Restrictions]

Members of the Parliament 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 Parliament.

Article 33 [Remuneration]

The remuneration of members of the Parliament shall be from state funds.

Article 34 [Publicity of Reports]

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

Chapter III The President

Article 35 [Term]

The President shall be elected by the Parliament for a term of four years.

Article 36 [Election]

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

Article 37 [Eligibility]

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.

Article 38 [Incompatibility]

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 Parliament, they shall resign their mandate as a member of the Parliament.

Article 39 [Consecutive Years]

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

Article 40 [Oath]

The President, at the first sitting of the Parliament 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."

Article 41 [Functions]

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 Parliament concerning the ratification of international agreements.

Article 42 [Commander-in-Chief of Armed Forces]

The President shall be the Commander-in-Chief of the armed forces of Latvia. During wartime, the President shall appoint a Supreme Commander.

Article 43 [Declaration of War]

The President shall declare war on the basis of a decision of the Parliament.

Article 44 [Defence]

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 Parliament, which shall decide as to the declaration and commencement of war.

Article 45 [Pardon]

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 Parliament.

Article 46 [Convocation of Parliament]

The President has the right to convene and to preside over extraordinary meetings of the Government, and to determine the agenda of such meetings.

Article 47 [Legislative Initiative]

The President has the right to initiate legislation.

Article 48 [Dissolution of Parliament]

The President shall be entitled to propose the dissolution of the Parliament. Following this proposal a national referendum shall be held. If in the referendum more than half of the votes are cast in favor of dissolution, the Parliament shall be considered dissolved, new elections called, and such elections held no later than two months after the date of the dissolution of the Parliament.

Article 49 [Continuous Parliament]

If the Parliament has been dissolved, the mandate of the members of the Parliament shall continue in effect until the newly-elected Parliament has convened, but the dissolved Parliament may only hold sittings at the request of the President. The agenda of such sittings shall be determined by the President.

Article 50 [Failed Dissolution, Resignation of President]

If in the referendum more than half of the votes are cast against the dissolution of the Parliament, then the President shall be deemed to be removed from office, and the Parliament shall elect a new President to serve for the remaining term of office of the President so removed.

Article 51 [Dismissal]

Upon the proposal of not less than half of all of the members of the Parliament, the Parliament 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.

Article 52 [Resignation]

If the President resigns from office, dies or is removed from office before their term has ended, the Chairperson of the Parliament shall assume the duties of the President until the Parliament has elected a new President. Similarly, the Chairperson of the Parliament 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.

Article 53 [Responsibility]

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 48 and 56.

Article 54 [Immunity]

The President may be subject to criminal liability if the Parliament consents thereto by a majority vote of not less than two-thirds.

Chapter IV The Government**Article 55 [Members]**

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

Article 56 [Formation]

The Government shall be formed by the person who has been invited by the President to do so.

Article 57 [Size]

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.

Article 58 [Head of Administration]

The administrative institutions of the State shall be under the authority of the Government.

Article 59 [Confidence of Parliament, Responsibility]

In order to fulfil their duties, the Prime Minister and other Ministers must have the confidence of the Parliament and they shall be accountable to the Parliament for their actions. If the Parliament expresses no confidence in the Prime Minister, the entire Government 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.

Article 60 [Presidency Over Meetings]

Meetings of the Government 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.

Article 61 [Discussion]

The Government 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 Government.

Article 62 [Foreign Invasion]

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 Government 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 Government to the Parliament.

Article 63 [Initiative of Ministers]

Ministers, even if they are not members of the Parliament, and responsible government officials authorised by a Minister, have the right to attend sittings of the Parliament and its committees and to submit additions and amendments to draft laws.

Chapter V Legislation

Article 64 [Right to Legislation]

The Parliament, and also the people, have the right to legislate, in accordance with the procedures, and to the extent, provided for by this Constitution.

Article 65 [Initiative]

Draft laws may be submitted to the Parliament by the President, the Government or committees of the Parliament, by not less than five members of the Parliament, or, in accordance with the procedures and in the cases provided for in this Constitution, by one-tenth of the electorate.

Article 66 [Budget]

(1) Annually, before the commencement of each financial year, the Parliament shall determine the State Revenues and Expenditures Budget, the draft of which shall be submitted to the Parliament by the Government.

(2) If the Parliament 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 Government shall submit an accounting of budgetary expenditures for the approval of the Parliament.

Article 67 [Armed Forces]

The Parliament shall determine the size of the armed forces of the State during peacetime.

Article 68 [Ratification of International Agreements]

All international agreements which settle matters that may be decided by the legislative process shall require ratification by the Parliament.

Article 69 [Promulgation]

The President shall proclaim laws passed by the Parliament 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.

Article 70 [Formula of Promulgation]

The President shall proclaim adopted laws in the following manner:

"The Parliament (that is, the People) has adopted and the President has proclaimed the following law: (text of the law)."

Article 71 [Request for Revision]

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

Article 72 [Withholding Promulgation]

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 Parliament. This right may be exercised by the President, or by one-third of the

members of the Parliament, within seven days of the adoption of the law by the Parliament. 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 Parliament again votes on the law and not less than three-quarters of all members of the Parliament vote for the adoption of the law.

Article 73 [Matters Excluded from Referendum]

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.

Article 74 [Annulment by Referendum]

A law adopted by the Parliament and suspended pursuant to the procedures specified in Article 72 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 Parliament election and if the majority has voted for repeal of the law.

Article 75 [Urgency]

Should the Parliament, 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.

Article 76 [Amendment of the Constitution]

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

Article 77 [Referendum About Amendment]

If the Parliament has amended Articles 1, 2, 3, 4, 6, or 77 of the Constitution, such amendments, in order to come into force as law, shall be submitted to a national referendum.

Article 78 [Amendment by Popular Initiative]

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 Parliament. If the Parliament does not adopt it without change as to its content, it shall then be submitted to national referendum.

Article 79 [Referendum After Popular Initiative]

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 Parliament election and if the majority has voted in favour of the draft law.

Article 80 [Right to Vote in Referendum]

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

Article 81 [Regulations by Government]

During the time between sessions of the Parliament the Government has the right, if necessary and if not able to be postponed, to issue regulations which have the force of law. Such regulations may not amend the law regarding elections of the Parliament, 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 Parliament, 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 Parliament not later than three days after the next session of the Parliament has been convened.

Chapter VI Courts

Article 82 [Court System]

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.

Article 83 [Independence of Judges]

Judges shall be independent and subject only to the law.

Article 84 [Appointment of Judges]

Judicial appointments shall be confirmed by the Parliament and they shall be irrevocable. The Parliament 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.

Article 85 [Trial Jury]

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 Parliament 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 Parliament.

Article 86 [Rule of Law]

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.

Chapter VII The Office of the Comptroller General

Article 87 [Independence]

The Office of the Comptroller General shall be an independent collegial institution.

Article 88 [Appointment]

Comptrollers 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 Office of the Comptroller General shall be provided for by a specific law.

Chapter VIII Fundamental Human Rights**Article 89 [Recognition and Protection by the State]**

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

Article 90 [Right to Know About Rights]

Everyone has the right to know about their rights.

Article 91 [Equality, Prohibition of Discrimination]

All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind.

Article 92 [Right to Fair Legal Proceedings]

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.

Article 93 [Right to Life]

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

Article 94 [Liberty, Personal Security]

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.

Article 95 [Human Dignity]

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.

Article 96 [Privacy, Home, Correspondence]

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

Article 97 [Right to Move, Freedom of Residence]

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

Article 98 [Departure, Extradition]

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.

Article 99 [Thought, Conscience, Religion]

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

Article 100 [Expression, Information, Censorship]

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.

Article 101 [Political Activity]

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.

Article 102 [Associations, Parties]

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

Article 103 [Meetings, Processions, Demonstrations]

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

Article 104 [Petitions]

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

Article 105 [Private Property]

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.

Article 106 [Work, Forced Labour]

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.

Article 107 [Remuneration, Holidays, Vacation]

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.

Article 108 [Collective Labour Agreement, Strike, Trade Unions]

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

Article 109 [Social Security, Disability, Unemployment]

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

Article 110 [Marriage, Family, Parents, Children]

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.

Article 111 [Health]

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

Article 112 [Education]

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.

Article 113 [Research, Art, Copyright, Patents]

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

Article 114 [Minorities]

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

Article 115 [Environment]

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.

Article 116 [Restrictions]

The rights of persons set out in Articles 96, 97, 98, 100, 102, 103, 106, and 108 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.