



Strasbourg, 20 September 2013

CDL-JU(2013)007
Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
THE CONSTITUTIONAL COURT OF UKRAINE

CONFERENCE ON

**“THE PROTECTION OF HUMAN AND CITIZENS’
RIGHTS BY BODIES OF CONSTITUTIONAL
JURIDICTION IN THE CURRENT CONTEXT”**

**Yalta, Ukraine
20-21 June 2013**

**“SCOPE OF THE PROTECTION OF HUMAN RIGHTS BY THE
CONSTITUTIONAL COURT :
LATVIA’S EXPERIENCE”**

**REPORT
by**

**Mr. Gunārs KŪTRIS
(President of the Constitutional Court of Latvia)**

[1] Ensuring human rights is the fundamental principle of a democratic state and one of the elements of a state governed by the rule of law. The primary responsibility for ensuring human rights and for examining and eliminating (in fact – preventing) possible violations falls upon the State. The Preamble of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – Convention) likewise notes that the best way to ensure that human rights and fundamental freedoms are respected is effective political democracy.

The Constitution contains not only a catalogue of human rights, but also envisages a mechanism for ensuring and protecting human rights, prescribing concrete obligations and functions for the constitutional institutions.

[2] The protection of fundamental rights is basically ensured by the court of general jurisdiction, which is a fundamental right *per se*. The function of this court follows from the constitutional obligation of the State to ensure human rights. The task of the judicial power is to ensure that in the administration of justice the State constitution, laws and other regulatory enactments are implemented, that the principle of legality is complied with and, also, that human rights and freedoms are protected¹.

Neither the Constitution of the Republic of Latvia², nor the Constitutional Court Law of the Republic of Latvia (hereinafter – Constitutional Court Law) set out *expressis verbis* the obligation of the Constitutional Court to ensure the protection of human rights. However, Article 85 of the Constitution³, which defines the Constitutional Court as part of Latvia's constitutional order, envisages for this court, as the institution ensuring the supremacy of the Constitution and constitutional justice, not only the obligation to ensure the fundamental rights, but also the obligation to supervise the constitutional order existing in the State, *inter alia*, to control the mechanism for ensuring fundamental rights⁴. The contemporary constitutionalism perceives the Constitutional Court not only as the central and the most significant safeguard of constitution, but also the safeguard for the fundamental rights of the most important subject of constitutionalism – the human being.

Thus, the Constitutional Court not only prevents human rights violations in the framework of cases it adjudicates, but also examines cases, which directly affect the mechanism for ensuring and protecting human rights established in the State⁵.

[3] The Constitutional Court is not obliged to replace general jurisdiction courts in court cases linked to human rights issues. It is not always easy to draw the borderline between the jurisdiction of a general jurisdiction court and Constitutional Court. Obviously, it is easier to do so in those countries, which have not introduced the full constitutional complaint, i.e., where Constitutional Court does not examine the Supreme Court's rulings, but examines cases only with respect to normative constitutional complaints.

It is important that not a single issue remains outside the court – that the state ensures effective protection of rights. None of legal norms or actions taken by the legislator or executive power

¹ Judgement by the Constitutional Court in Case No. 2007-03-01 (18.10.2007) Para 26.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

² *Satversme*

³ Pursuant to Section 85 of the Constitutional Court Law, Constitutional Court adjudicates cases regarding the compatibility of laws with the *Satversme*, as well as other cases placed by law in its jurisdiction.

⁴ The contemporary constitutionalism perceives the constitutional court not only as the central and the most significant safeguard of constitution, but also the safeguard for the fundamental rights of the most important subject of constitutionalism – the human being.

⁵ For example, the cases regarding the independence of court (2009-11-01, 2009-111-01, 2010-06-01), cases regarding the restrictions to the right to fair court (2012-15-01, 2012-05-01), cases regarding the jurisdiction of the Cabinet of Ministers in connection with human rights issues, issues regarding the jurisdiction of general jurisdiction court (2012-03-01).

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

may remain outside the control by the judicial power, if these infringe upon the interests of any person⁶.

The importance of normative regulation for effective protection of human rights

[4] The legislator, defining the jurisdiction and the principles of action for the Constitutional Court has envisaged a rather successful regulation for the effective protection of human rights at the Constitutional Court.

[5] **Firstly**, the Constitutional Court is the institution of judicial power, in which a person, by submitting a constitutional complaint, can defend his rights and lawful interests, if he considers that the legal provision which is not in compliance with a provision having superior legal force has infringed his or her fundamental rights under the Constitution. Simultaneously, fundamental rights may be ensured and protected also in cases of abstract constitutional review or in cases initiated upon application by a court, if a constitutional issue to be examined in the case is connected with the fundamental human rights envisaged in Chapter 8 of the Constitution.

[6] **Secondly**, neither the Constitution, nor the Constitutional Court Law limits the range of rights with regard to which a constitutional complaint may be submitted. A person may defend at the Constitutional Court all fundamental rights, envisaged in the Constitution.

[7] **Thirdly**, the legislator has envisaged certain (reasonable) discretion for the Constitutional Court, so that it could ensure the most effective possible protection of fundamental rights.

The role of the Constitutional Court in effective human rights protection

Constitutional Courts, using the mechanism created by the legislator and the discretion envisaged to them, make the ensuring of human rights as effective as possible.

[8] Part 11 of Section 31 of the Constitutional Court Law grants to the Constitutional Court the discretion to decide the date as of which the contested provision, which has been recognised as incompatible with a legal norm of higher legal force, becomes invalid.⁷

The retroactive force of a judgement, which is to be considered an exception, has a special significance in the framework of the institute of constitutional complaint, as this may be the only possibility for protecting a person's fundamental rights⁸. Therefore, the Constitutional Court, quite frequently, upon recognizing a contested provision incompatible with the Constitution and invalid, envisages a special provision that with regard to the applicant the contested provision becomes invalid as of the date of its adoption⁹. In some cases the

⁶ Judgement by the Constitutional Court in Case No. 2009-11-01 (18.01.2010) p. 5.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

⁷ Pursuant to Section 32 (3) of the Constitutional Court Law, a legal norm (act) that the Constitutional Court has declared as non-compliant with the norm of a higher legal force shall be regarded as not in effect from the day of publication of the Constitutional Court judgment, if the Constitutional Court has not determined otherwise. Hence, a legal norm (act) can become invalid both in general and special procedure. According to the general procedure the legal norm becomes invalid from the day of publication of the Constitutional Court judgement. The special procedure is defined by the Constitutional Court itself: (a) as of the day of its adoption (*ex tunc*); (b) as of the day set by the Court, which may not coincide with the day of adoption or the day of publication of the judgement: (1) the date may be retrogressive (*ex tunc*), (2) the date may be set in the future (*ex nunc*).

⁸ Rodiņa A. *Konstitucionālās teorijas teorija un prakse Latvijā*. Rīga: Latvijas Vēstnesis, 2009, 147. lpp.

⁹ Judgement by the Constitutional Court in Case No. 2005-12-0103 (16.12.²⁰⁰⁵), Para 25. noted: "When deciding upon the moment as of which [the contested norms] become invalid, the Constitutional Court took into consideration that its task is to eliminate the infringement of the Applicant's fundamental rights, caused by the application of the contested norms. It is possible only be recognising these norms invalid as of the day of their adoption."

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

retroactive force is applied also to other persons (or groups of persons), who are in similar actual and legal circumstances¹⁰.

Thus, this possibility envisaged by the law is significant for ensuring effective protection of fundamental rights.

[9] Part 12 of Section 31 of the Constitutional Court Law grants the right to the Court, if necessary, to include also other court decisions into the judgement. The Court may also exercise this discretion to ensure fundamental rights effectively. For example, in the case concerning decreasing of pensions during the period of crisis, the Court noted that the Constitutional Court has the obligation to ensure, within the framework of its jurisdiction, the most effective possible protection and restoring of the persons' fundamental rights that have been violated. The Court established that neither the protection of the violated rights, nor their restoration would be effective, if the Parliament¹¹ failed to meet its obligations and did not set out a procedure for repaying the withheld pensions. The Court noted that upon deciding on the drafting and adoption of such a regulation, it must be taken into consideration that the recipients of old-age pensions is a special group, however, it is not homogenous as regards income, age and other aspects. This means that the repayment of the withheld part of the pension should be done within reasonable time and, to the extent possible, taking into consideration that different persons are in different situations. The Court, assessing the economic situation of the State and the possibilities of the State budget, prescribed a term, within which the part of pensions, withheld on the basis of the contested provisions, had to be repaid in full¹².

[10] If a case has been initiated at the Constitutional Court and contested provision has become invalid during the judicial proceedings, then the law¹³ provides the possibility for the Constitutional Court to terminate the judicial proceedings. It follows from the case law of the Constitutional Court that the fact *per se* that the contested norm has become invalid will not always be the grounds for terminating judicial proceedings (the law envisages the right, but not the obligation to terminate proceedings). The Constitutional Court must *ex officio* assess, whether any considerations exist, because of which the proceedings in the case must be continued.

The most frequent argument for not terminating the case, but adjudicating it as to its merit, is the need to ensure effectively the applicant's fundamental rights.

For example, in the case regarding the granting of benefit for caring for a disabled child, in which the contested norm had become invalid, the Constitutional Court established that "a person submits a constitutional complaint to protect his or her fundamental rights set out in the Constitution. Therefore, the Constitutional Court, when considering termination of judicial proceedings in the case, first and foremost must take into consideration the need to protect persons' fundamental rights set out in the Constitution. The fact that the contested provision has become invalid may be insufficient to prevent all negative consequences that the contested provision has caused for the person. The judgement by the Constitutional Court is the only legal way for the submitter of the constitutional complaint to achieve the protection of his or her infringed rights."¹⁴

¹⁰ Judgement by the Constitutional Court in Case No. 2009-43-01 (21.12.2009) on reduction of pensions.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

¹¹ *Saeima*

¹² Judgement by the Constitutional Court in Case No. 2009-43-01 (21.12.2009) Para 35.3.

The Constitutional Court prescribed in the ruling, firstly, the date when the deductions from pensions, set out by the contested provisions, should end (approximately within 2 months after the coming into force of the Judgement). Secondly, the Court stipulated that within these two months the Parliament must establish a procedure for reimbursing the deductions from pensions [..]."

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

¹³ Para 2 of Section 29(1) of the Constitutional Court Law.

¹⁴ Judgement by the Constitutional Court in Case No. 2007-15-01 (12.02.2008.) Para 4.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

Thus, the law grants to the Constitutional Court the possibility, in case if the contested norm has become invalid, to adopt a ruling for the most effective protection of a person's fundamental rights.

[11] The protection of fundamental rights can be effective only if a person has been ensured access to court. In developing the doctrine of infringement, the Court includes in it also the potential infringement. Consequently the Constitutional Court excludes formal approach to the requirement of actual infringement, thus confirming a high level of rights protection.

The Constitutional Court has recognised an infringement of the applicant's fundamental rights and examined case as to its merit in a number of cases, when the contested norms had not been applied to the person by an act of applying legal norms¹⁵. For example, in the case regarding the prohibition for a judge to take membership in political parties, the Court accepted a constitutional complaint from a judge, who had not become a member of political party, because joining a political party would cause an actual infringement, but at the same time would cause severe consequences for the applicant, i.e., would become the grounds for dismissing the judge from office.

For the Constitutional Court to examine a case having regard to a constitutional complaint, the applicant, *inter alia*, must substantiate the existence of a direct infringement of the applicant's fundamental rights. The infringement of fundamental rights may be expected in the future or be potential, however, a valid and credible possibility should exist that the application of the contested provision would cause adverse consequences for the person submitting the constitutional complaint¹⁶. Thus, in particular cases persons may submit a constitutional complaint regarding a legal norm, unfavourable to him or her, which directly and immediately pertains to this person, but has not been applied yet¹⁷. In such a case the Court examines, whether a totality of circumstances exists allowing the Constitutional Court to ascertain the existence of an infringement. Referring to the European Court of Human Rights, the Constitutional Court has noted, that a threat of an infringement, which might become manifest in the future, could be sufficient grounds for recognising the person a victim, however, this threat should be real¹⁸.

To differentiate between the cases when a person submits a constitutional complaint to protect his or her rights from those cases, when it is *action popularis*, for the protection of other persons' rights or for reaching political, scientific or other aims, it is not enough to establish that the person belongs to the group, to which the legal norm applies. The person must provide a credible substantiation, showing that the adverse consequences caused by the legal provision create an infringement of his or her fundamental rights¹⁹.

[12] A constitutional control institution has an important role in developing understanding of human rights, since it defines the content of rights and balances them (in those cases, where it is necessary). To a large extent the degree of human rights protection depends upon the interpretation done by the Constitutional Court.

In a number of judgements the Constitutional Court has emphasized not only the possibility, but also the necessity to apply international norms for establishing the content of fundamental rights defined in the Constitution. The obligation of the State to take into consideration international commitments in the field of human rights follows from Article 89 of the Constitution, which provides that the State shall recognise and protect fundamental human rights in accordance

¹⁵ Judgement by the Constitutional Court in Case No. 2002-01-03 (20.05.2002), Judgment in Case No. 2003-05-01 (29.10.2003) and Judgement in Case No. 2009-45-01 (22.02.2010).

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

¹⁶ Judgement by the Constitutional Court in Case No. 2009-74-01 (18.02.2010) Para 12.1.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

¹⁷ Judgement by the Constitutional Court in Case No. 2012-16-01 (10.05.2013) Para 22.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

¹⁸ see. Gomien D., Harris D., Zwaak. L. Law and practice of the European Convention on Human Rights and the European Social Charter. Strasbourg: Council of Europe Publishing, 1996, p. 44

¹⁹ Judgement by the Constitutional Court in Case No. 2012-16-01 (10.05.2013), Para 22.1.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

with the Constitution, laws and international agreements binding upon Latvia. This article shows that the legislator had aimed to achieve harmony between the norms of fundamental rights included in the Constitution and the norms of international law²⁰.

The international human rights norms and their practical application on the level of constitutional law serve as a means of interpretation for establishing the content and scope for the fundamental rights and the principles of a state governed by the rule of law, **insofar as this does not lead to decreasing or limiting of fundamental rights** included in the Constitution²¹.

The Constitution cannot **envisage ensuring or protection of fundamental rights on a smaller scope** than envisaged by any of international human rights acts. A different conclusion would be incompatible with the idea of a state governed by the rule of law, included in Article 1 of the Constitution, since the recognition of human rights and fundamental freedoms as the highest value of the State is one of the main manifestations of a state governed by the rule of law²².

The Constitutional Court has noted that the Convention and the Constitution are founded upon similar values and principles²³. If it follows from the norms of the Convention and their interpretation in the case law of the European Court of Human Rights that the rights enshrined in the Convention encompass a particular situation, then usually this situation also falls within the scope of fundamental rights enshrined in the Constitution. But in the case, if the human rights enshrined in the Convention do not encompass the concrete situation, it does not *per se* mean that this situation does not fall within the scope of the respective fundamental rights enshrined in the Constitution. In such a case the Constitutional Court must verify whether such circumstances exist that indicate that the Constitution **has prescribed a higher level of protection for fundamental rights**²⁴.

Thus, the Constitutional Court has directly defined a higher level of protection of fundamental rights in the Constitution than in the international documents, *inter alia*, the Convention.

Article 92 of the Constitution (right to fair trial)

[13] Article 92 of the Constitution envisages that everyone may defend his or her **rights and lawful interests**. Thus, the norm of the Constitution has been defined more broadly than the norms of the Convention, which emphasize that the right to fair trial applies to cases of civil law or criminal law nature. The article of the Constitution imposes upon the State the obligation to ensure fair court not only in civil and criminal cases, but also in all cases, the dispute of which pertains to individual rights and lawful interests that a person has and which follow from external legal norms, *inter alia*, also in relations that follow from implementing the functions of public administration, as well as constitutional issues.

Article 92 of the Constitution envisages a broader scope of the right to appeal compared to the Convention. i.e., this Article envisages the right to appeal a court's judgement in all cases of

²⁰ Judgement by the Constitutional Court in Case No. 2004-18-0106 (13.05.2005), Para 5 of the Findings; Judgement in Case No. 2007-11-03 (17.01.2008.) Para 10.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

²¹ Judgement by the Constitutional Court in Case No. 2004-18-0106 (13.05.2005) Para 5 of the Findings, and Judgement by the Constitutional Court in Case No. 2007-03-01 (18.10.2007) Para 11.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

²² Judgement of 14 September 2005 by the Constitutional Court in Case No. 2005-02-0106 (14.09.2005) Para 10.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

²³ Judgement by the Constitutional Court in Case No. 2008-35-01 (07.04.2009) Para 18.8.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

²⁴ Judgement by the Constitutional Court in Case No. 2010-71-01 (19.10.2011) Para 12.1.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

criminal law nature and also in cases on administrative violations²⁵ (not only in severe criminal cases, as envisaged by the Convention²⁶).

European Court of Human Rights has established in its case law that, for example, tax disputes²⁷ fall outside the scope of Article 6(1) of the Convention, unless the dispute concerns binding tax surcharges or other sanctions²⁸, likewise, cases on the arrival, expulsion or extradition of foreigners²⁹, election cases³⁰, etc. Article 92³¹ of the Constitution does not limit the right to judicial proceedings to certain fields of law. It pertains not only to “criminal cases” and “civil cases”, but also to any “rights and lawful interests” of a person. Hence, the guarantees of right to fair trial enshrined in the Constitution are more extensive and more favourable for a person than the guarantees of the Convention.

Article 109 of the Constitution (the right to social security)

[14] The legislator has included a number of social rights in the Constitution, thus defining Latvia as a socially responsible state, i.e., a state, which in its legislation, governance and administration of justice tries to implement social justice to the extent possible³².

For example, Article 109 of the Constitution *expressis verbis* envisages the right to social security. The Convention does not contain an analogous norm. European Court of Human Rights views the right to social security (pensions, benefits and other issues) as an issue of law included in Article 1 of the First Protocol to the Convention.

The Constitutional Court has assessed the issues of pensions and benefits both as the right to own property and the right to social security. Simultaneously the Constitutional Court has noted that, even though the right to disbursement of pension, irrespectively of the source of financing, is included in the content of the term “property” included in the first sentence of Article 105 of the Constitution, Article 109 of the Constitution in the field of social rights ensures to a person greater protection of rights compared to Article 105 of the Constitution. Thus, the Constitution ensures more extensive protection of social rights than the Convention.

Article 115 of the Constitution (environment rights)

[15] The Constitution protects not only fundamental rights, which are universally recognised as part of the human rights “canon”, but also the right to benevolent environment³³.

The Convention has revealed environmental aspects in the content of civil rights, however, the essential difference between the Constitution and the Convention must be taken into

²⁵ Judgement by the Constitutional Court in Case No.. 2003-03-01. (27.06.2003) Para 5 and Judgement in Case No. 2001-17-0106 (20.06.2002).

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

²⁶ The Convention envisages the right to appeal against a court ruling only with regard to criminal cases, moreover, with a disclaimer that as regards petty crimes it is admissible that the possibility of appeal is not ensured.

²⁷ Judgement by ECHR, *Ferrazzini v. Italy*. 44759/98, 12.07.2001. Para. 23.

²⁸ Judgement by ECHR *Jussila v. Finland*. 73053/01, 23.11.2006. Para. 31.–36.

²⁹ Judgement by ECHR *Maaouia v. France*. 39652/98, 05.10.2000. Para. 38.–41.

³⁰ Judgement by ECHR *Partija “Mūsu Zeme” and Partija “Jaunie Demokrāti” v. Latvia*. 10547/07, 34049/07, 29.11.2007.

The Satversme sets out that the dispute regarding **exercise of election rights** must be adjudicated by court. The European Convention for the Protection of Human Rights, in its turn, does not set out a requirement like this, envisaging that any “effective legal remedy” is sufficient.

³¹ Everyone has the right to defend his or her rights and lawful interests in a fair court.

³² Judgement by the Constitutional Court in Case No.2010-21-01 (01.12.2010) Para 13.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

³³ Commentary to Chapter 8 of the *Satversme*

consideration³⁴. In difference from the Constitution, thus far the right to benevolent environment has not been recognised as independent human right in the Convention³⁵.

The Constitutional Court has concluded that the right to benevolent environment, similarly to other fundamental rights included in Chapter 8 of the Constitution, is directly and immediately applicable³⁶.

Article 91 of the Constitution (equality requirement and prohibition of discrimination)

[16] Article 14 of the Convention sets out prohibition of discrimination and prohibits discrimination only with regard to the rights guaranteed by the Convention. The Additional Protocol No. 12 to the Convention, in its turn, expands this prohibition of discrimination, attributing it also to the rights envisaged by the national legal system.

The Constitutional Court had noted already in 2002: “to establish the content of Article 91 of the Constitution, it is not enough to confine oneself to the interpretation of the Convention and the case law of the European Court of Human Rights. The fact alone that the Article 91 of the Constitution contains not only the second sentence, which in its construction is analogous to Article 14 of the Convention, but also the first sentence, indicates that the Latvian legislator had aimed to set out a more extensive scope of rights compared to the Convention”.³⁷

The principle of equality included in the norm of the Constitution is assessed as an immediately functioning right³⁸. Thus, the aforementioned norm of the Constitution contains also the prohibition of discrimination included in Additional Protocol No.12 to the Convention (even though Latvia has not ratified this Protocol yet).

Conclusion

[17] Ensuring constitutional rights is an international and a constitutional requirement.

Constitutional Court is the supreme guardian of human rights in the State, even though the court statistics shows that also other institutions serve as defenders of human rights. Otherwise there would be no Constitutional Court rulings recognising legal acts or provisions compatible with the Constitution.

An effective provision of human rights is influenced by: (1) cooperation and concord between the institutions protecting human rights and (2) trust in these institutions. Therefore, it is not only important to increase the authority of the Constitutional Court, but also to prevent possible conflicts between such institutions and indirect conflicts, i.e., a situation, when various institutions provide different answers to the same legal questions.

[18] Quite frequently in situations, when the risk of [dis]respecting human rights exists, the interested persons “threaten” with applying to the European Court of Human Rights. Perhaps it mobilizes the law enforcement institutions. At the same time I would like to stress one more

³⁴ Commentary to Chapter 8 of the *Satversme*

³⁵ It follows from the ECHR case law that environment degradation may restrict or infringe upon the rights protected by the Convention. ECHR has concluded that a number of positive obligations of the State follow from thus human right. The State has the duty to regulate and control environmental problems, which might cause infringement of the Convention rights, as well as to ensure that the laws, which the State has adopted for eliminating such environmental problems, are complied with. Likewise, in the case of a serious environmental risk (threat), it is the obligation of the State to provide the affected persons with information on this risk, as well as to involve the persons under threat in the decision taking process and to envisage the possibility to apply to court.

ECHR has also recognised protection of environment a legitimate aim for restricting the human rights safeguarded by the Convention. Thus, the obligation of the State, which follows from the Convention, is not protecting environment as such, but the protection of a concrete individual against significantly hazardous environmental impact.

³⁶ Judgement by the Constitutional Court in Case No. 2006-09-03 (08.02.2007), Para 11.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

³⁷ Judgement by the Constitutional Court in Case No. 2001-06-03 (22.02.2002), Para 3 of the Findings.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

³⁸ Judgement by the Constitutional Court in Case No. 2001-06-03 (22.02.2002), Para 3 of the Findings.

See <http://www.satv.tiesa.gov.lv/?lang=2&mid=19>

time – international documents contain and protect the minimum standard of human rights (and it is logical, since many countries have to agree on it). The nation states have the possibility to set these standards higher and protect their people, even if the laws are not always timely or sufficiently clear, then, the Constitutional Court, of course, can contribute to revealing the content of human rights.

.