



ISSN 1392–6195 (print)
ISSN 2029–2058 (online)
JURISPRUDENCIJA
JURISPRUDENCE
2009, 4(118), p. 85–96

THE USE OF EUROPEAN CONSTITUTIONAL HERITAGE IN THE JURISDICTION OF THE CONSTITUTIONAL COURT WHEN INTERPRETING THE CONSTITUTION OF THE REPUBLIC OF LATVIA

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Received 25 March, 2009; accepted 25 September, 2009.

***Annotation.** The article analyses the problem of using European constitutional heritage in the practice of the Constitutional Court of the Republic of Latvia when interpreting the Constitution of the Republic of Latvia. The author analyses several judgments of the Constitutional Court of Latvia, wherein the Court refers to European legal heritage, when interpreting separate norms of the Constitution of the Republic of Latvia. Such practice is particularly evident in two categories of cases. The influence of European legal heritage is most clearly expressed in cases where the Court ascertains the essence of the continuity doctrine and when interpreting human rights enshrined in the Constitution (the Satversme). The author notes that constitutional courts reveal two tendencies. On the one hand, a constitutional court cannot ignore the international context. European courts are influenced by European Union law and the jurisprudence of the European Court of Justice. On the other hand, constitutional court judges in every country have sworn to be loyal to the national constitution and thus have a duty to exercise constitutional control. These tendencies are not necessarily objectionable. On the contrary—knowledge of the international legal context helps the Constitutional Court exercise its mission.*

Keywords: *European constitutional heritage, Constitutional Court, interpretation of the constitution.*

Introduction

Common European constitutional heritage has been discussed on numerous international platforms. Scholars and practitioners widely recognize a shared understanding of democracy, fundamental legal principles, and fundamental human rights in the European legal space. International agreements constitute the core of this common understanding. The jurisdiction of international courts, and especially that of the European Court of Human Rights (ECtHR), is of vital importance. When making a particular decision, it is quite common for courts, as well as other state institutions, to take note of solutions to similar problems in other states.

The Venice Commission has contributed much to defining European legal heritage, as it has also helped in establishing common European legal values in the legal systems of separate states, especially those in transition between totalitarian and democratic regimes. However, the tendency of states to draw on the legal experience of their neighbours has existed long before the Venice Commission commenced its activities. For example, when the Constitutional Assembly of the Republic of Latvia was drafting the Constitution in 1921–1922, they repeatedly analysed the constitutions of other democratic states, particularly those of the Republic of Weimar and the Republic of France.

When Latvia was regaining its independence, the Baltic nations undertook not only such impressive actions as the "Baltic Way",¹ but also shaped a common understanding of legal and constitutional issues pertinent to the status of the Baltic states.

I would like to offer several examples, illustrating the use of common European constitutional heritage in the judgments of the Latvian Constitutional Court:

- 1) when ascertaining the essence of the continuity doctrine;
- 2) when interpreting human rights enshrined in the Latvian Constitution (the *Satversme*).

1. The modern construct of the Latvian state, like that of Lithuania and Estonia, is based on state continuity. The restored Republic of Latvia identifies itself with the pre-war Latvia. The constitutional institutions of Latvia justify their position with the fact that after the events of 1940, Latvia as a subject of international law had not lost its status. After the restoration of independence, Latvia continues its statehood. The 1990 Declaration of Independence establishes the *de facto* renewal of the independence of the Republic of Latvia, affirming the doctrine of Latvian state continuity.

1 "Baltic Way" (also Baltic chain, Estonian: Balti kett, Latvian: Baltijas ceļš, Lithuanian: Baltijos kelias) occurred on 23 August 1989 when approximately two million people joined hands to form a human chain over 600 kilometers long across the three Baltic states (Estonia, Latvia, Lithuania).

It was necessary for the Latvian Constitutional Court to ascertain the essence of the continuity doctrine in its 29 November 2007 judgment in the so-called national border case.² The Constitutional Court had to assess conformity of the actions of the Latvian government and the Parliament with both—Section 3 of the Constitution (the *Satversme*) and the continuity doctrine. In its judgment, the Constitutional Court made use of comprehensive historical material, the conclusions of Baltic state experts about the above case, the conclusions of other European legal scholars, and the conclusions of the European Court of Human Rights. The content of the continuity doctrine was ascertained in close connection with international law.

August 23, 1989 witnessed a particularly striking episode in the efforts of the Baltic nations to regain their independence, when they united in the “Baltic Way” to remind the world of their fate on the 50th anniversary of the Molotov–Ribbentrop pact.

The European Court of Human Rights provides the following assessment of the Molotov–Ribbentrop Pact:

On August 23, 1939, the Ministers of Foreign Affairs of Germany and the USSR signed the Non-Aggression Treaty (Molotov–Ribbentrop Pact). The Treaty was supplemented by a secret additional protocol that was concluded on August 23, 1939 and amended on September 28, 1939, and under which the USSR and Germany agreed on their “spheres of influence” regarding establishment of the map of Europe, providing for potential “territorial and political rearrangements” in the territories of the independent States of that time of the Central and Eastern Europe, including the three Baltic States—Latvia, Lithuania and Estonia.

After invasion of Germany into Poland on September 1, 1939 and the subsequent beginning of the World War II, the Soviet Union started to make pressure on the governments of the Baltic States in order to take possession of these States under the Molotov–Ribbentrop Pact and its supplementary protocol.³

The European Court of Human Rights has also made similar conclusions in other cases.⁴ The Latvian Constitutional Court referenced the above ECtHR assessment in its judgment in the so-called national border case.

The Constitutional Court concluded that Section 2 of the *Satversme*, establishing the sovereignty of the Latvian nation, accounts for the possibility that Latvian sovereignty to decide on the fundamental principles of the constitutional regime and existence

2 See Constitutional Court judgment in Case No. 2007-10-0102 “On Compliance of the Law ‘On Authorisation to the Cabinet of Ministers to Sign the Draft Agreement between the Republic of Latvia and the Russian Federation on the State Border between Latvia and Russia Initialled on August 7, 1997’ and the Words ‘Observing the Principle of Inviolability of Borders Established by the Organization of Security and Cooperation in Europe’ of Section 1 of the Law ‘On the Republic of Latvia and the Russian Federation Treaty on the State Border of Latvia and Russia’ with the Preamble and Section 9 of the Declaration of May 4, 1990 of The Supreme Council of the Republic of Latvia ‘On Restoration of Independence of the Republic of Latvia’ and Compliance of the Treaty of March 27, 2007 of the Republic of Latvia and the Russian Federation of the State border of Latvia and Russia with Article 3 of the *Satversme* of the Republic of Latvia”, November 29, 2007.

3 *Ždanoka v. Latvia [GC]*, no. 58278/00, para. 12, ECHR 2006.

4 See: *Kolk and Kislyiy v. Estonia*, App. Nos. 23052/04 and 24018/04, ECHR, Decision, 17.01.2006; *Penart v. Estonia*, App. No. 14685/04, ECHR, Decision, 24.01.2006.

of the state may be foregone in the case of a *coup d'état* by certain persons, or in the case of invasion by another state. Article 2 of the *Satversme* not only confers rights upon the Latvian nation and each citizen, but also delegates them certain responsibilities. First, citizens must not recognize as effective changes to the constitutional regime that ignore the order established by the *Satversme*. Each citizen must also oppose any attempts to destroy the constitutional regime, territorial integrity or independence of the state in an anti-constitutional way.

The *Satversme* prohibits liquidating, in an anti-constitutional way, the independence of the State of Latvia or the democratic establishment therein. If the constitutional regime of the state is changed in violation of the order established by the *Satversme*, Article 2 is one section of the *Satversme* that *de iure* remains effective during the entire period of the anti-constitutional regime, hence ensuring the right of the Latvian people to freely decide on their future.

The Latvian people have a right and an obligation to restore the State of Latvia, as required by the constitutionally legal basis of the State of Latvia. This responsibility is delegated to each member of the Latvian nation—a citizen of Latvia, whether he or she was born before or after the establishment of the anti-constitutional regime.

Section 2 of the *Satversme* is closely related to Section 1 of the *Satversme*, which establishes the nature of the Latvian state, wherein the Latvian people may exercise their sovereign power, namely, an independent democratic republic.

Section 1 of the *Satversme* requires that Latvia be an independent State, and provides for the right of Latvia to participate in the international community. Hence the right of the Latvian people to restore their nation's statehood, as guaranteed in Section 2 of the *Satversme*, is closely related to the regulation of international law in this field.⁵

2. European constitutional heritage is significant for interpreting fundamental rights determined in the *Satversme*, whether such interpretation concerns the norms established in the 1922 *Satversme*, or the ones included in its later form.

In 1922, the Latvian Constitutional Assembly tried to define Latvia as a modern democratic state. Therefore, when interpreting Constitutional norms passed in 1922, the Constitutional Court tries to establish both—what the legislator wanted to determine with a certain norm and how scholars and practitioners interpret this norm today.

For example, on 23 September 2002, the Constitutional Court rendered a judgment in the matter of the so-called “percentage barrier in parliamentary elections”. The dispu-

5 See Constitutional Court judgment in Case No. 2007-10-0102 “On Compliance of the Law ‘On Authorisation to the Cabinet of Ministers to Sign the Draft Agreement between the Republic of Latvia and the Russian Federation on the State Border between Latvia and Russia Initialled on August 7, 1997’ and the Words ‘Observing the Principle of Inviolability of Borders Established by the Organization of Security and Cooperation in Europe’ of Section 1 of the Law ‘On the Republic of Latvia and the Russian Federation Treaty on the State Border of Latvia and Russia’ with the Preamble and Section 9 of the Declaration of May 4, 1990 of The Supreme Council of the Republic of Latvia ‘On Restoration of Independence of the Republic of Latvia’ and Compliance of the Treaty of March 27, 2007 of the Republic of Latvia and the Russian Federation of the State border of Latvia and Russia with Article 3 of the *Satversme* of the Republic of Latvia”, November 29, 2007.

ted norm—Section 38 (the second sentence of Paragraph 1) of the *Saeima* (Parliament) Election Law—established that “the list of candidates that have gained less than five percent of the total number of votes in the whole of Latvia, regardless of the number of constituencies where their lists of candidates have been distributed, shall be excluded from the distribution of seats”. The submitters of the constitutional claim contested the conformity of the above norm with several sections of the Latvian Constitution. Two of them—sections 6 and 8—had been adopted in 1922.⁶

Section 6 of the *Satversme* establishes that “the *Saeima* shall be elected in general, equal, direct and secret elections, based on proportional representation”, and Section 8 determines that “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”.

As concerns this matter, the Constitutional Court analysed both—the debate of the Constitutional Assembly on the above norms of the Constitution, and the contents of the norms of the Constitution in an extensive international context, stressing the five universally recognized principles of democratic elections, as well as their contents from the viewpoint of ECtHR judgments.

In its systemic interpretation of the norms of the Constitution, as read in conjunction with Section 25 of the UN Covenant on Civil and Political Rights, and Protocol 1, Section 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the Constitutional Court of Latvia concluded that election rights may be restricted, but the restriction must comply with certain criteria.

In assessing the validity of the above restriction, the Constitutional Court analysed not only the experience of the first four Latvian Parliaments in the 1920s and 1930s, but also the existence of election barriers in Denmark, France, Greece, Israel, Liechtenstein, Netherlands, Spain, Turkey, Germany, Sweden and other states. The Judgment refers to publications by Latvian historians, conclusions of German legal scholars, as well as to Constitutional Court judgments in other states.

In the above Judgment, the Constitutional Court declared that the contested norm complied with the Constitution.

In autumn of 2008, the Constitutional Court initiated a case that is presently being prepared for review on the conformity of the *Saeima* Election Law with the *Satversme*, concerning the right of imprisoned persons to vote. The submitter of the case claims that the *Satversme* norms should be interpreted in conformity with the conclusions of the ECtHR in the case of *Hirst v. the United Kingdom* (No. 2), and the above restriction should be regarded as anti-constitutional. The *Saeima*, in its written reply, essentially agrees with the submitter of the case and informs that it has begun revising the Law.

3. The Constitutional Courts of different states and the European Court of Human Rights usually hold take the same position when critically assessing a situation in the relevant state. As concerns Latvia, such an example is the Judgment of the ECtHR in the

6 See Constitutional Court Judgment in Case No. 2002-08-01 “On the Compliance of Article 38 (the second sentence of its first Paragraph) of the *Saeima* Election Law with Articles 6,8,91 and 116 of the *Satversme*”, September 23, 2002.

case of *Lavents v. Latvia*.⁷ The Court ruled that there had been a violation of numerous Articles of the ECHR (Article 5§3 [right to liberty and security], Article 5§4, Article 6§1 [right to a fair hearing within a reasonable time], Article 6§1 as regards the right to a hearing by an impartial tribunal established by law, and that it is not necessary to give a separate ruling as to whether the tribunal in question is independent, Article 6§2 [presumption of innocence], Article 8 [right to respect for private and family life] as regards respect for correspondence and family life).

One should also note that when Lavents submitted his claim to the ECtHR, the constitutional claim had not been introduced in Latvia, and a person could not protect his/her violated fundamental rights at the Constitutional Court. When the European Court of Human Rights announced its Judgment in this case, the constitutional claim had been introduced in Latvia and there were several cases on the fundamental rights of the accused at the Constitutional Court.

The Constitutional Court, when reviewing these cases and solving issues on the conformity of criminal procedural norms with the human rights enshrined in Latvian Constitution and the ECHR, repeatedly refer to the above Judgment of the ECtHR.

For example, in one such case⁸ involved an assessment of the compliance of the period of pre-trial arrest and the procedure for its prolonging with Section 92 of the Constitution. The submitters contested the legal norm which envisaged that "in exceptional cases, i.e.—criminal matters of especially severe crimes, if they are connected with violence or threat of violence, the term of the security measure—arrest may be prolonged by the Supreme Court Senate".

As concerns this case, the Constitutional Court declared Section 77 (the third sentence of the seventh Paragraph) of the Criminal Procedure Code as incompatible with Section 92 of the *Satversme*, and null and void as of 1 October 2003 if the procedure for ensuring the exercise of the right of the defendant to be heard out is not determined by the law.

In cases of this kind we may say that the European Court of Human Rights and the Latvian Constitutional Court are fighting on the same for the observation of elementary human rights.

4. Every state has certain unique features in its national legal system that may result in particularly acute and socially sensitive problems. In such cases, it may not be possible to simply graft verities that are considered valid in other states.

For example, in several matters the Latvian Constitutional Court has had to assess different restrictions of fundamental human rights connected with the status of the Latvian language as the state language. This status of the language has been entrenched in the Constitution.

7 ECHR Judgment in the case *Lavents v. Latvia* (application No. 58442 00).

8 Constitutional Court of Latvia Judgment in the Case No. 2003-03-01 "On the Compliance of Article 77 (Sentence Three of the Seventh Part) of the Criminal Procedure Code of Latvia with Article 92 of the Republic of Latvia *Satversme*", June 27, 2003.

The very first of such cases was the matter on the spelling of the surname of the Latvian citizen Mencena (Mentzen) in her Latvian passport. This person married a German citizen and took his surname. In accordance with the acts contested in the case, her surname was written in the Latvian passport in accordance with the norms of the Latvian language and therefore, the spelling differed from the original form of the surname. Even though in another page of the passport her surname was spelled in its original form, the person held that her right to the inviolability of private life, defined in Section 96 of the *Satversme*, had been violated. As concerns the Judgment in this case⁹ the Constitutional Court used the conclusions of the ECtHR to establish the contents of the notion “private life”. The Constitutional Court came to the conclusion that the name and the surname of a person is a constituent part of the private life of this person and thus—Section 96 of the Republic of Latvia Constitution envisages its inviolability.

However, this right is not absolute, and it may be restricted. When analysing the legitimacy of the disputed restriction of the fundamental right of the person, the Constitutional Court also referred also to the Judgment of the Constitutional Court of Lithuania in a similar matter.¹⁰ It should be noted that the Latvian and the Lithuanian languages are the only living languages belonging to the Baltic language group.

Because the Latvian language has been enshrined in the *Satversme* as the State language and because Latvia is the only place in the world where the Latvian language, and the existence and development of the nation can be guaranteed in the context of globalization, the Constitutional Court of Latvia concluded that reducing of the scope of the use of the State language in the state’s territory should be regarded as a threat to the democratic structure of the state. “Private life of the submitter has been restricted to protect the right of other Latvian residents to freely use the Latvian language in the whole territory of Latvia and to protect the democratic structure of the State”.¹¹

The Constitutional Court concluded also that the contested restriction of the person’s fundamental right is proportionate and declared the disputed legal norm, which envisages that personal names should be reproduced in conformity with the traditions of the Latvian language and spelled in accordance with the valid literary language norms, as compatible with the *Satversme*.

After the Constitutional Court Judgment, Ms. Mencena immediately submitted an application to the European Court of Human Rights. She complained under Article 8 of the Convention that the distortion of the written form of her surname in her passport constituted an unjustified and disproportionate interference with the exercise of her right to respect for private and family life.

9 Constitutional Court of Latvia Judgment in the Case No. 2001-04-0103 “On Compliance of Article 19 of the Language Law and the Cabinet of Ministers August 22, 2000 Regulations No. 295 ‘Regulations on Spelling and Identification of Names and Surnames’ with Articles 96 and 116 of the *Satversme* (Constitution)”, December 21, 2001.

10 Decision of the Constitutional court of Republic of Lithuania No. 14/98 “On writing of names and family names in passports of citizens of the Republic of Lithuania” (1999).

11 Constitutional Court of Latvia Judgment in the Case No. 2001-04-0103 “On Compliance of Article 19 of the Language Law and the Cabinet of Ministers August 22, 2000 Regulations No. 295 ‘Regulations on Spelling and Identification of Names and Surnames’ with Articles 96 and 116 of the *Satversme* (Constitution)”, December 21, 2001.

The European Court of Human Rights, in its decision on admissibility concluded that “the interference in issue corresponded to at least one of the objectives set out in Article 8 § 2 of the Convention, namely ‘the protection of the rights and freedoms of others’”¹².

Furthermore, the ECtHR stated that Latvian authorities did not overstep the margin of appreciation they are afforded in this sphere. The application was rejected as being manifestly ill-founded, pursuant to Article 35 §§ 3 and 4 of the Convention.

This decision was significant in creating a positive attitude and confidence of Latvian society in the European Court of Human Rights. In its decision, the Court has clearly shown its understanding of the specific problems in Latvia.

5. The ECtHR Grand Chamber Judgment in the case of *Ždanoka v. Latvia*¹³ mentioned above was of similar importance in several aspects. The case concerned the restrictions to passive election rights of persons who actively participated, after 13 January 1991, in the CPSU (CPL, Communist Party of Latvia), the Internationalist Front of Workers of the Latvian SSR, the United Council of Labour Collectives, the Organization of War and Labour Veterans, the Latvian Public Rescue Committee, or in their regional committees.

The Republic of Latvia Constitutional Court, in its August 30, 2000 Judgment on this matter, does not hold there is presently any necessity to doubt the proportionality of the applied measure and the aim.

The Constitutional Court stressed that the legislator, periodically evaluating the political situation in the state as well as the necessity and validity of the restrictions, should decide on determining the term of the restrictions in the disputable norms, as such restrictions to the passive election rights may last only for a certain period of time.

The European Court of Human Rights (First Section) in its 17 June 2004 Chamber Judgment in the case of *Ždanoka v. Latvia* stated that the applicant’s disqualification from standing as a parliamentary candidate was disproportionate and therefore in violation of Article 3 of Protocol No. 1 to the Convention.

The Latvian government appealed against this Judgment. The ECtHR Grand Chamber, in its 16 March 2006 Judgment, reached a conclusion that differed from that of the Chamber. Grand Chamber stressed that:

While such a measure may scarcely be considered acceptable in the context of one political system, for example in a country which has an established framework of democratic institutions going back many decades or centuries, it may nonetheless be considered acceptable in Latvia in view of the historico-political context which led to its adoption and given the threat to the new democratic order posed by the resurgence of ideas which, if allowed to gain ground, might appear capable of restoring the former regime.

12 ECHR decision on admissibility, Application no. 71074/01 by Juta Mentzen, also known as *Mencena v. Latvia*, 7 December 2004.

13 ECHR Judgment [GC] in the case of *Ždanoka v. Latvia* (Application no. 58278/00).

The Court therefore accepts in the present case that the national authorities of Latvia, both legislative and judicial, are better placed to assess the difficulties faced in establishing and safeguarding the democratic order. Those authorities should therefore be left sufficient latitude to assess the needs of their society in building confidence in the new democratic institutions, including the National Parliament, and to answer the question whether the impugned measure is still needed for these purposes, provided that the Court has found nothing arbitrary or disproportionate in such an assessment.¹⁴

It also stressed that “even if today Latvia cannot be considered to have overstepped its wide margin of appreciation under Article 3 of Protocol No. 1, it is nevertheless the case that the Latvian Parliament must keep the statutory restriction under constant review, with a view to bringing it to an early end. Such a conclusion seems all the more justified in view of the greater stability which Latvia now enjoys, *inter alia*, by reason of its full European integration”.¹⁵

When the European Court of Human Rights announced the above Judgment, the matter of restrictions on passive election rights was again being reviewed at the Latvian Constitutional Court, *inter alia* for persons who actively participated, after 13 January 1991, in the CPSU (CPL), the Internationalist Front of Workers of the Latvian SSR, the United Council of Labour Collectives, the Organization of War and Labour Veterans, the Latvian Public Rescue Committee, or in their regional committees.

In its June 15, 2006 Judgment in this case, the Constitutional Court concluded that the above restrictions comply with the *Satversme*. At the same time, “the Constitutional Court once again drew the attention of the Saeima to the urgent need to revise the necessity of this restriction at the nearest time”.¹⁶

It is interesting to note that the August 30, 2000 Judgment was reached with 4 votes “in favour” and three votes “against”. Three justices, in their dissenting thoughts, expressed the viewpoint that the above restrictions were incompatible with the Constitution. Only one justice voted against this viewpoint expressed in the June 15, 2006 Judgment. Motivation for the above was respect to the viewpoint expressed by the European Court of Human Rights, because this viewpoint was convincing.

Conclusions

In conclusion, I would like to stress that there are two different tendencies that a national Constitutional Court comes into contact with. On the one hand, there are state international liabilities, especially in the sector of human rights, which oblige the Constitutional Court to consider the conclusions expressed in the jurisdiction of international

14 ECHR Judgment [GC] in the case of *Ždanoka v. Latvia* (Application no. 58278/00).

15 *Ibid.*

16 Constitutional Court of Latvia Judgment in the Case No. 2005-13-0106 “On the Compliance of Section 5 (Items 5 and 6) of the Saeima (Parliament) Election Law and Section 9 (Items 5 and 6 of the first Paragraph) of the City Dome, District Council and Rural District Council Election Law with Sections 1, 9, 91 and 101 of the Republic of Latvia *Satversme* (Constitution) as well as with Sections 25 and 26 of the International Covenant on Civil and Political Rights” June 15, 2006.

courts. There is also constitutional heritage and common legal thought. Last but not the least there are also EU laws and the jurisdiction of the European Court of Justice.

On the other hand, the Constitutional Court justices have sworn to be loyal to National Constitution and the primary duty of the National Constitutional Court is to observe the National Constitution.

At the first moment there appears to be a contradiction between these tendencies and it might be wise to establish hierarchic relations between national and international norms, or hierarchic relations defining which court's judgment should have the biggest weight—that of the National Constitutional Court or that of the international court.

I disagree with this point of view. Rather than necessitating hierarchy, the situation should prompt us to seek out a unified approach and mutual understanding. This will approach will require us to listen to each other's point of view and—if we find it well-motivated—the ability to change our own.

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EUROPOS KONSTITUCINIO PAVELDO PANAUDOJIMAS KONSTITUCINIO TEISMO PRAKTIKOJE INTERPRETUOJANT LATVIJOS RESPUBLIKOS KONSTITUCIJĄ

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Santrauka. *Europoje vyrauja viena demokratijos, fundamentalių teisės principų bei pagrindinių žmogaus teisių samprata. Tarptautiniai susitarimai, tarptautinių teismų (ypač Europos Žmogaus Teisių Teismo) praktika daro didžiulę įtaką tokių vertybių suvokimui. Venecijos komisija itin prisidėjo, kad bendrą Europos konstitucinį teisinį paveldą perimtų atskiros valstybės, tačiau Europos valstybių institucijos, inter alia, teismai, prieš priimdami sprendimą, jau seniai nagrinėja ir atsižvelgia į kaimyninių valstybių bei tarptautinių teismų teisinę praktiką panašiu klausimu.*

*Straipsnyje analizuojamos Europos konstitucinio paveldo panaudojimo problemos Latvijos Respublikos Konstitucinio Teismo praktikoje interpretuojant Latvijos Respublikos Konstituciją. Autorius analizuoja keletą Latvijos Konstitucinio Teismo sprendimų, kuriuose šis teismas, aiškindamas įvairias Latvijos Respublikos Konstitucijos normas, rėmėsi europiniu teisiniu paveldu. Tai ypač akivaizdu dviejų kategorijų bylose. Europinio teisinio paveldo įtaka jaučiama bylose, kuriose teismas aiškino valstybės tęstinumo sampratą, taip pat Latvijos Respublikos Konstitucijoje (*Satversme*) įtvirtintas žmogaus teises.*

Autorius pažymi, kad konstituciniai teismai susiduria su dviem tendencijomis. Viena vertus, konstitucinis teismas negali atsiriboti nuo tarptautinio konteksto – Europos šalių teismai jaučia Europos Sąjungos teisės bei Europos Teisingumo Teismo jurisprudencijos įtaką. Kita vertus, kiekvienos šalies konstitucinio teismo teisėjai yra prisiekę būti ištikimi nacionalinei konstitucijai, jiems tenka pareiga vykdyti konstitucinę kontrolę. Autorius nenori priešinti šių tendencijų. Priešingai, jo manymu, tarptautinio teisinio konteksto suvokimas padeda konstituciniam teismui tinkamai vykdyti savo misiją.

Reikšminiai žodžiai: *Europos bendras konstitucinis teisinis paveldas, konstitucinis teismas, konstitucijos interpretavimas.*

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