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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

REPUBLIC OF LATVIA
SUPREME COUNCIL

D R A F T

CONSTITUTIONAL LAW
HUMAN AND CITIZENS' RIGHTS AND OBLIGATIONS



LATVIJAS REPUBLIKAS AUGSTĀKĀ PADOME

PRESES CENTRS

226811, Rīga, PDP, Jēkaba ielā 11

Tel. (007 013 2) 326093, 323322
Telex 161148 LR AP SU
Fax (007 013 2) 211611

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REPUBLIC OF LATVIA
CONSTITUTIONAL LAW
HUMAN AND CITIZENS' RIGHTS AND OBLIGATIONS

1. People, their freedom, honour and rights are the highest principal value of the State of Latvia.
2. Everyone has a right to actions not forbidden by law.
3. The duty of the State is to guard people, their freedom, safety, honour, rights and property.

PART I CITIZENSHIP, CITIZENS' RIGHTS AND OBLIGATIONS

4. Republic of Latvia citizenship is a person's long-standing politically rightful link with the Republic of Latvia.

The content of citizenship is formed by the citizens' and state's common body of rights and obligations.

5. All citizens, regardless of the method of obtaining citizenship, have equal rights and obligations.

Republic of Latvia citizenship can be obtained, kept or lost only according to the procedure set by law.

A grant of Republic of Latvia citizenship cannot create dual citizenship.

6. The Republic of Latvia does not extradite its citizens to foreign countries.

7. Republic of Latvia citizens abroad are under the protection of the State of Latvia.

8. Citizens choose to participate in State and societal matters directly or through a freely-elected representative.

Citizens have equal rights to hold State positions

9. Only citizens can obtain private property or sell land and other natural resources, excluding instances, where a different procedure is prescribed by Republic of Latvia international treaties.

10. A citizen has the right to freely choose one's residence within the borders of Latvia's territory.

11. Citizens must be loyal to the Republic of Latvia and have the rights and obligations to defend its freedom, independence and democratic parliamentary state system.

Citizens must fulfill the mandatory state service and other obligations with the State as required by law.

PART II RIGHTS AND OBLIGATIONS OF PEOPLE

12. All peoples in Latvia are equal before the law regardless of race, nationality, sex, language, party membership, political and religious convictions, social, property and economic status and origin.

13. The State protects a person's right to life.

14. Everyone has the right to oppose unlawful violence with all existing lawful means available.

15. Detainment, imprisonment, search of person or other restrictions of a person's freedom is allowed only according to the procedures set by law.

Everyone is guaranteed right to an attorney at the moment of detainment.

The law sets the maximum terms of arrest, detention and prior investigation.

Any person must appear before the court within 3 days time after the moment of arrest. The judge must approve the detained person's arrest and confinement or order for the immediate release of this person.

Torture, or other cruel, inhuman or degradation of a person's honour is forbidden.

Anti-constitutional forced arrest, as well as the forced use of medical treatments with the intention to force a person's confession, to refuse a confession, or express one's viewpoint, or to intentionally restrict a person's freedom of expression is forbidden.

16. A person's apartment is inviolable.

No one has the right to enter an apartment without the consent of its inhabitants or to conduct a search without a judge's order, excluding instances when the person is being detained at the scene of the crime or another person's life is threatened.

17. The State guarantees the privacy of correspondence, telephone communications, telegraph and other telecommunications.

These rights can be restricted by a judge's decision in the investigation of serious crimes.

18. Each person can defend one's rights and interests in court.

Only the court, in accordance with the law in force at the time of the commission of the crime, can find a person guilty of a crime.

Everyone has the right to an open court process and an attorney's assistance as well as the right not to testify against oneself or one's relatives.

Criminal responsibility is only on an individual basis.

Every unlawfully arrested or convicted person has the right to compensation of material and moral damages.

19. A convicted person has all the human rights stated in this law, excluding those which are restricted by law or a court decision.

A convicted person must not be refused the rights to a paying job, rest, health care, certain valuable cultural experiences, educational and personal development.

20. Forced labour is forbidden.

Forced labour does not include mandatory state service or participation in the work of eliminating and repairing catastrophic circumstances or reformatory labour which is determined by a court decision.

21. The State recognizes and protects property and its rights of inheritance.

A person can own any property excluding the specific restrictions of the paragraph 9.

Property can be forcibly seized only in accordance with the procedures set by law and a court decision. If the property is seized for the realization of a social project, the owner is owed corresponding compensation.

22. Everyone has the right to undertake entrepreneurial activity that does not contradict the law.

23. Everyone has the right to freely choose a profession, work activity and place of employment.

24. Everyone has the right, according to the employment agreement of such work, to a wage that is no less than the State set minimum wage.

25. The maximum length of the work week is determined by law.

Employees have the right to weekly holidays and an annual paid vacation.

26. Employees have the right to strike, to defend their economic or professional interests.

The law restricts this right in order to guarantee the public's necessary services.

27. Everyone has the right to financial insurance for old age, sickness, full or partial work disabilities as well for loss of the breadwinner.

A person has the right to unemployment support, if one has no other means of support and unemployment is the result of an independent circumstance.

28. Everyone has the right to freely travel or emigrate to foreign countries.

These rights cannot be restricted on the basis of political or ideological motives.

29. Everyone has the right to freely move and change residence within Latvia's territory.

30. Everyone has the right to freely receive and impart information, the right to freely express one's opinion and ideas orally, in writing or any other way. Realization of this right cannot be restricted by censorship.

No one can be forced to express one's political, religious, ethnic or other views or to reveal one's party membership.

31. Everyone has the right to freely establish social or other types of non-profit organizations and participate in their work, if this organization's goals and practical work does not contradict law.

It is forbidden to form secret societies and armed troops which are not subordinate to Republic of Latvia State power and government institutions.

32. The State guarantees the freedom of peaceful assembly, meeting, procession and demonstration, on prior notice. Permission of State institutions is not required to organize such activities.

Municipal administration can change the place or time of the activity in the interests of public safety and order.

33. The State guarantees the freedom of creative work and protects copyrights.

34. Everyone has the right to turn to state power and government institutions with individual or collective requests or proposals.

35. The State is separate from the church.

The State guarantees the freedom of religious persuasion.

Persons or their associations have the right to fulfill religious rituals and ceremonies.

No one can be forced to participate in religious rituals and ceremonies or to acquire religious teachings.

Religious or ideological motives do not free anyone from obligations to the State and the necessity to follow the law.

36. Family, marriage as well as the rights of motherhood and childhood are protected by the State.

The foundations of marriage are on the basis of free and full consent by women and men as well as their legal equality.

The care of children and their upbringing is the right and obligation of the parents.

Society and the State ensure that parents fulfill their obligations to their children.

Children born in or out of wedlock have equal rights.

37. Each person has the right to medical care.

The State protects the health of the population and guarantees free medical care to those people whose income is less than the State's set minimum subsistence.

38. Everyone has the right to an education.

The State guarantees the opportunity to obtain free compulsory education as well as ensures continuing education according to one's abilities.

39. The parents' obligation is to ensure their children's education according to their abilities and mandatory educational requirements.

40. People and their associations have the right to establish various levels of instructional institutions with any instructional language. Education in these schools is overseen by the State.

41. It is everyone's obligation to observe Republic of Latvia laws, honour the Latvian nation and the traditions and customs of nationalities and ethnic groups residing in Latvia as well as to respect other people's national self-respect.

42. Everyone participates in payment of State and municipal expenses, paying taxes and duties as required by law.

43. The preservation of nature, cultural environment, landscape, historic and architectural sites and statues is the obligation of every person, society and the State.

44. Human rights and freedoms can be restricted by law upon necessity to:

- 1) protect other people's rights, honour, health and virtue,
- 2) guarantee state safety, social order and peace