

Welcome address by Professor Ineta Ziemele, President of the Latvian Constitutional Court, at the 2018 Annual Conference of the European Law Institute (ELI) in Riga (Latvia) on 6 September 2018

Ladies and gentleman, dear colleagues!

Let me welcome you to Latvia also on behalf of the Constitutional Court of the Republic of Latvia. As you may know, the Constitutional Court has a particularly important place and role in the constitutional order of the Republic of Latvia. It not only ensures the compliance of the statutes with the Constitution but it is also a guarantor for the respect of human rights and it ensures that the principle of the division of powers is observed. In other words, it ensures the coherence and consistency of the Latvian legal system stemming from the basic norm which stipulates that Latvia is an independent, democratic republic. The role of the Constitutional Court goes even beyond this main function, i.e., it has become one of the centers for the formation of the democratic legal thought and legal culture. Over the 22 years of its existence the Constitutional Court has been one of the major contributors to the transformation of the legal system and culture. In a country where the occupation regime had left deep scars in all areas of life and as a result the availability of a democratic knowledge and tradition was very limited, it fell upon the Constitutional Court to perform tasks that typically were not assigned to courts. Among them, one should mention the Court's role in educating and stimulating legal scholarship. Interestingly, that what the Court begun to do in the 1990s of the last century in the 21<sup>st</sup> century political discourse has come to be recognized as a broader function of the higher jurisdictions, including European and international.

The Constitutional Court of Latvia is a very active and constructive member of the European legal discourse. At the basis of the methodology of the judgments in human rights cases, for example, lies the methodology of the Strasbourg court. We also use the comparative law method extensively, with particular attention to the case law of the German Constitutional Court since our constitutional and administrative law tradition has followed the German one. We are engaged in a close dialogue with the German, French, Slovenian, Belgian, Czech, Lithuanian and Estonian constitutional jurisdictions. Recently, the Constitutional Court has engaged in a reflection on the role of the Constitutional Courts in a globalized world. There are many reasons for that and the developments at a European supra-national level are among

them. In other words, it is a question about modern constitutionalism in a plural world or even a post-sovereign Europe which we all need to address.

Finally, a few words on a more specific contribution of the Latvian Constitutional Court and the legal doctrine to the European legal discourse. According to the law, the Court has rather short delays for the adjudication of the cases which means that it renders its view rather rapidly. On a number of issues of a common interest in Europe, the view of the Latvian CC was available swiftly. We see this with the cases regarding austerity measures taken during the economic crises of 2008 and the issue of their compliance with fundamental rights as well as with the judgment on the Lisbon Treaty and its compliance with the principle of sovereignty of the people. These were among the first in Europe. These judgments are broadly cited and studied across Europe. Due to the history of the State, Latvia has also a contribution to make on difficult questions of consequences of unlawful occupation and the restoration of statehood following decades of the occupation and more specifically on the notion of transitional justice as well as the law on State continuity as an area of international law. Today, however, we see that different aspects related to the right to privacy in the modern world begin to come up also in front of the Latvian judiciary and these are of a common interest in Europe. To conclude, economy is an engine of the society and while Latvia is a small economy which means that the law is under a different kind of pressure in terms of taking a note or defining the new phenomena of social activity, nevertheless the Latvian legal discourse is fairly up-to-date on current issues and in the area of common European legal space Latvia has an important contribution to make.