
The Parliament in the time of coronavirus

Latvia

The Latvian Parliament and the Covid-19 pandemic.

E-Saeima, one of the first parliaments in the world ready to work in fully remote mode

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Introduction

The spring of 2020 upset the lives of many countries. The pandemic caused by virus Covid-19 influenced the daily life of states, the society, and each person. Latvia was no exception. When the emergency situation was declared¹, numerous restrictions were introduced aimed at decreasing the spread of the virus and protecting public health and safety. Covid-19 directly affected also the work of the Latvian parliament – the *Saeima*: Members of the *Saeima* had to both self-isolate and solve the issue of how to ensure that the functions that the parliament had been entrusted with were fulfilled in these special circumstances.

The Preamble to the Constitution (*Satversme*) of the Republic of Latvia comprises the idea that everyone takes care of the themselves, their relatives and the common good of society, treating responsibly others, the future generations². The practical implementation of this idea was decisive in curbing the spread of the virus. In this respect, conduct and actions appropriate for the situation were expected from the parliament.

1. Latvia as a parliamentary republic

The Latvian constitutional regulation, basically, is included in the Constitution of the Republic of Latvia, adopted by the Latvian Constituent Assembly on 15 February 1922, which is validly recognised as one of the oldest constitutions that are still in force in the world. Pursuant to the will of

¹ [Cabinet Order of 12 March 2020 No. 103](#) Regarding Declaration of the Emergency Situation. (accessed 5 October 2020).

² Preamble of the [Constitution of the Republic of Latvia](#), (accessed 6 October 2020).

the creators of the Constitution of the Republic of Latvia – the Latvian Constituent Assembly – and also following from the content and structure of the constitution itself, Latvia is a typical parliamentary republic. Parliamentarism could be called the form of democracy that traditionally has been characteristic of Latvia.³ In view of the fact that, according to Article 6 of the Constitution⁴, Latvian citizens elect only one institution, i.e. the parliament (, the *Saeima* is “directly democratically legitimised”.⁵ This means that the *Saeima*, in accordance with the Constitution, may act, in exercising the State’s power, in the name of the people of Latvia.

On this basis, the Constitution grants large competences to the *Saeima*. Similarly to the parliaments of many other states, the *Saeima* carry out the function of legislation as well as other typical parliamentary functions arising from the Constitution, abiding by the so-called “theory of essentiality” developed by the Constitutional Court of the Republic of Latvia. According to this theory, the Cabinet may be entrusted with deciding on a matter; however, it is the obligation of the *Saeima* to decide itself in the legislative process on all most important matters in the life of the State and society.⁶

At the same time, it should be underscored that the *Saeima*’s rights, in exercising its competence, are not unlimited. The *Saeima* must abide by the principle of separation of powers and respect the competence granted to the other bodies of the State power. As explained in judicature: “The *Saeima* is free to express its will only insofar it is not restricted by the Constitution.”⁷

2. The emergency situation: regulation and reality in 2020

It is known in the theory of constitutions that usually two ways for exercising the State’s power are included in the basic law: the ordinary or normal and special legal order.⁸ The Constitution of the Republic of Latvia includes the special legal regulation with respect to proclaiming the state of emergency. The state of emergency is defined in its article 62, which states that 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. This exclusive right – to declare the state of emergency – has been granted to the Cabinet, who must inform the Presidium of

³ Par Valsts prezidenta funkcijām Latvijas parlamentārās demokrātijas sistēmas ietvaros [On the functions of the President within the framework of the Latvian parliamentary democracy] in *Valsts prezidenta Konstitucionālo tiesību komisija. Viedokļi 2008-2011*, Rīga, 2011, p. 106.

⁴ It provides that the 6th Convocation of the *Saeima* shall be elected in general, equal and direct elections, and by secret ballot based on proportional representation. [The Constitution of the Republic of Latvia](#), (accessed 6 October 2020).

⁵ Judgement of the Constitutional Court of the Republic of Latvia on 2 March 2016 in case No. 2015-11-03, para 21.2. [Latvijas Vēstnesis](#), No. 45, 2016.

⁶ Judgement of the Constitutional Court of the Republic of Latvia on 21 December 2009 in case No. 2009-43-01, para 31.1. [Latvijas Vēstnesis](#), No. 201, 2009.

⁷ Judgement of the Constitutional Court of the Republic of Latvia on 22 February 2002 in case No. 2001-06-03, para5. [Latvijas Vēstnesis](#), No. 31, 2002.

⁸ PLEPS (J.), “Satversmes 62. Panta komentārs” [Comment on Article 62 of the Constitution], in BALODIS (R.), (Dir.) *Latvijas Republikas Satversmes komentāri. III nodaļa. Valsts prezidents. IV nodaļa. Ministru kabinets*. Rīga, 2017, p.616.

the *Saeima* within twenty-four hours and the Presidium must, without delay, present such decision of the Cabinet to the *Saeima*.

The Constitution does not regulate other exceptional situations, as for example pandemic crises. Another legal regime – emergency situation – is regulated in a law On Emergency Situation and State of Exception, which Section 4 explains that emergency situation in the entire State, a part of the State or a part of its administrative territory may be declared in the case of a threat to the State, which is related to a disaster, danger thereof or threats to the critical infrastructure, if safety of the State, society, environment, economic activity and the health and life of human beings are significantly endangered.⁹ The Cabinet has the right to proclaim an emergency situation for a term not exceeding three months, with the possibility to extend this term. Upon declaring an emergency situation, the Cabinet has very extensive rights to establish various restrictions: both with respect to the movements of persons and economic activities, circulation of goods as well as to define appropriate measures for preventing or overcoming the threat. It could be said that the legal regulation grants to the Cabinet sufficiently extensive rights to respond to the situation in the State and take the necessary measures for limiting, preventing the threat.

In reaction to the Communication by the World Health Organisation of 11 March 2020¹⁰ that the number of Covid-19 cases had reached the scope of pandemics, on 12 March 2020 the Cabinet proclaimed emergency situation in the entire territory of the State to establish epidemiological safety and other measures aimed at curbing the spread of Covid-19. Initially, the emergency situation was proclaimed until 14 April 2020, later this term was extended. The Cabinet decided on significant restrictions on the work of persons and institutions.¹¹ The Cabinet's decision was drawn up as an order, which, in view of the actual situation, was later reviewed and amended several times: both the term of the emergency situation was extended and the rules of personal and public life were changed. Therefore, on 15 March 2020, Latvia submitted to the Secretary General of the Council of Europe a declaration on derogating from ensuring some aspects in some of the rights and freedoms, guaranteed in the European Convention for the Protection of Human Rights and Fundamental Freedoms, for instance, inviolability of private life, freedoms of assembly and movement for the period when the emergency situation was proclaimed in Latvia. On 16 March 2020, Latvia submitted a similar declaration also to the Secretary General of UN.¹² The submission of these declarations was not only a mechanism for fostering transparency with respect to restrictions established to protect public health but also confirmed the extraordinary nature of that situation and proved that Latvia complied with the principles repeatedly emphasised in the case law of the European Court of Human Rights.¹³

⁹ [Law On Emergency Situation and State of Exception](#), (accessed 5 October 2020).

¹⁰ World Health Organization's [Situation Report](#) on Coronavirus disease 2019 (COVID-19). Available: (accessed 8 October 2020)

¹¹ [Cabinet Order of 12 March 2020 No. 103](#) Regarding Declaration of the Emergency Situation, (accessed 5 October 2020).

¹² LĪCE (K.), VĪTOLA (E.) “Deklarācija starptautiskajām cilvēktiesību organizācijām par ārkārtējo situāciju Latvijā” [Declaration to international human rights organizations on the state of emergency in Latvia]. *Jurista Vārds*, No. 115, 2020, p. 13.

¹³ *Ibid.*, p. 14.

The emergency situation in Latvia was in force until 9 June 2020.¹⁴

3. The parliament and the emergency situation

Neither in the emergency situation nor in the state of exception, the Constitution of the Republic of Latvia envisages delegating the legislative function to the executive power or another constitutional body. Article 81 of the Constitution, which provided that in cases of urgent necessity between sessions of the Saeima, the Cabinet has the right to issue regulations which have the force of Law, has become void since 2007.¹⁵ Therefore, the Presidium of the *Saeima* had the obligation to find a solution for the continuity of the *Saeima*'s, the legislator's work, and also to take care of the epidemiological safety in its work. In view of the fact that the fundamental constitutional principles, the system of constitutional bodies and a person's fundamental rights must be equally effective and applicable both in routine and emergency situations,¹⁶ also the functioning of the parliament as one of the constitutional bodies is indispensable in all circumstances and it is important that the parliament continues the legislative process as effectively as possible.

Following proclamation of the emergency situation, being aware of the actual situation, on 23 March 2020, the first joint meeting in Latvia's history of several constitutional institutions – the President, the Speaker of the *Saeima*, the Prime Minister, the President of the Constitutional Court and the Chief Justice of the Supreme Court – defined the basic principles of work for the constitutional institutions in an emergency situation.¹⁷ The President has acknowledged that the main objective of these principles is to facilitate the dialogue of the constitutional bodies and form a shared position on matters of national importance.¹⁸ It was recognised that all public institutions and officials had to intensify coordination of their activities and had to collaborate, abandoning legal formalism and departmental thinking, which “obstruct implementation of the Constitution's aims, particularly so, in an emergency situation.”¹⁹ Likewise, it was recognised that “management of the emergency situation is the Cabinet's task. The other national constitutional bodies, within the framework of the system of checks and balances, established by our democratic state, and safeguarding the basic principles of the Constitution, shall exercise their competence and procedures so as to ensure management of the

¹⁴ Ministru kabineta 2020. gada 7. maija rīkojums Nr. 254 Grozījumi Ministru kabineta 2020. gada 12. marta rīkojumā Nr. 103 "[Par ārkārtējās situācijas izsludināšanu](#)" [Order No. 254 of the Cabinet of Ministers of 7 May 2020 Amendments to the Cabinet of Ministers Order No. 103 of 12 March 2020 "On the declaration of a state of emergency"]. *Latvijas Vēstnesis*, No. 88A, 2020.

¹⁵ Grozījumi Latvijas Republikas Satversmē [Amendments to the Constitution of the Republic of Latvia] Passed on 3.05.2007. <https://likumi.lv/ta/id/157308-grozijumi-latvijas-republikas-satversme> (accessed 5 October 2020)

¹⁶ LEVITS (E.) “Satversme ārkārtas apstākļos” [The Constitution in extraordinary situation], *Jurista Vārds*, No. 18, 2020, p. 6.-10.

¹⁷ [President Notification No. 8 "Basic Principles of Activity of State Constitutional Bodies in an Emergency Situation"](#). (accessed 5 October 2020)

¹⁸ LEVITS (E.), “Satversme ārkārtas apstākļos” [Constitution in extraordinary situation], *Jurista Vārds*, No. 18, 2020, p. 7.

¹⁹ [President Notification No. 8 "Basic Principles of Activity of State Constitutional Bodies in an Emergency Situation"](#). Para 3. (accessed 5 October 2020)

emergency situation.”²⁰ At the same time, also in an emergency situation, all constitutional institutions agreed that the *Saeima* had to continue its work, fulfilling not only the legislative function but also exercising the parliamentary supervision over the Cabinet’s work, if necessary, using the available possibilities for organising the *Saeima*’s work remotely. One might say that this served as a signal for all – employees of public institutions and society in general – that the national constitutional bodies, all public institutions and officials coordinated their activities also during the emergency situation, continued fulfilling their functions and were doing that as effectively as possible.

During the period of emergency situation, the main decisions made by the legislator were related to the adoption of the Cabinet’s order on proclaiming emergency situation and of amendments to it, adopting new legal regulation for organising the daily work of the State and local government institutions in the new circumstances, ensuring social and other assistance to inhabitants, businesses and the economy in general. Thus, in the initial stage of the emergency situation, on 20 March 2020, [the law "On Measures for the Prevention and Suppression of Threat to the State and Its Consequences Due to the Spread of COVID-19"](#)²¹ was adopted. On 3 April 2020, in turn, the law "On the Operation of State Authorities During the Emergency Situation Related to the Spread of COVID-19".²²

Unlike the Cabinet, which held fully remote sitting on an internet platform already since 24 March 2020²³, ensuring fully remote work regime for the *Saeima* initially was more complicated, in view of the parliament’s numerical composition (100 Members of the *Saeima*). When the emergency situation was proclaimed in the State, the *Saeima* switched to working in an emergency regime. Initially, only extraordinary sittings of the *Saeima* were convened to resolve the most urgent matters and issues related to the emergency situation, and the *Saeima* continued to work in its Plenary Chamber because an agreement had to be reached and a solution found for holding the *Saeima*’s sitting in another format, suitable for the emergency situation. The sittings of the *Saeima*’s committees, if needed for preparing a draft law, were held remotely since 31 March of the current year.²⁴

On 20 March 2020, the joint meeting of the *Saeima*’s Presidium and the Council of Factions

²⁰ [President’s Notification No. 8 "Basic Principles of Activity of State Constitutional Bodies in an Emergency Situation"](#). Para 6. (accessed 5 October 2020)

²¹ [Law "On Measures for the Prevention and Suppression of Threat to the State and Its Consequences Due to the Spread of COVID-19"](#). 313373 (accessed 7 October 2020)

Law was developed to respond promptly to the economic consequences of the Covid-19 crisis and to provide support to industries, companies and their employees.

²² [Law "On the Operation of State Authorities During the Emergency Situation Related to the Spread of COVID-19"](#) (accessed 7 October 2020). This law strengthened in one place the basic principles of operation of state institutions and certain rights and obligations of state institutions and individuals for the prevention and overcoming of the state threat and its consequences. The law has now expired but was replaced on 5 June 2020 by Law on the Suppression of Consequences of the Spread of COVID-19 Infection. See: [Law on the Suppression of Consequences of the Spread of COVID-19 Infection](#). (accessed 7 October 2020)

²³ [Events calendar](#), (accessed 8 October 2020)

²⁴ [Parlaments gatavojas Saeimas sēžu attālinātai norisei](#) [Parliament is preparing for the distance holding of Saeima sittings] (accessed 7 October 2020)

was held²⁵, where the representatives of the factions discussed the possible solutions for organising the *Saeima*'s work in the future. In order to ensure a safe distance between the Members of the *Saeima* at the Plenary Chamber, the Council of Factions discussed also the possibility of decreasing the number of Members present at the sitting, complying with the proportional representation of factions; however, this solution of proportional representation was not supported.²⁶ After the period of self-isolation,²⁷ during which the *Saeima*'s sittings were not convened, the Presidium of the *Saeima* found a temporary solution for holding the sittings, where each faction of the *Saeima* was in a separate room, the places for the deputies during the sitting were ensured in epidemiologically safe distance, and these premises were connected in a video conference format, thus, ensuring both the epidemiological safety for the Members of the parliament and restrictions of direct contacts, as well as compliance with the provisions on the procedure for extraordinary sittings of the *Saeima*, established in the Rules of Procedure of the *Saeima*, retaining, as much as possible, involvement of all deputies in the decision making and the parliamentary debates. At the same time, the Presidium of the *Saeima* set the work to organise *e-Saeima* platform, which is more extensively examined in the following section.

However, in view of the restrictions that were introduced and the procedure, in which the committees' sittings were held, it must be noted that the quality of legislation was not significantly influenced during the emergency situation. Work in the committees and the *Saeima*'s sittings did not stop for a moment. Comparison of the statistics related to the *Saeima*'s work – during the autumn session of 2019, before the pandemic, 160 legislative initiatives were examined, whereas during the spring session, during Covid-19 pandemic – 115.²⁸ This proves that, during the period of emergency situation, the number of issues examined did not significantly decrease and that the *Saeima* continued effective legislative process.

Likewise, during the emergency situation opinions were voiced in society regarding possible amendments to the Constitution, which would have been necessary if the *Saeima*, for instance, continued to work in a reduced composition.²⁹ However, at least for now, these discussions have calmed down because, looking at what was achieved during the period of pandemic, it can be concluded that the State is able to function effectively enough within the existing legal system and institutional framework if it is reasonably interpreted and applied to the circumstances of an emergency situation. To ensure the existence of the State, protect the democratic order and people, the fundamental principles of the Constitution allow some non-standard solutions so that public institutions could continue operating and do it effectively, *inter alia*, the solution of holding remote sittings of the Constitution, etc. Juris Jansons, the Ombudsman of the Republic of Latvia, has

²⁵ [Latvijas Republikas 13. Saeimas Prezidija un Frakciju padomes 2020. gada 20. marta sēdes protokols](#) Nr. 16. [Minutes of the sitting of the Presidium of the 13th Saeima of the Republic of Latvia and the Council of Factions on March 20, 2020 No.16.] (accessed 8 October 2020)

²⁶ *Ibid.*

²⁷ Taking into account that one of the Saeima deputies was confirmed to have Covid-19 illness, almost all Saeima deputies were in self-isolation as the contact persons of a Covid-19 infected person from 21.03.2020. until 30.03.2020.

²⁸ [Legislative statistics](#), (accessed 8 October 2020)

²⁹ See LEVITS (E.) "Satversme ārkārtas apstākļos" [Constitution in extraordinary situation]. *Jurista Vārds*, No. 18, 2020, p. 6.-10.

acknowledged the *Saeima*'s ability to function effectively, underscoring that the measures taken and the decisions made by the *Saeima* and the Government thus far, aimed at overcoming Covid-19 crisis, had been necessary and justified.³⁰

Additionally, it should be noted that one of the means for controlling the work of the parliament and the executive power, i.e., legal acts, is the Constitutional Court. Cases have been initiated at the Constitutional Court, in which the Court will have to provide the assessment of the compatibility with the Constitution of a law, adopted during the emergency situation, which established significant restrictions on business activities, prohibiting from engaging in particular business activity – gambling.³¹ The Constitutional Court also will provide its assessment of the *Saeima*'s remote work, examining the case, initiated with respect to the compliance of the Law on Administrative Territories and Populated Areas, adopted during the emergency situation, with the legal norms of higher legal force.³²

4. *E-Saeima*

As explained above, in the situation where almost all Members of the *Saeima* as contact persons of a Covid-19 infected person had to self-isolate, solutions were actively sought to ensure that the legislator continued its work in full and for organising the *Saeima*'s further work in the conditions of emergency situation. Already on 26 May 2020, the temporary solution for holding the *Saeima*'s sittings, when each faction of the *Saeima* was in a separate room and all rooms were connected in a video conference regime, was replaced by the newly created e-*Saeima* platform.³³ Thus, the *Saeima* of the Republic of Latvia became one of the first parliaments in the world ready to work in fully remote mode during the crisis brought on by Covid-19.

The new tool – internet platform “e-*Saeima*” – is a modern technological solution, appropriate for the 21st century, custom-made for the *Saeima*'s work and specific procedures, providing the possibility to hold totally remote sittings of the *Saeima*, its Members being outside the parliament's premises. Members of the *Saeima* may log into e-*Saeima* environment at a special internet site, using secure means of authentication – e-signature. All Members of the *Saeima*, upon assuming the duties of a Member of the *Saeima*, give the solemn promise to fulfil their duties honestly and conscientiously³⁴, thus, all deputies are responsible for the use of the laptop at their disposal and also must use with great care the personal identification tools. The agenda of the sitting and the list of speakers for all relevant items can be seen in e-*Saeima* environment. Members of the parliament may ask to speak both about the matter that is being reviewed and also about successive issues on the

³⁰ JANSONS J. ““Tiktāl, cik tāl” jeb vai ārkārtējā situācija var būt pamats cilvēktiesību ierobežošanai?” [“To what extent” or can an emergency justify human rights restrictions?], (accessed 8 October 2020)

³¹ [Decision of the 4th Chamber of the Constitutional Court of 29 September 2020 to initiate a case](#), (accessed 5 October 2020)

³² [Decision of the 2nd Chamber of the Constitutional Court of 3 August 2020 to initiate a case](#), (accessed 5 October 2020)

³³ LĪBIŅA – EGNĒRE (I.) Par e-Saeimas jauno platformu un tās priekšrocībām [About the new e-Saeima platform and its advantages]. *Jurista Vārds*, No 23, 2020. p. 5.-6.

³⁴ [The Constitution of the Republic of Latvia](#). Section 18, (accessed 6 October 2020)

agenda.³⁵ Voting in the electronic environment is ensured by three "buttons" – "for", "against" and "abstain". 30 seconds have been allocated for choosing in the voting regime, and during these seconds the deputies may change their decision. Following the vote, the results appear on the screen, in accordance with the seating of the Members in the Plenary Chamber.³⁶ Thus, the functionality, convenient and easy-to-understand use of the e-*Saeima* platform can be mentioned as one of its positive aspects, allowing to dedicate more time to qualitative debates rather than to highly technical voting procedure, lasting for several minutes, as it was in the temporary solution.³⁷

Considering the discussions relating to the legality of e-*Saeima*, an opinion about this new platform was provided both by the *Saeima* Legal Bureau and experts in constitutional law. It is noted in the opinion by the *Saeima* Legal Bureau on the procedure of remote *Saeima* sittings that the purpose of Article 15 of the Constitution (“The *Saeima* shall hold its sitting in Rīga, and only in extraordinary circumstances may it convene elsewhere”) is mainly to ensure stable and predictable organisation of the work of the *Saeima* as well as other public institutions. Likewise, this norm is aimed at ensuring continuity in the decision-making capacity of the *Saeima* since it envisages the possibility to hold sittings of the *Saeima* also in extraordinary circumstances, albeit in another, unusual place.³⁸ The Legal Bureau has noted that, at the time when this legal norm was drafted, the words “convene elsewhere” could be understood only as physical convening of the deputies in another place; however, the norms, included in the Constitution, should be interpreted in compliance with the purpose thereof, the spirit of the time and technological possibilities. Modern technologies have created the possibility to hold the sittings in form, where the Members of the *Saeima* are not present in one room but can see and hear one another, and voting can be ensured. The Legal Bureau holds that there are no doubts whatsoever that Article 15 of the Constitution allows convening remote sittings of the *Saeima*, using digital software for moderating the sitting.

Dr.iur. Jānis Pleps, an expert of the constitutional law, stated that Article 15 of the Constitution did not link "extraordinary circumstances" to special regimes, envisaged in the Constitution, – warfare and state of exception, as well as emergency situation, envisaged in the law "On Emergency Situation and State of Exception". Thus, also in ordinary circumstances, extraordinary circumstances may arise, requiring that the sitting of the *Saeima* is held elsewhere.³⁹

Also President Dr.iur.h.c. Egils Levits has underscored that the fundamental principles of the Constitution allow, if necessary, to continue the *Saeima*'s work remotely because of the emergency situation and an absolute need – the *Saeima* must continue its work. The President has explained that such a [emergency] situation, of course, was not envisaged in 1922, when the Constitution was

³⁵ Parlaments sēdes tagad var noturēt attālināti: izstrādāts e-Saeimas digitālais rīks [Parliament can now hold sittings in a distance: an e-Saeima digital tool has been developed. *Jurista Vārds*, No. 23, 2020, p. 5.

³⁶ Ibid.

³⁷ LĪBIŅA – EGNERE (I.) Par e-Saeimas jauno platformu un tās priekšrocībām [About the new e-Saeima platform and its advantages]. *Jurista Vārds*, No 23, 2020. p. 5.-6.

³⁸ Saeimas Juridiskā biroja 2020. gada 26. maija vēstule Nr. 622.13/1-14-13/30 [Letter of the Legal Bureau of the Saeima of May 26, 2020 No. 622.13 / 1-14-13 / 30]. Unpublished

³⁹ PLEPS (J.) Par Satversmes 15. pantu un e-Saeimu [On Article 15 of the Satversme and e-Saeima]. *Jurista Vārds*, No. 24/25, 2020, p. 5.-7, 68.

adopted; however, the contemporary understanding of the Constitution allows implementing its aim – protection of the existence of the State, democratic order and people – also in such circumstances that are new and unprecedented. I.e., the Constitution is understood in a way that allows the State to continue being, acting and protecting its residents.⁴⁰

Thus, it can be concluded that *e-Saeima* is a safe and reliable technological solution that complies with the Constitution of the Republic of Latvia,⁴¹ ensuring that the *Saeima* fulfils its main functions, abiding by the basic principles for organising the *Saeima*'s work, and that the legislator's work does not become paralysed in extraordinary circumstances.⁴² The *Saeima* held its sitting on *e-Saeima* platform also after the emergency situation had ended, i.e., from 10 June 2020 to 1 September 2020. When the epidemiological situation improved, the sitting of 3 September 2020 and the successive sittings of the *Saeima* were held onsite. During this period, some sittings of the committees were organised semi-remotely, i.e., the Members of the *Saeima*, serving on the committees, were in the premises of the committees, whereas the invited participants took part via a video conference. The sittings of the *Saeima* Presidium were held both remotely and onsite, abiding by the epidemiological safety measures introduced during the emergency situation. However, when the epidemiological situation worsened again, with the aim of protecting the health of deputies and staff as well as to ensure the continuity in the parliament's work,⁴³ it was decided at the sitting of 28 September 2020 of the Presidium, to hold the continuation of the extraordinary sitting of the *Saeima* of 24 September 2020 and the extraordinary sitting of the *Saeima* of 1 October 2020 remotely, on *e-Saeima* platform.⁴⁴ Currently work continues on *e-Saeima* platform.

5. Control over the Government in an emergency situation: the general principle and realization in Covid times

Pursuant to Article 59 of the Constitution, in Latvia, as a parliamentary republic, the Government is accountable to the *Saeima*.⁴⁵ The Government gains its legitimisation indirectly – via the instrument of the parliament's confidence because, pursuant to Article 59 of the Constitution, “in order to fulfil their duties, the Prime Minister and other Ministers must have the confidence of the *Saeima* and they shall be accountable to the *Saeima* for their actions.”⁴⁶ This, in turn, means that

⁴⁰ [Levits: Saeima ir rīcībspējīga un var turpināt darbu attālināti](#) [Levits: The Saeima has the capacity to act and can continue working in a distance]. (accessed 8 October 2020)

⁴¹ PLEPS (J.) Par Satversmes 15. pantu un *e-Saeimu* [On Article 15 of the Satversme and *e-Saeima*]. *Jurista Vārds*, No. 24/25, 2020, p. 5.-7, 68.

⁴² LĪBIŅA – EGNĒRE (I.) Par *e-Saeimas* jauno platformu un tās priekšrocībām [About the new *e-Saeima* platform and its advantages]. *Jurista Vārds*, No 23, 2020. p. 5.-6.

⁴³ [Latvijas Republikas 13. Saeimas rudens sesijas ceturtās \(ārkārtas\) sēdes turpinājuma \(attālināti\) 2020. gada 1. oktobrī stenogramma](#) [Transcript of the continuation of the fourth (extraordinary) sitting of the 13th Saeima of the Republic of Latvia (remotely) on October 1, 2020], (accessed 8 October 2020)

⁴⁴ [Saeimas Prezidija 2020.gada 28.septembra sēdes darba kārtība](#) [Agenda of the sitting of the Presidium of the Saeima on September 28, 2020], (accessed 8 October 2020)

⁴⁵ Judgement of the Constitutional Court of the Republic of Latvia on 1 October 1999 in case No 03-05(99). para 1. [Latvijas Vēstnesis](#), No. 325/327, 1999.

⁴⁶ [The Constitution of the Republic of Latvia](#). (accessed 6 October 2020). See also [Konstitucionālās tiesību komisijas Viedokli par Saeimas apstiprinājuma nepieciešamību liela apjoma aizņēmumu saņemšanai](#) [Opinion of the Constitutional Law Commission on the Necessity of the Saeima Approval for Receiving Large - Scale Loans], (accessed 5 October 2020)

the Government may fulfil its functions only as long as it enjoys the confidence of the *Saeima*. To put it differently, “the confidence of the *Saeima* is the only constitutional foundation for the Cabinet’s activities.”⁴⁷

Although the Government is not subordinated to the parliament, throughout the period of the Government’s operations, the parliament fulfils the function of control over the Government. Traditionally, several means of parliamentary control have been known in Latvia, for example, the procedure of questions and requests, the possibility to establish parliamentary investigatory committees, approval of the budget. The functions of parliamentary control over the executive power did not decrease during the emergency situation. They were fulfilled, starting with the very introduction of the special legal status. Pursuant to Section 10 of the law “On Emergency Situation and State of Exception”, the *Saeima* retains control over proclamation of the emergency situation. I.e., although the decision on the emergency situation is adopted by the Cabinet, it must immediately inform the *Saeima* about it. The *Saeima* has been granted the right of control, verifying the validity and legality of the adopted decision. Implementation of control over the adopted decision is the priority task for the *Saeima* during this period because the Presidium of the *Saeima* must include immediately on the agenda of the *Saeima*’s sitting the Cabinet’s decision on the emergency situation or for such amendments to the decision on the emergency situation that establish additional territorial or rights restrictions or on extending the proclaimed emergency situation. It is important to underscore that the fulfilled control function is not merely formal. It has certain effects. If the *Saeima* dismisses the Cabinet’s decision then the respective decision becomes void and the measures, introduced in accordance with it, are immediately revoked. In view of this legal regulation, on 13 March 2020, the following day, an extraordinary sitting of the *Saeima* was convened, during which, following debates, the *Saeima*, in great unanimity, with all present Members of the *Saeima* voting “for”, decided to support the Cabinet’s decision to proclaim the emergency situation from 12 March 2020 until 14 April 2020, in compliance with the provisions set out in the Cabinet’s Order of 12 March 2020 No. 103 on proclaiming the emergency situation.⁴⁸

In assessing the work of the parliament, it is important to note that, after the emergency situation was proclaimed, the *Saeima*, apart from the customary measures of parliamentary control – requests and questions, which Members of the *Saeima* continued to use also during the emergency situation, was involved and responded swiftly to any changes of the situation in the State. The *Saeima* re-approved, in total, of twenty-two amendments to the Cabinet’s order on proclaiming the emergency situation⁴⁹; however, it needs to be underscored, that none of the *Saeima*’s decisions was made without parliamentary debates.

⁴⁷ Judgement of the Constitutional Court of the Republic of Latvia on 13 July 1999 in case No 03-04(98). para 2. [Latvijas Vēstnesis](#), No. 208/210, 1998.

⁴⁸ [Latvijas Republikas 13. Saeimas ziemas sesijas vienpadsmitā \(ārkārtas\) sēde 2020. gada 13. Martā](#) [The eleventh (extraordinary) sitting of the 13th Saeima of the Republic of Latvia on March 13, 2020.] (accessed 6 October 2020); see also [Par ārkārtējās situācijas izsludināšanu](#) [On the declaration of a state of emergency]. Decision of the Saeima on March 13, 2020. [Latvijas Vēstnesis](#), No. 52A, 2020.

⁴⁹ See, for example, [Latvijas Republikas 13. Saeimas pavasara sesijas trīspadsmitā \(ārkārtas\) sēde 2020. gada 14. Maijā](#) [Thirteenth (extraordinary) sitting of the 13th Saeima Spring Session of the Republic of Latvia on May 14, 2020]. (accessed 6 October 2020)

The active parliamentary work, in providing proposals to the draft laws advanced by the Cabinet and in adopting significant amendments to the laws relating to curbing the spread of Covid-19 and eliminating the consequences caused by, can be deemed to be an important aspect in the parliamentary control. It needs to be noted that all draft laws related to the situation caused by Covid-19 were adopted in urgent procedure in two readings, thus, responding swiftly to the situation in the State. One of the most significant draft laws was the one submitted by the Cabinet on 1 April, “On the Operation of State Authorities During the Emergency Situation Related to the Spread of Covid-19”, which already on the following day was submitted to Defence, Internal Affairs and Corruption Prevention Committee and adopted in the first reading on the same day. For the second reading of the draft law, the Members of the *Saeima*, the *Saeima* Legal Bureau and the committee in charge had submitted 53 proposals. Through debates and assessments, the majority of proposals were supported at the *Saeima*'s sitting, later amendments were introduced into the law. The second most important law “On Measures for the Prevention and Suppression of Threat to the State and Its Consequences Due to the Spread of Covid-19”⁵⁰ was amended, in total, five times.

During the emergency situation, the *Saeima* convened for 43 sittings and adopted approximately 100 laws. Thus, it can be asserted that the *Saeima*'s work in the area of parliamentary control had been significant throughout the period of the emergency situation and is continuing.

It has been recognised that this crisis could be a good “teacher”, leading to the reassessment of one's values in life. It seems that, indeed, in these times society could appreciate things that were so customary that never caused any emotions, but the prohibitions or significant restrictions applied to them upset the daily routine. Undeniably, the emergency situation also provided incentives for development into e-direction.

At the same time, this crisis has caused big concern, whether and in what quality the constitutional institutions have worked and whether the established restrictions on human rights have been proportional. As noted above, the Constitutional Court will rule on it. It is essential that the parliament, even during the emergency situation, had been capable or work, fulfilling the functions characteristic of it.

⁵⁰ This law provided for special support mechanisms, as well as expenditures directly related to limiting the spread of Covid-19.