[LV] Parliament Rejects Amendments to a Law Threatening to Restrict Media Freedom

IRIS 2009-4:1/21

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On 26 February 2009 the Latvian *Saeima* (the Parliament) reviewed in second reading amendments to the Law on Press and Other Mass Media. The amendments were initially planned to address a minor issue on the payment of a State fee for the registration of media in the Registry of Mass Media. However, after the first reading the Ministry of Justice submitted a new proposal for the amendments, which immediately caused serious concerns over threats to media freedom.

The proposal suggested that the Law on Press and Other Mass Media should provide stricter rules for publishing and discussing materials on criminal procedures and criminal litigation. The law as it currently stands provides that the media may not publish materials concerning a pre-trial investigation without the written consent of the prosecutor or investigator. Also, in reflecting on the litigation process it is prohibited to publish materials that violate the presumption of innocence. These restrictions are generally considered to be reasonable and to indicate a balance between the public right to information and the rights to a free trial and the protection of personal life. However, the Ministry obviously considered that the existing restrictions do not achieve this balance and suggested wording the restrictions as follows: “It is prohibited to publish materials of a criminal procedure until the completion of the criminal procedure and the moment when the final decision comes into force. No information acquired during the pre-trial investigation may be published before the completion without the written consent of the prosecutor or investigator. It is prohibited to provide such information in reflecting on criminal procedure, which violates the presumption of innocence or the inviolability of personal life”.

The largest Latvian media immediately reacted to this proposal by arguing that such restrictions would render the reporting of criminal procedures and investigations virtually impossible. Moreover, it was suggested that the amendments were perhaps proposed in favour of certain high-standing individuals who have lately faced accusations in relation to criminal offences. It was also indicated that such far-reaching restrictions might be in breach of Article 10 of the European Convention on Human Rights. The Parliamentary Committee of Human Rights and Public Affairs did not endorse the proposed amendments. *Saeima* agreed with the opinion of the committee and adopted the amendments to the

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law in the second reading without the disputed proposal.

The remaining amendments to the Law on Press and Other Mass Media still have to be approved in the third reading, which might take place in March 2009. Now, the only proposed amendments are the introduction of a State fee for the registration in the Registry of Mass Media which would be provided by the Cabinet of Ministers.

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http://www.likumi.lv/doc.php?id=64879

Law on Press and Other Mass Media

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http://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/8F48C8682DBE426BC22575620049BB92?OpenDocument

Proposed amendments

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