

September 2014

## LATVIA

### 1. What is the title, rank and position of the Legal Adviser?

The Legal Adviser within the Ministry of Foreign Affairs of Latvia is the Director of Legal Department. The Director of the Legal Department must hold a diplomatic rank of a Counsellor. The Legal Department is incorporated within the Administrative Directorate and therefore the Legal Adviser is operationally subordinated to the Administrative Director of the Ministry of Foreign Affairs.

### 2. What are the principal functions of the OLA?

The Office of Legal Adviser (Legal Department) consists of three divisions dealing with International Law (including EU Law), International Agreements, and Administrative Law.

The International Law Division deals with various issues related to the International Public Law. The primary obligation is to ensure appropriate implementation of the international treaty law and diplomatic law. Furthermore, the International Law Division, in close cooperation with other governmental bodies, deals with matters related to the establishment of restrictive measures, counter-terrorism and the International Humanitarian Law. Moreover, the International Law Division deals with the treaty law matters related to treaties concluded between EU and a third country.

The International Agreements Division also deals with the International Treaty Law but exclusively in relation to the bilateral agreements.

The Administrative Law Division deals with the issues arising from the application of the national law such as Administrative Law, State Administration Law, Civil Law, Public Procurement and Labour Law.

The Administrative Law Division advises the Ministry and Latvian diplomatic missions on conclusion of Civil Law contracts.

### 3. Please give a brief description of staff employed by the OLA, including overseas staff. What is the distribution of posts between men and women within the OLA and what category of staff do they respectively belong to?

Each division of the Legal Department is chaired by the head of a division. The head of a division must be a career diplomat holding a diplomatic rank of the First Secretary.

The mandatory obligation for all employees of the Office of Legal Adviser (Legal Department of Ministry of Foreign Affairs) is to have at least the Bachelor's (B.A, J.D.) degree in Law. At the moment the Legal Department employs 16 functionaries, among them 3 men and 13 women. It has to be taken into account, though, that due to the specifics of a diplomatic career, the ratio is changing as diplomats leave for a posting abroad. Almost all functionaries dealing with international law have a diplomatic rank, however it might not be always the case for the lawyers of the Administrative Law Division.

**4. Are there any specific recruitment and promotion policies, provisions and/or quotas to ensure non-discrimination and equal opportunities, e.g. for the underrepresented sex, for persons with disabilities or for persons belonging to ethnic or religious minorities or of immigrant origin?**

There are no specific requirements and promotion policies adopted to ensure non-discrimination. However, employees for the Legal Department are selected in an open competition where all persons corresponding to the criteria can apply. The selection process of the candidates consists solely of the evaluation of the candidates' professional and academic curriculum as well as knowledge of languages and previous experience.

**5. Is OLA staff trained on gender equality issues and are these issues mainstreamed into the OLA's work?**

The staff of the Legal Department has not been particularly trained on gender equality issues.

**6. Briefly describe the organisation and structure of the OLA.**

The Office of Legal Adviser (Legal Department) consists of three divisions, namely International Law Division, International Agreement Division and Administrative Law Division, each chaired by a head of the division. The Legal Adviser is subordinated to the Under-Secretary of State—Administrative director of the Ministry of Foreign Affairs.

**7. What is the OLA's place within the Ministry of Foreign Affairs?**

The functions of the Ministry are divided into three main branches – political affairs, administrative affairs and EU affairs, therefore there are two Under-Secretaries of State – Political director, Administrative director and one Deputy State Secretary for European Affairs. Legal Department is within the Administrative directorate and is directly subordinate to the Administrative director.

**8. What are the main contacts of the OLA within Government?**

The Office of the Legal Adviser of the Ministry of Foreign Affairs works in cooperation with the Legal Advisers from other ministries or governmental bodies on a daily basis with matters concerning both International and National Public Law. Moreover, the Rules of Procedure of the Cabinet of Ministers set out that any international treaty before its approval by Government must be accorded with the Ministry of Foreign Affairs, therefore all international treaties that Latvia wishes to become a party to shall be considered by the Legal Department. The cooperation with other ministries is of utmost importance to ensure legally correct process of adherence to treaties corresponding to the Treaty Law and Customary Law in place.

**9. Please describe the relations of the OLA with lawyers in private practice, academics and legal institutions.**

The Office of the Legal Adviser has a well-established communication with lawyers in private sector, academic and legal institutions. Lawyers from different fields are consulted on relevant international law matters as well as invited to participate in the meetings of ministerial working groups or academic colloquiums on a specific issue or even contracted for a specific case to give advice on particular question to the Ministry or Government.

**10. Please provide a brief bibliography on the OLA, if available.**

n/a