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**Consultative Council of European Judges
(CCJE)**

The role of judges in the enforcement of judicial decisions, in their relationships with other state functions and/or other actors

QUESTIONNAIRE

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QUESTIONNAIRE

A) IN CIVIL AND ADMINISTRATIVE MATTER

1. Is the authority responsible for the enforcement specified in the law or in the constitution?

Yes.

Please specify.

Law on Bailiffs regulates the professional activity of sworn bailiffs.

Sworn bailiffs shall perform execution of adjudications of the court and other institutions, as well as other activities prescribed by law. Sworn bailiffs are persons belonging to the court system assigned to regional court and perform duties prescribed by law thereto.

No

2. What are the competences of the judge in the enforcement procedure?

➤ He is responsible for the enforcement

Yes

No

➤ He has others competences as regards enforcement

Yes

No

If yes, please specify

According to the Civil Procedural Law adjudications by a court and other adjudications set out in this law shall be executed by a bailiff.

Supervision of bailiff' activities shall be performed in accordance with the procedures set out by Civil Procedural Law and the Law on Bailiffs.

Activities of a particular bailiff are related with a particular regional court. The chief judge of the regional court may invite sworn bailiffs appointed by the Council of Latvian Sworn Bailiffs and employees of the Council of Latvian Sworn Bailiffs to participate in the examination.

A judge assigned by the chief judge of the regional court shall examine the activities of sworn bailiffs, registration books and execution files at least once a year. According to the effective normative regulatory framework, each regional court is responsible for supervision of professional activities of each bailiff working in the respective territory. This means that professional activities of bailiffs shall be examined for the compliance thereof with the requirements of normative acts to be able to

timely establish and prevent any offences committed due to negligence or malicious intentions.

The effective control, its content and quality depends on the president of each regional court and the appointed judges. If persons carrying out the examination are interested in ensuring quality of this task, then such examination do bring results that indicate shortages, deficiencies and offences in the activities of bailiffs, the team is able to provide suggestions to improve the respective activities or submit relevant information to the Council of Latvian Sworn Bailiffs by requesting carrying out an in-depth examination of professional activities. Based on the above mentioned procedures, substantial problems in fulfilling professional duties have been established in the activities of several bailiffs.

Control of regional courts as should no doubt be encouraged. But if such control is preserved, it should be necessary to elaborate common criteria for judges to guide themselves when performing examination. It should be useful to train one or several judges of each regional court in performing examination of bailiffs to ensure high quality results gained from this function.

As far as bailiffs are responsible for execution of court adjudications in administrative cases, everything previously mentioned applies also for administrative procedures.

In addition to that the judges have other competencies which are prescribed below (see questions 11 and 12).

3. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

Yes

No

Not applicable

4. Do the parties have to make a new application for the decision to be enforced?

Yes

No

According to the civil procedure a writ of execution shall be drawn up by a court after a judgment or a decision has come into effect, but in case where the judgment or the decision is to be executed without delay, immediately after the judgment is pronounced or the decision taken.

If the execution of the court judgment specifies a time period for voluntary execution and the judgment has not been executed, a court shall issue the writ of execution after the termination of the time period for voluntary execution.

A writ of execution shall be issued to a judgment creditor at their request by the court.

In administrative procedures pursuant to the petition of an applicant the court shall issue to him a copy of a judgment with an endorsement regarding its coming into effect or a copy of the adjudication in which it is stipulated that it is to be executed without delay.

5. Shall this new application end with a judicial decision ?

- Yes
 No

Not applicable.

6. Is the judge working with other actors involved in the enforcement procedure?

- Yes**

Please specify which actors

Sworn bailiffs.

- No

7. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

- Yes
 No

➤ He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

- Yes**

To a limited extent as prescribed below (see questions 11 and 12).

- No

➤ Others competences?

- Yes**
 No

If yes, please specify

He has competencies to force the enforcement and deal with complaints as described below (see questions 11 and 12).

8. What is the training of the person responsible for the enforcement if it is not a judge?

Applicants to an office of a sworn bailiff shall be examined by a special examination commission appointed by the Minister of Justice by selecting representatives from the Ministry of Justice, courts, academic

staff of institutions of higher education and sworn bailiffs and co-ordinating it with the Council of Latvian Sworn Bailiffs.

Sworn bailiffs may be persons who conform to the following educational criteria:

a) a second level highest professional education in law and the qualification of a lawyer acquired on the basis of the acquisition of an accredited study programme at an institution of higher education, and

b) master degree in law.

As to the previous work experience sworn bailiffs may be persons who have acted as assistants to a sworn bailiff for at least two years or for at least five years have worked in such offices of the court system during the fulfilment of duties of which they may have acquired the knowledge required for the work of a sworn bailiff.

The Council of Latvian Sworn Bailiffs shall annually organise a sworn bailiff examination for persons who wish to hold the office of a sworn bailiff.

The Ministry of Justice upon a recommendation of the Council of Latvian Sworn Bailiffs shall determine the procedures for the sworn bailiff examination, the composition of the examination commission, examination questions and the amount of minimum knowledge, as well as specify the examination fee.

Upon an order of the Minister of Justice the examination commission shall also perform the assessment of qualification of sworn bailiffs.

The examination commission shall examine the knowledge of applicants in laws necessary for the professional activities of a sworn bailiff, preparation of statements and proceedings of a sworn bailiff.

If within a time period of one year after the imposition of a disciplinary sanction, a repeat disciplinary sanction related to non-compliance with laws and other regulatory enactments has been imposed on a sworn bailiff in relation to his official activities, the Minister of Justice on his initiative or upon a proposal of the Council of Latvian Sworn Bailiffs shall issue an order regarding examination of the qualifications of the sworn bailiff.

Training of bailiffs is usually organized by the Council of Sworn Bailiffs. The training does not take place on regular basis but rather depends on the needs; for instance, if considerable amendments are introduced in normative regulations applying to activities of bailiffs or if lack of knowledge has been established in a certain field. Training of bailiffs is organized in co-operation with the Latvian Judicial Training Centre where lectures are delivered by teaching staff of universities, judges and other experts.

9. Can the parties appeal if the decision is not enforced within a reasonable time?

Yes
 No

The parties cannot appeal, however, they can initiate the execution.

The bailiff can use the procedures meant to force the enforcement as described below (see question 11).

If yes, what are the sanctions of this appeal?

10. What are the powers of the judge to speed up the enforcement?

11. What are the powers of the judge to force the enforcement?

Court judgments and decisions shall be executed after they come into lawful effect, except in cases where pursuant to law or a court judgment they are to be executed without delay. The indication that the judgment and decision shall be executed without delay must be contained in the writ of execution itself.

A writ of execution shall be drawn up by a court after a judgment or a decision has come into lawful effect, but in cases where the judgment or the decision is to be executed without delay, immediately after the judgment is pronounced or the decision taken.

If the execution of court judgment specifies a time period for voluntary execution and the judgment has not been executed, a court shall issue the writ of execution after the termination of the time period for voluntary execution.

A writ of execution shall be issued to a judgment creditor at their request by the court. Judge shall sign a writ.

In administrative procedure the court shall issue a copy of a judgment with an endorsement regarding its coming into effect or a copy of the adjudication in which it is stipulated that it is to be executed without delay pursuant to the petition of an applicant.

Execution documents may be submitted for compulsory execution within 10 years from the day when adjudication by a court or a judge comes into effect, provided that other limitation periods are not provided for by law.

In administrative procedures this period is three years.

Requirements and orders by a bailiff, when executing court judgments and adjudications, are mandatory for all natural or legal persons. If a bailiff's requirements and orders are not executed, the bailiff shall draw up a statement and submit it to a court to decide the issue regarding liability. A court may impose a fine on persons at fault.

A court may imposed a fine on a person (employer) who pursuant to a court adjudication was required to deduct means of support for the maintenance of children and who within the time period prescribed by law has notified the bailiff and the receiver of the means of support, of the dismissal from employment of the payer of the means of support and of his new place of work or residence, if such person had knowledge thereof.

If, in a judgment being executed, resistance has shown, a bailiff shall draw up a statement in respect of this, and in order to eliminate impedance apply for assistance to the police. The statement shall be

submitted to the court for it decide the issue regarding the liability of those persons who have resisted the execution of the judgment.

If a debtor does not appear before a bailiff pursuant to a summons, refuses to furnish explanations or does not provide the information prescribed by law, the bailiff may apply to a court for it to decide the issue regarding the liability of such person. The court may take a decision regarding the forced conveyance of the debtor, and impose upon a person a fine.

If it is determined that a debtor has knowingly provided false information, a bailiff shall apply to a court for it to decide the issue regarding the initiation of an administrative violation matter or criminal matter.

If a judgment which imposes on a debtor a duty to fulfil actions which may be fulfilled only by himself is not executed within the time period specified by the court judgment, the statement drawn up shall be forwarded by the bailiff to the court according to the place of execution. The issue regarding failure to execute the judgment shall be decided at a court sitting. Where a debtor does not execute a judgment which imposes on him a duty to fulfil actions which may only be fulfilled by the debtor himself, within the time limit specified by the court, the court may impose a fine on the debtor, stipulating a new time period for the execution of the judgment.

If the debtor a second time and repeatedly violates the time period for the execution of the judgment, the court shall decide the issue at a court sitting and impose a fine on the debtor.

If there is a failure to execute a judgment which imposes on a debtor a duty to perform stipulated actions, which are not connected with the providing of property or of an amount of money, a bailiff shall draw up a statement regarding failure to execute the judgment. If there are set out in the judgment the consequences of failure to execute the judgment, the statement drawn up shall be sent to the district (city) court according to the place of execution in order that it take a decision regarding the application of the consequences set out in the judgment in connection with the facts that the debtor does not perform the stipulated actions.

If the consequences of failure to execute the judgment are not set out therein, the statement drawn up shall be sent to the court which rendered the judgment in the matter, and that court shall decide as to the issue regarding procedures for execution of the judgment. The issue shall be decided at a court sitting.

According to the Administrative Procedure Law, if a court adjudication imposes a duty on an institution to perform specific action or refrain from a specific action and the institution does not fulfil such duty, a pecuniary penalty may be imposed on the head or another official of the institution.

In cases prescribed by law an execution order regarding imposition of a pecuniary penalty may be disputed or appealed to a court.

12. What are the powers of the judge to protect the rights of parties and of third parties in the enforcement?

Removal of a bailiff, by submitting a written application to him, may be applied for by a judgment creditor or a debtor if there are facts, which cause well founded doubt regarding the objectivity of the bailiff. The bailiff shall adjudicate the application without delay. A decision by which the application has been left without satisfaction may be appealed to the district (city) court.

A judgment creditor or debtor may appeal the actions of bailiff in executing a judgment or bailiff's refusal to perform such actions to the district (city) court. A complaint shall be adjudicated at a court sitting. On the basis of a petition from submitter of a complaint a judge may take a decision regarding a stay of execution activities, regarding a prohibition to transfer money to a bailiff or judgment creditor or debtor or the suspension of the sale of property.

A person who considers that he has any rights to the inventoried movable property or immovable property against which recovery is directed or a part thereof, shall bring an action in court in accordance with general jurisdiction over matters. A court in accordance with the procedures shall adjudicate disputes.

A court, which has taken a decision regarding the recognition and execution of an adjudication of a foreign court, on the basis of an application by a participant in the matter may stay the execution of the adjudication of the foreign court, divide the execution into time periods, and amend the way or procedures of execution. An application shall be adjudicated in a court sitting. A complains may be submitted in respect of a court decision.

If there are facts which make the execution of a court judgment difficult or impossible, a bailiff is entitled to submit a proposal for the postponement, division into time periods, varying the form and procedure of execution of the judgment to the court which made the judgment in the matter. The issue shall be decided at a court sitting.

Disputes and complaints in connection with placing in possession of immovable property shall be decided at a court sitting, as well as. The former possessor and a third person may prove their rights only by bringing an action at court.

The complaint of a participant in the administrative proceedings which has arisen in connection with the execution of a court adjudication shall be adjudicated in a court sitting.

If a person considers that an institution is acting contrary to a court judgment, he may submit a complaint to a higher institution. If there is not a higher institution, the private person may apply to a court. Decisions of a higher institution may be appealed to a court.

13. In your country, what are the main obstacles to the enforcement of decisions?

A bailiff shall have the duty to ensure execution of a court decision in any case disregarding the kind of proceedings in accordance with the procedure for execution of judgments established in the Civil Procedural Law. Consequently, it is not possible to single out circumstances that would hamper execution of judgments in civil cases or administrative cases in particular.

There could mentioned circumstances hampering effective execution procedure in general. There are deficiencies established in the norms regulating the procedure of judgment execution. In certain cases normative acts regulating activities of bailiffs are of general character and there is no detailed regulation. There are also some evident contradictions between legal norms providing for different legal regulation for one and the same legal situation.

Efficiency of execution is related with fast and convenient obtaining of the information necessary for execution of judgments. The faster is the method for obtaining of information and the more exhaustive the information is, the greater is the possibility that the judgment is executed. However in practice, there exist certain data carriers that receive request for information and provide information only in writing, which is time and labour-consuming and an expensive method.

Active participation of the debtor and his willingness to fulfil the commitments plays a great role in successful execution of court judgments. The practice shows that in the majority of cases debtors do not collaborate with the bailiff and even take counteractions against execution of judgments against them. In the result of this, instruments and methods at the disposal of bailiffs are ineffective.

A considerable fall in purchasing power of persons due to the general economical situation in the State has been observed. The above mentioned circumstances influences the ability of persons to settle their debt commitment and also the performing of coercive execution by bailiffs with a positive result.

The Ministry of Justice has gathered information on problems in cases on recovery wherein the recovery implies payment to the State, these cases constituting the majority of cases initiated (judgments in cases on administrative offences to the part on recovery of property, confiscation of property, imposition of fines, as well as levy of State taxes, court fees and other expenses for payment to the State).

In this group of execution matters, the following specific problems have been established: (1) obtaining of information necessary for ensuring execution of decision of courts is encumbered, (2) costs of the recovery procedure, including costs related with obtaining of information necessary for executing recovery, are not proportional with the amount of sum recovered and paid to the State, (3) provided that a sworn bailiff in executive matter, wherein the payment should be made to the State, is not remunerated for the work done but only expenses for execution of the duties are reimbursed, the motivation level of bailiffs to fulfil these duties is very low.

14. According to you, what main changes are needed to improve the effectiveness of the enforcement proceedings in your country?

It is necessary to proceed with gathering information on deficiencies in normative acts regulating activities of sworn bailiffs and improvement of the execution process.

It is necessary to form the Executive Matters Register, which would allow improving the recovery system in general. This would not only ensure registering and storing data on executing proceedings in a modern registration and treatment system for executive matters, this system being based on technical measures, also provide the possibility to make initiation of recovery procedure within categorise of matters more effective, provided that coercive recovery in these categories shall be initiated based on an executive document issued by the court; as well as it would serve as grounds for the possibility in the future to allow sending fast and convenient automated request requiring minimum financial and labour resources and to obtain information on the debtor and his economic situation.

15. Are the enforcement procedures similar for civil and administrative matters?

Yes

According to the Administrative Procedure Law, if a bailiff has jurisdiction over compulsory execution of a court adjudication, the provisions of the Civil Procedure Law are applicable to such compulsory execution.

Administrative acts imposing a duty on the addressee to pay a specified monetary amount shall be executed on the basis of an execution order, applying the provisions of the Civil Procedural Law regarding recovery of monetary amounts.

No

If not, please clarify the differences.

B) IN CRIMINAL MATTERS

16. Is the authority responsible for the enforcement of sentence specified in the law or in the constitution?

Yes

Please specify

The provisions and procedures of the execution of criminal sentences provided for in the Criminal Law regulates the Sentence Execution Code of Latvia.

Criminal sentences, which have been adjudged as basic sentences, shall be executed by:

1. Deprivation of liberty institutions of the Prison Administration of the Ministry of Justice – deprivation of liberty;
2. State Police institutions – custodial arrest;
3. Bailiffs – fines and confiscation of property;
4. State Probation Service – community service.

Criminal sentences, which have been adjudged as additional sentence, shall be executed by bailiffs and institutions supervised by or subordinate to a ministry accordance with their competence.

If a court has adjudged a conditional sentence or a conditional release prior to term from the serving of a deprivation of liberty sentence or custodial arrest, the execution of such adjudication shall be controlled and the behaviour of the convicted person shall be supervised by the State Probation Service.

No

17. What are the competences of the judge in the enforcement of sentences:

➤ He is responsible for the enforcement?

Yes

No

➤ He has others competences as regards enforcement?

Yes

No

If yes, please specify

The judge has limited competencies as described below (see questions 20 – 24).

18. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

Yes

No

Not applicable.

19. Is the judge working with other actors involved in the enforcement of sentences?

Yes

Please specify which actors

No

20. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

- Yes
- No

➤ He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

- Yes
- No

➤ Others competences?

- Yes
- No

If yes, please specify

A judgment and decision shall be transferred for execution by the court that rendered the judgment not later than within a term of seven working days following the entering into effect thereof or the receipt of the case from a court of appellate or cassation instance.

A court shall send an order regarding the execution of a judgment and a copy of the decision to the institution on which the duty to execute the judgment has been imposed in accordance with the law regarding the execution of a penalty.

In order to execute a judgment in the part regarding a pecuniary penalty, confiscation of property, and other recoveries of a financial nature, a court shall send writs of execution to a bailiff on the basis of the place of residence of the convicted person or on the basis of the location of his property, or issued to a victim on the basis of his request.

A court of first instance shall control the complete execution of a judgment and decision.

Institutions, which execute court judgment, shall immediately notify the court which has rendered the judgment regarding the execution of the judgment and the location of the serving of the sentence.

21. What are the powers of the judge to protect the rights of detainees and of third parties in the enforcement?

During the execution of judgment, a convicted person has the right to the protection in court of his lawful interests related to the transferral of a judgment for execution, particularly, the rights:

- 1) to summon a defence council;
- 2) to present a submission regarding release from the serving of a sentence in connection with illness or disability;
- 3) to present a submission regarding conditional release prior to completion of a sentence and regarding other matters related to the execution of a judgment;
- 4) to participate in court sessions and to provide testimony;
- 5) to submit materials that have been prepared in order to adjudicate a matter regarding the execution of a judgment;
- 6) to submit complaints regarding the decisions of a judge.

22. What are the powers of the judge as regards the alternative solutions to prison?

If, in determining sentence – deprivation of liberty for a period not longer than five years, or custodial arrest – a court, taking into account the nature of the committed criminal offence and the harm caused, the personality of the offender and other circumstances of the matter, becomes convinced that the offender, not serving the sentence, will not commit violations of the law in the future, it may sentence the offender with a sentence that is suspended.

In such case, the court shall decide that the execution of sentence is suspended if, within the term of probation adjudicated by it, the convicted person does not commit a new criminal offence, does not violate public order, and fulfils the obligations imposed by the court and those specified in the regulating laws regarding the execution of criminal penalties.

In imposing suspended sentence, the court shall prescribe a term of probation.

In imposing suspended sentence, circumstances, which the court has found material for not serving the sentence, as well as reasons why relevant obligations have been imposed for the convicted person, shall be set out in the judgment.

In imposing a suspended sentence, the court may place upon the convicted person the following obligations: (1) to allay the harm caused, within specified time; (2) not to change his place of residence without the consent of the State Probation Service; (3) to participate in probation programs in accordance with State Probation Service instructions; (4) not to frequent specified places; (5) to be present at his place of residence at the time specified; (6) to observe other conditions, which the court has recognized as necessary to achieve the purpose of the sentence.

In imposing a suspended sentence, the court may impose, for a convicted person who has committed a criminal offence due to alcoholism, drug, psychotropic addiction or toxic substance addiction, the duty to undergo treatment for alcoholism, drug addiction or toxic substance addiction, with his consent.

A court may fully or partially remove obligations imposed in regard to a term of probation upon a convicted person, upon whom a suspended sentence has been imposed.

If a convicted person upon whom a suspended sentence has been imposed, without justifiable reason does not fulfil the obligations imposed by the court or and those specified in the regulating laws regarding the execution of criminal penalties or repeatedly commits administrative violations for which administrative penalties are imposed upon him, the court pursuant to a submission by the institution which has been assigned supervision of the behaviour of the convicted person, may take a decision regarding serving of the sentence determined for the convicted person, or extension of the term of probation for one year.

23. What are the powers of the judge as regards the implementation of sentences (arrangement of sentence, conditional release, etc.) ?

A court shall adjudge sentence to the extent set out in the section of the Special Part of the Criminal Law as provides for liability for the criminal offence committed, and in compliance with the provisions of the General Part of the Criminal Law.

If a court, taking into account various mitigating circumstances and the personality of the offender, considers it necessary to impose a sentence which is less than the minimum limit for the relevant criminal offence provided for by the Criminal Law, or considers it necessary to impose another, lesser form of sentence, it may reduce the sentence accordingly, setting out the reasons for such adjudication in the judgment.

On the same basis, a court may decide to apply an additional sentence, which has been provided for as mandatory for the relevant criminal offence in Criminal Law.

These provisions are not applicable if the court has found that the criminal offence was committed in aggravating circumstances.

A convicted person who has been sentenced with deprivation of liberty may be conditionally released prior to completion of his basic sentence if there is reasonable ground to presume that after his release from prison he will be able to integrate into the society and will not commit any criminal offence. Taking into account the personality of a convicted person and his behaviour during the serving of sentence, conditional release prior to completion of sentence may be applied if the court has found some conditions stipulated in the Criminal Law. For example, a convicted person has achieved good results in resocialization, has made, as far as possible and on voluntary basis, compensation for financial loses caused by his crime. But in cases where a convicted person has committed a criminal offence due to alcoholic, drug, psychotropic or toxic substance addiction – if he agrees to treatment for alcoholism, drug, psychotropic or toxic substance addiction, etc.

Conditional release prior to completion of sentence may be ordered if the convicted person has actually served particular term of the sentence. For example, not less than half of the sentence imposed for a criminal violation or a less serious crime committed.

A court, in conditionally releasing a convicted person prior to completion of sentence, may, for the period of the unserved sentence, impose on him the obligations set out in Criminal Law.

A convicted person shall be conditionally released prior to the completion of a sentence of deprivation of liberty or custodial arrest by a judge of the district (city) court according to the place of the serving of the sentence, if a submission of the administrative commission of the prison has been received. If a court rejects a submission, such submission may be resubmitted.

If a person who has been conditionally released prior to the completion of a sentence does not, without a justifiable reasons, fulfil the duties imposed by a court or a duties specified in the execution of criminal punishment regulating law, or repeatedly commits an administrative violations for which an administrative penalty has been imposed upon him, a judge may take a decision, on the basis of a submission of the institution to which the control of the behaviour of the convicted person has been assigned, regarding the execution of the part of the sentence not served.

If a person to whom police supervision has been applied violates the provisions thereof in bad faith, the district (city) court according to the place of residence of the convicted person may, on the basis of a submission of a police institution and in the cases specified in Criminal Law, substitute the term of the sentence not served with deprivation of liberty for the same time. A judge may reduce police supervision or revoke such supervision, if a justified submission of an administrative commission of a prison, or a police institution, has been received.

If a person who has been convicted with forced labor evades, in bad faith, the serving of the sentence, a court shall substitute such sentence with custodial arrest in accordance with the provision of the Criminal Law.

Matters that are related to the execution of a sentence specified in a judgment, and doubts and uncertainties that arise in the execution of a judgment shall be decided, on the basis of a submission of the institution, by a judge of the court that rendered the judgment.

If a judgment is being executed outside of the region of operation of the court that rendered the judgment, such matters shall be decided, on the basis of a submission of the institution, by a judge of the court of the same level in the region of operation of which the convicted person is serving the sentence.

All court decisions that have been taken in the matters related to the execution of a judgment may be appealed to a court of supreme instance.

The administrative commission of a prison shall take a decisions regarding the softening or intensification of the regime for the execution of a sentence of a convicted person, as well as a decision to propose that the court release the convicted person conditionally prior to the term of the sentence. The decisions may be appealed and such complaints shall be adjudicated by a judge of the district (city) court according to the location of the prison.

24. What are the powers of the judge as regards the effective payment of fines?

The payment of a pecuniary penalty may be deferred, or divided into periods for a term up to one year, if a convicted person has difficulties paying the pecuniary penalty immediately.

If a pecuniary penalty may not be recovered, a judge shall substitute such pecuniary penalty in accordance with the conditions of the Criminal Law. If a pecuniary penalty is paid while a convicted person serves a sentence of deprivation of liberty, or custodial arrest in place thereof, he shall be released immediately. If, during the term when a convicted person serves a sentence of deprivation of liberty, or custodial arrest, in place of pecuniary penalty, part of the pecuniary penalty is paid, a judge shall reduce the duration of the deprivation of liberty, or custodial arrest, in accordance with the paid part of the pecuniary penalty.

24. What are the main reasons for complaints concerning the rights of detainees?

Main reasons for submitting a complaint are non-observance of the principle of good administration in prisons and non-compliance of living conditions with requirements of human rights.

25. Who is responsible in your country, for complaints about living conditions in prison? What is the procedure for processing such complaints?

It follows from the Prison Administration Law complaints of prisoners on living conditions, education, health care, employment and other questions should be examined by the Prison Administration.

An application of a prisoner contesting an administrative act issued by an institution or contesting factual activities shall be examined by the director of the Latvian Prison Administration according to the procedure established by the Administrative Procedure Law.

Appealed administrative acts and actual action shall be adjudicated in court as administrative matters. A district administrative court shall adjudicate an administrative matter in the first instance. Person shall submit applications regarding administrative matters to the court according to the address of the institution whose action is being appealed.

However, examination of complaints is performed by several institutions. Protection of the rights of persons in closed institutions is also the interest of Ombudsman. To perform complex solution of problems in prisons, employees of the Ombudsman's office make monitoring visits, during which documentation, observance of normative acts and implementation thereof is examined, all previous complaints are summarized, as well as meetings with the personnel and prisoners of the institution take place. After visits, a report is prepared by presenting conclusions and suggestions to the prison administration, the Latvian Prison Administration and the Ministry of Justice.

26. In your country, what are the main obstacles to the enforcement of sentences?

Disregarding the fact whether a court has adopted a decision in civil, administrative or criminal cases, execution of court decisions on a property recovery shall be performed by bailiffs. Consequently, it is not possible to single out circumstances that would hamper execution of judgments in criminal cases in particular. Therefore for the answer see para. 13 above.

27. According to you, what main changes are needed to improve the effectiveness of the enforcement of sentences in your country?

For the answer see para.14 above.