

Strasbourg, 10 September 2006

CEPEJ (2006)
Version finale

**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

LATVIA/LETTONIE



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Final version

Strasbourg, 20 June 2006

CEPEJ (2005) 2 REV 2

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**adopted by the CEPEJ at its 5th Plenary Meeting (Strasbourg, 15 – 17 June 2005) and
approved by the Committee of Ministers on 7 September 2005
(936th meeting of the Ministers' Deputies)**

Contents

I. Demographic and economic data	4
I. A. General information.....	4
I. B. Budgetary data concerning judicial system	4
II. Access to Justice and to all courts	6
II. A. Legal aid.....	6
II. B. Users of the courts and victims.....	7
II. B. 1. Rights of the users and victims.....	7
II. B.2. Confidence of citizens in their justice system	9
III. Organisation of the court system	10
III. A. Functioning.....	10
III. B. Monitoring and evaluation.....	14
IV. Fair trial	16
IV. A. Fundamental principles	16
IV.B. Timeframes of proceedings	17
IV. B. 1. General.....	17
IV. B. 2. Civil and administrative cases	18
IV. B. 3. Criminal cases	19
V. Career of judges and prosecutors	21
V. A. Appointment and training.....	21
V. B. Practice of the profession	23
V. C. Disciplinary procedures	24
VI. Lawyers	26
VII. Alternative Dispute Resolution	28
VIII. Enforcement of court decisions	30
VIII. A. Execution of decisions in civil matters.....	30
VIII. B. Enforcement of decisions in criminal matters.....	32
IX. Notaries	33

REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY: Republic of Latvia

National correspondent

First Name – Name **Agnija Karlsonē**
Position **Head of Public Relations Division**
Organisation **Court Administration of the Republic of Latvia**
E-mail **Agnija.Karlsonē@ta.gov.lv**
Telephone **+371 7063807**

I. Demographic and economic data

I. A. General information

1. **Number of inhabitants** **2 319 200**

Source **Central statistic bureau of Latvia**

2. **Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**

State level **3 167 516 483.96 EUR**
Regional / entity level

Source **Central statistic bureau of Latvia**

3. **Per capita GDP** **4776.9 EUR**

Source **Central statistic bureau of Latvia**

4. **Average gross annual salary** **300 EUR**

Source **Central statistic bureau of Latvia**

I. B. Budgetary data concerning judicial system

5. **Total annual budget allocated to all courts** **21 074 355,01 EUR**

Source **Court Administration**

Please specify:

6. **Within this budget, can you isolate the following budgets and specify, if appropriate, their**

amount:

	Yes	Amount
▪ Salaries?	<input checked="" type="checkbox"/>	11 268 471,72 EUR
▪ IT?	<input checked="" type="checkbox"/>	439 162,26 EUR
▪ Justice expenses borne by the State?	<input checked="" type="checkbox"/>	267 455,79 EUR

Source *Court Administration*

7. Annual public budget spent on legal aid 653 489,75 EUR

Source *Ministry of Justice*

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	653 489,75 EUR
▪ the annual public budget spent on legal aid in other court cases	N.A.

Source *Ministry of Justice*

9. Annual public budget spent on prosecution system 12 018 365 EUR

Source *General Prosecutor Office, State budget*

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	Yes	No	No	Yes
Other ministry.	Yes	No	No	Yes
Ministry of Finance				
Parliament	No	Yes	No	No
Supreme Court	Yes	No	Yes	Yes
Judicial Council	N.A.	N.A.	N.A.	N.A.
Courts	Yes	No	Yes	Yes
Inspection body.	No	No	No	Yes
State Audit Office				
Other. Court Administration	Yes	No	Yes	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system

There is no Judicial Council in Latvia. According to the Law "On Judicial Power" the Court Administration deals with financial resources of the district (city) courts, regional courts and Land Registry Offices, as well

as prepares budget request project for courts and Land Registry offices. The management of finances of the Supreme Court is provided by Supreme Court's Administration. Funding for the Supreme Court is provided by a separate item in the Latvian state budget. The Court accounts for its use of the funds to the Ministry of Finance, to the State Treasury and to the State Auditor.

II. Access to Justice and to all courts

II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes	No (also as representative in administrative cases)
Legal advice (Yes/No)	Yes	No
Other (Yes/No). Please specify	Yes (preparing documents)	No

12. Number of legal aid cases:

- total
- criminal cases (are not counted yet)
- other than criminal cases

Source Ministry of Justice

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes No

14. Does your country have an income and asset test for granting legal aid:

- | | | |
|----------------------------------|----|-------------------------------------|
| | No | Yes/Amount |
| ▪ for criminal cases? | | <input checked="" type="checkbox"/> |
| ▪ for other than criminal cases? | | |

Source Individual, State revenue service and self-government information.

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes No

16. If yes, is the decision taken by:

- the court?
- a body external to the court?
- a mixed decision-making body (court and external)?

Yes

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- | | Yes | No |
|----------------------------------|-------------------------------------|-------------------------------------|
| ▪ for criminal cases? | | <input checked="" type="checkbox"/> |
| ▪ for other than criminal cases? | <input checked="" type="checkbox"/> | |

If yes, are there exceptions? Please specify:

The court can dismiss the payment of civil procedure during civil case hear in the court.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

- No
Yes Please specify:

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

- | | Yes | No |
|------------------------------|-------------------------------------|----|
| ▪ criminal cases? | <input checked="" type="checkbox"/> | |
| ▪ other than criminal cases? | | |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

In year 2004 legal aid concerns only criminal cases. In year 2005 – criminal and civil cases, but from year 2006 – criminal, civil and administrative cases.

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- | | Yes | No |
|--|--|----|
| ▪ legal texts (e.g. codes, laws, regulations, etc.)? | <input checked="" type="checkbox"/> | |
| Internet address(es): | www.likumi.lv ; www.mk.gov.lv ; www.saeima.lv ; www.vestnesis.lv ; www.ttc.lv | |
| ▪ case-law of the higher court/s? | <input checked="" type="checkbox"/> | |
| Internet address(es): | www.tiesas.lv ; www.at.gov.lv ; www.satv.tiesa.gov.lv | |
| ▪ other documents (for examples legal forms)? | <input checked="" type="checkbox"/> | |
| Internet address(es): | www.legal.lv ; www.juridica.lv | |

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes No

If yes, please specify:

It is necessary to announce information to the parties concerning court proceedings.

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes No

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

N.A.

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape				
Victims of terrorism				
Child/Witness/ Victim				
Victims of domestic violence				
Ethnic minorities				
Disabled persons				
Juvenile offenders				
Other				

24. Does your country have compensation procedure for victims of crimes?

Yes No

25. If yes, does this compensation procedure consist in:

Yes

- a public fund?
- a court order?
- private fund?

26. If yes, which kind of cases does this procedure concern?

This procedure concerns civil claims in criminal cases.

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No
 Yes

Please specify:

The guilty person who has committed a crime and has been sentenced must pay the compensation for the victim to the tune of the caused damages. It is planned to invent the crime victim compensation system in year 2006.

II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

- | | Yes | No |
|------------------------------------|-------------------------------------|----|
| ▪ excessive length of proceedings? | | |
| ▪ wrongful arrest? | <input checked="" type="checkbox"/> | |
| ▪ wrongful condemnation? | <input checked="" type="checkbox"/> | |

If yes, please specify (fund, daily tariff):

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes No

If possible, please specify their titles, how to find these surveys, etc:

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level		
Surveys at court level		

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of Justice	N.A	N.A
Other external organisations (e.g. Ombudsman) The Judicial Disciplinary Committee	Yes	—
Court Administration	Yes	Yes

Can you give information elements concerning the efficiency of this complaint procedure?

III. Organisation of the court system

III. A. Functioning

33. Total number of courts (administrative structure):

- **first instance courts of general jurisdiction** **34**

Source *Court Administration*

- **specialised first instance courts** **1**

Source *Court Administration*

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

In the Republic of Latvia has Administrative court.

34. Total number of courts (geographic locations) **41**

Source *Court Administration*

35. Number of first instance courts competent for a case concerning:

- a debt collection for small claims 34

Please specify what is meant by small claims in your country:

- a dismissal 34
- a robbery 41

36. Number of professional judges sitting in courts 384
(present the information in full time equivalent and for permanent posts)
Data are indicated on 03.01.2005.

Source *Court Administration, Supreme Court*

37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:

N.A.

- *gross figure*
- *if possible, in full time equivalent*

Source

Please specify:

38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs 4058

Source *Ministry of Justice*

Please specify:

According to the instruction Nr.1-1/77 of the Ministry of Justice of the Republic of Latvia adopted on 28.02.2005., there are apprehended 4058 lay judges positions. Currently elections of lay judges are taking place and therefore the accurate number of lay judge's positions is not known yet.

39. Does your judicial system include trial by jury with the participation of citizens?

No

Yes For which type of case(s)?

If possible, number of citizens who were involved in such juries for the year 2004?

40. Number of non-judge staff who are working in courts 1371
(present the information in full time equivalent and for permanent posts)

Source *Court Administration, Supreme Court*

41. If possible, could you distribute this staff according to the 3 following categories:

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars: 746
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): 425
- technical staff: 200

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No
Yes Number of staff

43. Number of public prosecutors 604
(present the information in full time equivalent and for permanent posts)

Source *General Prosecutor Office*

44. Do you have persons who have similar duties as public prosecutors?

No
Yes Please specify:

45. Is the status of prosecutors:

- independent within the judiciary?
- independent from the judiciary ?
- under the authority of the Ministry of Justice?

46. Number of staff (non prosecutors) attached to the public prosecution service 372
(present the information in full time equivalent and for permanent posts)

Source *General Prosecutor Office*

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board	N.A.	N.A.	N.A.	N.A.
Court President	Yes	No	Yes	Yes
Court administrative director	N.A.	N.A.	N.A.	N.A.
Head of the court clerk office (Court Administration)	Yes	Yes	Yes	Yes
Other.	N.A.	N.A.	N.A.	N.A.

48. In general, do the courts in your country have computer facilities?

Yes No

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	Yes			
	Electronic data base of jurisprudence	Yes			
	Electronic files	Yes			
	E-mail	Yes			
	Internet connection	Yes			
Administration and management	Case registration system	Yes			
	Court management information system	Yes			
	Financial information system	Yes			
Communication between the court and the parties	Electronic forms	Yes			
	Special Website	Yes			
	Other electronic communication facilities	Yes			

Source Court Administration

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No

Yes Please specify the name and the address of this institution:

Court Administration, Mukusalas street 41b, Riga, Latvia, LV-1004;
Central Statistical Bureau of Latvia, Lacplesa street 1a, Riga, Latvia, LV-1301

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your judicial system*

In the question nr. 40 and nr.41 are not indicated actual filled post of non-judge staff, but there are indicated theoretical budgetary posts in year 2004.

III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes No

52. Do you have a regular monitoring system of court activities concerning the:

- | | Yes | No |
|------------------------------|-------------------------------------|-------------------------------------|
| ▪ number of incoming cases? | <input checked="" type="checkbox"/> | |
| ▪ number of decisions? | <input checked="" type="checkbox"/> | |
| ▪ number of postponed cases? | <input checked="" type="checkbox"/> | |
| ▪ length of proceedings? | | <input checked="" type="checkbox"/> |
| ▪ other? | <input checked="" type="checkbox"/> | |

Please specify:

- number of processual sanctions in criminal cases;
- number of dismissed cases;
- number of abjured claims;
- number of decisions distributed according to trialling results.

53. Do you have a regular evaluation system of the performance of the court?

No

Yes Please specify:

Twice in the year are summarized courts statistics, including terms of the court proceedings.

54. Concerning court activities, have you defined:

- performance indicators? Yes No

Please specify the 4 main indicators for a proper functioning of justice:

- targets? Yes No

Please specify who is responsible for setting the targets:

Yes

- executive power?
- legislative power?
- judicial power?
- other?

Please specify:

Please specify the main objectives applied:

Source Court Administration

55. Which authority is responsible for the evaluation of the performances of the courts:

Yes

- the High Council of judiciary?
- the Ministry of justice?
- an Inspection body?
- the Supreme Court?
- an external audit body?
- other? Court Administration Please specify:

According to the Law "On Judicial Power" Section 107¹, Court Administration is a direct administrative institution subordinate to the Minister of Justice, who organizes and provides organisatory management of district (city) courts, regional courts and Land Registry Offices.

56. Does the evaluation system include quality standards concerning judicial decisions?

- No
Yes Please specify:

In the evaluation system are included data concerning cancelled and changed decisions.

Source Court Administration

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

Yes No

- civil cases?
- criminal cases?
- administrative cases?

58. Do you have a way of analysing queuing time during court procedures?

No
 Yes Please specify:

59. Do you monitor and evaluate the performance of the prosecution services?

No
 Yes Please specify:

The Office of Prosecutor establishes its priorities and action plan for every year, in order to evaluate the effectiveness of the work performance of the Prosecutor Office.
 A special table is designed to evaluate the individual performance effectiveness of each prosecutor.
 In addition the Prosecutor Office makes analysis of application of the Criminal Procedure Law and reasons to reverse judgements.
 The State Audit Office audits utilization of the state budget resources assigned to the Prosecutor Office.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

IV. Fair trial

IV. A. Fundamental principles

60. Is there in your judicial system:

- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?
 Yes No
- the right to have reasons given for all prisons sentences?
 Yes No
- for all cases, an effective remedy to a superior jurisdiction?
 Yes No

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? **N.A.**

Source

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?

No
 Yes If possible, number of successful challenges (in a year): **N.A.**

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

N.A.

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)										
	Article 6§2										
	Article 6§3a										
	Article 6§3b										
	Article 6§3c										
	Article 6§3d										
Civil proceedings	Article 6§3e										
	Article 6§1 (equity)										
	Article 6§1 (duration)										
	Article 6§1 (non execution only)										

Source

IV.B. Timeframes of proceedings
IV. B. 1. General

64. Are there specific procedures for urgent matters in:

- | | | |
|-------------------------|-------------------------------------|----|
| | Yes | No |
| ▪ civil cases? | <input checked="" type="checkbox"/> | |
| ▪ criminal cases? | <input checked="" type="checkbox"/> | |
| ▪ administrative cases? | <input checked="" type="checkbox"/> | |

65. Are there simplified procedures for:

- | | | |
|------------------------------------|-------------------------------------|----|
| | Yes | No |
| ▪ civil cases (small claims)? | | |
| ▪ criminal cases (petty offences)? | <input checked="" type="checkbox"/> | |
| ▪ administrative cases? | | |

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No
Yes Please specify:

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 116808

Please specify the main types of cases:

Recovery of debts and damages;
 Recovery of alimony;
 Divorce;
 Dispossession from living space;
 Establishing a judicial fact;
 Inability of insolvency and bankruptcy;
 Applications on liability enforcement;
 Applications on enforcement decisions of court on arbitration.

Source **Summary on civil cases made by Court Administration**

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

	Civil cases	Administrative cases**	Divorce	Employment dismissal
Incoming cases	59156	2658	6762	314
Decisions on the merits	44491	842	5803	238
Percentage of decisions subject to appeal in a higher court	6.6%	n.a.	1.5%	56.1%
Total number (1st instance) Pending cases by 1 January 2005	20720	1628	2475	139
Percentage of pending cases of more than 3 years	1.4%	n.a.	0.06%	0.9%
Average length (from date of lodging of court proceedings*) 1st instance decisions	n.a.	n.a.	n.a.	n.a.
2nd instance decisions	n.a.	n.a.	n.a.	n.a.
Total procedure	n.a.	n.a.	n.a.	n.a.

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

** The data are from 01.02.2004.-31.12.2005., because Administrative district court was founded on 01.02.2004.

Where appropriate, please specify the specific procedure as regards divorce:

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| ▪ to conduct or supervise police investigation? | <input checked="" type="checkbox"/> | |
| ▪ to conduct investigation? | <input checked="" type="checkbox"/> | |
| ▪ when necessary, to demand investigation measures from the judge? | <input checked="" type="checkbox"/> | |
| ▪ to charge? | <input checked="" type="checkbox"/> | |
| ▪ to present the case in the court? | <input checked="" type="checkbox"/> | |
| ▪ to propose a sentence to the judge? | <input checked="" type="checkbox"/> | |
| ▪ to appeal? | <input checked="" type="checkbox"/> | |
| ▪ to supervise enforcement procedure? | <input checked="" type="checkbox"/> | |
| ▪ to end the case by dropping it without the need for a judicial decision? | <input checked="" type="checkbox"/> | |
| ▪ to end the case by imposing or negotiating a penalty without a judicial decision? | <input checked="" type="checkbox"/> | |
| ▪ other significant powers? | | <input checked="" type="checkbox"/> |

Please specify:

71. Does the prosecutor also have a role in civil and/or administrative cases?

- No
 Yes

Please specify:

Prosecutor has the following responsibilities in civil and/or administrative cases :

- submit a complaint or a submission to a court in civil and/or administrative cases provided for by law;
- take part in the adjudication of matters by a court in civil and/or administrative cases provided for by law.

72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		15 511
Discontinued by the public prosecutor	In general	1639
	Because the offender could not be identified	54
	Due to the lack of an established offence or a specific legal situation	213
Concluded by a penalty, imposed or negotiated by		1282

the public prosecutor
Charged by the public prosecutor before the courts 13322

Source **General Prosecutor Office**

73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

	Criminal cases	Robbery cases	Intentional homicides	
	Incoming cases	12167	596	165
	Judicial decisions	12295	644	185
	Convicted persons	13222	974	155
	Acquitted persons	209	17	2
	Percentage of decisions subject to appeal in a higher court	17.2%	44.4%	27.6%
Total number (1st instance)	Pending cases by 1 January 2005	4475	362	76
	Percentage of pending cases of more than 3 years 1st instance	1.9%	5.6%	1.6%
Average length*(from the date of official charging)	2nd instance	n.a.	n.a.	n.a.
	Total procedure	n.a.	n.a.	n.a.

* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source **Court Administration**

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

Length of proceedings are calculated from incoming data of data of judicial decisions in the courts of first instance.
Incoming cases are cases brought to the court of the first instance.
Judicial decisions in the first instance.
Pending cases by 1 January, 2005 in the first instance.
Percentage of decisions subject to appeal in a higher court to cases ended in the court of first instance during year 2004.
Percentage of pending cases of more than 3 years in the first instance.

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:

- a body composed of members of the judiciary?
- a body composed of members external to the judiciary?
- a body composed of members of the judiciary and external to the judiciary?

Yes

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- a body composed of members of the prosecution system?
- a body composed of members external to the prosecution system?
- a body composed of members of the prosecution system and external to the prosecution system?

Yes

76. Is the mandate given for an undetermined period for:

- | | Yes | No |
|----------------|-------------------------------------|----|
| ▪ judges? | <input checked="" type="checkbox"/> | |
| ▪ prosecutors? | <input checked="" type="checkbox"/> | |

Are there exceptions ? Please specify:

According to the Law "On Judicial Power", judges of a district (city) court shall be appointed to office by the Parliament (Saeima), upon the recommendation of the Minister for Justice, for three years. After a judge of a district (city) court has held office for three years, the Saeima, upon the recommendation of the Minister for justice, and on the basis of an opinion of the Judicial Qualifications Board, shall confirm him or her in office, for an unlimited term of office, or shall re-appoint him or her to office for a period of up to two years. After the expiration of the repeated term of office, the Saeima, on the recommendation of the Minister for Justice, shall confirm in office a judge of a district (city) court for an unlimited term of office.

Judge of a regional court shall be confirmed by the Saeima, upon a recommendation of the Minister for Justice, for an unlimited term of office.

According with the Office of the Prosecutor Law selection and nomination of prosecutors is carried out in accordance with the following procedure:

Selection – a candidate for the office of prosecutor must be a citizen of the Republic of Latvia, who has received higher legal education, has served an apprenticeship at the Office of the Prosecutor and passed a qualification.

Nomination – The Prosecutor General, upon the recommendation of the Chief Justice of the Supreme Court, is approved by the Saeima for five years. Chief prosecutors are appointed to office by the Prosecutor General for five years, takin into account the opinion of the certification commission.

Notice is given of the confirmation of the Prosecutor General and the appointment of chief prosecutors in the official newspaper.

Other prosecutors are appoited to office by the Prosecutor General for an unlimited term of office.

If no, what is the length of the mandate:

Is it renewable?

Yes No

- of judges?
- of prosecutors?

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	yes		
	Highly recommended			
	Optional			
General in-service training	Compulsory	yes	Annual	yes
	Highly recommended		Regular	
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	
	Highly recommended	yes	Regular	yes
	Optional		Occasional	
In-service training for specific functions (e.g. head of court)	Compulsory	yes	Annual	yes
	Highly recommended		Regular	yes
	Optional		Occasional	

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	no		
	Highly recommended	no		
	Optional	no		
General in-service training	Compulsory	no	Annual	
	Highly recommended	yes	Regular	yes
	Optional		Occasional	
Specialised in-service training	Compulsory	yes	Annual	
	Highly recommended		Regular	yes
	Optional		Occasional	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of of your training system for judges and prosecutors

The Prosecutor Office provides on regular basis training for prosecutors in special subjects such as economical crime, money laundering issues, organized crime etc. The Prosecutor Office also accepts training provided by other institutions such as the State Police, Court Administration. Besides, specialised in service training is compulsory for prosecutors who have specialization for protecting the rights of the child and for prosecutors who have specialization in the specified crime investigation.

V. B. Practice of the profession

79. Gross annual salary of a first instance professional judge at the beginning of his/her career

8551,74 EUR

Source *Court Administration*

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

16740 EUR

Source *Division of Finance of the Supreme Court of Latvia*

81. Gross annual salary of a public prosecutor at the beginning of his/her career

7263,16 EUR

Source state *General Prosecutor Office*

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

14124,38 EUR

Source *General Prosecutor Office*

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	no	no
Special pension	no	yes
Housing	yes	no
Other financial benefit (If yes, please specify)	Insure the life and health of a judge; Additional payment to annual leave.	Allowances in case of injury of a prosecutor and in case of death of a prosecutor or his or her family member; Insure the life and health of a prosecutor; Security guarantees for a prosecutor; Allowance in the case of birth of a child; Annual leave; Supplement for the performance of duties of office under circumstances of increased work intensity; Allowance in connection with dismissal from a prosecutor position.

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	yes			yes		
Research and publication	yes			yes		
Arbitrator			no			no
Consultant			no			no
Cultural function			no	yes		
Other function to specify			no			no

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No
 Yes

Please specify:

V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

Reasons for disciplinary procedures	Judges		Prosecutors	
	Total number		Total number	
Breach of professional ethics (Yes/No)	11		27	
If yes, please specify the number	0		4	
Professional inadequacy (Yes/No)	0		0	
If yes, please specify the number	0		0	
Criminal offence (Yes/No)	0		0	
If yes, please specify the number	0		0	
Other (Yes/No)	0		0	
If yes, please specify: Intentional violation of law during the adjudication of a matter in court	6		14	
intentional violation of the law or negligence related to his or her professional activity and causing significant consequences-				

	intentional failure to fulfil employment duties of office		12
	an administrative violation-	1	2
	failure to perform his or her duties of employment	3	
	gross negligence in the adjudication of a matter	2	
Types of sanctions	Total number	11	27
	Reprimand (Yes/No)	4	10
	If yes, please specify the number		
	Suspension (Yes/No)	0	2
	If yes, please specify the number		
	Dismissal (Yes/No)	1	2
	If yes, please specify the number		
	Fine (Yes/No)	0	5
	If yes, please specify the number		
	Other (Yes/No)		
	If yes, please specify		
	an annotation	5	5
	reduction in the grade of office		3
	disciplinary proceeding is reviewed and dismissed	1	

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

According to the Office of the Prosecutor Law the Prosecutor General has the right to apply any disciplinary sanction to any prosecutor. An official, who has the right to apply a disciplinary sanction, reviews all materials received and requests an explanation from a prosecutor and, if necessary, organises the investigation of the fact of a disciplinary violation. Prior to the reduction in the grade of office, demotion in office or dismissal of a prosecutor, the materials received is submitted to the certification commission for the provision of an opinion. An official, who has applied a disciplinary sanction, is entitled to revoke it before one year has elapsed.

A person must appeal a decision regarding the imposition of a disciplinary sanction on him or her to a court.

According to the Judicial Disciplinary Liability Law matters concerning disciplinary and administrative violations by judges of district (city) courts, land registry offices, regional courts and the Supreme Court shall be examined by the Judicial Disciplinary Board.

VI. Lawyers

87. Number of lawyers practising in your country

approximately 800

Source *Ministry of Justice*

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes No

89. Do lawyers have a monopoly of representation:

	Monopoly (Yes/No)	If no, possible representation by (Yes/No)
Civil cases*		Member of family Trade Union NGO Other X
Criminal cases*	Defendant Yes	Member of family Trade Union NGO Other
	Victim	Member of family Trade Union NGO Other X
Administrative cases*		Member of family Trade Union NGO Other X

* If appropriate, please specify if it concerns first instance and appeal.

90. Is the lawyer profession organised through?

- a national bar? Yes
- a regional bar?
- a local bar?

Please specify:

There is a Council of Sworn Advocates in Latvia.

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes No

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes No

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No
Yes

Please specify:

94. Can users establish easily what the lawyers' fees will be?

Yes No

95. Are lawyers fees:

- regulated by law? Yes
- regulated by Bar association?
- freely negotiated?

96. Have quality standards been formulated for lawyers?

Yes No

97. If yes, who is responsible for formulating these quality standards:

- the bar association?
- the legislature?
- other?

Yes

Please specify:

98. Is it possible to complain about :

- the performance of lawyers? No
Yes

Please specify:

There is a possibility to lodge a complaint to the Latvian Council of Sworn Advocates or to the court.

- the amount of fees? Yes No

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No
	(If yes, please specify the annual number)
Reasons for disciplinary proceedings	Breach of professional ethics Yes
	Professional inadequacy Yes
	Criminal offence Yes
	Other -
	Reprimand Yes

Type of sanctions	Suspension	Yes (not any longer than 1 year)
	Removal	Yes
	Fine	-
	Other	- (to set another place of praxis or to prohibit to practise in other place)

100. Who is the authority responsible for the disciplinary procedures:

- | | | |
|---|--|------------------------|
| <ul style="list-style-type: none"> ▪ a professional body?
The Disciplinary Commission of Lawyers. | Yes
<input checked="" type="checkbox"/> | Please specify: |
|---|--|------------------------|

- | | |
|---|------------------------|
| <ul style="list-style-type: none"> ▪ the judge? ▪ the Ministry of justice? ▪ other? | Please specify: |
|---|------------------------|

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning the organisation of the Bar**

VII. Alternative Dispute Resolution

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

		Compulsion (Yes/No)	Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	n.a.	Private mediator	n.a.
	Compulsory stage in court proceedings	n.a.	Public or authorised by court body	n.a.
	Ordered by judge in certain cases	n.a.	Court Judge	n.a. n.a.
Family cases	Compulsory stage prior to court proceedings	n.a.	Prosecutor	no
	Compulsory stage in court proceedings	n.a.	Private mediator	n.a.
	Ordered by judge in certain cases	n.a.	Public or authorised by court body	n.a.

Administrative cases	certain cases					
	Compulsory stage prior to court proceedings	n.a.		Private mediator	n.a.	
				Public or authorised by court body	n.a.	
Employment dismissals	Compulsory stage in court proceedings	n.a.		Court	n.a.	
	Ordered by judge in certain cases	n.a.		Judge	n.a.	
				Prosecutor	no	
	Compulsory stage prior to court proceedings	n.a.		Private mediator	n.a.	
				Public or authorised by court body	n.a.	
				Court	n.a.	
Criminal cases	Compulsory stage in court proceedings	n.a.		Judge	n.a.	
	Ordered by judge in certain cases	n.a.		Prosecutor	no	
		yes		Private mediator	n.a.	
				Public or authorised by court body	yes	
	Compulsory stage in court proceedings	yes		Court	n.a.	
	Ordered by judge in certain cases	n.a.		Judge	n.a.	
				Prosecutor	no	

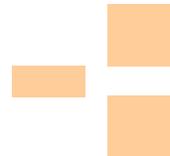
102. Can you provide information about accredited mediators?

There are no accredited mediators in Latvia.

103. Can you provide information about the total number of mediation procedure concerning:

N.A.

- **civil cases?**
- **family cases?**
- **administrative cases?**
- **employment dismissals?**
- **criminal cases?**



Source

104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:

There are rent boards and courts of arbitration in Latvia.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning ADR**

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- judges?
 - bailiff practising as private profession ruled by public authorities?
 - bailiff working in a public institution?
 - other enforcement agents?
- Please specify their status:

Yes



106. Number of enforcement agents

114

Source Ministry of Justice

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes No

108. Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

Yes

109. Can users establish easily what the fees of the enforcement agents will be?

Yes No

110. Are enforcement fees:

- regulated by law?
- freely negotiated?

Yes

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No
Yes

Which authority is responsible for the supervision and the control of enforcement agents:

Yes

- a professional body?
 - the judge? (District courts)
 - the Ministry of justice?
 - the prosecutor?
 - other?
- Please specify:

112. Have quality standards been formulated for enforcement agents?

No
Yes

Who is responsible for formulating these quality standards?

Source Ministry of Justice

113. What are the main complaints of users concerning the enforcement procedure:

- | | Yes | No |
|-----------------------------|-------------------------------------|----|
| ▪ no execution at all? | <input checked="" type="checkbox"/> | |
| ▪ lack of information? | <input checked="" type="checkbox"/> | |
| ▪ excessive length? | <input checked="" type="checkbox"/> | |
| ▪ unlawful practices? | <input checked="" type="checkbox"/> | |
| ▪ insufficient supervision? | | |
| ▪ excessive cost? | <input checked="" type="checkbox"/> | |
| ▪ other? | | |

Source Ministry of Justice

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No
Yes Please specify:

Preparations are being made to establish a united institution, which is going to control the recovery in favour of the state. It is planned to enlarge the amount of the state rights in the bailiff supervision.

115. Is there a system measuring the timeframes of the enforcement of decisions :

- | | Yes | No |
|-----------------------------|-------------------------------------|-------------------------------------|
| ▪ for civil cases? | | <input checked="" type="checkbox"/> |
| ▪ for administrative cases? | <input checked="" type="checkbox"/> | |

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- Yes
- between 1 and 5 days

- **between 6 and 10 days**
- **between 11 and 30 days**
- **more: please specify** after 10 days when the court decision has been taken in affect, the debt collector has rights to receive an executive document and hand in for the bailiff for the forced execution. The bailiff informs the debtor for its rights to implement the court decision in 10 days.

Source **Ministry of Justice**

117. Disciplinary proceedings and sanctions against enforcement agents:

		Yes /No
		(If yes, please specify the total number)
Disciplinary proceedings	Breach of professional ethics	Yes
	Professional inadequacy	Yes
	Criminal offence	
	Other	Yes
Sanctions	Reprimand	Yes
	Suspension	Yes
	Dismissal	Yes
	Fine	
	Other	

You can indicate below:

- ***any useful comments for interpreting the data mentioned above***
- ***the characteristics of your enforcement system of decisions in civil matters***

VIII. B. Enforcement of decisions in criminal matters

118. Is there a judge who has in charge the enforcement of judgments?

Yes **Please specify his/her functions and activities (e.g. Initiative or control functions):**

No **Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):**

There is no judge who is specifically responsible for the enforcement of judgments. Ministry of Justice is the competent authority to receive foreign requests for the enforcement of judgments and decide whether they shall be executed. The enforcement is decided by the same level court according to the place of residence of the person in question as if the proceedings would take place in Latvia.

119. **As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

No
Yes

Please specify:

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your enforcement system of decisions in criminal matters*

IX. Notaries

120. **Is the status of notaries:**

- | | Yes | Number |
|---|-------------------------------------|--------|
| ▪ a private one? | | |
| ▪ a status of private worker ruled by the public authorities? | <input checked="" type="checkbox"/> | 114 |
| ▪ a public one? | | |
| ▪ other? | | |

Please specify:

The number is indicated on 01.01.2005.

Source *Ministry of Justice*

121. **Do notaries have duties:**

- | | Yes | No |
|--|-------------------------------------|----|
| ▪ within the framework of civil procedure? | | |
| ▪ in the field of legal advice? | <input checked="" type="checkbox"/> | |
| ▪ to authenticate legal deeds? | <input checked="" type="checkbox"/> | |
| ▪ other? | <input checked="" type="checkbox"/> | |

If yes, please specify:

In the cases of legacy.

122. Is there a body entrusted with the supervision and the control of the notaries?

No
Yes

Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

Please specify:

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system of notaries*

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:

The Ministry of Justice of the Republic of Latvia has elaborated the draft law on "Judicial Law", which is going to take effect in 2007.