



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Latvia

National correspondent

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Phone Number :

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

2294590

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	5064207410
Regional / entity level	

3) Per capita GDP (in €)

7005

4) Average gross annual salary (in €)

5156

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

0,702804

Please indicate the sources for the questions 1 to 4

1., 3., 4. - Central statistic bureau of Latvia, www.csb.gov.lv

2. - Law on State Budget 2006

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

32416128

7) Please specify

Data involves budget for regional courts, district (city) courts, Administrative regional court, Administrative district court and for the Supreme Court.

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	22134811
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	1233493
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	114881
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	5815877
Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> Yes	
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	248957
Other (please specify):	<input checked="" type="checkbox"/> Yes	2868109

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

☒ Yes

☐ No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

The main increase is in following positions: salaries for judges and court employees, expenses for strengthening capacity of the administrative courts, rent charges for premises and as well as compensation for increase of the service costs.

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

☐ for criminal cases?

☒ for other than criminal cases?

If yes, are there exceptions? Please specify:

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

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

9238216

12) Total annual approved budget allocated to the whole justice system (in €)

130101946

13) Total annual approved public budget allocated to legal aid (in €)

1072771

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	N.A.	N.A.

15) Is the public budget allocated to legal aid included in the court budget ?☐ Yes☒ No**16) Total annual approved public budget allocated to the public prosecution system (in €)**

17113881

17) Is the budget allocated to the public prosecution included in the court budget?☐ Yes☒ No**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other ministry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Other Ministry - Ministry of Finance
Inspection body - State Audit Office
Other - Court Administration.

There is no Judicial Council in Latvia. According to the Law "On Judicial Power" the Court Administration is responsible for financial resources of the district (city) courts, regional courts and Land Registry Offices, as well as for preparing 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 of the Supreme Court is provided by a separate item in the 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.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Question nr.8.:

In the section "other" are included following items: taxes, health insurance, expenses for safety arrangements, communication service, administration expenses, furniture purchase, expenses for long service pension of judges, as well as expenses for transport.

Please indicate the sources for the questions 6, 7, 13 et 16

- 6. - Court Administration, Supreme Court
- 7. - Court Administration
- 13. - Legal Aid Administration
- 16. - Prosecutor General's Office.

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

21) If other, please specify (in regards to question 20):

Other means preparation of legal documents.

22) Does legal aid foresee the covering or the exoneration of court fees?

☐ Yes

☒ No

If yes, please specify:

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

☐ Yes

☒ No

If yes, please specify:

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	669
Criminal cases	11
Other than criminal cases	658

25) 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

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?		X	128 EUR
for other than criminal cases?		X	128 EUR

27) 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

28) If yes, is the decision for granting or refusing legal aid taken by:

- ☐ the court?
☒ an authority external to the court?
☐ a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- ☐ Yes
☒ No

Please specify:

Expenses are covered by the state budget.

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

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criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Legal Aid Administration is deciding on granting the legal aid to victims in civilcases, administrative cases and criminal cases, evaluating person's level of income and condition of the property according to the normative acts.

Please indicate the sources for the questions 24 and 26

24. - Legal Aid Administration, www.jap.gov.lv

26. - Regulations of the Cabinet of Minister 04.07.2006. nr. 558 "Regulations on person's special situation, condition of the property and level of the income accordance to state provided legal aid granting", Legal Aid Administration

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) 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 (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	www.likumi.lv , www.mk.gov.lv , www.saeima.lv , www.vestnesis.lv , www.ttc.lv , http://pro.nais.lv
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	www.tiesas.lv , www.at.gov.lv , www.satv.tiesa.gov.lv
other documents (for example forms)?	<input checked="" type="checkbox"/> yes	www.legal.lv , www.juridica.lv

32) 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.

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

- ☒ Yes
☐ No

If yes, please specify:

The information is available in the concrete institutions web sites.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

- ☒ Yes
☐ No

36) If yes, does this compensation procedure consist in:

- ☒ a public fund?
☒ a court decision?
☐ private fund?

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

Compensation in a court decision concerns criminal cases.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

☐ Yes

☒ No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

☐ Yes

☒ No

If yes, please specify:

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

☒ Yes

☐ No

If yes, please specify:

It is according to the Criminal Procedure Law.

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

40) Is there a system for compensating users in the following circumstances:

- ☐ excessive length of proceedings?
- ☐ non execution of court decisions?
- ☒ wrongful arrest?
- ☒ wrongful condemnation?

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

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- ☐ (Satisfaction) surveys aimed at judges
- ☐ (Satisfaction) surveys aimed at court staff
- ☐ (Satisfaction) surveys aimed at public prosecutors
- ☐ (Satisfaction) surveys aimed at lawyers
- ☒ (Satisfaction) surveys aimed at citizens (visitors of the court)
- ☒ (Satisfaction) surveys aimed at other clients of the courts

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

The surveys are available in the Court Administration web site www.ta.gov.lv. "Attitude of the society with the courts" May, June and September.

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

☒ Yes

☐ No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	34
Specialised first instance courts (legal entities)	1
All the courts (geographic locations)	41

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

Areas of specialization are:

- 1) processing of administrative cases in the first instance - Administrative district court - 1 administrative structure. in appeal instance - Administrative regional court – 1 administrative structure
- 2) processing of complicate civil cases and serious crime criminal cases – 5 Regional courts (5 administrative structures and 5 geographic locations)

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

☐ Yes

☒ No

If yes, please specify:

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	34
a dismissal	34
a robbery	39

Please specify what is meant by small claims in your country (answer only if the definition has

changed compared to the previous evaluation round):

Q 48 –The concept “small claims” is not defined in the national legislation.

According to the Civil Procedure Law during accounting period – the 2006 year a debt collection for claims to LVL 30 000 (EUR 42 686) amount was under the jurisdiction of the district courts.

According to the changes in the Civil Procedure Law since the 1-st January of 2007 a debt collection for claims as far as LVL 150 000 (EUR 213 431) amount is under the jurisdiction of the district courts. Greater claims are justiciable to the regional courts as the courts of the first instance.

Please indicate the sources for the question 45

Court Administration

3. 1. 2. Judges, courts staff**49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)**

510

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

	Number
gross figure	N.A.
if possible, in full time equivalent	N.A.

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

N.A.

Q 49 – number of professional judges for the year 2006 is correct – 510, for the year 2004 on 31.12.2004. the number was 381. In the previous scheme the number of professional judges was indicated on 03.01.2005. – 384. The increase is related to establishment of Administrative courts in Latvia in 2004. In 2004 the Administrative courts were not completely commissioned. Also the increase is related to development of investigation judges, therefore there was developed additional work places in district courts.

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

2525

It is the number of elected lay judges.

Q 52 – number of lay judges for the year 2006 is 2525, it is the number of elected lay judges. For the year 2004 the number of lay judges was 4058, but it is not number of elected lay judges, it is number of determined lay judges' positions. Therefore there is so big difference.

53) Does your judicial system include trial by jury with the participation of citizens?

☐ Yes

☒ No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

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

1444

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> Yes	N.A.
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	<input checked="" type="checkbox"/> Yes	827
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)	<input checked="" type="checkbox"/> Yes	437
technical staff	<input checked="" type="checkbox"/> Yes	180

Please indicate the sources for the questions 49, 50, 52, 53 and 55

49, 55 - Court Administration, Supreme Court

50, 52, 53 - Court Administration

3. 1. 3. Prosecutors

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

549

58) Do any other persons have similar duties as public prosecutors?☐ Yes☒ No

If yes, please specify:

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

372

Please indicate the sources for the questions 57 and 59

Prosecutors General's Office

3. 1. 4. Budget and New technologies**60) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

Court clerk office is the Court Administration.

In the section "other" - "preparation of the budget" for that is responsible also Ministry of Justice and in section "Evaluation and control of the use of the budget" for that is responsible also State Audit Office.

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+ 50% of courts	-50% of courts	- 10 % of courts
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Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+ 50% of courts	- 50% of courts	- 10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Financial information system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+ 50% of courts	- 50% of courts	- 10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- ☒ Yes
☐ No

If yes, please specify the name and the address of this institution:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

Court Administration

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- ☒ Yes
☐ No

67) Do you have a regular monitoring system of court activities concerning the:

- ☒ number of incoming cases?
☒ number of decisions?
☒ number of postponed cases?
☒ length of proceedings (timeframes)?
☒ other?

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.

68) Do you have a regular system to evaluate the performance of each court?

- ☒ Yes
☐ No

Please specify:

Court's statistics has been summarized twice a year, including length of courts proceedings.

69) Concerning court activities, have you defined performance indicators?

- ☒ Yes
☐ No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- ☒ Incoming cases
- ☒ Length of proceedings (timeframes)
- ☒ Closed cases
- ☒ Pending cases and backlogs
- ☐ Productivity of judges and court staff
- ☐ Percentage of cases that are treated by a single sitting judge
- ☐ The enforcement of penal decisions
- ☐ Satisfaction of employees of the courts
- ☐ Satisfaction of clients (regarding the services delivered by the courts)
- ☐ Judicial and organisational quality of the courts
- ☐ The costs of the judicial procedures
- ☐ Other

Please specify:

71) Are there performance targets defined for individual judges?

- ☐ Yes
- ☒ No

72) Are there performance targets defined at the level of the courts?

- ☐ Yes
- ☒ No

73) Please specify who is responsible for setting the targets:

- ☒ executive power (for example the Ministry of Justice)
- ☐ legislative power
- ☐ judicial power (for example a High Judicial Council or a Higher Court)
- ☐ other

Please specify

74) Please specify the main targets applied:

Targets and tasks for ministry of Justice:

To determine development policy for a court system:

- to produce the development plan for judicial system
- with the co-operating with the organs of the highest education, to promote making of specialized programs for Master studios for judges

To develop the infrastructure of courts:

- to produce portal www.tiesas.lv and electronic systems of courts financing, maintenance and development methods
- to improve infrastructures of courts

To develop the capacity of courts staff:

- to increase the number of judges and court staff
- to develop training for judges and court staff conception, to produce new programs of training course and to provide teaching
- to elaborate the changes in judicial acts, that limit the action of representatives of the legal professions, if ethics faults are executed
- to provide launch discussions of representatives of legal professions, law scientists, politicians and experts about the ethics questions of legal profession

To improve the mechanism of the international legal collaboration:

- to estimate the existing mechanisms and possibilities of international collaboration of courts and improve them

To develop control of execution of court decisions and also to develop forms of alternative dispute resolution.

There is conception project "Training development for judges and court staff" in developing process. The purpose of the conception project is to produce suggestions for training developing mechanism for judges and court stuff, as well as for institutional model of development.

75) Which authority is responsible for the evaluation of the performances of the courts:

- ☐ the High Council of judiciary
- ☐ the Ministry of Justice
- ☐ an Inspection authority
- ☐ the Supreme Court
- ☐ an external audit body
- ☒ other?

Other, please specify:

According to the Law On Judicial Power Section 107 1 , Courts Administration is a direct administrative institution subordinate to the Minister of Justice, who organizes and provides administrative management of district (city) courts, regional courts and Land Registry Offices.

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for

the courts (existence of a quality system for the judiciary)?

- ☒ Yes
- ☐ No

If yes, please specify:

Data concerning cancelled and changed decisions are included in the quality standarts.

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- ☒ Yes
- ☐ No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

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

79) Do you have a way of analysing waiting time during court procedures?

- ☒ Yes
- ☐ No

If yes, please specify:

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

☐ Yes

☒ No

Please specify (including an indication of the frequency of the evaluation):

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

☒ Yes

☐ No

If yes, please specify:

Every year the Office of Prosecutor defines its priorities and work plan in order to evaluate the effectiveness of the Office of Prosecutor work results.

We also have special methodology to evaluate the individual results of each prosecutor. In addition the Office of Prosecutor makes analysis regarding the application of norms of the Criminal Law Process and Criminal Law by prosecutors.

You can indicate below:

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

Please indicate the sources for the the question 70,71, 72 and 76

Court Administration.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

☒ Yes

☐ No

If possible, number of successful challenges (in a year):

N.A.

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	N.A.	N.A.	N.A.	N.A.
Civil proceedings - Article 6§1 (non-execution)	N.A.	N.A.	N.A.	N.A.
Criminal proceedings - Article 6§1 (duration)	N.A.	N.A.	N.A.	N.A.

Please indicate the sources for the questions 82 and 84

82. - Court Administration

84. - Ministry of Justice

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

☒ civil cases?

☒ criminal cases?

☒ administrative cases?

If yes, please specify:

86) Are there simplified procedures for:

- ☐ civil cases (small claims)?
- ☒ criminal cases (petty offences)?
- ☐ administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

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

- ☒ Yes
- ☐ No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law	21686	57047	57291	21442

cases (1-7)				
1 Civil (and commercial) litigious cases*	17463	34010	35972	15501
2 Civil (and commercial) non-litigious cases*	1409	19933	19279	2063
3 Enforcement cases	N.A.	N.A.	N.A.	N.A.
4 Land registry cases**	N.A.	N.A.	N.A.	N.A.
5 Business register cases**	N.A.	N.A.	N.A.	N.A.
6 Administrative law cases	2814	3104	2040	3878
7 Other				
Total criminal cases (8+9)	3594	9706	33796	3235
8 Criminal cases (severe criminal offences)	3594	9706	10065	3235
9 Misdemeanour cases (minor offences)	N.A.	N.A.	23731	N.A.

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

Criminal cases are cases heard according to criminal law procedure,
Misdemeanour cases are cases heard in the first instance in district (city) courts according to administrative code procedure.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	3896	6483	6506	3868
1 Civil (and commercial) litigious cases*	2721	4815	4955	2576
2 Civil (and commercial) non-litigious cases*	46	185	205	26
3 Enforcement cases	N.A.	N.A.	N.A.	N.A.
4 Land registry cases**	14	200	188	26
5 Business register cases**	N.A.	N.A.	N.A.	N.A.
6 Administrative law cases	1115	1283	1158	1240
7 Other				
Total criminal cases (8+9)	961	2498	2684	775
8 Criminal cases (Severe criminal offences)	773	1907	2156	524
9 Misdemeanour cases (minor offences)	188	591	528	251

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	244	1690	1551	383
1 Civil (and commercial) litigious cases*	118	994	908	204
2 Civil (and commercial) non-litigious cases*	N.A.	N.A.	N.A.	N.A.
3 Enforcement cases	N.A.	N.A.	N.A.	N.A.
4 Land registry cases**	N.A.	N.A.	N.A.	N.A.
5 Business register cases**	N.A.	N.A.	N.A.	N.A.
6 Administrative law cases	110	613	569	154
7 Other	16	83	74	25
Total criminal cases (8+9)	32	768	758	42
8 Criminal cases (Severe criminal offences)	16	527	518	25
9 Misdemeanour cases (minor offences)	16	241	240	17

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	2531	8440	8305	2666
Employment dismissal cases	118	147	199	66
Robbery cases	298	441	485	254
Intentional homicide case	48	93	106	35

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases	1,6	0,2	3,9 month	2,8 month	N.A.
Employment dismissal cases	51,3	2,0	5,7 month	2,8 month	N.A.
Robbery cases	45,6	2,7	6,4 month	3,9 month	N.A.
Intentional homicide	31,1	1,0	6,0 month	4,2 month	N.A.

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

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

The length of proceedings is calculated according to arithmetical mean calculation method.

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- ☒ to conduct or supervise police investigation?
- ☒ to conduct investigation?
- ☒ when necessary, to demand investigation measures from the judge?
- ☒ to charge?
- ☒ to present the case in the court?
- ☒ to propose a sentence to the judge?
- ☒ to appeal?
- ☒ to supervise the enforcement procedure?
- ☒ to end the case by dropping it without the need for a judicial decision?
- ☒ to end the case by imposing or negotiating a penalty without a judicial decision?
- ☐ other significant powers?

Please specify:

97) Does the prosecutor also have a role in civil and/or administrative cases?

- ☒ Yes
- ☐ No

If yes, please specify:

Prosecutor has the following responsibilities in civil and/or administrative cases. Firstly, submit a complaint or a submission to a court in civil and/or administrative cases provided for by law.

Secondly, take part in the consideration of matters by court in civil and/or administrative cases provided for by law.

The prosecutor represent the interests of persons (incapacitated persons, persons with limited capability, disable, minors, prisoners and other persons who have restricted ability to defend their rights have been violation) and the State in accordance with the procedure prescribed by law.

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

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
--	-----------------------------------	--	---	---	--	--

			legal situation			
Total number of 1st instance criminal cases	12783	25	300	848	740	12977

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Question nr. 98:

The provided information includes all criminal cases.

Question nr. 90:

Data concerns second instance courts and data from Supreme Court Chambers. The Chambers -Criminal Cases and Civil Cases are the appeals bodies which review cases that have been decided by the regional courts, as the court of first instance. An appeal (appellatio in Latin) is a review of the lower court's decision by a higher court that has the authority to review the case, de novo, within the confines of the legal grounds asserted in the request for appeal, or a protest filed by the prosecutor.

Question nr.91:

Data concerns Senate of the Supreme Court. The Senate has the authority to accept cassation appeals in all types of cases, and is the final and supreme judicial body in Latvia. The Senate acts as the court of cassation appeals in cases decided by the Supreme Court Chambers, by regional courts and by district (city) courts. Cassation appeal (cassare in Latin) is a review of the legality of a lower court decision. A cassation appeal does not entail a de novo review. Because the Senate reviews only whether the lower court opinion corresponds to the requirements of the applicable substantive and procedural laws, the Senate is not involved in review of the facts and the evidence in these cases.

Please indicate the sources for the questions 92 to 94 and question 98

92.-94. - Court Administration

98. - Prosecutor General's Office.

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- ☐ Through a competitive exam (for instance after a law degree)?
- ☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☒ A combination of both
- ☐ Other

If other, please specify:

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- ☒ an authority composed of judges only?
- ☐ an authority composed of non-judges only?
- ☐ an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- ☒ Yes
- ☐ No

If no, please specify which authority is competent for promoting judges:

102) Which procedures and criteria are used for promoting judges? (please specify).

After nomination of the candidate for the promotion, the Judicial Qualification Board makes the assessment of the candidate by generally using the method of evaluation of performance (the number of decisions taken, the number of confirmed, quashed or amended decisions, existence of complaints) and other data (continuous training, scientific work, pedagogical work etc.).

According to the Law on Judicial Power, Section 98, judges after the completion of attestation examinations, may be granted the following categories of qualification class: the fifth, fourth, third, second or first qualification class in the following sequence: 1) fifth qualification class - after three working years, 2) fourth qualification class - after three working years in office with a fifth qualification class, 3) third qualification class - after four working years in office with a fourth qualification class, 4) second qualification class - after five working years in office with a third qualification class, and 5) first qualification class - after five working years in office with a second qualification class.

A judge may be granted a higher qualification class if he or she has been working with the previous qualification class not less than two-thirds of the time period specified in Paragraph one of this Section and has completed the examinations for the next qualification class.

103) How are prosecutors recruited?

☒ Through a competitive exam? (for example after a law degree)

☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?

☐ A combination of both

☐ Other

If other, please specify:

The candidates to a Prosecutor's position are recruited through a competitive exam. Then, the candidates have in-service training program at a Prosecution Office and a qualification examination.

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

☒ an authority composed of prosecutors only?

☐ an authority composed of non-prosecutors only?

☐ an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

☒ Yes

☐ No

If no, please specify which authority is competent for promoting prosecutors.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

The promoting of prosecutors is carried out in accordance with the provision of the law. The service rank is assigned to a prosecutor according to position held and professional knowledge, qualification and work experience.

In individual cases a prosecutor can be assigned a higher service rank, if he/she has worked in the previous service rank two thirds of the period set in the Law and passed the qualification examination for the next service rank.

The service rank of a Senior State Justice Counselor shall be assigned to the Prosecutor General by the Parliament upon his/her appointment to the said position. Service ranks to other Prosecutors shall be assigned by the Prosecutor General basing on the recommendation of the certification commission.

107) Is the mandate given for an undetermined period for judges ?

☒ Yes

☐ No

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. If the work of a judge is unsatisfactory, the Minister for justice, in accordance with an opinion of the Judicial Qualification Board, shall not nominate a judge as a candidate for a repeated appointment to or confirmation in 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.

108) Is the mandate given for an undetermined period for prosecutors?

☒ Yes

☐ No

Are there exceptions? Please specify:

**109) If no, what is the length of the mandate?
Is it renewable?**

for judges

☐ yes, please
specify the
length

for prosecutors

☐ yes, please
specify the
length

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 and the main reforms that have been implemented over the last two years

Question nr. 100:

Judges initially/at the beginning of their carrier are recruited and nominated by the Judicial Qualification Board. According to the law "On Judicial Power", the Judicial Qualification Board is a self-governing judicial institution, the purpose of which is to strenghten the professional independence of judges. At the meetings of the Judicial Qualification Board in an advisory capacity may participate the chairperson of the Judicial Committee of the Parliament, the Minister for Justice, the Prosecutor General, the chief judge of the Supreme Court, the Dean of the Law Faculty of the University of Latvia, the Chancellor of the Police Academy or persons authorised by them, as well as the authorised represenative of the Latvian Society of Judges.

5. 1. 2. Training

**110) Nature of the training of judges.
Is it compulsory?**

- ☒ Initial training
- ☒ General in-service training
- ☒ In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- ☐ In-service training for management functions of the court (e.g. court president, court managers)
- ☐ In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**112) Nature of the training of prosecutors.
Is it compulsory?**

- ☐ Initial training
- ☒ General in-service training
- ☒ Specialised in-service training (e.g. specialised public prosecutor)
- ☐ In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- ☐ In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

The Prosecution Office provides regular professional training courses for prosecutors in special issues such as economical crime, money laundering issues, organized crime etc. Prosecutors can improve their professional skills independently by using all information, which is accessible for the general public. The Office of Prosecutor also accepts training provided by other institutions such as the State Police, Court Administration. Furthermore, specialised in-service training for prosecutors who have questioning of juveniles is compulsory.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	13677	9471
Judge of the Supreme Court or the Highest Appellate Court	31 686	22 151
Public prosecutor at the beginning of his/her career	15 257	10 607
Public prosecutor of the Supreme Court or the Highest Appellate Instance	29 689	20 443

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

116) If other financial benefit, please specify:

According to the Law "On Judicial Power" judges have following additional benefits: additional payment to annual leave, allowance in case a judge has been injured in a serious accident, allowance in case of death of judge's family member or a dependant person, allowance in case of the birth of a child, allowance in case a judge is removed from office due to a reduction in the number of judges, life and helath insurance.

Public prosecutors have following additional benefits: allowances in case of injury of a prosecutor and death of a prosecutor or a member of his or her family, insurance of 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 off office under circumstances of increased work intensity, allowance in connection with dismissal from a prosecutor position.

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

118) If other function, please specify:**119) Can prosecutors combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

120) If other function, please specify:

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

☐ Yes

☒ No

If yes, please specify:

Please indicate the source for the question 114

Court Administration, Supreme Court, Prosecutors General Office.

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

According to the Judicial Disciplinary Liability Law disciplinary proceedings against judges are entitled to initiate: 1) the chief judge of the Supreme Court 2), the Minister for Justice, 3) the chief judge of regional courts, 4) the chief judges of district (city) courts.

According to the Law on Prosecution Office the rights to initiate disciplinary proceedings to any prosecutor has Prosecutor General or Head of Prosecutors.

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

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. The composition of the Judicial Disciplinary Board shall be the chief judge of the Supreme Court and his or her deputy, three judges of the Supreme Court, two chief judges of regional courts, two chief judges of district (city) courts and two heads of Land Registry Offices. The members of the Judicial Disciplinary Board (with the exception of the chief judge of the Supreme Court) shall be elected by secret ballot for four years at a conference of judges. The chairperson of the Judicial Disciplinary Board shall be the chief judge of the Supreme Court. The Judicial Disciplinary Board from among their own members shall elect the vice-chairperson of the Judicial Disciplinary Board. The Minister for Justice and the Prosecutor General, or persons authorised by them, as well as a person authorised by the Board of the Latvian Society of Judges, may participate in the sittings of the Judicial Disciplinary Board in an advisory capacity. The Judicial Disciplinary Board shall act in accordance with by-laws approved by the Judicial Disciplinary Board.

According with the Office of the Prosecutor Law the Prosecutor General or Head Prosecutors have the disciplinary power on prosecutors. Head Prosecutors have the right to make an annotation and reprimand to Prosecutors of the institution or structural unit under their management. If a violation of a more serious nature has been committed, a head of an institution may submit to the Prosecutor General a proposal to apply another disciplinary sanction.

Prior to the reduction of monthly salary, Prosecutor's reduction in service rank, demotion in position or dismissal, the received materials are submitted to the certification commission for the provision of an opinion.

A person may appeal a decision on the applied disciplinary sanction to a court.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	15	21
1. Breach of professional ethics	2	2
2. Criminal offence	0	0
3. Professional inadequacy	0	0
4. Other	13	19

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	15	21
1. Reprimand	4	8
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		4
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal	3	1
9. Other	8	8

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 and the main reforms that have been implemented over the last two years

Question nr. 124.: In the section "other" for judges are classified following types of disciplinary proceedings: gross negligence during the adjudication of a case in court, intentional violation of law, as well as breach of job responsibilities. And as regard section other for prosecutors there are classified intentional breach of job responsibilities.

Question nr. 125: In the section "other" for judges are classified following disciplinary sanctions: annotation and cases when disciplinary proceedings are scrutinized and dismissed.

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

858

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

☐ Yes

☒ No

128) Number of legal advisors?

N.A.

129) Do lawyers have a monopoly of representation:

☐ Civil cases*

☐ Criminal cases - Defendant*

☐ Criminal cases - Victim*

☐ Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

Participants in administrative proceedings may participate in the proceedings with the assistance of or through their representative. The representative may be any natural or legal person with capacity to act, subject to the restrictions set out in Sections 36 and 37 of Administrative Procedure Law.

In the civil procedure also any natural person may be an authorised representative, taking into account the restrictions specified in Section 84 of Civile Procedure Law.

In criminal procedure a defence counsel shall be an advocate practicing in Latvia who implement the defence in criminal proceedings, or a specific stage or separate procedural action thereof of a person who has the right to defence. In order to completely ensure the rights and interests of a minor person who has the right to defence, the representative thereof may participate in criminal proceedings.

130) Is the lawyer profession organised through:

☒ a national Bar?

☐ a regional Bar?

☐ a local Bar?

Please specify:

The Latvian Council of Sworn Advocates is the managerial, control and executive body of the Latvian Collegium of Sworn Advocates. The Latvian Council of Sworn Advocates shall

decide on the admittance and inclusion of sworn advocates and assistants of sworn advocates, on the discharge, suspension or dismissal of sworn advocates and assistants of sworn advocates, as well as on arrest of activities of several sworn advocates and assistants of sworn advocates etc.

Please indicate the source for the question 126

Ministry of Justice, www.adokatura.lv

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- ☒ Yes
☐ No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- ☐ Yes
☒ No

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

- ☐ Yes
☒ No

If yes, please specify:

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- ☒ Yes
☐ No

135) Are lawyers fees:

- ☒ regulated by law?
- ☐ regulated by the Bar association?
- ☒ freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- ☒ Yes
- ☐ No

137) If yes, who is responsible for formulating these quality standards:

- ☐ the Bar association?
- ☒ the legislature?
- ☐ other?

Please specify (including a description of the quality criteria used):

Persons may be admitted as sworn advocates if they: have a faultless reputation, have received a state-recognised diploma of second-level higher education in law and have obtained the qualifications of a lawyer, are fluent in the official language, have obtained work experience working in one of the following positions: the position of judge, at least two years – the position of prosecutor, sworn bailiff or sworn notary, at least three years – assistant to an advocate, at least three years – in the position of academic personnel specialising in law at an institution of higher education, at least five years – in any other position with a juridical speciality, have passed the advocate examination. Doctors of Law shall be exempted from the advocate examination.

138) Is it possible to complain about :

- ☒ the performance of lawyers?
- ☐ the amount of fees?

Please specify:

In September 2007 The Latvian Council of Sworn Advocates established the Commission of ethics for lawyers.

An administrative, supervisory and executive institution of the Latvian Collegium of Sworn Advocates is The Latvian Council of Sworn Advocates.

139) Which authority is responsible for disciplinary procedures:

- ☐ the judge?
- ☐ the Ministry of Justice?
- ☒ a professional authority or other?

Please specify:

In case if law and other regulatory enactments, the Articles of association of the Latvian Collegium of Sworn Advocates, as well as the instructions regulating the work of sworn advocates and the norms of the professional ethics of sworn advocates are violated the Latvian Council of Sworn Advocates may initiate disciplinary proceedings upon the proposal of the court or prosecutor, as well as on the basis of the complaints of persons or upon their own initiative, sending the case materials for examination to the Disciplinary Proceedings Commission.

The Latvian Council of Sworn Advocates is also entitled to explain to sworn advocates the wrongfulness of their conduct, without initiating disciplinary proceedings.

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	4			

141) Disciplinary proceedings and sanctions against lawyers:**Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	2		1		1

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

According to the Article 71 of the Law On the Bar the Latvian Council of Sworn advocates (the managerial, control and executive body of the Latvian Collegium of Sworn Advocates / the Latvian Bar) may instigate disciplinary proceedings upon the recommendation of the court or the prosecutor, as well as upon complaints from persons or upon its own initiative, sending the materials of the case for revision to the Disciplinary Commission. The Latvian Council of Sworn advocates also has the rights to explain to the sworn advocates the impropriety of their actions, not instigating disciplinary proceedings.

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

☐ Yes

☒ No

If yes, please specify:

144) Can you provide information about the number of accredited mediators?

☐ Yes

☒ No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

☐ yes,
number:

family cases?

☐ yes,
number:

administrative cases?

☐ yes,
number:

employment dismissals?

☐ yes,
number:

criminal cases?

☒ yes,
number:

317

Please indicate the source for the question 145

State Probation Service statistics on mediation.

7. 1. 2. Other forms of alternative dispute resolution**146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:****Arbitration**

An Arbitration court may be established for the resolution of a specific dispute. It may also operate permanently. A permanent Arbitration court shall operate on the basis of articles of association or by-law, whereas an Arbitration court established for the resolution of a specific dispute shall operate in accordance with the procedures prescribed by this Civil Procedure Law. The resolution of disputes by an Arbitration court is not entrepreneurial activity.

There are 143 Arbitration courts registered in Latvia.

Conciliation

In preparing a matter for trial and In the course of the trial of a matter the judge shall strive to reconcile the parties.

In civil matters regarding dissolution or annulment of a marriage, settlement by the parties shall be permitted only in disputes related to family legal relationships.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Comment on question 144

There is no national authority which is responsible for accrediting mediators. Considering that mediators are certified by non-governmental organizations, statistic data cannot be provided.

Comment on question 145

Mediation in criminal matters managed by State Probation Service, which offers mediation service since 2004. In total 51 mediation cases in 2004 (the first year when mediation service was provided) and around 50 cases in 2005. In 2006 317 mediation cases were initiated (59 cases were stopped at very early stage, 91% out of 258 mediation cases were successful (a settlement was concluded)). Mediation process is for free. All the expenses are covered by the state budget.

Main activities

Twinning project "Dispute resolution system and provision of training for legal practitioners"

November 2005 – August 2007

The project was carried out by the Ministry of Justice and German Foundation for International legal cooperation.

The mentioned project contained 25 mediation related activities, for example, creating mediation web-site, organizing awareness campaign (brochures, articles), elaboration of video about family mediation, an action plan of ADR secretary, drafting training curricula, organizing trainings of mediators as well as training of trainers seminars, developing training manuals.

Mediation project managed by the Ministry for Children and Family Affairs

Experience: In June 2006 a pilot project for family mediation was started. Taking into account the great success of it, the mediation project in the State program for the improvement of children and family affairs in year 2007 is included as an independent activity.

Model: Voluntary mediation (frequently recommended by judge). Mediation service is provided by two mediators (a lawyer and a psychologist), in total five sessions (each two hours long) are available for the parties (couples, family members).

Number of cases: In total 23 cases (June – December 2006).

Cases: Dissolution of marriage, property questions, custody and maintenance of children.

Expenses: Mediation service is for free. All expenses are covered by the state budget.

The strategy of the Ministry of Justice 2007 – 2009 (adopted in year 2006)

The development of ADR is one of the strategic goals for the Ministry of Justice in years 2007 – 2009.

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

137

148) 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:

Sworn bailiffs are persons belonging to the court system assigned to regional courts and perform the duties prescribed by laws. In respect of the official activities sworn bailiffs shall be comparable to State officials.

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

☒ Yes

☐ No

150) Is the profession of enforcement agent organised by?

☒ a national body?

☐ a regional body?

☐ a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

☒ Yes

☐ No

152) Are enforcement fees:

☒ regulated by law?

☐ freely negotiated?

Please indicate the source for the question 147

Ministry of Justice, www.lzti.lv, Law on Bailiffs, Regulations nr. 1021 "Regulations on number of bailiffs, officary place, district and limit of it" (27.12.2005.)

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

☒ Yes

☐ No

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

☒ a professional body?

☐ the judge?

☒ the Ministry of Justice?

☐ the prosecutor?

☒ other?

Please specify:

Direct supervision of sworn bailiffs shall be in the jurisdiction of such regional court in the territory of operation of which their office is located.

The district (city) court shall perform supervision of the official activities of sworn bailiffs in accordance with civil procedural procedures.

The Council of Latvian Sworn Bailiffs is the representative and supervisory authority of Latvian sworn bailiffs, as well as the administrative and executive body of the Collegium of Latvian Sworn Bailiffs. The Council of Latvian Sworn Bailiffs may initiate a disciplinary matter against a sworn bailiff upon a proposal of a judge or a prosecutor, as well as pursuant to a complaint of a person or on its own initiative.

The Minister of Justice may initiate a disciplinary matter against a sworn bailiff upon a proposal of a judge or a prosecutor, as well as pursuant to a complaint of a person or on his or her own initiative.

155) Have quality standards been formulated for enforcement agents?

☒ Yes

☐ No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

Quality standards are formulated by the Ministry of Justice.

Sworn bailiffs may be persons who: have a knowledge of the official language at the highest level, conform to the following educational criteria: a second level highest professional education in law and the qualification of a lawyer has been acquired on the basis of the acquisition of an accredited study programme at an institution of higher education, and a masters degree in law has been acquired. 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. and have passed a sworn bailiff examination.

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- ☐ Yes
☒ No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

Ministry of Justice, Law on Bailiffs, Administrative Procedure Law.

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- ☐ no execution at all?
☐ non execution of court decisions against public authorities?
☐ lack of information?
☒ excessive length?
☒ unlawful practices?
☐ insufficient supervision?
☒ excessive cost?
☐ other?

Please specify:

Main complaints of users also are about bailiffs' non-observance of enforcement procedure.

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- ☒ Yes
- ☐ No

If yes, please specify:

There is a draft law for the Law on Bailiffs where examination for bailiffs is foreseen once in 5 years.

159) Is there a system measuring the timeframes of the enforcement of decisions:

- ☐ for civil cases?
- ☐ for administrative cases?

160) 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:

- ☐ between 1 and 5 days
- ☒ between 6 and 10 days
- ☐ between 11 and 30 days
- ☐ more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics	<input checked="" type="checkbox"/> yes, number:	1
Professional inadequacy	<input type="checkbox"/> yes, number:	
Criminal offence	<input type="checkbox"/> yes, number:	
Other	<input checked="" type="checkbox"/> yes, number:	21

162) Sanctions pronounced against enforcement agents:

Reprimand	<input checked="" type="checkbox"/> yes, number:	4
Suspension	<input checked="" type="checkbox"/> yes, number:	1
Dismissal	<input checked="" type="checkbox"/> yes, number:	6
Fine	<input type="checkbox"/> yes, number:	
Other	<input checked="" type="checkbox"/> yes, number:	11

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Comment on question 161:

Other means non observance of procedure.

Comment on question 162:

Other means warning

Committee for initiating disciplinary proceedings against enforcement agents - the Council of Latvian Sworn bailiffs, was established in year 2003.

There were made changes concerning the functions of bailiffs, as well as the examination process.

Please indicate the sources for the questions 157 and 160

Question 157 – Council of Latvian Sworn Bailiffs.

Question 157 - Ministry of justice, Civil Procedure Law (Article 555)

A bailiff, when about to commence execution, shall notify the debtor by sending or issuing a proposal regarding a duty to execute the adjudication voluntarily within 10 days. If the adjudication is to be executed without delay, the time period for voluntary execution of not less than three days shall be set. (..)

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

☐ Yes

☒ No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

According to the "Criminal Procedure Law" Section 634, Article 6 "Procedures for the Execution of Judgments and Decisions" - a court of the first instance shall control the complete execution of a judgment and decision.

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

☒ Yes

☐ No

If yes, please specify:

According to the statistics report about execution of judgments decided by a criminal court 1151 judgments of 2724 cases left from previous years and 1377 new cases from year 2006 were executed in year 2006 (report is provided by the Council of Latvian Sworn Bailiffs).

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- ☒ Yes
☐ No

166) Is the status of notaries:

- | | | |
|---|---|-----|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes,
number: | |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> yes,
number: | |
| a public one? | <input checked="" type="checkbox"/> yes,
number: | 131 |
| other? | <input type="checkbox"/> yes,
number and
specify: | |

167) Do notaries have duties:

- ☒ within the framework of civil procedure?
☒ in the field of legal advice?
☒ to authenticate legal deeds?
☒ other?

Please specify:

A sworn notary has duty to make notarial deeds, certifications, accept money, securities and documents for bailment, conduct inheritance matters, draw up property division drafts in cases provided for by law, perform other activities provided for by laws.

A sworn notary is also permitted to ensure the fixing of rights and security of rights in land registers, to secure permits, certificates and other documents, required for the closure or fixing of deeds to be notarially made or certified, from State, local government and private institutions, as well as from officials and private persons, to draw up draft deeds, draft contracts and drafts of other documents related to the activity of a sworn notary, as well as make copies and translations, and to provide any other legal assistance.

Please indicacte the source for the question 166

Ministry of Justice, Regulations Nr. 215 "Regulations on sworn notary officary places" (29.03.2005.)

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

☒ Yes

☐ No

169) 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?

Please specify:

The Council of Sworn Notaries of Latvia or the Minister for Justice may initiate a disciplinary matter pursuant to a proposal from a court or prosecutor, or pursuant to complaints from persons or on its own initiative.

The Council of Sworn Notaries of Latvia shall supervise and control the activity of sworn notaries and assistants to sworn notaries, examine complaints and reports submitted in respect of them, as well as impose disciplinary sanctions upon them.

Direct supervision of the activities of sworn notaries shall be assigned to that regional court in the district of which their place of office is located.

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

There is draft law for the Notariate Law where examination for notaries is foreseen once in 5 years.

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

Current debate:

- The transition to such a court system, where cases in the first instance are tried by district courts, the appealed cases are tried by regional courts and cassation cases are reviewed by the Supreme Court. Some specific cases are tried by regional courts as first instance court
- The possible establishment of the Council for the Judiciary – an institution with consultative and coordinating functions that would participate in the development of court system's strategy and policy, as well as in the improvement of court system's functioning
- Formation of judge's candidates corpus in order to fill the judge vacancies in a quick and effective way
- Conception project "Using of audiorecords and video conferences in a court proceedings". The aim of this conception is to define a conceptual standpoints for modernization of judicial proceedings to improve the quality of court proceedings, making process more effective and promoting efficient use of court staff.

Changes in the legislation:

- Establishment of the Committee of Ethics which would be a self-governmental institution within the framework of judiciary.

Court Unified Information System:

- Court Unified Information System starting from November 1st, 2007 enables random distribution of cases in the courts
- Starting from December, 2007, the distribution of court summons are fully automated process.