



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

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

2270894

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

	Amount
State level	5764810980
Regional / entity level	

3) Per capita GDP (in €)

10219

4) Average gross annual salary (in €)

8186

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

- 1., 3., 4. - Central statistic Bureau of Latvia, www.csb.gov.lv
2. - Law on State Budget 2008

1. 2. Budgetary data concerning judicial system

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

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

47510897

7) Please specify

The indicated budget for all courts includes, budget for district (city) courts, regional 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 or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	34710887
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	1395620
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	320668
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	6663457
Annual public budget allocated to investments in new (court) buildings		NA
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	304950
Other (please specify):	<input checked="" type="checkbox"/> Yes	2587042

Comment :

In the section "other" are included following items: taxes, health insurance for judges and employees, social benefits given by employer, communication services, administrative expenditures, purchase of furniture, rent of vehicles, its maintenance.

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, increase in number of court staff.

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:

Exceptions are regulated with Civil Procedure Law Article 43.

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

7605000

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

Please provide information concerning the budgetary elements that included in the whole justice system budget:

. Amount 170263394

Comment :

The data includes budget for Ministry of Justice, budget for institutions what are under supervision of the Ministry of Justice, budget for courts, including Supreme Court. Data doesn't include budget for prosecutor system.

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

Please provide comments to explain the figure provided under question 13:

. Amount 1087491

Comment :

A person my request legal aid in civil cases, administrative cases and criminal cases in compliance with Article 68 Paragraph 1 of the Treatment Law.

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	384829	27071

Comment :

in administrative cases - 1594 €

in civil cases - 24862 €

in compliance with Article 68 Paragraph 1 of the Treatment Law - 615 €

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 €)

Please provide comments to explain the figure provided under question 16:

. Amount 23656019

Comment :

Public prosecutors have their own single budget.

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	Evaluation of the use of the budget at a national level

			individual courts	
Ministry of Justice	Yes	No	No	Yes
Other ministry	Yes	No	No	Yes
Parliament	No	Yes	No	No
Supreme Court	Yes	No	Yes	Yes
Judicial Council	NAP	NAP	NAP	NAP
Courts	Yes	No	Yes	Yes
Inspection body	No	No	No	Yes
Other	Yes	No	Yes	Yes

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 for courts and land Registry Offices. The management of finances of the Supreme Court is provided by the 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 in this chapter
- 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

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

6, 8 - Court Administration, Supreme Court

11, 12 - Court Administration

13, 14 - Legal Aid Administration

16 - Prosecutor General's Office

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	Yes	Yes

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

Within the framework of one case a person can obtain assistance in preparation of legal (procedural) documents in civil cases, administrative cases and criminal cases.

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

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	NA
in criminal cases	NA
Other than criminal cases	NA

Comment :

The information can be found on the webpage of the Legal Aid Administration <http://www.jpa.gov.lv/lat/aktualitates/statistika/statistika/?doc=589>. Legal Aid Administration has information available about the number of positive decision in 2008 – 998. Certain decisions are distributed on the state provided legal aid and decisions on the future of state-provided legal aid to the Legal Aid Administration does not have precise information on the number of cases in which the allocated State-provided legal assistance.

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:

	Yes	Amount in €
for criminal cases	Yes/No*	approx.252**
for other than criminal cases?	Yes	approx.252**

Comment :

* Income verification is not carried out, if the legal aid - defense - requires criminal, while if need legal assistance in criminal matters - representation, then the income test is conducted.

**Income verification includes both personal income and property status check.

Income verification is not carried out and legal aid is granted if a person is poor or disadvantaged persons.

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

Please provide comments to explain the answer under question 27:

Legal aid shall not be provided if:

- 1) such legal aid concerns a claim directly connected with the commercial activities or independent professional activities of the applicant;
- 2) such legal aid is connected with customs or tax matters;
- 3) such legal aid concerns a claim regarding defamation and injuring dignity;
- 4) a dispute is settled in a court of arbitration or by using other alternative dispute settlement mechanism.

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:

30) Do judicial decisions have an impact on who bears the legal costs which are paid by

the parties during the procedure in:

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

You can indicate below:

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

Please indicate the sources for answering the questions 24 and 26

State Ensured Legal Aid Law, Criminal Procedure Law

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:**

- | | | |
|---|---|---|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.likumi.lv;
www.mk.gov.lv;
www.saima.lv;
www.vestnesis.lv;
www.ttc.lv;
http://pro.nais.lv |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.tiesas.lv;
www.at.gov.lv;
www.satv.tiesa.gov.lv |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.legal.lv;
www.juridica.lv;
www.ta.gov.lv;
www.tm.gov.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. For making the access to information for public more available, starting from November, 2008 Court administration has launched a new electronic service called "Track court proceedings". It is a free of charge service that is available for general public on court portal (www.tiesas.lv) for tracking any court proceeding in any court of Latvia. Information is available on current status of any specific court proceeding – name and contact information of the court, judge assigned, court hearings scheduled, claims received, court decisions made within proceeding (without full-text exposed) and information on case proceedings throughout other court instances. Information is provided publicly without any personal data exposed.

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	Yes	No	Yes	No
Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	Yes	Yes	Yes	No
Victims of domestic violence	Yes	No	No	No
Ethnic minorities	Yes	No	No	No
Disabled persons	Yes	No	Yes	No
Juvenile offenders	Yes	Yes	Yes	No
Other	No	No	No	No

Comment :

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? a private fund?

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

1. A person, who in accordance with the procedures specified by the Criminal Procedure Law has been recognized a victim (hereinafter – victim), the right to receive a State compensation regarding moral injury, physical suffering or financial loss as a result of an intentional criminal offence, if the criminal offence has been directed against the life or health of a person and death of the person has occurred or severe, moderate bodily injuries have been caused to the victim or the criminal offence has been directed against sexual inviolability of the person or infected with human immunodeficiency virus B or hepatitis C.

2. Under the Criminal Procedure law section 22, a person upon whom harm has been inflicted by a criminal offence shall, taking into account the moral injury, physical suffering, and financial loss thereof, be guaranteed procedural opportunities for the requesting and receipt of moral and financial compensation.

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:

To receive state compensation, the victim must complete the state compensation application form and attach the following documents to the application:

-in the event that the criminal proceedings are not over at the time the application for compensation is made, a report by the official leading the proceedings;

in the event that the criminal proceedings are over by the time the application for compensation is made, the final ruling in force, handed down by the official leading the proceedings. If the final ruling provides for compensation for the victim's injuries but this measure has not been affected or has not been effected in full, a copy of the enforcement document must be attached to the application.

In 2006, there wasn't a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims, whereas there is in 2008.

39) Do victims of crimes have the right to contest to 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:

"Citizen trust to the courts in year 2007 and 2008". The surveys are available in Court Administration web site www.ta.gov.lv.

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	Yes
Surveys at court level	No	No

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

- Yes
- No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of the Judiciary	No	No
Other external organisations (e.g. Ombudsman)	Yes	Yes

Comment :

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. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	34
Specialised first instance Courts (legal entities)	1
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	42

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

Areas of specialization are:

- 1) processing of civil cases and criminal cases on the first instance - 34 district (city) courts (34 administrative structures)
- 2) processing of administrative cases in the first instance - Administrative district court - 1 administrative structure. In appeal instance - Administrative regional court - 1 administrative structure
- 3) processing of complicate civil cases and serious crime criminal cases as a courts of first instance and acts as courtx of second instance- 5 Regional courts (5 administrative structures and 5 geographical locations)
- 4) Supreme Court - in accordance with law, the Supreme Court reviews appeals in its capacity as the court of second instance (de novo review) and as the court of the third instance (cassation review) - (1 administrative structure and 1 geographical structure)

47) Is there a change in the structure in 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:

Until 2009, January 1st there was only one district court, dealing with administrative cases in the first instance. Since 2009, January 1st four structural units of Administrative district court were established.

In year 2009 Ministry of Justice developed and government approved the Judiciary Development Guidelines 2009th - 2015th. According to this guidelines considering the change in the structure of the courts we point to the political planning document – a court location and infrastructure development concept which is planned to develop in 2011. This concept will ensure the orderly, gradual and consistent improvement of judicial performance.

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	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 been changed since the previous evaluation cycle):

Please indicate the sources for answering the questions 45 and 48:

45, 48 - Court Administration

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 473

Comment :

There are indicated number of professional judges including district (city) courts, Administrative district court, Administrative Regional court, regional courts and Supreme court. The number is indicated for actually filled posts.

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

	Number
gross figure	NAP
if possible, in full time equivalent	NAP

51) Please provide comments to explain the answer under question 50:

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?	Yes	595

Comment :

The number indicates the lay judges, who were in labor relations on 31.12.2008.

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

NAP

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

NAP

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number	<input type="checkbox"/>	1534
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Comment :

The number indicates non-judges staff, who are working in district (city) courts, Administrative district court, Administrative regional court, regional courts and Supreme court. The number is indicated for actually filled posts.

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- | | | |
|---|---|-----|
| - non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | | NAP |
| - 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 | 947 |
| - 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 | 418 |
| - technical staff | <input checked="" type="checkbox"/> Yes | 169 |

Comment :

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

NAP

[3. 1. 3. Prosecutors](#)

58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Number . 523

Comment :

Number indicates the number of public prosecutors, who work full time equivalent.

59) Do any other persons have similar duties as public prosecutors?

Yes

No

If yes, please specify:

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Please provide comments to explain the answer under question 60:

Number . 425

Comment :

3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	No	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	Yes	Yes	Yes	Yes
Other	Yes	No	No	Yes

62) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organisation 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.

63) 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
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	Yes	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

64) 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	Yes	No	No	No
Court management information system	No	No	No	Yes
Financial information system	No	No	No	No

65) 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	No	No	No	Yes
Special Website	Yes	No	No	No
Other electronic communication facilities	No	No	No	Yes

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

- Yes
 No

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

It is Court Administration, Mukusalas street 41b, Riga, Latvia, www.ta.gov.lv.

You can indicate below:

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

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

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

- Yes
 No

68) 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

69) 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.

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
- No

71) Please select the 4 main performance and quality indicators that is 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
- enforcement of penal decisions
- satisfaction of employees of the courts
- satisfaction of clients (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

Please specify:

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- 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

If other, please specify:

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
 No

75) 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

If other, please specify:

According to the law On Judicial Power Section 107 the Ministry of Justice is the leading state administrative institution in the administration of courts. The Ministry of Justice follows the work organization regulations of district (city) courts, regional courts and Land Registry Offices; nominates candidates for the office of judges of district (city) courts, regional courts and Land Registry Offices and ensures the organizational management of district (city) courts, regional courts and Land Registry Offices. Ministry of Justice has developed policy planning document - the Judiciary Development Guidelines 2009th - 2015th . The aim of this document is to set main targets in policy at the level of courts, ensure the sustainability of policy and balanced development of court system.

76) Please specify the main targets applied

According to the Judiciary Development Guidelines 2009th - 2015th developed by the Ministry of Justice the main objectives of the policy regarding the functioning of justice are:

- to promote access to justice;
- to develop judicial infrastructure, management and work organization;
- to promote human resource development in the judiciary;
- to reduce and offset judiciary overload;
- to promote independence of the judiciary;
- to improve land registry process.

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

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

other - Court Administration

78) 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:

In June 26, 2008 "The visitors service standards of the district (city) courts and regional courts" was approved. This courts visitors service standard summarizes the general principles of judicial reception and providing with information. Standard helps court staff to raise their professionalism and understand the court visitors servicing values.

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

- Yes
- No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

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

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

- Yes
- No

If yes, please specify:

It is done by calculating statistics about the average length of court proceedings in concrete court.

82) 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):

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

Yes

No

If yes, please specify:

The work of public prosecutors are evaluated by the court, which analyses criminal cases.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your court monitoring and evaluation system**

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) 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)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NA

85) 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):

NA

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

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

4. 2. Timeframes of proceedings

4. 2. 1. General information

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

civil cases?

criminal cases?

administrative cases?

Please specify:

According to the Civil Procedure Law Section 238 at the request of a party the court may take a decision which temporarily, until the decision regarding dissolution or annulment of marriage is rendered, specifies the procedures for child care, the procedures for exercising access rights, means of support for children, means for the provision of the previous welfare level or support of the spouse, procedures for utilization of the joint home of the spouses or instructs one of the parties to issue to the other party household and personal articles.

According to the Criminal Procedure Law Section 424 in commencing an investigation, a person directing the proceedings may apply urgent procedures, if the person who committed the criminal offence has been ascertained, because such person was surprised at the moment of the committing of the criminal offence or immediately after the committing thereof; the person has committed a criminal violation, a less serious crime, or a serious crime or the completion of the investigation, in accordance with emergency procures in the amount specified for such investigation, is possible in three working days.

According to the Administrative Procedure Law Section 62 clarification of the opinion and arguments of a person is not required if the issue of the administrative act is urgent and any delay may directly endanger the security of the state, public order, or the life, health or property of persons.

Administrative Procedure Law Section 64 also prescribes that in urgent cases, the submitter may apply to the institution with a substantiated submission and request that time period for the issue of the administrative act be abbreviated. Institution examines such submission without delay and takes a decision in writing. In the event of refusal, the decision shall be notified to the submitter without delay. Such decision may be disputed and appealed. The decision of a court may not be appealed.

88) Are there simplified procedures for:

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

Please specify (for example if you have introduced a new law on simplified procedures):

According to the Criminal Procedure Law Section 428 a person directing the proceedings may perform an investigation in accordance with summary procedures, if the person who committed the criminal offence has been ascertained or the completion of the investigation is possible within a term of 10 days.

There is no simplified procedure for small claims (civil cases) in national level yet, but it is planned to develop. Civil Procedure Law currently provides simplified procedure regarding certain types of civil cases. Procedure of Compulsory execution of obligations in accordance with warning procedures is permitted in payment obligations, which are justified by a document and for which the term for execution is due, as well as payment obligations regarding the payment of such compensation, which is in the entered into contract regarding supply of goods, purchase of goods or provision of services if such obligations are justified by a document and for which a time period for execution has not been specified. This procedure is not permitted:

- 1) for payments related to unperformed correlative performance;
- 2) if the place of residence of the debtor is not known; or
- 3) if the place of residence or location of the debtor is not in the Republic of Latvia.

Also Undisputed compulsory execution of obligations is permitted:

- 1) pursuant to agreements regarding obligations which are secured with a public mortgage or a commercial pledge;
- 2) pursuant to notarially certified term agreements or term agreements of equivalent juridical effect regarding monetary payments or return of movable property;
- 3) pursuant to term lease or rental of property agreements, which are notarially certified or entered in a Land Register, and which provide that the lessee or tenant has a duty, due to expiry of the term, to vacate or deliver the leased or rented property (except an apartment) and to pay the lease or rental payments; or
- 4) pursuant to a protested promissory note.

The obligations set out shall not be subject to undisputed compulsory execution if:

- 1) such execution is directed against State-owned property; or
- 2) the obligation has been extinguished by prescription, the elapse of which is unequivocally manifest from the document itself.

89) 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

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	23110	96783	83706	36187
1 Civil (and commercial) litigious cases*	17319	50318	36914	30718
2 Civil (and commercial) non-	1436	104363	85902	681

litigious cases*				
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	4355	4196	3050	4783
7 Other	NAP	NAP	NAP	NAP
Total criminal cases (8+9)	4363	38085	36779	5669
8 Criminal cases (severe criminal offences)	3711	12394	11278	4827
9 Misdemeanour and / or minor offences cases	652	25689	25501	840

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

Criminal cases are cases heard according to Criminal Procedure Law.

Misdemeanor cases are cases heard in the first instance in district (city) courts according to Administrative Code procedure.

Latvia has no other cases than administrative, civil and criminal. If the case involves issues on Land registry, Enforcement cases or commercial register, depending on the nature of case they are categorized as administrative, civil or criminal.

Apart from the court Latvia has separate registers: Land registry, Registry of Companies, Registry of enforcement cases. There are claims that can be adjudicated by the Registry officials (for example in Land registry they are also titled as judges) without involvement of the court.

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

Total of civil, commercial and administrative law cases (litigious and non-litigious)*	4590	6861	6435	5016
1 Civil (and commercial) litigious cases*	2946	4556	4133	3369
2 Civil (and commercial) non-litigious cases*	166	530	599	97
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry cases**	56	224	260	20
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	1422	1551	1443	1530

7 Other				
Total criminal cases (8+9)	969	2595	2445	1119
8 Criminal cases (Severe criminal offences)	534	2115	1990	660
9 Misdemeanour and/or minor offences cases	435	480	455	459

Comment :

Data concerns second instance courts and data from the Supreme Court chambers. The chambers - Criminal Cases and Civil Cases are the appeals body which review cases that have been decided by the regional courts, as the court of the first instance.

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	423	1898	1579	742
1 Civil (and commercial) litigious cases*	214	916	717	413
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	184	830	739	275
7 Other	25	152	123	54
Total criminal cases (8+9)	23	711	699	35
8 Criminal cases (severe criminal offences)	21	491	493	19
9 Misdemeanour cases (minor offences)	2	220	206	16

Comment :

Data concerns Senate of the Supreme Court. Total number of civil, commercial and administrative cases has been formed from all cases reviewed by the Department of Civil Cases of the Senate and the Department of Administrative Cases of the Senate (1+6+7)

Row 7 – other cases, inter alia:

- 1) new reviews of civil cases due to significant infringements of material law and procedural law standards
- 2) new reviews of civil cases due to newly discovered circumstances

- 3) new reviews of administrative cases due to newly discovered circumstances
 4) cases that have been reviewed by the Department of Administrative cases of the Senate as by the court of the first instance

All cases that have been reviewed in the Department of Criminal Cases of the Senate, have been included in total number of criminal cases

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	2759	7489	7195	3053
Employment dismissal cases*	48	130	122	51
Robbery cases	238	386	358	267
Intentional homicide	53	94	97	50

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	1,6	0,26	135 days	72 days	NA
Employment dismissal cases*	52,5	4,0	174 days	87 days	NA
Robbery cases	53,8	3,4	204 days	105 days	NA
Intentional homicide	90,7	1,0	156 days	150 days	NA

Comment :

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

97) 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.

98) 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 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:

To protect interests of under aged, incapable and prisoners, to participate in proceedings in cases prescribed by Civil Procedure Law.

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

- Yes
- No

Please specify:

prosecutors participate in trial proceedings in cases prescribed by the Civil Procedure Law.

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	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 legal situation	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
Total number of 1st instance criminal cases	14603	159	2385	NAP	1726	11861

Comment :

Data includes traffic offenses.

You can indicate below:

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

Please indicate the sources for answering the questions 90 to 95 and 100:

- 90, 91, 94, 95 - Court Administration
- 92 - Court Administration, Supreme Court
- 93 - Supreme Court
- 100 - General Prosecutor's Office

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) 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

Other, please specify:

102) 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?

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

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

104) 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.). One of the criteria used for promoting judges is references about his or her work. References is submitted from the district (city) courts and from the higher instance court. References are submitted to the Judicial Qualification Board and they evaluate them.

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, and 4) second qualification class - after five working years on 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 98 and has completed the examination for the next qualification class.

105) 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

Other, please specify:

106) 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?

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

- Yes
- No

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

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

Criteria: length of service
Procedure: certification

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

- Yes
- No

Are there exceptions? Please specify:

According to the Law on Judicial Power, Section 60, judges of a district (city) court shall be appointed to office by the Parliament, 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 Parliament, 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 Parliament, 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.

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges	Yes	6 months

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

- Yes
- No

Are there exceptions? Please specify:

general prosecutors is appointed for term of 5 years, chief prosecutors - appointed for term of 5 years.

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors	Yes	6 month

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the length

- for judges? Yes 3 years
- for prosecutors? Yes 5 years

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

5. 1. 2. Training

114) 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)
- In-service training for the use of computer facilities in the court)

115) Frequency of the training of judges

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Initial training	Yes	No	No
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	Yes	No
In-service training for management functions of the court (e.g. court president)	No	No	Yes
In-service training for the use of computer facilities in the court	No	No	Yes

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (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)

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	Yes	No	No
General in-service training	Yes	No	No
Specialised in-service training (specialised public prosecutor)	Yes	No	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	Yes
In-service training for the use of computer facilities in the public prosecution service)	No	No	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in 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 has been implemented over the last two years

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	18901	12929
Judge of the Supreme Court or the Highest Appellate Court	46764	32435
Public prosecutor at the beginning of his/her career	18516	12984
Public prosecutor of the Supreme Court or the Highest Appellate Instance	28812	19668

Comment :

In the section "judge of the Supreme court or the Highest Appellate Court" annual salary is indicated for senator of the Supreme Court's Senate (cassation instance). The salary of the judge of the Supreme Court's Chamber (the appellation instance) is EUR 42148 (gross annual salary) and EUR 29349 (net annual salary).

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	No	No
Other financial benefit	Yes	No

120) 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 dependent 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 health insurance.

121) Can judges combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	Yes
Consultant	No	No	Yes
Cultural function	No	No	Yes
Other function	No	No	Yes

122) If other function, please specify:

123) Can prosecutors combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	Yes
Consultant	No	No	Yes
Cultural function	No	No	Yes
Other function	No	No	Yes

124) If other function, please specify:**125) 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 answering the question 118

118 - Court Administration, Supreme Court, General Prosecutor's Office

5. 2. 2. Disciplinary procedures**126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

The following are entitled to initiate a disciplinary matter against judges in cases specified by law:

- 1) the Chief Justice of the Supreme Court - concerning judges and senators (judges of the Senate) of the Supreme Court, judges of district (city) courts and regional courts, as well as judges of Land Registry Offices of regional courts;
- 2) the Minister for Justice - regarding judges of district (city) courts and regional courts, as well as judges of Land Registry Offices of regional courts;
- 3) the Chief Judges of regional courts - regarding judges of district (city) courts and judges of the Land Registry Offices of regional courts, as well as judges of regional courts;
- 4) the Chief Judges of district (city) courts - regarding judges of district (city) courts;
- 5) the Heads of Land Registry Offices of regional courts - regarding judges of Land Registry Offices of regional courts.

In addition disciplinary proceedings may be initiated based on a complaint by any member of the public or a corporate representative, or based on a publication in mass media, however, the law does not grant subjective right of the person to initiate disciplinary action against the judge

Currently amendments of applicable law are being prepared to establish Disciplinary Department to assess the rule of law of the Judicial Disciplinary Boards decision. Amendments prescribes, that Disciplinary Department will exist in the structure of the Senate of the Supreme Court. Drafted amendments also provide that the adopted decision of Judicial Disciplinary Board can be appealed to the Disciplinary Department within seven days from the date of receipt of the

decision. Submitted complaint will suspend the operation and enforcement of the decision from the date the complaint has been received at the Disciplinary Department. The decision of the Disciplinary Department will be unappealable.

The following are entitled to initiate a disciplinary matter against prosecutors:

- 1) general prosecutor;
- 2) chief prosecutors.

The following are entitled to initiate a disciplinary matter against chief prosecutors:

- 1) general prosecutor.

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

According to 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 are examined by the Judicial Disciplinary Board consisting of the Chief Justice 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 Justice of the Supreme Court) are elected by secret ballot for four years at a conference of judges. The Judicial Disciplinary Board is working in accordance with by-laws approved by the Judicial Disciplinary Board. The organizational and the financial aspect of the Judicial Disciplinary Committee is provided by the Supreme Court.

The disciplinary power on prosecutors have general prosecutor and chief prosecutor.

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 128:

	Judges	Prosecutors
Total number (1+2+3+4)	5	10
1. Breach of professional ethics	0	1
2. Professional inadequacy	0	7
3. Criminal offence	0	0
4. Other	5	2

Comment :

In the section "other" for judges are classified following types of disciplinary proceedings: 2 - gross negligence during the adjudication of case in court, 1 - intentional violation of law during the adjudication of a case in court, 2- breach of job responsibilities and gross negligence during the adjudication of case in court.

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

	Judges	Prosecutors

Total number (total 1 to 9)	5	10
1. Reprimand	2	4
2. Suspension		0
3. Withdrawal of cases		NAP
4. Fine		NAP
5. Temporary reduction of salary		1
6. Degradation of post		0
7. Transfer to another geographical (court) location		NAP
8. Dismissal		0
9. Other	3	5

Comment :

In the section "other" for judges are classified following disciplinary sanctions: 1 - annotation, 1 - disciplinary proceeding is reviewed and dismissed, 1 - disciplinary sanction is not imposed.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- 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**

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

1100

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
- No
- Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- 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 Administrative Procedure Law.

In the civil procedure also any natural person may be an authorized representative, taking into account the restrictions specified in Civil Procedure Law.

In criminal procedure a defence counsel shall be an advocate practicing in Latvia who implements 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. A victim – natural person of legal age may be represented, on the grounds of the authorization of the victim, by any natural person of legal age and with the capacity to act. If the rights of a minor and the protection of the interests thereof are encumbered or otherwise not ensured, or the representatives referred to submit a substantiated request, a person directing the proceedings shall take a decision regarding the retaining of an advocate as the representative of a minor victim.

Offense injured poor or low income people who need legal assistance, to clarify their rights and obligations of the private prosecutor to criminal proceedings and the related procedural documents, or recognized as victims of private prosecution case - a lawyer to provide legal assistance to have the right to require regulatory acts of state - backed legal assistance procedures.

134) 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 answering the questions 130 and 132:

130-Advocacy Law of the Republic of Latvia, <http://www.advokatura.lv>

6. 1. 2. Training**135) Is there a specific initial training and/or examination to enter the profession of lawyer?**

- Yes
 No

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

- Yes
 No

137) 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**138) Can users establish easily what the lawyers' fees will be?**

- Yes
 No

Please provide comments to explain the answer under question 138

The professional activities (practice) of sworn advocates shall be qualified as intellectual work, and the aim thereof shall not be the making of a profit.

As regards the amount of compensation for conducting a case, sworn advocates shall come to a written agreement with the client, but if there is no such agreement, the compensation shall be determined according to the rate established in Rules for the attorney and the oldest of remuneration arrangements for the determination of reimbursed expenses and scale laid down by State. The State shall pay for legal assistance provided by advocates in the cases specified by State Ensured Legal Aid Law. If the advocate and his or her client have differences of opinion related to amount of compensation and they do not have a written mutual agreement, the Latvian Council of Sworn Advocates shall determine the amount of compensation for an advocate according to the rate.

139) Are lawyers fees

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

Please provide comments to explain the answer under question 139:
See the comment at 138th Question.

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

- Yes
- No

141) 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):

In Latvia persons may be admitted as sworn advocates if they: have a faultless reputation, have received a state-recognized 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 specializing in law at an institution of higher education, at least five years – in any other position with a juridical specialty and have passed the advocate examination. Doctors of Law shall be exempted from the advocate examination.

An assistant of a sworn advocate may be a citizen of Latvia who has reached the age of twenty-one and who complies with the provisions provided for Advocacy Law of the Republic of Latvia, has indicated which of the sworn advocates has agreed to be his or her patron – who has undertaken to guide, teach, employ and supervise the assistant.

In accordance with the procedure specified by Advocacy Law of the Republic of Latvia also the following persons may work as advocates in Latvia: citizens of European Union Member States who have obtained the qualification of an advocate in one of the European Union Member States, foreign advocates, except for advocates of European Union Member States, may practice in Latvia in accordance with the international agreements on legal assistance binding to the Republic of Latvia.

142) Is it possible to complain about

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

Please specify:

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

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

Also the Latvian Council of Sworn Advocates shall determine the amount of compensation for an advocate according to the rate if the advocate and his or her client have differences of opinion related to this matter and they do not have a written mutual agreement.

143) Which authority is responsible for disciplinary procedures

- the judge?
- the Ministry of justice?
- a professional authority or other?

Please specify:

For violations of the Law and other regulatory enactments, the articles of association of the Latvian Collegium of Sworn Advocates, as well as for violations of the instructions regulating the work of sworn advocates and the norms of the professional ethics of sworn advocates, 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 entitled to explain to sworn advocates the wrongfulness of their conduct, without initiating disciplinary proceedings.

A person upon whom a disciplinary punishment has been imposed may appeal to the court the decisions of the Disciplinary Proceedings Commission in accordance with the procedures specified in the Administrative Procedure Law.

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	0	0	0	0

Comment :

Commenting the 144th question we inform that in year 2008 the Disciplinary Committee did not initiate any proceedings against lawyers. In addition, in 2009 five cases were brought with complaints on lawyers activities, in one case punishment was pronounced - reprimand, but other cases were terminated.

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number	0	0	0	0	0

Comment :

See the comment at Question 144th.

You can indicate below:

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

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

- Yes
 No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	No	Yes	No	No	No
Family law cases (ex. Divorce)	No	Yes	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	Yes	No	No	No
Criminal cases	No	Yes	Yes	No	No

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

- Yes
 No

If yes, please specify:

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

NA

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?		NA
family cases?		NA
administrative cases?		NA
employment dismissals?		NA
criminal cases?	<input type="checkbox"/> Yes	1140

Please indicate the source for answering the question 150:

Ministry of Justice, public survey provided by State Probation Service in 2008 published on www.probacija.lv.

7. 1. 2. Other forms of alternative dispute resolution

151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:

Civil Procedure Law gives a regulation considering arbitration procedures in Latvia, namely an arbitration court may be established for the resolution of a specific dispute or operate permanently.

A permanent arbitration court operate on the basis of articles of association or by-law, whereas an arbitration court established for the resolution of a specific dispute operate in accordance with the procedures prescribed by Civil Procedure Law. A permanent arbitration court may be established by legal persons, who have to notify the Ministry of Justice of its establishing. The resolution of disputes by an arbitration court is not entrepreneurial activity.

In regards to the conciliation, we specify, that according to Article 149 paragraph 2 of Civil Procedure Law in preparing a matter for trial the judge shall strive to reconcile the parties. Article 149 paragraph 1 constitutes that during a preparatory sitting the judge shall interview participants in the matter regarding the substance of the matter in order to clarify the subject-matter and limits of the dispute, explain to the participants in the matter their procedural rights and duties, the consequences of performing or failing to perform procedural actions, decide issues provided for in Article 149, paragraphs 3, 4 and 5 of this law, strive to reconcile the parties, if necessary, set a time period by which separate procedural actions shall be performed. In addition Article 151 paragraph 3 constitutes that the judge shall strive to reconcile the parties also in the course of the trial of a matter.

In addition Civil Procedure Law determines that a settlement is permitted at any stage in the procedure and in any civil dispute, except in cases provided for in Civil Procedure Law, i.e., settlement is not permitted in disputes in connection with amendments in registers of documents of civil status, in disputes in connection with the inheritance rights of persons under guardianship or trusteeship, in disputes regarding immovable property if among the participants are persons whose rights to own or possess immovable property are restricted in accordance with procedures prescribed by law or if the terms of the settlement infringe on the rights of another person or on interests protected by law.

Regarding conciliation in criminal cases Criminal Procedure Law Article 381 regulates, that in the case of a settlement, an intermediary (a mediator) from the State Probation Service may facilitate the conciliation of a victim and the persons who committed a criminal offence. In determining that a settlement is possible in criminal proceedings, and that the involvement of an intermediary (a mediator) is useful, a person directing the proceedings may inform the State Probation Service regarding such possibility or usefulness

You can indicate below:

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

Giving a comment on question 150, we explain, that currently 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, except the State Probation Services given information.

The development of ADR is one of the strategic goals for the Ministry of Justice in years 2007 – 2009. Therefore a working group composed of ADR experts and government representatives has elaborated a draft of a political planning document-introduction of mediation in civil dispute resolution system which aims at promoting the use of mediation in civil disputes. In this document such mediation models as pure mediation, court – internal mediation, court – annexed mediation and integrated mediation are analyzed. The draft of this document is available in Latvian at www.mk.gov.lv.

In mentioned context Implementation plan was adopted by the Ministry of Justice in 2009 to establish introduction of mediation in civil dispute resolution in Latvia from 2010 to 2012. According to this Implementation plan Ministry of Justice has to develop a draft law on mediation as well as develop appropriate amendments in present legislation. Implementation plan also prescribes training of judges on mediation, providing information about mediation in judicial court system as well as carry out other activities to implement mediation in Latvia.

In the framework of long – term project “Children friendly school” (State program for the improvement children and family affairs 2007) the Ministry of Children and Family affairs has elaborated a training material “Mediation in school”, as well as carried out several training activities in order to promote that problems in schools are solved without traumatizing physical or psychological attacks.

Riga Orphan’s court offers family mediation sessions based on Law on Orphan’s Courts and Civil law since August 2007. This is also voluntary mediation. Mediation service is provided by one mediator (a lawyer) and one co – mediator (a psychologist). Number of mediation sessions in 2007 was 28, but until May, 2008 already 51 mediation sessions was held. In addition 34% of all mediation cases are about custody of children, 25% - residence place of children, 19% - maintenance questions, 8% - upbringing of children. In 50% of all mediation cases settlement was reached (30% of them were oral agreements). Mediation service as well is for free for Riga inhabitants (according to the declaration of residence place). All expenses are covered by the Riga Orphan’s court budget.

State Probation Service offers mediation service since 2004. This is voluntary mediation as well. A general legal reference to mediation is included in the Criminal Law, Criminal Procedure Law and State Probation Service Law. Also two Cabinet regulations about organization and conducting mediation process, as well as about certification of voluntary mediators are elaborated (adopted in 04.12.2007).

Number of settlements in 2004 was 51, around 50 in 2005, 251 in 2006 and until December 2007 there were already 676 mediation cases in State Probation Service. Mostly mediation service is used in criminal offences against property (theft; intentional destruction of and damage to property; theft, fraud and misappropriation on a small scale). This Mediation process is also for free. All the expenses are covered by the state budget.

To import the mediation in all legal disciplines in the future its also planned to develop a Mediation Law which would define the terms, determine the quality and ensure confidentiality of mediation.

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

97

154) Are enforcement agents (multiple options are possible):

- judges?
 bailiff practising as private profession ruled by public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

Sworn bailiffs perform the execution of adjudications of the court and other institutions, as well as other activities prescribed by Latvian legislation. They are independent in performing their official activities and subject only to law. Sworn bailiffs are persons belonging to the court system assigned to regional courts and perform the duties prescribed by laws thereto. In respect of the official activities sworn bailiffs are comparable to State officials. Sworn bailiffs are appointed to the office for life and they may hold this office up to the age of sixty-five years. Minister for Justice may extend this time period to seventy years of age upon a recommendation of the Latvian Council of Sworn Bailiffs. (Law On Bailiffs)

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

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

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

- Yes
 No
 Not applicable

158) Are enforcement fees:

- regulated by law?
 freely negotiated?
 not applicable

Please indicate the source for answering the question 153:

Ministry of Justice, Internet home page for Latvian Council of Sworn Bailiffs www.lzti.lv. and regulations Nr. 654 "Regulations on number of bailiffs, officary places, districts and limits" adopted on June 25, 2009.

8. 1. 2. Supervision

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

- Yes
 No
 Not applicable

160) 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:

According to the Law on Bailiffs Section 83 direct supervision of sworn bailiffs is in the jurisdiction of such regional court in the territory of operation of which their office is located. The district (city) court performs supervision of the official activities of sworn bailiffs in accordance with civil procedural procedures.

Besides according to the Section 129 and 53 of the same law 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 examine complaints and submissions received thereof, as well as 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 regarding:

- violations of statutes of Latvian Sworn bailiffs college ;
- violation of professional ethical standards;
- violation of methodology confirmed by Council of Latvian Sworn Bailiffs.

Law on Bailiffs also prescribes that the Minister of Justice has the power to 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. All disciplinary cases are heard by Disciplinary Commission.

161) Have quality standards been formulated for enforcement agents?

- Yes
 No
 Not applicable

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

Regarding quality standards formulated for sworn bailiffs, Section 12 of the Law on Bailiffs establishes, that sworn bailiffs may be persons who are citizens of the Republic of Latvia; have a knowledge of the official language at the highest level; have reached twenty-five years of age; conform to the appropriate 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 fulfillment 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. Quality standards are formulated by the Ministry of Justice, namely Law on Bailiffs Section 8 and 9 prescribes, that the Minister of Justice appoints sworn bailiffs and maintains the lists of sworn bailiffs.

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
 No

if yes, please specify

163) Is there a system for monitoring the execution?

- Yes

No

If yes, please specify

8. 1. 3. Complaints and sanctions

164) 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:

According to the information provided by the Court System Supervision division of the Ministry of Justice of the Republic of Latvia main complaints of users also are sworn bailiffs non-observance of enforcement procedures.

165) 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:

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

- for civil cases?
- for administrative cases?

167) 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 sits:

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

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	<input type="checkbox"/> number:	9
for breach of professional ethics	<input type="checkbox"/> number:	0
for professional inadequacy	<input type="checkbox"/> yes, number:	9
for criminal offence	<input type="checkbox"/> number:	0
Other	<input type="checkbox"/> number:	0

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	<input type="checkbox"/> number:	9
Reprimand	<input type="checkbox"/> number:	2
Suspension	<input type="checkbox"/> number:	0
Dismissal	<input type="checkbox"/> number:	1
Fine	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	6

You can indicate below:

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

Concerning the question 150 in this chapter we specify that according to the regulations nr. 654 "Regulations on number of bailiffs, officary places, districts and limits" adopted on June 25, 2009, there are 137 sworn bailiffs trade places established, although currently the number of practicing sworn bailiffs is 97, as specified in question 150.

In addition in regards to the main reforms that have been implemented over the last two year, we clarify that according to the amendments in Law On Bailiffs adopted on December 20, 2007, sworn bailiffs has to pass qualification exam at least once every five years counting from the date of appointment to a sworn bailiff or a previous qualification examination. Qualification Examining Board exams bailiffs theoretical knowledge (including knowledge of laws and regulations) necessary to perform bailiff duties, as well as bailiffs ability to use the theory in practice.

Please indicate the source for answering the questions 167, 168 and 169:

With regards o the question 167 - Civil Procedure Law (Article 555) provide, that bailiff, when about to commence execution, notifies 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.

Concerning questions 168 and 169, information provided by the Court System Supervision division of the Ministry of Justice of the Republic of Latvia.

In addition, regarding question 169, in section other indicated sanctions pronounced against sworn bailiffs are: 5 remarks and 1 comment about wrong action.

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) 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 a court of first instance is controlling the complete execution of a judgment and decision. Institutions that execute a judgment shall immediately notify the court that rendered the judgment regarding the execution thereof.

171) 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 prepared by the Latvian Council of Sworn Bailiffs about performance of the sworn bailiffs in Latvia in year 2008 by executing 834 judgments decided by a criminal court sworn bailiffs recovered more than LVL 420.000 (almost EUR 600.000).

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
 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

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?		NAP
a status of private worker ruled by the public authorities?		NAP
a public one?	<input type="checkbox"/> number	125
other?		NAP

Comment :

Sworn notaries are persons belonging to the court system, who are assigned to regional courts and perform duties prescribed to them by law.

In respect of their official duties, sworn notaries shall be equivalent to State officials.

174) 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 jurisdiction to make notarial deeds, certifications, accept money, securities and documents for bailment, conduct inheritance matters, drawn 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 drawn 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 indicate the source for answering the question 173

Ministry of Justice, The Notariate Law

9. 1. 2. Supervision

175) Is there an authority entrusted with the supervision and the control of the

notaries?

- Yes
 No

176) 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?
 not applicable

Please specify:

The Council of Sworn Notaries of Latvia or the Minister of 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.

The disciplinary matters committee for examination of disciplinary matters of sworn notaries shall submit to the Minister for Justice its opinion and the opinion of the Council of Sworn Notaries of Latvia about the disciplinary case of sworn notary. Having become acquainted with the opinion of the committee, the Minister for Justice shall take a decision regarding the imposition of a disciplinary sanction and, if insufficient qualification of the sworn notary has been determined, also regarding the testing of the sworn notary's qualifications or send materials to the Council of Sworn Notaries of Latvia for the performance of the relevant measures, or to terminate the disciplinary matter.

Sworn notaries shall be appointed, transferred, removed from office, as well as the list thereof shall be maintained by the Minister for Justice.

For violation of laws and other regulatory enactments, of the articles of association of the Chamber of Sworn Notaries of Latvia, decisions and instructions regulating the activity of sworn notaries, the provisions regarding remuneration for work and the professional ethics norms of sworn notaries, or if a sworn notary in his or her activity is negligent or fails to fulfill his or her duties, or allows reprehensible conduct which discredits the position and dignity of a sworn notary or which is incompatible with his or her remaining in the office or the former place of practice, irrespective of the fact whether the violation has been committed during performance of the duties of office or is not related to the performance of such duties, 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.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
 the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

In Latvia the rate of remuneration of sworn notaries shall be determined by the Cabinet. The rate shall be determined taking into account the value of the deed or certification (amount of transaction) and the liability of the sworn notary associated with the deed or certification, the social balance in society and the time necessary for the drawing up of the deed or certification.

From 2008 Latvian sworn notaries are introduced in the qualification examination for a regular check of sworn notaries' professional qualifications, which is a mandatory general system for sworn notaries requiring continuing professional training.

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

NAP

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

Courts (district (city) courts, regional courts, Administrative district court, Administrative regional court) are responsible for selecting the court interpreters, but Court Administration is responsible for recruiting them. Supreme Court selects and recruits the court interpreters by themselves.

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

In the framework of Judiciary Development Guidelines 2009th - 2015th developed by the Ministry of Justice to promote access to justice its planned to implement a single visitor service system in district (city) and regional courts (common visitor service, ability to pay with a payment card etc).

To modernize the trial process according to the guidelines its planned to implement sound recording and video conferencing equipment in administrative proceedings, civil and criminal proceedings, as well as develop a standardized procedural documentation and samples to make it available electronically to facilitate private action through the courts.

Judiciary Development Guidelines also provide that standards for court buildings, security requirements should be established, as well as concept of court location and infrastructure should be drafted.

To implement the European Parliament and Council Directive 2008/52EK on certain aspects of mediation in civil and commercial matters adopted on May 21, 2008, the Ministry of Justice drafted and the government approved political planning document-introduction of mediation in civil dispute resolution system. Mentioned concept provides a gradual implementation of clear mediation, court derived mediation, court and integrated mediation. The main activity of the implementation program is to develop amendments to the Civil Procedure Law to promote using of mediation in civil and commercial matters. These amendments would provide a partial reimbursement of the state fees if settlement in trial is achieved – the sooner a settlement is achieved, the more the state fee is paid back. This regulation would motivate the parties to use mediation. Amendments would also provide that the sent covering letter with the claim statement should also contain information about possible settlement options. The certain versions of these amendments in Civil Procedure Law have not been developed yet. To import the mediation in all legal disciplines in the future its also planned to develop a Mediation Law which would define the terms, determine the quality and ensure confidentiality of mediation.

To promote the independence of the judiciary according to the Judiciary Development Guidelines establishment of the Judicial Council is prescribed. The competence and functions of the Judicial Council by itself or in collaboration with other institutions would be selection, evaluation, transferring, training of judges; ethics and disciplinary proceedings; budgetary control and management; administration of justice and organizational management; ensure cooperation with other national institutions as well as perform other duties prescribed by law. Judiciary Development Guidelines also provide that the judge's salary and social security principles should be strengthened.