



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: Latvia

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants (if possible on 1 January 2011)

2 229 600

##### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	4 332 771 971
Regional / federal entity level (total for all regions / federal entities)	NA

##### 3) Per capita GDP (in €)

8 096

##### 4) Average gross annual salary (in €)

7 588

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

0.702804

#### A.1

**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](http://www.csb.gov.lv)  
 2. - Law on State Budget 2010

Question 2 : The decrease in annual public expenditure is due to the financial crisis in Latvia, starting from 2008 the budget expenditure for all public institutions were reduced.

Question 3 : The decrease in GDP is due to the financial crisis in Latvia, starting from 2008 the budget expenditure for all public institutions were reduced.

### 1. 2. Budgetary data concerning judicial system

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

##### 6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	36 919 820
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	24 194 890
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	1 807 390
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	2 840 282
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	6 677 230

5. Annual public budget allocated to investments in new (court) buildings		NA
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	211 718
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	1 188 310

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", 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.

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

**8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Exceptions are regulated with Civil Procedure Law Article 43.

**9) Annual income of court taxes or fees received by the State (in €)**

17 650 016

**10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)**

. ☐ NA 137 747 332

**11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

Court system	Yes
Legal aid	Yes
Public prosecution services	No
Prison system	Yes
Probation services	Yes
Council of the judiciary	No
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	Yes

Comment :

In the section "other" are included budget for institutions what are under supervision of the Ministry of Justice, budget for Constitutional court, health and life insurance for judges, expenditure for service pension for judges. Data doesn't include budget for prosecutor system.

**12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases

Amount (in €)	842985	770366	72619
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**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.**

☒ Amount

15 913 545

Comment :

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	No	Yes
Other ministry	Yes	No	No	Yes
Parliament	No	Yes	No	No
Supreme Court	Yes	No	Yes	Yes
Judicial Council	No	No	No	No
Courts	Yes	No	Yes	Yes
Inspection body	No	No	No	Yes
Other	Yes	No	Yes	Yes

**15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

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

According to the Law On Judicial Power Judicial Council gives an opinion about the budget application for courts and land registry offices.

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.

## A.2

**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

Question 6#2#2 : The budget dedicated for gross salaries to judges and court employees were reduced about 15 % due to financial crisis in Latvia.

Q6#2#3 : In 2010, an increase in expenditure allocated to computerization is due to the fact that was made partial replacement of morally and physically outdated hardware for that purpose diverting funds from unused funds of remuneration for judges and court staff related to temporary incapacity (sickness), as well as vacancies. Similarly, in 2010 are higher costs for computer maintenance, what is outsourced service, because the advanced payment about the first half of year 2008 was made already in 2007.

Q6#2#4 : Fundamental increase of budget allocated to justice expenses is due to the fact that during the financial crisis was observed increase of civil cases about order for payment procedure and for example the expenditure for post was increased about LVL 733 926 (EUR 1 044 283).

Q6#2#7 : The decrease is due to the financial crisis in Latvia, starting from 2008 the budget expenditure for all public institutions were reduced.

Q6#2#8 : The decrease is due to the financial crisis in Latvia, the administrative expenditure was reduced in order to ensure procedural cost.

Q9 : The increase of the annual income of taxes or fees received by the State is due to the fact that number of court cases increased, especially during 2009.-2010. increase was observed in number of court cases of order for payment

procedure.

Q12 : The annual approved public budget allocated to legal aid was reduced to ensure that government spending cuts based on the economic situation in the Latvia.

**Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.**

6. - Court administration, Supreme Court

9., 11. - Court administration

10. - Law on State budget 2010

12. - Legal Aid Administration

13. Prosecutor General Office

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

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

#### 17) Does legal aid include the coverage of or the exemption from court fees?

☐ Yes

☒ No

If yes, please specify:

#### 18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

☐ Yes

☒ No

If yes, please specify:

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

In criminal and asylum cases it is possible to cover travel costs and costs for interpreter.

In civil cases it is possible to cover costs in cross-border cases.

#### 20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

#### 21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

| |

Accused individuals	Yes
Victims	Yes

Comment :

Accused individual - who has the right to defence, has not entered into an agreement regarding defence, but the participation of a defence counsel is mandatory or the person wants that the defence counsel participated, the person directing the proceedings shall notify the decision on the necessity to ensure a representative in criminal proceedings to the elder of the sworn advocates of the territory of the relevant court process.

Victims- the person directing the proceedings shall make a decision on the retaining of the representative – advocate of a victim – poor or low-income person of legal age, if it is otherwise not possible to ensure the protection of the rights and interests of the person in criminal proceedings.

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

☐ Yes

☒ No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ?**

**Please provide in the "comment" box below any information to explain the figures provided.**

**If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NAP
for other than criminal cases?	NA	NA

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.

In Civil cases income verification is not carried out and legal aid is granted if the municipality has granted a person a low-income or needy person status.

In asylum cases and cross border disputes the persons income level for the last three month and the amount of assets is being checked.

**24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

☒ Yes

☐ No

If yes, please explain the exact criteria for denying legal aid:

Legal aid shall not be provided if:

- 1) the legal aid requested by a person is unfounded;
- 2) 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.

**25) Is the decision to grant or refuse legal aid taken by :**

☐ the court?

☐ an authority external to the court?

☒ a mixed decision-making authority (court and external bodies)?

**26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**



☐ Yes☒ No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

criminal cases?	Yes
other than criminal cases?	Yes

### B.1

**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 20 and 23**

20-23 - Legal Aid Administration

## 2. 2. Users of the courts and victims

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

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

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**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

☐ legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): ☒ Yes

☐ case-law of the higher court/s? Internet address(es): ☒ Yes

☐ other documents (e.g. downloadable forms, online registration)? ☒ Yes

www.likumi.lv;  
www.mk.gov.lv;  
www.saeima.lv;  
www.vestnesis.lv;  
www.ttc.lv  
www.tiesas.lv;  
www.at.gov.lv;  
www.satv.tiesa.gov.lv  
www.legal.lv;  
www.juridica.lv;  
www.ta.gov.lv;  
www.tm.gov.lv

Comment :

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

☒ 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.

**30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

- ☒ Yes  
☐ No

If yes, please specify:

The information is available in the concrete institutions web sites.

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	Yes	Yes	No
Victims of terrorism	No	No	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	Yes	No	No
Ethnic minorities	Yes	No	No
Disabled persons	Yes	Yes	No
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking)	No	No	No

Comment :

**32) Does your country allocate compensation for victims of crime?**

- ☒ Yes  
☐ No

If yes, for which kind of offences

A person, who in accordance with the procedures specified by the Criminal Procedure Law has been recognised a 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.

**33) If yes, does this compensation consist in:**

- ☒ a public fund?  
☒ damages to be paid by the responsible person (decided by a court decision)?  
☐ a private fund?

**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

- ☐ Yes  
☒ No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

- ☒ Yes

☐ No

If yes, please specify:

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**  
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**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".**

☒ Yes

☐ No

☐ NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

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

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

☐ excessive length of proceedings?

☐ non execution of court decisions?

☒ wrongful arrest?

☒ wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

**38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)**

☒ (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 the parties

☒ (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)

☐ (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

In 2010, a survey assessing quality of courts' work was carried out by the Latvian Judicial Training Center with participation of the Marketing and Social Survey Agency. The survey was intended to clarify justice users' opinions on the quality of the judiciary. In this survey, the „justice users” were defined the persons who have encountered work of the judiciary.

There were two different questionnaires addressed to two target groups of the justice users: 1) society - anybody who has been involved in litigation – parties, victims, witnesses and others and has participated in a court hearings during the inquire period and 2) lawyers and prosecutors.

Eight courts participated in the survey.

Questions regarding the following areas were included into questionnaire: evaluation of courthouses and premises, evaluation of court documentation, work done by court staff, work done by judge in court room, valuation of the judgements (only to lawyers and prosecutors). The survey was supplemented with general questions on trust into the judiciary and satisfaction with the courts functioning in general.

The same survey was carried out in the Supreme Court (in 2011).

In June - September 2011, internal survey was carried out. Judges and court employees were subjects of the survey (126 respondents in total). The aim of the survey was to obtain data that would permit evaluation the environment and conditions of court work to introduce necessary improvements.

The objective of the survey was to obtain data on the following: on satisfaction with working at court, changes of the working environment during the last three years, evaluation of the work place in respect to different aspects, circulation of information, resources available for fulfilling tasks, readiness to change working place, as well as to obtain suggestions for improvement of the work place.

**39) If possible, please specify:**

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

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

☒ Yes

☐ No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	Yes	No
Higher court	Yes	Yes	No
Ministry of Justice	Yes	Yes	No
High Council of the Judiciary	No	No	No
Other external bodies (e.g. Ombudsman)	Yes	Yes	No

Comment :

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	34
42.2 First instance specialised Courts (legal entities)	1
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	48

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Total (must be the same as the data given under question 42.2)	1
Commercial courts	NA
Labour courts	NA
Family courts	NA
Rent and tenancies courts	NA
Enforcement of criminal sanctions courts	NA
Administrative courts	1
Insurance and / or social welfare courts	NA
Military courts	NA
Other specialised 1st instance courts	NA

Comment :

Comment on question 42.3 - In Latvia are:

district (city) courts - 34

Regional courts - 5 + 2 court houses

Administrative district court - 1 + 4 court houses

Administrative regional court - 1

Supreme court - 1

cf. 13/07 : Question 42 (Figure 5.4 bis) – The number of courts are not changed in Latvia, but there was made amendments in the Law on Judicial Power and 5 court houses were established to Administrative district court and 2 court houses to regional courts were established. Previously regional courts had only branches and they were not counted in the total number of regional courts.

**44) Is there a foreseen change in the structure of courts [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:

In 21 July 2011 the Parliament adopted amendment in the Law on Judicial Power, which provides that from 1 January 2012 Land registry offices are incorporated into the structure of regional (city) courts and that powers of land registry judges are extended also to examining cases of undisputed compulsory execution of obligations, compulsory execution of obligations in accordance with warning procedures and approval of statements of auctions.

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

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

**Please give the definition for small claims and indicate the monetary value of a small claim:**

On 30 September 2011 amendments to the civil Procedure Law entered into force that introduced into Latvian legislation a small claims procedure. It is a written procedure concerning monetary and maintenance claims not exceeding approximately 2130 EUR (1500 Latvian Lats).

**Please indicate the sources for answering questions 42, 43 and 45:**

42, 43 - Law on Judicial Power, Regulations of the Cabinet of Ministers Nr. 569 "Regulations on activity areas of the district (city) courts, their court houses and regional courts court houses".

45 - Civil Process Law, Criminal Process Law.

### 3. 1. 2. Judges and non-judge staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Please provide in the "comment" box below any useful comment for interpreting the data above.**

\*\*\*\*\*

**[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]**

**Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]**

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	472	115	357
1. Number of first instance professional judges	298	65	233
2. Number of second instance (court of appeal) professional judges	125	27	98
3. Number of supreme court professional judges	49	23	26

Comment :

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	42	15	27
1. Number of first instance court	35	13	22

presidents			
2. Number of second instance (court of appeal) court presidents	6	1	5
3. Number of supreme court presidents	1	1	NA

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure NAP

If possible, in full-time equivalent NAP

Comment :

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).**

Gross figure ☒ Yes 10

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

☐ Yes

☒ No

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

**51) Number of citizens who were involved in such juries for the year of reference:**

NAP

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) ☒ Yes 1601

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars ☒ Yes 1082

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) ☒ Yes 354

4. Technical staff ☒ Yes 160

5. Other non-judge staff ☒ Yes 5

Comment :

cf. CN 13/07 : Question 52:

a. In the position "Non-judge staff whose task is to assist the judge" is counted assistant to judge, court hearing secretary, court interpreter.

b. In the position "Staff in charge of different administrative tasks and of the management of the courts are counted assistant to chief judge, head of Chancellery, deputy head of Chancellery, court secretary, archivist, administrator and consultant.

c. In the position "Technical staff" are counted court courier, physical work performers.

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

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?**

☒ Yes

☐ No

If yes, please specify:

For Supreme court - cleaning

For district (city) courts, regional courts, Administrative district and regional courts - cleaning, trainings, security, repairs work, delivery of goods.

### C.1

**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 have been implemented over the last two years

Comment on question 49 -Since July 1st 2009 all marks about lay judges were excluded from the Law on Judicial Power, hence lay judges are no more. Lay judges are involved in adjudication the cases only in the cases, what have been started before the July 1st 2009.

**Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

46., 47. - Court administration, Supreme Court

49 - Court administration

52 - Court administration, Supreme Court

### 3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	390	140	250
1. Number of prosecutors at first instance level	254	82	172
2. Number of prosecutors at second instance (court of appeal) level	80	35	45
3. Number of prosecutors at supreme court level	56	23	33

Comment :

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	58	35	23
1. Number of heads of prosecution offices at first instance level	38	20	18
2. Number of heads of prosecution offices at second instance (court of appeal) level	9	8	1
3. Number of heads of prosecution offices at supreme court level	11	7	4



Comment :

**57) Do other persons have similar duties to public prosecutors?**

☐ Yes

☒ No

Number (full-time equivalent)

**58) If yes, please specify their title and function:**

**59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

☐ Yes

☐ No

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number

☐ Yes

395

**C.2**

**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 have been implemented over the last two years

Comment on question Nr.60:

Indicated number consist of staff (all levels) of Administrative Director Office - deputy directors, staff of Chancellery and car drivers (in total 325 employees).

In the indicated number is included also prosecutor assistants (70 employees), which don't have any procedural prosecutor functions, but only technical duties.

**Please indicate the sources for answering questions 55, 56 and 60**

55., 56., 60. - Prosecutor General office.

**3. 1. 4. Court budget and new technologies**

**61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.**

	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

Comment :

Management Board, in Latvian judicial system Judicial Council - according to the Law on Judicial Power Judicial Council gives an opinion regarding the budget application for courts and land registry offices.

Court clerk office if the Court administration.

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

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

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	-10% of courts
Financial information system	100% of courts
Videoconferencing	0 % of courts

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?**

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	100% of courts
Electronic registers	100% of courts
Electronic processing of small claims	100% of courts
Electronic processing of undisputed debt recovery	100% of courts
Electronic submission of claims	100% of courts
Videoconferencing	0 % of courts
Other electronic communication facilities	0 % of courts

**65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.**

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	Yes	No	No

**Comment :**

Courts in Latvia are being facilitated with videoconferencing equipment within the Latvian-Swiss cooperation programme project "Court modernization in Latvia" that started in 2009 and it is planned to fully conclude it in 2012, when every court and prison in Latvia is going to be facilitated with videoconferencing equipment. In 2010 courts and prisons were not equipped with the videoconference equipment.

Currently, the legal framework for videoconferencing is provided only in the Criminal Procedure Law: (Article 140): A person directing the proceedings may perform an investigative action by using technical means (teleconference, videoconference) if the interests of criminal proceedings require such use.

It is planned to amend the legal framework to widen the use of videoconferencing also in proceedings other criminal procedure.

**C.3****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. Performance and evaluation

#### 3. 2. 1. Performance and evaluation

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

☒ Yes

☐ No

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

Court Administration, Mukusalas street 41b, Riga, Latvia, [www.ta.gov.lv](http://www.ta.gov.lv)

**67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

☒ Yes

☐ No

**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

-----  
**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

☒ number of incoming cases?

☒ number of decisions delivered?

☒ number of postponed cases?

☒ length of proceedings (timeframes)?

☒ other?

If other, please specify:

Number of cases ended by decision on the merits, number of cases ended otherwise (including all kinds of results).

**69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

-----  
**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).**

☒ Yes

☐ No

Please specify:

Court Administration summarizes a wide range of parameters of court performance statistics twice a year.

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)**

☒ Yes

☐ No

**71) Please select the 4 main performance and quality indicators that have been defined:**

☒ incoming cases

☒ length of proceedings (timeframes)

- ☒ closed cases
- ☒ pending cases and backlogs
- ☒ productivity of judges and court staff
- ☐ percentage of cases that are processed by a single sitting judge
- ☐ enforcement of penal decisions
- ☐ satisfaction of court staff
- ☐ satisfaction of users (regarding the services delivered by the courts)
- ☒ judicial quality and organisational quality of the courts
- ☐ costs of the judicial procedures
- ☐ other:

If other, please specify:

**72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

- ☐ Yes
- ☒ No

**73) Who is responsible for setting the targets for each judge?**

- ☐ 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 court (if no please skip to question 77)?**

- ☒ Yes
- ☐ No

**75) Who is responsible for setting the targets for the courts?:**

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

If other, please specify:

**76) Please specify the main targets applied to the courts:**

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

- promotion of access to justice;
- development judicial infrastructure, management and work organization;
- promotion of human resource development in the judiciary;
- reduction and offset of judiciary overload;
- promotion of independence of the judiciary;
- improvement of the land registry process.

**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

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

If other, please specify:

Other - Court administration

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- ☒ 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 that is entrusted with these quality standards?**

- ☐ Yes
- ☒ No

**80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

- ☒ in civil law cases
- ☒ in criminal law cases
- ☒ in administrative law cases

**81) Do you monitor 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 overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**

-----  
**This question does not concern the specific evaluation of performance indicators.**

- ☐ Yes
- ☒ No

Please specify the frequency of the evaluation:

**83) Is there a system for monitoring and evaluating the performance of the public prosecution service?**

- ☒ Yes
- ☐ No

If yes, please give further details:

**C.4****You can indicate below:**

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

Comment on question 83:

Prosecutors work is evaluated by giving a grade by appraisal commission (depending on the kind of grades - every 3-5 years). Also a complex Prosecutor Office authorities inspections regularly are carried out, in which are evaluated performance quality of one or several functions (for example, monitoring the quality of pre-trial criminal procedure, criminal procedure and the legality and validity of the termination and etc.) in the Prosecution Office (about once 3-5 years). If significant deficiencies are established, attention is paid to work quality of the certain departments in Prosecutor Office or the problems encountered and their expression in all the Prosecutor Office departments and prosecutors work. In addition, as chief prosecutor is appointed on five-year term of their duties, then assessing the quality of his work, the appraisal committee evaluates also his or her subordinate prosecutors work.

Prosecutors' mutual control is carried out in more senior prosecutor duties performed within their functions. Such more senior prosecutor's obligations set out in the procedural laws, as well as in General Prosecutor orders, such as orders of the Chief Prosecutor powers and prosecutor mutual subordination, implementing more senior prosecutor's powers.

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General information

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?**

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):

**86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate 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

**Please indicate the sources:**

#### D.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

### 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?

☐ there is no specific procedure

If yes, please specify:

According to Article 118 (3) of the Civil Procedure Law Real evidence that deteriorates rapidly shall be inspected by the court without delay, and participants in the matter shall be notified. After the inspection such real evidence shall be returned to the persons from whom it was obtained.

According to Article 238 of the Civil Procedure Law 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 Article 321 of the Civil Procedure Law concerning the taking of inventory and valuation of estate property in cases where it cannot be postponed, the inventory, pursuant to the decision of a judge, may be commenced without waiting until interested persons have been notified about the time period set for taking such inventory.

According to Article 424 of the Criminal Procedure Law in commencing investigation, a person directing the proceedings may apply urgent procedures, if the person who committed the criminal offense has been ascertained, because such person was surprised at the moment of the committing of the criminal offense 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 Article 62 of the Administrative Procedure Law clarification of the opinion and arguments of a person are 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.

Article 64 of the Administrative Procedure Law 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 disputes)?
- ☒ criminal cases (small offences)?
- ☐ administrative cases?
- ☐ there is no simplified procedure

If yes, please specify:



Civil Procedure Law currently provides simplified procedures regarding certain types of civil cases.

1. On 30 September 2011 amendments to the civil Procedure Law entered into force that introduced into Latvian legislation a small claims procedure. It is a written procedure concerning monetary and maintenance claims not exceeding approximately 2130 Euros (1500 Latvian lats).

2. 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.

3. 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.

According to Article 428 of the Criminal Procedure Law 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.

According to Article 433 of the Criminal Procedure Code application of an agreement in pre trial criminal proceedings may be applied. In this case a public prosecutor may enter into an agreement on the basis of his or her own initiative or the initiative of an accused or his or her defence counsel, regarding an admission of guilt and a punishment, if circumstances have been ascertained that apply to an object of evidence, and the accused agrees to the amount and qualification of his or her incriminating offense, an assessment of the harm caused by such offense, and the application of agreement proceedings. Agreement proceedings may not be applied if there are several accused persons in one criminal proceedings and if an agreement regarding an admission of guilt and a punishment may not be applied to all the accused persons.

**89) Do courts and lawyers have the possibility to conclude agreements on arrangements 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. Caseflow management and timeframes of judicial proceedings

**90) Comment:**

**The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.**

**91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be**

separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

**Note 2:** check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	42 183	129 655	124 484	47 354
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	30 569	48 284	41 411	37 442
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	5 888	76 582	78 485	3 985
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 (litigious and non-litigious)	5 726	4 789	4 588	5 927
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

- 1) Applications for securing claim prior to initiation of the matter in a court and for securing of evidence;
- 2) Applications for securing claim prior to initiation of the matter in a court;
- 3) Applications for securing of evidence prior to initiation of the matter in a court;
- 4) Applications for execution of obligations through the court;
- 5) Undisputed compulsory execution of obligations;
- 6) Execution of obligations in accordance with warning procedures;
- 7) Voluntary sale of immovable property at auction through the court;
- 8) Submitting the subject-matter of an obligation for safekeeping in the court;
- 9) Applications for Commercial Court adjudication execution procedures;
- 10) Applications for arbitrary court decision compulsory execution;
- 11) Applications for property protection if there is no inheritance case;
- 12) Applications concerning execution of court adjudications.

**93) If "other cases", please indicate the case categories included:**

**94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note:** please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	5 158	9 959	9 959	5 158
8. Criminal cases (severe criminal offences)	4 806	9 319	9 280	4 845
9. Misdemeanour and / or minor offences cases	352	640	679	313

**95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal**

**cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).**

**Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".**

According to the Criminal Law crimes are sub-divided as follows:

- 1) A less serious crimes – an intentional offense for which crime. Law provides for deprivation of liberty for a term exceeding 2 years, but not exceeding 5 years, as an offense, which has been committed through negligence and for which Criminal Law provides for deprivation of liberty for a term exceeding 2 years.
- 2) A serious crime – an intentional offense for which Criminal Law provides for deprivation of liberty for a term exceeding 5 years, but not exceeding 10 years.
- 3) An especially serious crimes – is an intentional offense for which Criminal Law provides for deprivation of liberty for a term exceeding 10 years, life imprisonment or death penalty.

**96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.**

There is specific situation with "Misdemeanour cases", because these cases are resolved in specific criminal procedural order.

**97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	9 633	11 036	10 759	10 113
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	2 640	4 180	4 004	2 816
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	80	423	450	53
3. Enforcement cases	NA	NA	50	NA
4. Land registry cases	NA	NA	153	NA
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	5 726	4 789	4 588	5 927
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

**98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	777	2 546	2 089	859
8. Criminal cases (Severe criminal offences)	NA	NA	1 789	NA
9. Misdemeanour and/or minor offences cases	NA	NA	300	NA

Comment :

Data concerns second instance courts and data from thwe 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.

The statistics by the Supreme Court is mentioned only in section total cases, as regards question 97 and 98, because till 2009 the statistics were compiled more because it was specially hired expert.

Statistics of the Supreme Court:

Second instance courts: total number of cases

Pending cases on 01.01.2010.- 1187

Incoming cases- 1644

Resolved cases- 1514

Pending cases on 31.12.2010.- 1317

Number of criminal law cases.

Pending cases on 01.01.2010.- 368

Incoming cases- 688

Resolved cases 313

Pending cases on 31.12.2010.- 372

Is compiled statistics on the number of persons sentenced for the crime types.

**99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	874	2 349	2 075	1 176
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NA	NA	28	NA
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	256	956	911	301
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

**100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	38	660	644	54
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

Data concerns Senate of the Supreme Court.

Highest instance courts: total number of civil cases

Pending cases on 01.01.2010.- 618

Incoming cases- 1393

Resolved cases 1136

Pending cases on 31.12.2010.- 875

Number of criminal law cases.  
 Pending cases on 01.01.2010.- 38  
 Incoming cases- 660  
 Resolved cases 644  
 Pending cases on 31.12.2010.- 54

The statistics by the Supreme Court is mentioned only in section total cases, as regards question 99 and 100, because till 2009 the statistics were compiled more because it was specially hired expert.

**101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	2 847	5 232	5 482	2 597
Employment dismissal cases	317	446	559	204
Robbery cases	302	339	359	282
Intentional homicide	49	79	85	43

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
**[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]**

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	186	99	NAP	NA
Employment dismissal cases	NA	NA	141	99	365	NA
Robbery cases	NA	NA	207	93	50	NA
Intentional homicide	NA	NA	183	84	50	NA

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

**104) 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 weighted average calculation method (in the same way than for data in 2008). One month is equated to 30 days.

**105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- ☒ to conduct or supervise police investigation
- ☒ to conduct investigations
- ☒ 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 discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- ☒ to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- ☒ other significant powers

If "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.

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

☒ Yes

☐ No

If yes, please specify:

Prosecutor in civil cases has rights to submit application in the court and appeal court decision if:

- 1) it is required protection of State or local government rights and interests according to the law;
- 2) a breach of rights of incapable adults, disabled persons, minors, prisoners or other persons having rights or legitimate interests, which have limited capacity to defend their rights;
- 3) within the inspection is found a breach of the law.

The prosecutor in the surveillance of law enforcement in misdemeanor cases, is entitled: to initiate proceedings on administrative violations, access to the file, examine the organs (officials) to the legality of records, participate in the proceeding, to submit applications, to give opinions on matters arising in the course of litigation , to examine the organs (officials) to the appropriate means of influencing the accuracy of administrative violations, to make representations on the decision of the case and a decision taken on the complaint to an administrative case, to suspend execution of the decision.

**107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	9 418	2 711	1 395	NA

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	2 711
1. Discontinued by the public prosecutor because the offender could not be identified	0
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	376
3. Discontinued by the public prosecutor for reasons of opportunity	940

**109) Do the figures include traffic offence cases?**

☒ Yes

☐ No

**D.2**

**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**

Q91#1#1 : The increase of 82.53% the total of other than criminal law cases /pending cases on 1 Jan.' 10 between 2008 and 2010/ is as result of increase of civil law cases and administrative law cases:

1) the total increase of volume of pending administrative law cases could be explained to such factors:

- a. Changes in legislation. As of 01 Jan. '09 appealed court rulings in administrative violation cases are handled by Administrative district court;
- b. Financial crisis. During the crisis there was an increase of volume of pending complicated administrative law cases in Administrative Regional court as in the court of the first instance;
- c. The increase in the total of pending administrative law cases could be explained of insufficient capacity of administrative courts between 2008 and 2010;

2) The total increase of volume of pending civil law cases could be explained to one determinant factor – financial crisis.

During the financial crisis there was an increase of volume of pending complicated civil law cases, such as insolvency, bankruptcy, employment, etc.

Increase in the total of pending civil law cases is the result of increase in total of complicated, long running cases, not dependent of courts action efficiency.

Q91#2#1 : The increase of 33.96% the total of other than criminal law cases /incoming cases between 2008 and 2010/ is as result of such factors:

1) the total increase of volume of incoming administrative violation cases due to such internal factors:

a. Changes in legislation. As of 01 Jan. '09 appealed court rulings in administrative violation cases are handled by Administrative district court.

b. Therefore the increase in volume of total incoming cases in Administrative district court and had an impact on increase in volume of total incoming cases in Administrative regional court ;

2) During the financial crisis there was an increase of the total number of incoming administrative law cases in the Administrative regional court and there was an increase of the total number of incoming civil law cases such as insolvency, bankruptcy, employment, etc. cases

Q91#3#1 : The increase of the total of other than criminal law cases /resolved cases between 2008 and 2010/ is as result of such factors:

1) the total increase of volume of resolved cases in the administrative courts due to such internal factors:

a. Changes in legislation. As of 01 Jan. '09 appealed court rulings in administrative violation cases are handled by Administrative district court.

b. Therefore the increase in volume of total number of resolved cases in Administrative district court had an impact on increase in volume of total number of resolved cases in Administrative regional court;

2) The increase of the total number of resolved civil law cases could be explained to increase of total number of resolved cases in few categories of civil law cases during the financial crisis, for example, insolvency, bankruptcy cases, employment cases, debt and damages recovery cases etc.

Q91#4#1 : The increase of 30.86% the total of other than criminal law cases /pending cases on 31 Dec.'10 between 2008 and 2010/ is a result of such factors:

1) the total increase of volume of administrative law cases and subsequent increase of pending cases of administrative law due to such internal factors:

a. Changes in legislation is a result of appealed decisions of administrative violation cases within the jurisdiction of Administrative district court from 1.Jan.'09. (22,09% of the Total pending cases on 31 Dec.'10 in the Administrative district court compose appealed decisions of administrative violence cases);

b. Due to financial crisis the increase of the total volume of complicate cases of administrative law in the Administrative regional court as the first instance court was a factor in increase of pending cases. (For example on 31 Dec.'10 between 2008 and 2010 in the Administrative regional court as the first instance court pending cases is increased of 20,69% ).

Due to insufficient capacity of administrative courts between 2008 and 2010, decrease of accumulation of pending cases could not be achieved.

2) Total increase of volume of civil law cases and subsequent increase of pending cases of civil law due to the determinant internal factor – financial crises.

Due to financial crisis, there was increase in the total volume of cases and subsequently the total of pending cases of long running and complicate civil law cases in following categories as: insolvency bankruptcy cases, employment cases, damages and debt recovery cases. The duration of proceedings of mentioned cases is depended not only of efficiency of courts activity.

Q94#2#1 : The decrease of 73.85% the total of criminal law cases /Incoming cases between 2008 and 2010/ is as result of the determinant internal factor: Financial crisis.

Q94#3#1 : The decrease of 72.92% the total of criminal law cases /Resolved cases between 2008 and 2010/ is as result of the determinant internal factor: Financial crisis.

Q97#1#1 : The increase of 109.87% the total of other than criminal law cases /pending cases on 1 Jan.' 10 between 2008 and 2010/ is as result of above described factors (view: Q91#1#1) and as a result of increase the number of appealed administrative cases and civil cases in the Supreme Court as in the second instance court.

Q97#2#1 : The increase of 60.85% the total of other than criminal law cases /Incoming cases between 2008 and 2010/ is a result of above described factors (view: Q91#2#1) and a result of increase in appealed administrative cases and civil cases in the Supreme Court (as the second instance court).

Q97#3#1 : The increase of 67.20% the total of other than criminal law cases /Resolved cases between 2008 and

2010/ is as result of above described factors (view: Q91#3#1) and as a result of increase the number of appealed administrative cases and civil cases in the Supreme Court as in the second instance court.

Q97#4#1 : The increase of 101.61% the total of other than criminal law cases /Pending cases on 31 Dec.' 10 between 2008 and 2010/ is as result of above described factors (view: Q91#4#1) and as a result of increase the number of appealed administrative cases and civil cases in the Supreme Court as in the second instance court.

Q98#4#1 : The decrease of 23.24% of the Total criminal law cases /Pending cases on 31 Dec.' 10 between 2008 and 2010/ is as result of above described factors (view: Q97#4#1) and as a result of decrease the number of appealed criminal law cases in the Supreme Court as in the second or in the third instance court.

Q99#1#1 : The increase of the number of cases could be explained by the increase of the auctions of immovable property.

Q99#2#1 : The increase of the number of cases could be explained by the increase of the auctions of immovable property.

Q99#3#1 : The increase of the number of the adjudicated (finished) cases is due to higher work load and augmentation of the number of judges.

Q99#4#1 : The increase of the cases waiting to be heard is the result of the number of incoming cases exceeding the number of the finished cases.

Q107#1#1 : The number of cases sent to the first instance court has decreased, because less number of cases was received for criminal prosecution from investigatory institutions.

Q 108 : In total number of cases are added also Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor - 1395.

cf.13/07 : Question 91 - please insert following comment:

Length of adjudication of court hearings in the first instance courts in Latvia is not the same in all courts, that means that the length of court proceedings is not crucial in all the courts. The biggest weighted average length of proceedings is in the first instance courts of Riga region. For criminal cases it is approximately 6.5 months, for civil cases - 4.5 months. The weighted average length of proceedings in the first instance courts of Latgale region for criminal cases is - 5.6 months, but for civil cases - 3.2 months. The weighted average length of proceedings in the first instance courts of Zemgale region for criminal cases is - 4.1 months, but for civil cases - 2.8 months. The weighted average length of proceedings in the first instance courts of Kurzeme region for criminal cases is -4.2 months, but for civil cases - 3.2 months. The weighted average length of proceedings in the first instance courts of Vidzeme region for criminal cases is - 3.5 months, but for civil cases - 2.4 months. The weighted average length of proceedings in the Administrative first instance courts is 15.4 months.

**Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.**

91., 94., 101. - Court administration

97., 98., 102. - Court administration, Supreme Court

99., 100. - Supreme Court

107., 108. - Prosecutor General Office



## 5. Career of judges and public prosecutors

### 5. 1. Recrutement and promotion

#### 5. 1. 1. Recrutement and promotion

#### 110) How are judges recruited?

- ☐ Mainly through a competitive exam (for instance, following a university degree in law)
- ☐ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- ☒ A combination of both (competitive exam and working experience)
- ☐ Other

If other, please specify:

#### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- ☒ An authority made up of judges only?
- ☐ An authority made up of non-judges only?
- ☐ An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Judicial Qualification Board

#### 112) Is the same authority competent for the promotion of judges?

- ☒ Yes
- ☐ No

If no, which authority is competent for the promotion of judges ?

#### 113) 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. If several candidates are claiming on one post, who have received positive conclusion of the Judicial Qualification Board, the Minister of Justice directs all of the candidates and the Judicial Council shall decide on the most suitable candidate. Decision of the Judicial Council has not to be appealed.

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.

#### 114) Is there a system of qualitative individual assessment of the judges' activity?

- ☐ Yes

☒ No

**115) Is the status of prosecution services:**

- ☒ Indépendant?
- ☐ Under the authority of the Minister of justice ?
- ☐ Other?

Please specify:

**116) How are public prosecutors recruited?**

- ☒ Mainly through a competitive exam (for instance, following a university degree in law)
- ☐ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- ☐ A combination of both (competitive exam and working experience)
- ☐ Other

If "other", please specify:

Office of the Prosecutor Law defines the rights of the prosecutor general to appoint as prosecutor any other person without the application of prosecutor's office candidate selection procedure, for example, a judge with a certain length of service (length of service required depends on what position he or she claims).

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:**

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]**

- ☒ An authority composed of public prosecutors only?
- ☐ An authority composed of non-public prosecutors only?
- ☐ An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

Prosecutor Office Qualification Commission

**118) Is the same authority formally responsible for the promotion of public prosecutors?**

- ☒ Yes
- ☐ No

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

**119) Which procedures and criteria are used for promoting public prosecutors? Please specify:**

The Attestation Commission gives a conclusion about promotion of prosecutor and recommends to Prosecutor General to promote concrete prosecutor. Attestation Commission evaluates the quality of prosecutor's professional duty and efficiency, work experience, individual work organization, participation in training events, the statistical indicators, etc. the criteria.

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- ☒ Yes
- ☐ No

**121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of**

**retirement)?**

- ☐ Yes
- ☒ No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? 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.

According to the Law on Judicial Power, Section 61, judge of regional court shall be confirmed by the Parliament, upon a recommendation of the Minister for Justice, for an unlimited term of office.

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of probation period (in years)
	0.5 year (6 months)

**123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- ☒ Yes
- ☐ No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:  
According to the Office of the Prosecutor Law there is defined cases in which the prosecutor is relieved from the post (for example, either by the election of another post, reaching retirement age, etc.), as well as cases where the prosecutor released from the office (for example, disciplinary punishment - dismissal, finding a conflict of interest, or prosecutor refuses to suspend membership of a political organization).

**124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)
	from 0.25 to 0.58 year ( from 3 till 7 months)

**125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?**

- ☒ Yes
- ☐ No

Please indicate the length of the mandate in years:  
3

**126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?**

NAP

**E.1****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

Comment on question Nr. 115. According to the Office of the Prosecutor Law Section 1 the Office of the Prosecutor is an institution of judicial power, which independently carries out supervision of the observance of law within the scope of the competence determined by this Law. According to the same Law Section 6 in his or her activities a prosecutor shall be independent of the influence of other institutions or officials exercising State authority and administration and shall observe only the rule of law.

Comment on question Nr. 122. - the probation period for judges is 6 months

Comment on question Nr. 124. - the probation period for prosecutor is 3 till 7 months.

**5. 2. Training****5. 2. 1. Training****127) Training of judges**

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Compulsory
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Compulsory
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

**128) Frequency of the in-service training of judges:**

General in-service training	Annual
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

**129) Training of public prosecutors**

Initial training	Optional
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

**130) Frequency of the in-service training of public prosecutors**

General in-service training	Annual
-----------------------------	--------

In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).**

**If your judicial training institutions do not correspond to these criteria, please specify it.**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	Yes
One institution for prosecutors	No	No	No
One single institution for both judges and prosecutors	No	No	No

Comment :

In Latvia is Judicial Training Center, who deals with the following activities:

Continuous Legal education for professionals and others - development and implementation of training programs for judges of the first and second instance court, court staff, land book judges, as well as elaboration, distribution and realization of other educational programs on legal matters, organization of language training courses and juridical education courses for commercial purposes;

Publishing activities - publication and distribution of juridical publications for judges and other representatives of juridical profession;

Other non-qualified commercial activities - coordination of international cooperation of judges, organization of international seminars and conferences.

Formally Judicial Training Center is responsible for training of judges, but in the last years Judicial Training Center also organizes several regular training programmes for prosecutors approximately once in 2-3 months. In total for prosecutor training in 2010 has been spent EUR 5449.

## E.2

**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. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

### 132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	13 798	9 292
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	26 650	17 965
Public prosecutor at the beginning of his/her career	13 524	9 180
Public prosecutor of		

the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	17 388	11 760
--	--------	--------

**Comment :**

Question 132#1#1 : The decrease is due to the financial crisis in Latvia, starting from 2008 the budget expenditure for all public institutions were reduced. In 2010 salaries for judges were reduced exactly of 27%.

Question 132#1#2 : Decrease of 43.5% occurred due to reform of judges' salaries.

Q132#1#3 : The reasons of gross salary decrease are amendments in the legal acts related with cutting of Prosecutor's salary in 2010 due to financial crisis in the country.

Q132#1#4 : The reasons of gross salary decrease are amendments in the legal acts related with cutting of Prosecutor's salary in 2010 due to financial crisis in the country.

Q132#2#1 : According our data, net annual salary of the First instance professional judge at the beginning of his/her career between 2008 and 2010 has decreased. The decrease is due to the financial crisis in Latvia, starting from 2008 the budget expenditure for all public institutions were reduced. In 2010 the salaries for judges were reduced exactly of 27%.

Q132#2#2 : Decrease of 45.3% occurred due to reform of judges' salaries.

Q132#2#3 : The net annual salary of the public prosecutor at the beginning of his/her career was decreased (from EUR 12'984 in 2008 till EUR 9180 in 2010) in the result of amendments in the legal acts related with cutting of Prosecutor's salary in 2010 due to financial crisis in the country.

**133) Do judges and public prosecutors have the following additional benefits?**

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

**134) If other financial benefit, please specify:**

According to the Law On Judicial Power judges have following additional benefits: 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.

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

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	Yes
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

**136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.**

**137) Can public prosecutors combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	Yes	Yes
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

For combining prosecutor work with scientific, pedagogical or creative work it is necessary to get permission from the General Prosecutor. To combine prosecutor work with consultant work is allowed in cases implementing international or national projects, for example, providing assistance to other countries in the development of law enforcement agencies in co-operation with international organizations.

**139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?**

☐ Yes

☒ No

If yes, please specify the conditions and possibly the amounts:

## 5. 4. Disciplinary procedures

### 5. 4. 1. Disciplinary procedures

**140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- ☐ Citizens
- ☒ Relevant Court or hierarchical superior
- ☒ High Court / Supreme Court
- ☐ High Judicial Council
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Parliament
- ☒ Executive power
- ☒ Other?
- ☐ This is not possible

If "executive power" and/or "other", please specify:

Initiate disciplinary proceedings is entitled to:

- 1) The Chief Justice of Supreme Court;
- 2) The Minister of Justice;
- 3) Presidents of Regional Courts;
- 4) Presidents of the district (city) courts;
- 5) Presidents the Land Registry office;
- 6) The Judicial Ethics Committee.

Executive power - Minister of Justice

Other - Judicial Ethics Commission

**141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- ☐ Citizens
- ☒ Head of the organisational unit or hierarchical superior public prosecutor

- ☒ Prosecutor General /State public prosecutor  
☐ Public prosecutorial Council (and Judicial Council)  
☐ Disciplinary court or body  
☐ Ombudsman  
☐ Professional body  
☐ Executive power  
☐ Other?  
☐ This is not possible

If "executive power" and/or "other", please specify:

**142) Which authority has disciplinary power on judges? (multiple options possible):**

- ☐ Court  
☐ Higher Court / Supreme Court  
☐ Judicial Council  
☒ Disciplinary court or body  
☐ Ombudsman  
☐ Parliament  
☐ Executive power  
☐ Other?

If "executive power" and/or "other", please specify:

Judicial Disciplinary Board

**143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):**

- ☐ Supreme Court  
☒ Head of the organisational unit or hierarchical superior public prosecutor  
☒ Prosecutor General /State public prosecutor  
☐ Public prosecutorial Council (and Judicial Council)  
☐ Disciplinary court or body  
☐ Ombudsman  
☐ Professional body  
☐ Executive power  
☐ Other?

If "executive power" and/or "other", please specify:

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Judges	Public prosecutors
Total number (1+2+3+4)	5	11
1. Breach of professional ethics	0	1
2. Professional inadequacy	4	4
3. Criminal offence	0	0
4. Other	1	6

Comment :



Other (judges) - administrative violation

Other (public prosecutors) - Not intentionally breach of law, but negligence (breach of procedural terms, accidentally has not observed criminal procedure norms or substantive legal norms.

**145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Judges	Public prosecutors
Total number (total 1 to 9)	5	10
1. Reprimand	1	2
2. Suspension	0	0
3. Removal of cases	0	NA
4. Fine	NAP	NA
5. Temporary reduction of salary	0	2
6. Position downgrade	NAP	0
7. Transfer to another geographical (court) location	NAP	0
8. Resignation	0	0
9. Other	4	6

Comment :

Other (judges) - 1 annotation, 3 - disciplinary proceeding is reviewed and dismissed.

Other (public prosecutors) - annotation

### E.3

**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

**Please indicate the sources for answering questions 144 and 145**

144., 145. - Supreme Court, Public Prosecutor Office.

## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

1 360

**147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

☐ Yes

☒ No

**148) Number of legal advisors who cannot represent their clients in court:**

NAP

**149) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

☐ Civil cases?

☒ Criminal cases - Defendant?

☐ Criminal cases - Victim?

☐ Administrative cases?

☐ There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Civil procedure law and Administrative procedure law state that any natural person may be an authorized representative in the civil or administrative procedure. Natural persons may conduct matters in court personally or through their authorized representatives. Matters of legal persons shall be conducted in court by officials who act within the scope of authority conferred upon them pursuant to law, articles of association or by-law, or by other representatives authorized by legal persons. Matters of State or local government institutions entitled by law to protect the rights or lawful interests of other persons in court shall be conducted by the head of the institution or a representative authorized by the head of the institution. The participation by participants in civil or administrative matters referred to the mentioned above does not deprive them of the right to retain an advocate to provide legal assistance in their matter.

Criminal procedure law states that a victim – natural person of legal age may be represented by any natural person of legal age and with the capacity to act, on the grounds of the authorization of the victim, which is drawn up as a notarially certified power of attorney.

**150) Is the lawyer profession organised through? (multiple options possible)**

☒ a national bar?

☐ a regional bar?

☐ a local bar?

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

☒ Yes

☐ No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

**152) Is there a mandatory general system for lawyers requiring in-service professional training?**

☐ Yes☒ No

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**

☐ Yes☒ No

If yes, please specify:

#### F.1

**Please indicate the sources for answering questions 146 and 148:**

-----

**Comments for interpreting the data mentioned in this chapter:**

Question 146 : The possible reasons of the increase of the number of advocates between 2008 and 2010 are the following.

One of the probable explanations might be the result of the financial crisis that started in Latvia in 2008 when many legal professionals had to face the increasing unemployment and the decrease of their level of income which might have forced some of them to enter the advocacy.

In addition, advocacy has always been captivating not only because of its more notable prestige between legal professions, but also and mainly because of its flexible regulations on compensation, which is being freely negotiated between the advocate and his/her client.

Furthermore the advocates enjoy a monopoly in criminal proceedings, because only an advocate can be the defence counsel in criminal proceedings. It means that the State on the one hand has created a legal profession where a person may have regular income (legal aid in criminal proceedings), but on the other hand there are wider possibilities to make profit in the free service market.

In 2010 broad amendments in the Advocacy Law of the Republic of Latvia were adopted which introduced stricter requirements for the candidates for entering advocacy, for example, the term of the required work experience previously obtained in the legal field has been increased, the period of time after the applicant may apply for the exam repeatedly after an unsuccessful attempt has been increased as well, etc.

In the light of the circumstances mentioned above, the number of advocates in the past 3 years has not changed as rapidly as before.

146.-148. - Advocacy Law of the Republic of Latvia

Comment on question Nr.150: Advocacy Law of the Republic of Latvia Article 100 states that it is mandatory to assistants of sworn advocates to participate in all events organized by the Latvian Council of Sworn Advocates for the raising of qualifications, as well as shall perform all other duties imposed upon them by the Council.

The Latvian Council of Sworn Advocates regularly organizes seminars and training courses also for sworn advocates, but it's attendance is not mandatory for sworn advocates.

## 6. 2. Practising the profession

### 6. 2. 1. Practising the profession

**154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

☐ Yes☒ No

**155) Are lawyers' fees freely negotiated?**

☒ Yes☐ No

**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

☐ Yes laws provide rules☐ Yes standards of the bar association provide rules☒ No, neither laws nor bar association standards provide rules

**F.2****Useful comments for interpreting the data mentioned in this chapter:**

Comment on question Nr.154: Sworn advocates shall enter into a written agreement with the client regarding undertaking to conduct a case and the amount of the relevant compensation. The amount of the relevant compensation have not been regulated by the law, it has been considered as a free agreement between a lawyer and a client. A lawyer can ensure legal aid even pro bono, because the Advocacy law of the Republic of Latvia states that the aim shall not be the making of a profit.

Comment on question Nr.156: Only for the state ensured legal aid cases, the Cabinet has been determined the types and amount of state ensured legal aid, the amount of payment and the reimbursable expenses related to the provision of state ensured legal aid and the amount of and procedures for payment on the state ensured legal aid.

**6. 3. Quality standards and disciplinary proceedings****6. 3. 1. Quality standards and disciplinary proceedings****157) Have quality standards been determited for lawyers?**☐ Yes☒ No

If yes, what are the quality criteria used?

**158) If yes, who is responsible for formulating these quality standards:**☐ the bar association?☐ the Parliament?☐ other?

If "other", please specify:

**159) Is it possible to file a complaint about :**☒ the performance of lawyers?☒ the amount of fees?

Please specify:

**160) Which authority is responsible for disciplinary procedures?**☐ the judge☐ the Ministry of justice☐ a professional authority☒ other

If other, please specify:

The Advocacy Law of the Republic of Latvia states that the Disciplinary Proceedings Commission is being elected for three years by the General Meeting of Sworn Advocates. It is a separate institution of the Latvian Collegium of Sworn Advocates that shall examine the disciplinary proceedings against sworn advocates.

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Total number of disciplinary proceedings	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
--	--	----------------------------------	----------------------------	---------------------	----------

	initiated (1 + 2 + 3 + 4)				
Number	13	NA	NA	NA	NA

Comment :

**162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	8	4	NA	NA	NA	4

Comment :

In 2 disciplinary proceedings a reproof has been issued for a lawyer and in 2 disciplinary proceedings lawyers have been prohibited to perform the duties of an advocate for a time period not longer than one year.

### F.3

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

The Disciplinary Proceedings Commission has the right to impose the following sanctions:

- 1) to issue a reproof;
- 2) to issue a reprimand;
- 3) to determine another location for a practice or to prohibit to practice in a location for a time period of up to three years;
- 4) to prohibit to perform the duties of an advocate for a time period not longer than one year;
- 5) to debar from the numbers of sworn advocates.

## 7. Alternative Dispute Resolution

### 7. 1. Alternative Dispute Resolution

#### 7. 1. 1. Alternative Dispute Resolution

**163) Does the legal system provide for mediation procedures? If no skip to question 168**

-----  
**[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]**

☒ Yes

☐ No

**164) Please specify, by type of cases, the organisation of judicial mediation:**

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	No	No	No	No
Family law cases (ex. Divorce)	No	No	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	Yes	Yes	No	No

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

☐ Yes

☒ No

If yes, please specify:

**166) Number of accredited or registered mediators who practice judicial mediation:**

NAP

**167) Number of judicial mediation procedures.**

-----

**Please indicate the source in the "comment" box below:**

Total number of cases (total 1+2+3+4+5)	<input checked="" type="checkbox"/> Yes	440
1. civil cases		NAP
2. family cases		NAP
3. administrative cases		NAP
4. employment dismissals cases		NAP
5. criminal cases	<input checked="" type="checkbox"/> Yes	440

Comment :

State probation service website [www.probacija.lv](http://www.probacija.lv)

**168) Does the legal system provide for the following ADR.**

**If "other", please specify it in the "comment" box below:**

Mediation other than judicial mediation?	Yes
Arbitration?	

	Yes
Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

### G.1

**- 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**

Civil Procedure Law provides 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 operates on the basis of articles of association or by-law, whereas an arbitration court established for the resolution of a specific dispute operates 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 establishment. The resolution of disputes by an arbitration court is not an entrepreneurial activity.

As regards conciliation, according to Article 149 paragraph 2 of Civil Procedure Law in preparing a case for trial the judge shall strive to reconcile the parties. Article 1491 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.

It has to be noted that in Latvia there has been ongoing work concerning the development of a Law on Mediation that is currently planned to be adopted until mid 2012. It is envisaged that the law shall govern the implementation of all forms of mediation and it shall provide the integration of mediation procedures into Latvian civil procedure in order to diminish the workload of courts.

**Please indicate the source for answering question 166:**

166 - Ministry of Justice

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

#### 169) Do you have enforcement agents in your judicial system?

☒ Yes

☐ No

#### 170) Number of enforcement agents

116

#### 171) Are enforcement agents (multiple options are possible):

☐ judges?

☒ bailiffs practising as private professionals under the authority (control) of 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).

#### 172) Is there a specific initial training or examination to become an enforcement agent?

☒ Yes

☐ No

#### 173) Is the profession of enforcement agents organised by?

☒ a national body?

☐ a regional body?

☐ a local body?

☐ NAP (the profession is not organised)

#### 174) Are enforcement fees easily established and transparent for the court users?

☒ Yes

☐ No

#### 175) Are enforcement fees freely negotiated?

☐ Yes

☒ No

#### 176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

☒ Yes

☐ No



**Please indicate the source for answering question 170:**

Cabinet regulation Nr. 66 of 19 January 2010 on the number of sworn bailiffs, their locations of offices, districts of sworn bailiffs and borders of their districts.

**8. 1. 2. Efficiency of enforcement services****177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

☒ Yes

☐ No

**178) Which authority is responsible for supervising and monitoring enforcement agents?**

☒ a professional body?

☐ the judge?

☐ the Ministry of justice?

☐ the public prosecutor?

☐ other?

If 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.

**179) Have quality standards been determined for enforcement agents?**

☒ Yes

☐ No

If yes, what are the quality criteria used?

**180) If yes, who is responsible for establishing these quality standards?**

☐ a professional body

☐ the judge

☐ the Ministry of Justice

☐ other

If "other", please specify:

**181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?**

- ☐ Yes  
☒ No

if yes, please specify

**182) Is there a system for monitoring the execution?**

- ☐ Yes  
☒ No

If yes, please specify

**183) What are the main complaints made by 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?

If other, please specify:

**184) 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:

**185) Is there a system measuring the timeframes of the enforcement procedures:**

- ☒ for civil cases?  
☒ for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who 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

**187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of disciplinary proceedings (1+2+3+4)	<input type="text"/> number:	15
1. for breach of professional ethics		NA
2. for professional inadequacy		NA
3. for criminal offence		NA
4. Other		NA

Comment :

There is data available about total number of initiated disciplinary proceedings, but there is no data available about concrete reasons for initiating the disciplinary matters.

#### **188) Number of sanctions pronounced against enforcement agents.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

Total number of sanctions (1+2+3+4+5)	<input type="text"/> number:	10
1. Reprimand	<input type="text"/> number:	8
2. Suspension	<input type="text"/> number:	0
3. Dismissal	<input type="text"/> number:	0
4. Fine	<input type="text"/> number:	2
5. Other	<input type="text"/> number:	0

Comment :

#### **H.1**

**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

**Please indicate the source for answering the questions 186, 187 and 188:**

Ministry of Justice

### **8. 2. Execution of decisions in criminal matters**

#### **8. 2. 1. Execution of decisions in criminal matters**

**189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- ☒ Judge
- ☐ Public prosecutor
- ☒ Prison and Probation Services
- ☒ Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

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.

According to Article 5 of The Sentence Execution Code of Latvia criminal sentences which have been adjudged as basic sentences shall be executed by:

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

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

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

**190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

☐ Yes

☒ No

**191) If yes, what is the recovery rate?**

☐ 80-100%

☐ 50-79%

☐ less than 50%

☐ it cannot be estimated

Please indicate the source for answering this question:

**H.2**

**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. Notaries

#### 9. 1. 1. Notaries

**192) Do you have notaries in your country? If no go to question 197**

☒ Yes

☐ No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

private professionals (without control from public authorities)?	NAP
private professionals under the authority (control) of public authorities?	NAP
public agents? <input checked="" type="checkbox"/> number	125
other?	NAP

Comment :

**194) Do notaries have duties (multiple options possible):**

- ☒ within the framework of civil procedure?
- ☒ in the field of legal advice?
- ☒ to certify the authenticity of legal deeds and certificates?
- ☒ other?

If "other", please specify:

A sworn notary has jurisdiction to make notarial deeds, certifications, accept money, securities and documents for bailment, accept subject matter of an obligation for bailment, conduct inheritance matters, conduct divorce 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.

**195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?**

☒ Yes

☐ No

**196) Which authority is responsible for supervising and monitoring notaries:**

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

If other, 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.

### **I.1**

**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.

Since 1th February, 2011 a sworn notary has jurisdiction to conduct divorce matters and accept subject matter of an obligation for bailment.

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Court interpreters

**197) Is the title of court interpreters protected?**

☐ Yes

☒ No

**198) Is the function of court interpreters regulated by legal norms?**

☒ Yes

☐ No

**199) Number of accredited or registered court interpreters:**

NAP

**200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

☒ Yes

☐ No

If yes, please specify (e.g. having passed a specific exam):

Latvian Law provides for criminal liability for knowingly false translation of an interpreter in court.

**201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.**

Yes ☒ for recruitment and/or appointment for a specific term of office

Yes ☐ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

- ☐ No

Comment :

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.

### J.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 199:**

Court administration

## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. Judicial experts

**202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

- ☒ "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- ☒ "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- ☐ "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

**203) Is the title of judicial experts protected?**

- ☒ Yes
- ☐ No

**204) Is the function of judicial experts regulated by legal norms?**

- ☒ Yes
- ☐ No

**205) Number of accredited or registered judicial experts (technical experts)**

272

**206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

- ☐ Yes
- ☒ No

If yes, please specify, in particular the given time to provide a technical report to the judge:

**207) Are the courts responsible for selecting judicial experts?**

-----

**If no, please indicate in the "comment" box below which authority selects judicial experts?**

- Yes ☐ for recruitment and/or appointment for a specific term of office
- Yes ☒ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No ☐.

Comment :

#### K.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

Professional activity of forensic scientists (experts) is regulated by the Forensic Scientists Law.

**Please indicate the sources for answering question 205:**

The Register of Forensic Scientists.



## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:**

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

3.-In 21 July 2011 the parliament adopted amendment in the Law on Judicial Power which provides that from 1 January 2012 Land registry offices are incorporated into the structure of regional (city) courts and that powers of land registry judges are extended also to examining cases of undisputed compulsory execution of obligations, compulsory execution of obligations in accordance with warning procedures and approval of statements of auctions.

8.- In Latvia there has been ongoing work concerning the development of a Law on Mediation that is currently planned to be adopted until mid 2012. It is envisaged that the law shall govern the implementation of all forms of mediation and it shall provide the integration of mediation procedures into Latvian civil procedure in order to diminish the workload of courts.