



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

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 2013)

2 044 813

##### 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 or federal level   | 4 956 691 251 |
| Regional / federal entity level (total for all regions / federal entities) | NAP           |

##### 3) Per capita GDP (in €)

10 858

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

8 981

##### 5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

0.702804

##### A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

1, 3, 4 - data of Central Statistical Bureau, www.csb.gov.lv

2 - Law on State budget 2012

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

##### 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 | 44 494 921 |
| 1. Annual public budget allocated to (gross) salaries  | <input checked="" type="checkbox"/> Yes | 32 592 664 |
| 2. Annual public budget allocated to computerisation (equipment, investments, maintenance)   | <input checked="" type="checkbox"/> Yes | 1 049 170  |
| 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 | 2 602 683  |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs)  | <input checked="" type="checkbox"/> Yes | 7 264 546  |
| 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 | 249 939    |
| 7. Other (please specify):   | <input checked="" type="checkbox"/> Yes | 735 919    |

##### 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.

[mail NC 28/5/2014 : The total granted funding in 2012 from EU and other financial instruments funds are EUR 5 360 613 for court system development. This sum are total one for all international projects in 2012, it includes financing from Latvian and Swiss cooperation program, EU specific programm „Criminal Justice“, European Regional Development Fund, Nordic Baltic mobility programme for „State Administration“.] [Ce chiffre n'est pas inclus dans le total]

**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.

**8.1) Please briefly present the methodology of calculation of courts fees?**

The methodology is defined by the Civil Prosedure Law Article 34 and Administrative Procedure Law Article 125

**8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**

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

16 573 777

**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. (Question modified)**

**If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

|   | Amount (in €) |
|---|---------------|
| Total annual approved public budget allocated to legal aid (12.1 + 12.2)  | 962 293,90    |
| 12.1 Annual public budget allocated to legal aid for cases brought to court   | NA            |
| 12.1.1 in criminal law cases  | NA            |
| 12.1.2 in other than criminal law cases   | NA            |
| 12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc) | NA            |

Comment :

**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 20 495 958

Comment :

mail CN 9/1/14: The budget for General Prosecutor Office during the economic crises was reduced significantly. There were reduced financial means in almost all budget positions, for example the salaries for prosecutors and staff were reduced, but starting from 2012, as diminishing the consequences of the economic crisis, the budget increased up to almost 5 000 000 EUR.

**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 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   |
| High Judicial Council | No                                    | No                                 | No   | No  |
| Courts                | Yes                                   | No                                 | Yes  | Yes   |
| Inspection body       | No                                    | No                                 | No   | Yes   |
| Other                 | Yes                                   | No                                 | Yes  | Yes   |

**14.1) 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

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

6 - Court Administration, Supreme Court, 9 - Court Administration, 12 - Legal Aid Administration, 13 - General Prosecutor Office

**1. 1. 3. Budgetary data concerning the whole justice system**

**15) The following data would be useful for information**

**15.1) (Former question 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

144823662

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

|   |     |
|---|-----|
| Court (see question 6)                        | Yes |
| Legal aid (see question 12)                   | Yes |
| Public prosecution services (see question 13) | No  |
| Prison system                                 | Yes |
| Probation services                            | Yes |
| Council of the judiciary                      | No  |
| Constitutional court                          | Yes |
| Judicial management body                      | Yes |
| State advocacy                                |     |

|  |     |
|--|-----|
|  | No  |
| Enforcement services                   | Yes |
| Notariat                               | No  |
| Forensic services                      | Yes |
| Judicial protection of juveniles       | No  |
| Functioning of the Ministry of Justice | Yes |
| Refugees and asylum seekers services   | No  |
| Other                                  | Yes |

Comment :

Judicial management body is meant Court Administration

Enforcement services - in the Ministry of Justice budget are included Compensation for bailiffs for the enforcement activities.

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

## 2. Access to justice

### 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 accordance with State ensured legal aid law and connected regulation, travel costs and certain cases interpreter costs are covered by legal aid.

#### 20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

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Please specify in the "comment" box below, when appropriate.

[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 :

#### 20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

-----

|                 |
|-----------------|
| Number of 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 :

If a person, 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 senior of the sworn advocates of the territory of the relevant court process regarding the necessity to ensure the participation of a defence counsel in criminal proceedings.

If the rights of a minor and the protection of the interests thereof are encumbered or otherwise not ensured, or the representatives referred to in Paragraph two of this Section submit a substantiated request, a person directing the proceedings shall take a decision on the retaining of an advocate as the representative of a minor victim. In exceptional cases, the person directing the proceedings shall take 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. In such cases, the Cabinet shall determine the amount of payment for the provision of legal assistance ensured by the State and reimbursable expenses related to the provision of legal assistance ensured by the State, the amount thereof and procedures for payment.

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

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

|                                |   |                       |
|--------------------------------|---|-----------------------|
|                                | 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 :

Explanation about criminal cases is given in question No 21.

In domestic civil cases state ensured legal aid is provided to:

- low-income or needy persons;
- persons who find themselves suddenly in a situation and material condition which prevents them from ensuring the protection of their rights (due to a natural disaster or force majeure or other circumstances beyond their control);
- persons who are on full support of the State or self-government.

In administrative cases (asylum seekers and foreign nationals who are subject to deportation procedures in the cases and ways provided for by the Immigration law) and cross-border civil cases the Legal Aid Administration assesses person's income level. The Cabinet determines the monthly income level (right now it is 50% of the minimum wage).

**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 can be refused if:

- 1) the person does not conform with the criteria referred to in Section 3 of this Law;
- 2) this Law does not provide for the respective case for ensuring legal aid;
- 3) the legal aid requested by a person is unfounded;
- 4) a person has not requested legal aid in a timely manner;
- 5) a competent authority has assisted a person by indicating the options for solving the legal situation, preparing the documents necessary for the protection or implementation of the protection of the rights of the person or by providing aid of another kind, which indicates that legal aid is no longer necessary;
- 6) during the last two years since the previous application for legal aid the provision of legal aid to a person has been discontinued due to the fact that, in applying for legal aid, he or she had provided false information;
- 7) the person who was bound to cover the expenses related to legal aid has not done it within the time period and in the amount specified;
- 8) it concerns a claim directly connected with the commercial activities or independent professional activities of the applicant;
- 9) it is related to customs or tax matters;
- 10) it concerns a claim regarding defamation and injuring dignity;
- 11) it is related to the compensation of emotional distress;
- 12) a dispute is settled in a court of arbitration or by using other alternative mechanisms for the settlement of disputes;
- 13) it is related to the fulfilling of the financial obligations of a loan contract, in which the person applying for legal aid is the lender;
- 14) it concerns a claim related to luxury items or luxury services;
- 15) the costs related to the provision of legal aid are incommensurably high in comparison with the amount of the claim;
- 16) a decision has been taken in respect of a person regarding the suspension of the provision of legal aid, based on Section 33, Paragraph seven, Clause 4 of this Law and a year has not passed since the taking of this decision; or
- 17) the opinion of a legal aid provider regarding the inexpediency of further legal aid has been received.

**25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:**

- ☐ the court?
- ☒ an authority external to the court?
- ☐ a mixed 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

The Legal Aid Administration is the competent institution responsible for the provision of legal aid in the cases and according to the procedures specified in this State ensured legal aid law. Legal aid can be provided in out-of-court and in-the-court settlement of matters of legal nature or for the protection of infringed or contested rights of a person or his or her interests protected in the cases, ways and amounts provided for by the State ensured legal aid law.

**Please indicate the sources for answering questions 20 and 23:**

Criminal procedure law, State ensured legal aid law

**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):              | <input checked="" type="checkbox"/> Yes | www.likumi.lv;<br>www.mk.gov.lv;<br>www.saeima.lv;<br>www.vestnesis.lv;<br>www.ttc.lv |
| case-law of the higher court/s? Internet address(es):                                 | <input checked="" type="checkbox"/> Yes | www.tiesas.lv;<br>www.at.gov.lv;<br>www.satv.tiesa.gov.lv                             |
| other documents (e.g. downloadable forms, online registration)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.tiesas.lv;<br>www.juridica.lv;<br>www.ta.gov.lv;<br>www.tm.gov.lv                 |

Comment :

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

- ☒ Yes  
☐ No  
☐ Yes only in some specific situations

If yes only in some specific situations, 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:

**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 sexual violence/rape |                       |  |       |

|   | No | Yes | No |
|---|----|-----|----|
| Victims of terrorism  | No | No  | No |
| Children (witnesses or victims)   | No | Yes | No |
| Victims of domestic violence  | No | No  | No |
| Ethnic minorities   | No | Yes | No |
| Disabled persons  | No | Yes | No |
| Juvenile offenders  | No | Yes | No |
| Other (e.g. victims of human trafficking, forced marriage, sexual mutilation) | No | Yes | No |

Comment :

In most cases, there is a closed trial hearing. Interpreter is provided to a natural person if he/she does not understand the language of court hearing. Judge informs victim about their rights. There is a possibility for a minor to have his/her first declaration recorded so that he/she does not have to repeat it in the further steps of the proceedings. There is a procedure for compensation for victims provided by the state.

**31.1) Is it possible for minors to be a party to a judicial proceedings :**

- ☐ Yes  
☒ No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

In order to ensure minor rights and interests in criminal proceedings the Criminal Procedure Law Article 89 states that a minor can be represented by a representative. It means that a minor can represent him/herself, but the participation of defense counsel in such a case is obligatory. If the minor is victim then the representative is obliged.

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

- ☒ Yes  
☐ No

If yes, for which kind of offences

The right to state compensation are granted, if as a result of an intentional criminal offence:

- 1) person's death set it;
- 2) heavy or medium-heavy bodily injuries were caused to the victim;
- 3) sex inviolability of the victim was involved;
- 4) the victim is infected with human immunodeficiency virus, type A or type B virus hepatitis.

**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 illustrate with available data concerning 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?**

-----  
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 decision by a judge".

☒ Yes

☐ No

☐ NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge 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):

The persons who has the rights of reimbursement of damages handle in an application:

1. To the Ministry of Justice of Latvia if the person has been justified by the court or the criminal case or administrative violation against the person has been reprieved; 2. To the General prosecution's Office if the case has been concluded in the pre – trial investigation. Number of cases: 28 decisions have been made: 23 applications have been partly approved i, but 5 applications have been fully denied. The loss that have been reimbursed in Latvia are for material loss and moral damage. The amount of the compensation have been evaluated individually in each case.

**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:

There are surveys at a court level. These surveys are provided by the Court Administration.

**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    | Yes  | No                 |

**40) Is there a national or local procedure for making complaints about the functioning of the judicial system(for example the handling 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 |
|--|--|---|
| Court concerned                        | Yes  | Yes                                       |
| Higher court                           | Yes  | Yes                                       |
| Ministry of Justice                    | Yes  | Yes                                       |
| High Council of the Judiciary          | No   | No  |
| Other external bodies (e.g. Ombudsman) | Yes  | Yes                                       |

Comment :

**41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system**

Court Administration in 2012 has received 36 complains from citizens about issues of the functioning of the judicial system.

### 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 data is not available, please indicate NA.**

-----  
**If the situation is not applicable in your country, please indicate NAP.**

|  | Number |
|--|--------|
| Total (must be the same as the data given under question 42.2) | 1      |
| Commercial courts (excluded insolvency courts)                 | NAP    |
| Insolvency courts  | NAP    |
| Labour courts  | NAP    |
| Family courts  | NAP    |
| Rent and tenancies courts                                      | NAP    |
| Enforcement of criminal sanctions courts                       | NAP    |
| Fight against terrorism, organised crime and corruption        | NAP    |
| Internet related disputes                                      | NAP    |
| Administrative courts  | 1      |
| Insurance and / or social welfare courts                       | NAP    |
| Military courts  | NA     |
| Other specialised 1st instance courts                          | NAP    |

Comment :

Comment on question 42. - 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

mail cn 9/1/14: In Latvia only Administrative court as specialized court is established, therefore for all answers, except Administrative Courts and Military courts can be NAP. For Administrative court it is 1, and for military courts – NA. According to the Law on Judicial Power Article 1, part 3 judicial power in the Republic of Latvia is vested in district (city) courts, regional courts, the Supreme Court and the Constitutional Court, but in state of emergencies or during war – also military courts. The Military Courts Law shall regulate the activities of a military court.

**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:

Review of court disposition model is made according to the location of population and hubs of economic activity

Greater courts – mechanism to equalize court workload and to strengthen the principle of random attribution of cases and judge specialization:

- District (city) court with courthouses maintains judges` and courthouses` specialization that provides expertise and secures principle of random attribution of cases and high quality of decisions
- Rotation of cases (judges) within courthouses
- Opportunity to use judicial resources more effectively (e.g., written translation or archiving jobs to be allocated to courthouses that have less workload)
- Review of court composition according to the number of cases

This year review of court allocation model has be started and guiding principles on the court disposition will be set.

**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 |
|------------------------------------|--------|
| 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:**

Claims for recovery of money and recovery of support that do not exceed 1500 LVL (EUR 2134.31) on the day when the claim was submitted

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

42.-Court Administration, Law on Judicial Power

43.-Court Administration, Law on Judicial Power

45.- Civil Procedure Law.

### 3. 1. 2. Judges, court staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2012) (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 | NAP |
|--|-------|-------|---------|-----|
| Total number of professional judges (1 + 2 + 3)                    | 439   | 101   | 338     |     |
| 1. Number of first instance professional judges                    | 263   | 47    | 216     |     |
| 2. Number of second instance (court of appeal) professional judges | 126   | 31    | 95      |     |
| 3. Number of supreme court professional judges                     | 50    | 23    | 27      |     |

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 number of court presidents (1 + 2 + 3)                    | 46 | 17 | 29 |  |
| 1. Number of first instance court presidents                    | 39 | 15 | 24 |  |
| 2. Number of second instance (court of appeal) court presidents | 6  | 1  | 5  |  |
| 3. Number of supreme court presidents                           | 1  | 1  | 0  |  |

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).**

-----  
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 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):**

-----  
If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure NAP

Comment :

mail CN 9/1/14: Since 1 July 2009, lay judges do not exist anymore – they participate only in cases that have been started before 1 July 2009. In 2012 no lay judges have been participated in the court hearings.

**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 2012) (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 (among which women) 1 608

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 (among which women) 1 090

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 (among which women) 351

4. Technical staff ☒ Yes (among which women) 160

5. Other non-judge staff ☒ Yes (among which women) 7



Comment :

The Division of Case-law is a unit of the Supreme Court that is responsible for the compilation, analysis and publication of court opinions, as well as summarizes, selects, processes and publishes in the case-law database court rulings which are important for promotion of coordination, research and development of court practice – staff – 5;  
The Division of Provision of Regime of Secrecy – staff – 2.

**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.

**C1 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

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

46, 47, 52 - Court Administration, Supreme Court

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

**55) Number of public prosecutors (if possible on 31 December 2012) (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 | NAP |
|---|-------|-------|---------|-----|
| Total number of prosecutors (1 + 2 + 3)                             | 451   | 182   | 269     |     |
| 1. Number of prosecutors at first instance level                    | 291   | 102   | 189     |     |
| 2. Number of prosecutors at second instance (court of appeal) level | 88    | 43    | 45      |     |
| 3. Number of prosecutors at supreme court level                     | 72    | 37    | 35      |     |

Comment :

CN 20/03:

During 2011 and 2012 Prosecutors office increased number of office posts and the prosecutors has been appointed to the post. In order to decide on the promotion of the prosecutors, their professional qualification had been evaluated, as well as analyzed their quality of work performance, participation in trainings, work statistical indicators, etc. Collected data shows that in Prosecutors office more were promoted to higher post – male.

**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 | NAP |
|--|-------|-------|---------|-----|
| Total number of heads of prosecution offices (1 + 2 + 3)                             | 56    | 33    | 23      |     |
| 1. Number of heads of prosecution offices at first instance level                    | 37    | 21    | 16      |     |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | 10    | 6     | 4       |     |
| 3. Number of heads of prosecution offices at supreme court level                     | 9     | 6     | 3       |     |

Comment :

The numbers include also the position of deputy heads of prosecution offices, which are also the higher prosecutor position within the structure of the Prosecutor Office.

Total number of heads of prosecution offices - total - 56 (data includes 5 deputy heads of prosecution offices), males - 33 (data includes 1 deputy head of prosecution offices), females - 23 (data includes 4 deputy heads of prosecution offices).

Number of heads of prosecution offices at first instance level - total 37 (data includes 1 deputy head of prosecution offices), females - 16 (data includes 1 deputy head of prosecution offices).

Number of heads of prosecution offices at second instance (court of appeal) level - total - 10 (data includes 4 deputy heads of prosecution offices), males - 6 (data includes 1 deputy head of prosecution offices), females - 4 (data includes 3 deputy heads of prosecution offices).

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

☐ Yes

☒ No

☐ NA

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

**59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

☒ Yes

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

|                   |                             |     |
|-------------------|-----------------------------|-----|
| Number            | <input type="checkbox"/> NA | 393 |
| Among which women | <input type="checkbox"/> NA | 287 |

**C2 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: Data includes administrative director, deputies of administrative director and other staff of the Administrative Director Office (staff of Chancellery, interpreters, IT specialists, personal specialists, car drivers, auditors (in total 321 employees, among which 234 woman), as well as assistants to prosecutors (in total 72 assistants to prosecutors, among which 53 women). Assistants to prosecutor have not the prosecutor's procedural powers. Their powers and jurisdiction is strictly limited, for example, an assistant to prosecutor is entitled to receive visitors, to take action in connection with the preparation of the case (prepare copies of criminal case materials, to produce the list of documents) etc.

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

55., 56, 60 - General Prosecutor Office

**3. 1. 4. Management of the court budget**

**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                                 | No  |
| 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 is the Court administration.

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

### 3. 1. 5. Use of Technologies in courts

**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 caselaw | 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                   | 100% 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 ?**

-----

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

|   |                |
|---|----------------|
| 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                                 | 100% of courts |
| Other electronic communication facilities         | 100% of courts |

Comment :

Comment on question Nr. 63 section "Videoconferencing"- Within the Latvian and Swiss cooperation programme individual project "Modernization of Courts in Latvia" starting from June, 2012 at least one court room in each court are equipped with videoconference equipment and all court rooms are equipped with sound recording equipment.

Comment on question Nr. 64 section "Other electronic communication facilities" are meant sound recording systems.

**65) The use of videoconferencing in the courts (details on question 63).**

-----  
**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 or victims?                                  | Yes |
| 65.2 Can such court hearing be held in the police station and/or in the prison?   | Yes |
| 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? | Yes |
| 65.4 Is videoconferencing used in other than criminal cases?  | Yes |

Comment :

In order to implement use of videoconferencing tools what could be used by courts following laws were amended – Civil Procedure Law, Criminal Procedure Law and Administrative Procedure Law.

**C3 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

**3. 2. Monitoring 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)

**66.1) Does this institution publish statistics on the functioning of each court on the internet:**

☒ Yes

☐ No, only in an intranet website

☐ No

**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, only in an intranet website

**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:

Decision stability (proportion of decisions appealed in higher instance)

**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

If yes, please specify:

Latvia has the Court Informative System, it contains statistical dates about courts work etc. The statistical data also have been published regularly in the e-portal [www.tiesas.lv](http://www.tiesas.lv).

**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, Higher Court)
- ☒ President of the court
- ☒ other

If other, please specify:

According to law of Judicial power section 10 in adjudging trials, judges shall be independent and shall be subject only to law. Judges are setting the targets by themselves.

**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)  
☐ President of the court  
☐ other

If other, please specify:

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

**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 :

**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:

**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:

Geneal Prosecutor Office sets the priority action areas every year, as well as every half year the working plan for Prosecutor Office has been developed.

**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

mail CN 9/1/14: Q 74: By amendments to the Law on Judicial power from year 2014 the president of the court before the each annual year in cooperation with the court judges will determine the court work aims on the average period of case review.

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**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 lawyer)?**

NA

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

☒ Yes

☐ No

Number of successful challenges (in a year):

NA

**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)      | 0  | 0                    | 0                                   | 0                                       |
| Civil proceedings - Article 6§1 (non-execution) | 0  | 0                    | 0                                   | 0                                       |
| Criminal proceedings - Article 6§1 (duration)   | 4  | 0                    | 1                                   | 0                                       |

**Please indicate the sources:**

<http://www.mfa.gov.lv/lv/Ministrija/publikacijas/MK-2012/>; <http://hudoc.echr.coe.int/sites/eng/>

**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 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. 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.
    - 4) if the required contractual penalty exceeds the amount of the main debt;
    - 5) if the required percents exceed the amount of the main debt.
  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 first part of this statement is not applicable to the notarial deeds formed according to the procedure laid down in the section D1 of the Notariate Law.
- 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.

**88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

☐ Yes

☒ No

**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. Case flow 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 and criminal law cases.**

**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 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r**

|   | Pending cases on 1 Jan. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7)*   | 39466                       | 70540          | 75540          | 34466                        |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*   | 30954                       | 35097          | 39044          | 27007                        |
| 2. General 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)* | 2961                        | 31472          | 31288          | 3145                         |
| 3. Non litigious enforcement cases  | NAP                         | NAP            | NAP            | NAP                          |
| 4. Non litigious land registry cases**  | NAP                         | NAP            | NAP            | NAP                          |
| 5. Non litigious business registry cases**  | NAP                         | NAP            | NAP            | NAP                          |
| 6. Administrative law cases   | 5551                        | 3971           | 5208           | 4314                         |
| 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) 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. 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. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of criminal cases (8+9)                 | 5164                        | 17290          | 16565          | 5889                         |
| 8. Severe criminal cases                      | 4480                        | 8670           | 8557           | 4593                         |
| 9. Misdemeanour and / or minor criminal cases | 684                         | 8620           | 8008           | 1296                         |

**95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the**

**consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":**

The classification of offences is provided Article 7 of the Criminal Law. This Article stipulates that criminal offences shall be divided into criminal violations and crimes according to the nature and harm of the threat to the interests of a person or the society.

The classification is as follows:

- 1) A criminal violation is an offence for which this Law provides for deprivation of liberty for a term exceeding fifteen days, but not exceeding three months (temporary deprivation of liberty), or a type of lesser punishment.
- 2) A less serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding three months but not exceeding three years, as well as an offence, which has been committed through negligence and for which this Law provides for deprivation of liberty for a term up to eight years.
- 3) A serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding three years but not exceeding eight years, as well as an offence, which has been committed through negligence and for which this Law provides for deprivation of liberty for a term exceeding eight years.
- 4) An especially serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding eight years or life imprisonment.

**96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)**

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

mail CN 9/1/14: Q 91: explication des différences de données entre cet exercice et le précédent: concerning data of the year 2010 and during next two years there is major fall in civil cases due to recovery from the financial crisis. There have been major changes in the way civil and commercial non-litigious cases are handled and as of January 1st of 2012 those are handed down to Land registry judges.

**97) Second instance courts: total number of cases**

**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.**

|   | Pending cases on 1 Jan. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7)  | 5 762                       | 10 130         | 10 390         | 5 502                        |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*   | 3 428                       | 5 664          | 6 213          | 2 879                        |
| 2. General 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)* | 21                          | 162            | 171            | 12                           |
| 3. Non litigious enforcement cases  | NA                          | NA             | NA             | NA                           |
| 4. Non litigious land registry cases  | 31                          | 182            | 201            | 12                           |
| 5. Non litigious business registry cases  | NAP                         | NAP            | NAP            | NAP                          |
| 6. Administrative law cases   | 2 222                       | 3 748          | 3 411          | 2 559                        |
| 7. Other cases (e.g. insolvency registry cases)   | 60                          | 374            | 394            | 40                           |

**98) 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. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of criminal cases (8+9)               | 753                         | 2747           | 2696           | 809                          |
| 8. Severe criminal cases                    | 381                         | 2043           | 2203           | 431                          |
| 9. Misdemeanour and/or minor criminal cases | 50                          | 576            | 493            | 153                          |

Comment :

Comment on question Nr. 97. and 98 - data concerns second instance courts and data from the Supreme Court chambers. The chambers - Criminal Cases and Civil Cases are the appeals body, which review cases that have been decided by the regional courts, as the courts of the first instance. The statistics by the Supreme Court is mentioned only in section total cases, 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 01.01.2012.- 1202  
 Incoming cases- 1767  
 Resolved cases- 1881  
 Pending cases on 31.12.2012.- 1088  
 1. Civil (and commercial) litigious cases:  
 Pending cases on 01.01.2012.- 1111  
 Incoming cases- 1211  
 Resolved cases- 1286  
 Pending cases on 31.12.2012. - 1036  
 4. Non litigious land registry cases:  
 Pending cases on 01.01.2012.- 31  
 Incoming cases- 182  
 Resolved cases- 201  
 Pending cases on 31.12.2012. - 12.  
 7. Other cases:  
 Pending cases on 01.01.2012.- 60  
 Incoming cases- 374  
 Resolved cases- 394  
 Pending cases on 31.12.2012. - 40

Question 98.  
 Number of criminal law cases.  
 Pending cases on 01.01.2012.- 322  
 Incoming cases- 128  
 Resolved cases - 221  
 Pending cases on 31.12.2012.- 225  
 8. Severe criminal cases:  
 Resolved cases - 201  
 9. Misdemeanour and / or minor criminal cases:  
 Resolved cases - 20

**99) Highest instance courts: total number of cases**

**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.**

|  | Pending cases on 1 Jan. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|--|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7)   | 1180                        | 1576           | 1274           | 1482                         |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)   | NA                          | NA             | NA             | NA                           |
| 2. General 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. Non litigious enforcement cases   | NA                          | NA             | NA             | NA                           |
| 4. Non litigious land registry cases**   | NA                          | NA             | NA             | NA                           |
| 5. Non litigious business registry cases   | NA                          | NA             | NA             | NA                           |
| 6. Administrative law cases  | NA                          | NA             | NA             | NA                           |
| 7. Other cases (e.g. insolvency registry cases)  | NA                          | NA             | NA             | NA                           |

**99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?**

☐ Yes. If yes, please indicate the number of cases closed by this procedure?

☒ No

Number

**100) 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.**

|                               | Jan. '12 |     |     | Dec. '12 |
|-------------------------------|----------|-----|-----|----------|
| Total of criminal cases (8+9) | 52       | 770 | 731 | 91       |
|                               |          |     |     |          |

|   |    |    |    |    |
|---|----|----|----|----|
| 8. Severe criminal cases                    | NA | NA | NA | NA |
| 9. Misdemeanour and/or minor criminal cases | NA | NA | NA | NA |

Comment :

**101) Number of litigious divorce cases, employment dismissal cases, insolvency, 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 January 2012 | Incoming cases | Resolved cases | Pending cases on 31 December 2012 |
|----------------------------|---------------------------------|----------------|----------------|-----------------------------------|
| Litigious divorce cases    | 1602                            | 2070           | 2287           | 1385                              |
| Employment dismissal cases | 108                             | 152            | 185            | 75                                |
| Insolvency                 | 3493                            | 1921           | 1454           | 3960                              |
| Robbery cases              | 249                             | 243            | 248            | 244                               |
| Intentional homicide       | 37                              | 50             | 61             | 36                                |

**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.]**

|                            | % 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                                | 249                                      | 112                                      | NA                                       | NA  |
| Employment dismissal cases | NA                               | NA                                | 234                                      | 144                                      | NA                                       | NA  |
| Insolvency                 | NA                               | NA                                | 570                                      | 52                                       | NA                                       | NA  |
| Robbery cases              | NA                               | NA                                | 271                                      | 66                                       | NA                                       | NA  |
| Intentional homicide       | NA                               | NA                                | 234                                      | 185                                      | NA                                       | 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 five case categories? Please give a description of the calculation method.**

The length of proceedings is given as table, where all proceedings are separated by six month periods. To calculate average length of proceeding, a weighted arithmetic mean is derived from the table, which further is multiplied by 30.

**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 request investigation measures from the judge
- ☒ to charge
- ☒ to present the case in the court
- ☒ to propose a sentence to the judge
- ☒ to appeal
- ☒ to supervise the enforcement procedure
- ☒ to discontinue a case without needing a decision by a judge (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.

**106.1) Does the public prosecutor also have a role in insolvency cases?**

- ☐ Yes  
☒ No

If yes, please specify:

**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 | 13372                             | 1361  | 1407   | 9220   |

**107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?**

|  | Before the court case: | During the court case: |
|--|------------------------|------------------------|
| If possible, please distinguish the number of guilty plea procedure: | NA                     | 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)   | 1 361  |
| 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 | 507    |
| 3. Discontinued by the public prosecutor for reasons of opportunity  | 854    |

**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**

mail CN 9/1/14: Q 97: Decrease in cases in second instance courts directly correlates with general decrease in civil cases.

Q 99: Decrease in cases in higher instance court directly correlates with general decrease in civil cases.

Q 101: Decrease in cases in second instance courts directly correlates with general decrease in civil cases.

Q 102: The average length of proceedings is calculated manually so that given data is precise.

Comment on question 107.1 - The total number of cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar are 233.

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

91, 94, 101, 102- Court Administration

97, 98- Supreme Court, Court Administration

99, 100 - Supreme Court

107, 108 - General Prosecutor Office.



## 5. Career of judges and public prosecutors

### 5. 1. Recruitment and promotion

#### 5. 1. 1. Recruitment 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:

#### 110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- ☐ Yes
- ☒ No

If "yes", 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 ?

#### 112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- ☐ Yes
- ☒ No

If "yes", please specify:

#### 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

If yes, please indicate the frequency

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

☒ Independent?

☐ 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

**117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

☐ Yes

☒ No

If "yes", please specify:

**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.

**119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

☐ Yes

☒ No

If "yes", please specify:

**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)?**

-----

**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below**

|  |    |
|--|----|
|  |    |
| Yes. If yes, please indicate the compulsory retirement age | 70 |
| No   |    |

Comment :

mail CN 22/01/14: 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.

**121.1) Can a judge be transferred to another court without his consent:**

- ☐ For disciplinary reasons
- ☐ For organisational reasons
- ☐ For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

No, it requires the consent of judges

**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 the probation period (in years) |
|-----|---|
| Yes | 0.5 years (6 months)                        |
| No  |   |
| NAP |   |

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

-----  
**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:**

|  |    |
|--|----|
|  |    |
| Yes. If yes, please indicate the compulsory retirement age | 65 |
| No   |    |

Comment :

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

|     | Duration of the probation period (in years) |
|-----|---|
| Yes | 0.5 years (6 months)                        |
| No  |   |
| NAP |   |

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

- ☒ Yes Renewable
- ☐ No

For judges : length of the mandate (in years):

3

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

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

mail CN 22/01/14: Q 125: voir commentaire sous Q 121

## 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) | Optional   |
| 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 / Regular (e.g. every 3 months) |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | Annual / Regular (e.g. every 3 months) |
| 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 / Regular (e.g. every 3 months) |
| 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 the budget of such institution(s) in the "comment" box below.**

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

|  | Initial training only | Continuous training only | Initial and continuous training | 2012 budget of the institution, in € |
|--|-----------------------|--------------------------|---------------------------------|--------------------------------------|
| One institution for judges                             | No                    | Yes                      | No                              | Yes                                  |
| One institution for prosecutors                        | No                    | No                       | No                              | No                                   |
| One single institution for both judges and prosecutors | No                    | No                       | No                              | No                                   |

**Comment :**

In Latvia is Judicial Training Center. The budget of the institution in 2012 is 136 570 EUR (including training for non judge stuff). It 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 2012 has been spent EUR 4757

**131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?**

Starting from 2 September 2002, the Prosecutor applicants are subjected to a general knowledge test as a test of knowledge and legal examination of written answers to exam questions. Prosecutors' Qualification Commission shall evaluate the test results, and those applicants who achieved the required score recommends to the Prosecutors Attestation Commission.

**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 public prosecutors and the main reforms that have 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 2012 | Net annual salary, in €, on 31 December 2012 |
|---|--|--|
| First instance professional judge at the beginning of his/her career  | 19755  | 13379  |
| 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)                                      | 37616  | 25573  |
| Public prosecutor at the beginning of his/her career  | 19356  | 13104  |
| 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) | 25788  | 17412  |

Comment :

mail cn 9/1/14: réponse à Q 132: the data provided for this exercise show an increase, is there an explanation?:

During the economic crisis starting from 01.07.2009. the salaries for judges were reduced for 15% and starting from 01.01.2010. the salaries were reduced for 27 %.

Starting from 01.01.2011. the determination of the salaries for judges and prosecutors are included within unified remuneration system for the officials and employees of the state and local government institution, as well as diminishing the consequences of the crisis, salaries for judges increased.

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

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

**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        | No                | No                   |
| 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           | Yes               | Yes                  |

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

Starting from July 18, 2012, entered into force amendments to the Law "On Prevention of Conflict of Interest in Activities of Public Officials", which defines an additional new office binding limits for prosecutors. Prosecutor can combine the post with the post in corresponding post or field industry trade or association, except the leaders of these institutions, as well as posts in association, if it does not cause a conflict of interest and has received written permission from the public officials or collegial authority, which person has appointed, elected, approved.

**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 has been 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:

**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)           | 11     | 18                 |
| 1. Breach of professional ethics | 1      | 2                  |
| 2. Professional inadequacy       | 7      | 0                  |
| 3. Criminal offence              | 0      | NAP                |
| 4. Other                         | 3      | 16                 |

Comment :

In section judges "other" - reprimand;

In section public prosecutors "other" - 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 in 2012 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)                          | 7      | 18                 |
| 1. Reprimand   | 0      | 6                  |
| 2. Suspension  | 0      | 0                  |
| 3. Removal of cases                                  | 0      | NAP                |
| 4. Fine  | NAP    | NAP                |
| 5. Temporary reduction of salary                     | 0      | 2                  |
| 6. Position downgrade                                | NAP    | 0                  |
| 7. Transfer to another geographical (court) location | NAP    | NAP                |
| 8. Resignation                                       | 2      | 0                  |
| 9. Other   | 5      | 10                 |

Comment :

Section judges "other" - 1 formal warning;

4 - terminate the disciplinary proceedings;

1 disciplinary cases pending in 2013.

Section public prosecutors "other" - 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 public 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 - Supreme Court, Judicial Disciplinary Statistics, General Prosecutors Office

145 - Supreme Court, Judicial Disciplinary Statistics, General Prosecutors 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.**

1343

**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:

Article 104, first paragraph of the Criminal Procedure Law: "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 authorisation of the victim, which is drawn up as a notarially certified power of attorney. If the victim has expressed the authorisation orally, the person directing the proceedings shall draw it up in writing. Such power of attorney shall be signed by the victim and the representative, and the person directing the proceedings shall certify the signatures of the parties. An oral authorisation expressed during a court session shall be recorded in the minutes of the court session. An order shall certify the right of an advocate to participate in the criminal proceedings as a representative."

Article 104, second paragraph of the Criminal Procedure Law: "If harm has been caused to a minor person, the victim shall be represented by:

- 1) a mother, father, or guardian;
- 2) one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant kinsperson takes care of the minor;
- 3) a representative of an authority protecting the rights of children;
- 4) a representative of such non-governmental organisation that performs the function of protecting the rights of children."

Article 83 of the Civil Procedure Law: "Any natural person may be an authorised representative in the civil procedure, taking into account the restrictions specified in Section 84 of this Law."

Article 35 of the Administrative Procedure Law: "Participants in administrative proceedings may participate in the proceedings with the assistance of or through their representative. The representative may be any natural or legal person with capacity to act, subject to the restrictions set out in Sections 36 and 37 of this Law."

**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:

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

Criminal Procedure Law, Civil Procedure Law, Administrative Procedure Law, Advocacy Law of the Republic of Latvia and information from the Latvian Council of Sworn advocates.

**F1 Comments for interpreting the data mentioned in this chapter:**

CN 20/03 : q. 152: Concerning the mandatory general system for lawyers requiring in-service professional training, during 2012 Latvian Council of Sworn Advocates adopted internal rules of professional qualifications, what provides a duty for lawyer attend professional development activities every year for at least 16 hours.

## 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

**F2 Useful comments for interpreting the data mentioned in this chapter:**

Article 57 of the Advocacy Law of the Republic of Latvia states: "Sworn advocates shall enter into a written agreement with the client regarding undertaking to conduct a case and the amount of the relevant compensation. [...] In case of a dispute, if the agreement between a sworn advocate and a client has not been entered into writing, the compensation in double amount, as well as other reimbursable expenses related to the provision of legal assistance shall be determined for the advocate in amounts specified in regulatory enactments regarding the remuneration for the State

ensured legal assistance. [...]” and Article 44 of the Civil Procedure Law.

### 6. 3. Quality standards and disciplinary proceedings

#### 6. 3. 1. Quality standards and disciplinary proceedings

#### 157) Have quality standards been determined for lawyers?

☒ Yes

☐ No

If yes, what are the quality criteria used?

Article 71 of the Advocacy Law of the Republic of Latvia states: "For violations of the Law and other regulatory enactments, the articles of association of the Latvian Collegium of Sworn Advocates, as well as for violations of the instructions regulating the work of sworn advocates and the norms of the professional ethics of sworn advocates, the Latvian Council of Sworn Advocates may initiate disciplinary proceedings upon the proposal of the court or prosecutor, as well as on the basis of the complaints of persons or upon their own initiative, sending the case materials for examination to the Disciplinary Proceedings Commission. The Latvian Council of Sworn Advocates is entitled to explain to sworn advocates the wrongfulness of their conduct, without initiating disciplinary proceedings."

#### 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:

See provisions of the Article 71 of the Advocacy Law of the Republic of Latvia, notified in question Nr. 157.

#### 160) Which authority is responsible for disciplinary procedures?

☐ the judge

☐ the Ministry of justice

☒ a professional authority

☐ other

If other, please specify:

CN 20/03:

Disciplinary Commission is a professional authority, what is elected by the Collegium of Latvian Sworn Advocates and it has been operating since 2004.

#### 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 initiated (1 + 2 + 3 + 4) | 6 |
|  |   |

|                                  |   |
|----------------------------------|---|
| 1. Breach of professional ethics | 3 |
| 2. Professional inadequacy       | 3 |
| 3. Criminal offence              | 0 |
| 4. Other                         | 0 |

Comment :

#### 162) Sanctions pronounced against lawyers.

-----

**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.**

|   | Number |
|---|--------|
| Total number of sanctions (1 + 2 + 3 + 4 + 5) | 5      |
| 1.Reprimand                                   | 4      |
| 2. Suspension                                 | 1      |
| 3. Removal                                    | 0      |
| 4. Fine                                       | 0      |
| 5. Other (e.g. disbarment)                    | 0      |

Comment :

**F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation and other forms of ADR

**163) Does the judicial system provide for judicial 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

**163.1) In some fields, does the judicial system provide for mandatory mediation procedures?**

**If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.**

☐ Before going to court

☐ Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

**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                      | No               | No                                      | No    | No                |

**165) Is there a possibility to receive legal aid for judicial 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)

NAP

1. civil cases

NAP

2. family cases

NAP

3. administrative cases

NAP

4. employment dismissals cases

NAP

5. criminal cases

NAP

Comment :

**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?                            | No  |
| Other alternative dispute resolution?    | Yes |

Comment :

In Criminal Procedure Law is a settlement institute, and in Administrative Procedure Law is a administrative contract institute.

**G.1 You can indicate below:**

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

Regardless of fact that pure mediation institute without special legal framework, market conditions, and mediation service united quality standards, has been developed in Latvia itself, Latvia is at the beginning of its development of legislative background of mediation institute.

The first step in developing mediation institute was already taken in 2009 when the concept on mediation in civil disputes resolution was adopted by the government.

The concept states the implementation of 4 mediation modules gradually from pure mediation to court – annexed mediation, from court – annexed mediation to court – internal mediation, from court – internal mediation to – integrated mediation.

The recognition of pure mediation institute in Latvia shows the best practice of alternative dispute resolution main idea – free choice between parties to choose the way of their dispute resolution in finding other ways in solving disputes without going to the court.

In choosing the way of drafting mediation legal basis, actually it has been the choice and challenge at the same time for Latvia to choose – shall mediation be governed by the laws, regulations at all or shall it be regulated by Mediation law or indirectly regulated by other laws such as the Civil Procedure Law.

At the moment Latvia is in this early stage of establishing legal basis of mediation institute. The draft law on Mediation has been elaborated by specially established experts working group forming of judges, practicing mediators and other experts.

Right now the draft law on mediation has been approved by the Parliament in the first reading.

The draft law states:

1. The main principles of mediation such as confidentiality, neutrality, voluntarism, equality and collaboration between the parties.

2. That mediation institute can be used in the different legal relations – not only in civil cases, but also in criminal and administrative cases.

Actually in Latvia the use of mediation is not forbidden in the mentioned fields of legal relations also right now. For example, in civil proceedings the parties can conclude a settlement. The same between the defendant and victim in criminal proceedings – a settlement can be concluded. The administrative procedure law states that the authority and the natural person can conclude an administrative contract.

3. Mediation can be used in pre-trial or in the court proceedings on the recommendation from one of the parties or the judge. It is important that judge can offer the parties to use mediation. In the mentioned situation and when the parties will resolve their dispute by using mediation, the 50 % of paid state tax to the party which has been submitted a claim will be reverted.

4. The procedure how the parties enter into a mediation agreement. Mediation agreement between the parties can be concluded orally or in writing.

5. The mediation process is being leaded by the mediator (a person chosen by the parties themselves or from the list of certified mediators ). If the mediation is recommended by the judge during the court proceedings, judge also will recommend the parties to select a mediator from the list of certified mediators. Similarly, where the parties cannot agree on a mediator, the Mediation Board will help to select parties the mediator from the list of certified mediators.

6. Mediator is obliged to conduct the mediation process in accordance with the provisions of law, the fundamental principles of mediation and an agreement with the parties.

7. A positive outcome of the mediation is an agreement reached by the parties in resolving their dispute.

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

## 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

102

#### 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 shall perform the execution of adjudications of the court and other institutions, as well as other activities prescribed by law. They shall be independent in performing their official activities and subject only to law.

#### 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:

<http://www.lzti.lv/lv/zti/saraksts/>



## 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:

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

- ☒ Yes  
☐ No

If yes, what are the quality criteria used?

There is a specific qualification estimation system for the bailiffs set by Regulation No 451 issued by the Cabinet on the rates for the official activities of sworn bailiffs.

**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:

Law On Bailiffs sets the quality standard.

**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 how the enforcement procedure is conducted by the enforcement agent?**

- ☒ Yes  
☐ No

If yes, please specify

See answer to the question Nr.178.

mail CN 9/1/14: The monitoring of the bailiff activities are defined by the Law on Bailiffs, Article 7. According to the Civil Procedure Law, Article 632, a judgment creditor or a debtor, by submitting a substantiated complaint, may appeal the actions of a bailiff in executing a judgment or the bailiff's refusal to perform such actions, except the case specified in Section 617 of the Law on Bailiffs, to the district (city) court according to the official appointment location of the bailiff within 10 days from the day when the actions appealed from are taken or the day when a complainant, who has not been notified of the time and place of actions to be taken, becomes informed of such actions. And according to the Law on Bailiffs, Article 53, first part the Minister for Justice may initiate a disciplinary matter against a sworn bailiff upon a proposal of a judge or a prosecutor, as well as pursuant to a complaint of a person or on its own initiative regarding significant violation of laws and other regulatory enactments, which has caused damage to the interests of the State or private individuals. According to the Law on Bailiffs, Article 54, first part the Council of Latvian Sworn Bailiffs may initiate a disciplinary matter against a sworn bailiff upon a proposal of a judge or a prosecutor, as well as pursuant to a complaint of a person or on his or her own initiative regarding:

- 1) violation of the articles of association of the Collegium of Latvian Sworn Bailiffs;
- 2) violation of the norms of the professional ethics;
- 3) non-observance of the methodology approved by the Council of Latvian Sworn Bailiffs;
- 4) violation of other internal regulatory enactments related with the activities of sworn bailiffs.

**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 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:

Cabinet regulations were amended in 2012 and the amount of enforcement fees were reviewed.

**185) Is there a system measuring the length of 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 initiated disciplinary proceedings (1+2+3+4) | <input checked="" type="checkbox"/> number: | 4  |
| 1. for breach of professional ethics                         |   | NA |
| 2. for professional inadequacy                               | <input checked="" type="checkbox"/> number: | 4  |
| 3. for criminal offence                                      |   | NA |
| 4. Other   |   | NA |

Comment :

mail CN 9/1/14: According to the Register of the disciplinary cases of sworn bailiffs, during 2012 there are reviewed 5 disciplinary cases, from which 4 are initiated against sworn bailiffs and 1 against assistant to sworn bailiff. The number of disciplinary cases is less than it was in 2011. One of the reasons could be that in 2010 more than half of the cases were initiated based on the decisions made by the Council of Latvian Sworn Bailiffs, but in 2012 no one disciplinary case was initiated based on the decisions made by the Council of Latvian Sworn Bailiffs. The number of disciplinary cases in 2012, which were initiated based on the order of the Minister for Justice, corresponds to the same number in 2010.

**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 initiated 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 checked="" type="checkbox"/> number: | 4  |
| 1. Reprimand                          | <input checked="" type="checkbox"/> number: | 2  |
| 2. Suspension                         |   | NA |
| 3. Dismissal                          |   | NA |
| 4. Fine                               |   | NA |
| 5. Other                              | <input checked="" type="checkbox"/> number: | 2  |

Comment :

2 reproofs.

**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 have been implemented over the last two years**

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

186, 187, 188 - Ministry of Justice

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

**8. 2. 1. Functioning**

**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:

The judgment has been enforced by the bailiffs on the confiscation of the property or another material issues. The Latvian Prison administration enforces the judgements on the other types of penalties such as imprisonment.

**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%  
☐ 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. Statute

#### 9. 1. 1. Functionning

**192) Do you have notaries in your country? If no please skip 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 type="checkbox"/> number                             | 125 |
| other?   | NAP |

Comment :

In respect of their official duties, sworn notaries shall be equivalent to State officials. Sworn notaries are persons belonging to the court system.

**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:

#### 9. 1. 2. Supervision

**195) Is there an authority entrusted with supervising and monitoring 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:

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.

CN 20/03:

The difference between 2010 and 2012 is in relation to the register of notaries and the storage of books with the requirements of the testing - this function was carried out by corresponding chief judge of Regional Court, but after the amendment of the Law on Notaries entry into force 01.02.2011. this function is performed by Latvian Council of Sworn Notaries who annually provide to the Minister of Justice information about certified notary records, the notarial deed books and the storage of books meet the specified requirements.

**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**

Since 2011 a sworn notary can divorce a marriage, if spouses have agreed thereon and if:

- 1) spouses do not have a joint minor child and joint property;
- 2) spouses have a joint minor child or joint property and spouses have entered into a written agreement regarding custody of the joint minor child, rights of access, child's means of support and division of the joint property.

On 1 November 2013 will take into force regulation that in accordance with the procedures specified for the execution of court will be executed notarial deed as well.

**Please indicate the sources for answering question 193:**

Notariate Law (Art.3) (available in english) and relevant provisions issued by the Cabinet of Ministres (e.g.provisions No 215 (about total number of Sworn notaries' posts) available in latvian)).

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Functionning

**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?**

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**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:**

## 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)**

293

**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?**

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**If no, please specify in the "comments" 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 :

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

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

Court Administration



## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Foreseen 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 at this stage. 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)**

**3.1 Access to justice and legal aid**

**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**

**6.1 Personal status**

**7. Enforcement of court decisions**

**8. Mediation and other ADR**

**9. Fight against crim**

1. 1. reduce the length of proceedings in courts.

2. reduce the balance of the case redistribution.

3. improve alternative dispute resolution.

3. Allocation of additional 10 judge positions for courts in Riga region. It is planned to increase the number of judges in the courts of Riga region by 10 judge positions. Together with the increase of number of judges, also administrative staff will be increased (by ten positions for judge assistant and by 10 positions for court secretary). By increasing the number of judges in the courts of Riga region, it is planned to start to level out the uneven court workload, especially in the courts of Riga region. This action can be described as a remedy with rapid effect on shortening the judicial proceedings, reduce backlog and to enhance the clearance rate.

As regards enhancing the role of the chairman of the court in reduction of length of procedures, then according to the Law on Judicial Power, the chairman at the beginning of every year will approve the case management standard and will follow to comply with it in the court. The first case management standards shall be approved for 2014 until the 1st of February, 2014.

3.1. As regards the publication of court decisions, then final court decisions and judgements taken during open court and into force shall be published (in impersonalized form) on court portal and accessible for everyone free of charge. The process has begun and court decisions is being impersonalized and published on court portal since 1st of September 2013.

6. Case file redistribution. Ministry of Justice has begun work on amendments to the Civil Procedure Law to introduce the possibility to redistribute case files (i.e. to transfer case files to another court) if the case has not heard on the merits and the transfer of the case to another court can achieve a faster trial. It is planned that the amendments will enter into force in the beginning of next year (2014).

Handing over civil claims exceeding LVL 150`000 to district (city) courts as courts of 1st instance. Ministry of Justice has also begun work on amendments to the Civil Procedure Law to hand over civil claims exceeding LVL 150`000 to district (city) courts. This action would relieve the workload of regional courts (court of appeal).

Improve the approval of the auction. Ministry of Justice has also begun work on amendments to the Civil Procedure Law to improve process of approval of a Statement of Auction of Immovable Property and corroboration of the sold immovable property in the name of the buyer, if the auction shall be organised by bailiff. It is planned that the Land Registry Office of a district (city) court approves an auction (and after the court judgment has come into lawful effect the judge of a Land Registry corroborates rights to immovable properties in Land Registers. It is planned that the amendments will enter into force on the 1st of July, 2014. This action would relieve the workload of regional courts (court of appeal).

Determination of the executive document force for contracts drafted in a certain form of notarial deed – directly enforceable contracts drafted in the form of notarial deed. The regulation will apply to following type of contracts drafted in a certain form of notarial deed:

- term contracts on cash payment or return of document or movable property;
- term real estate rental or lending contracts;
- arrangements for one-off or periodic sustenance payments.

The amendments will enter into force on 1st of November, 2013.

Also there are discussions related with advocate participation in cassation proceedings etc.

6.1. A professional evaluation of judges has started in January 2013.

A professional evaluation of judges started in January this year is the main reform regarding the human resources.

Evaluation of the professional work of a judge will take place every 5 years, as well as there will be extraordinary evaluation on special occasions (deciding on judges' transfer or substitution).

Ministry of Justice is working on plan to introduce judge and other professionals belonging to the legal sphere (e.g. prosecutors, investigators, courts' staff) training programmes, using the European Social Fund (ESF) funding in period 2014-2020 (2022). It is planned to use the ESF funding for:

- developing new training programs, including interdisciplinary training;
- developing manuals and training materials;
- promoting the use of modern technology and training on IT technologies.

It is also planned to implement the court organizational management training programme(-s) for court presidents with studies and best practice implementation of the organizational management (best EU practices);

The training programmes would be intended to raise the human resource capacity in judiciary:

- to evaluate existing judge selection procedure;
- to develop training programmes for candidates on judge and prosecutor position;
- to develop guidelines (handbooks) for new judges and new prosecutors.

#### 8. Implementation of the new mediation law.

The Draft law on Mediation has been adopted by the Parliament in first reading and the second reading is expected every moment.

On October 4th, 2013 the Ministry of Justice of the Republic of Latvia and NORDEN (Nordic Council of Ministers) organized an international seminar – Mediation in Latvia and Nordic countries. The aim of this seminar was to discuss on topics in order to get an overview on how the different countries have developed or still develop mediation phenomena at national level and what is their experience in order to avoid challenges that may be faced establishing mediation. Also, successfully introduced mediation that effectively operates in practice not only relieves courts, but also builds-up a new and better public attitude towards judiciary and promotes parties to take responsibility by themselves for dispute between them.

Development of arbitration court system.

Latvia is taking steps to improve arbitration court system by drafting new Arbitration law. The aim of the draft Arbitration Law is to strengthen the conditions for establishment of arbitration and the arbitrators' qualification requirements in order to reduce the number of arbitration courts and to increase public confidence on the arbitration decisions. The draft law was made accessible for public for discussions on 31st of January, 2013. According to the discussions, the draft Law was elaborated and submitted before the Cabinet of Ministers on 12th of June and it is expected to be approved by the Cabinet every moment.

The draft Law strengthens the criteria, under which an arbitration court can be established, sets criteria for arbitration judges as well as sets criteria to improve the arbitration procedure.

#### 10. A study has been commissioned with a view to evaluating the effectiveness of proceedings and to finding a court cost methodology for 2013.

The results of the projects have been submitted to the Ministry of Justice. Currently a report on project results and recommendations proposed by the project contractors/team is being drafted. The results of the projects and recommendations will be used in daily work of the Ministry of Justice in planning and developing policy of the judiciary. The main recommendations of the projects are:

- Use of electronic documents in court proceeding and automatization of processes;
- To review court disposition model;
- To improve efficiency of court archives;
- To review tasks/duties of judges and court administrative staff;
- To review court premises;
- To review court fees.