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**Public**  
**Greco RC-I (2004) 7E**  
**Addendum**

## **First Evaluation Round**

### **Addendum to the Compliance Report on Latvia**

Adopted by GRECO  
at its 30<sup>th</sup> Plenary Meeting  
(Strasbourg, 9-13 October 2006)

## I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on Latvia at its 9<sup>th</sup> Plenary Meeting (13-17 May 2002). The report (Greco Eval I Rep (2002) 2E), which contains 15 recommendations addressed to Latvia was made public on 17 May 2002.
2. Latvia submitted the Situation Report required by GRECO's compliance procedure on 2 January 2004. On the basis of this report and a Plenary debate, GRECO adopted the First Round Compliance Report (RC-report) on Latvia at its 20<sup>th</sup> Plenary Meeting (30 September 2004) which was made public on 11 October 2004. The Compliance Report (Greco RC-I (2004) 7E) concluded that recommendations ii, iii, iv, vi, vii, viii, ix, xi, xii, xiii and xiv, had been implemented satisfactorily or dealt with in a satisfactory manner. Recommendation i, v and x had been partly implemented and Recommendation xv had not been implemented; GRECO requested additional information on their implementation. The additional information requested was submitted on 31 March 2006 and 12 September 2006.
3. Pursuant to Rule 31, paragraph 9.1 of GRECO's Rules of Procedure the objective of the present Addendum to the First Round Compliance Report is to appraise the implementation of recommendations i, v, x and xv in the light of the additional information referred to in paragraph 2.

## II. ANALYSIS

### Recommendation i.

4. *GRECO recommended that the Latvian authorities continue implementing appropriate preventive policies based on codes of conduct for all officials and education and information for Latvian society as a whole, so that everyone is aware of his/her rights and obligations.*
5. GRECO recalls that in its Compliance Report it welcomed the creation of the Corruption Prevention and Combating Bureau (KNAB), the preventive tasks which this Bureau would be required to carry out and the involvement of media and civil society in carrying out preventive activities. It however noted that, as regards the part of the recommendation related to codes of conduct for all officials, only few state agencies had drafted their own codes of ethics and that there was no common code of conduct for all officials. For that reason, GRECO concluded that recommendation i had only been partly implemented.
6. The authorities of Latvia report, as regards codes of conduct, that the "National Programme on Combating and Prevention of Corruption for 2004-2008", adopted by the Cabinet of Ministers on 3 August 2004, stipulates that all public institutions, including local government entities, are to ensure compliance with standards of behaviour and ethical conduct and are to include ethical requirements in the employment contracts of their staff. The programme also provides that so-called ethics committees are to be set up and requires institutions which have not drawn up codes of ethics for their staff to do so. Apart from KNAB itself (and the State Revenue Service, the Control Service, the State Audit Office, which were already mentioned in the Compliance Report), all ministries and most institutions within their control, as well as the State Chancellery, the Parliament, the Prosecution Service, courts and a number of municipalities have adopted codes of ethics.
7. As regards education and information for Latvian society as a whole, the authorities of Latvia report on a series of measures, such as: the creation of the web-site of KNAB ([www.knab.gov.lv](http://www.knab.gov.lv))

where information on *inter alia* corruption laws and policies is made available in Russian, Latvian and English, and where members of the public can submit questions; the carrying out of surveys among the general public and public officials to assess the level of understanding of corruption; the development of education material on *inter alia* conflicts of interest and ethics in public administration, and; regular public briefings by the KNAB on criminal offences and administrative violations committed by state officials.

8. GRECO takes note of the information provided by the authorities of Latvia. It welcomes the fact that most public institutions now have a code of ethics in place and that measures have been taken to educate and raise awareness among public officials and the general public as regards the problem of corruption. It encourages the authorities of Latvia to continue their efforts to have codes of ethics adopted for all public officials, in particular at local level.
9. GRECO concludes that recommendation i has been dealt with in a satisfactory manner.

#### **Recommendation v.**

10. *GRECO recommended to promote coordination, experience-sharing and circulation of information among different police forces involved in anti-corruption investigation, in particular by establishing an anti-corruption operational working group with a multi-agency focus and above all more proactive investigation strategies.*
11. In its Compliance Report GRECO considered that the situation in the specific field of investigation of corruption cases was still fragmented: a rather long list of different law enforcement bodies was empowered to carry out investigative operations related to corruption cases and there were no clear guidelines regulating their interaction. Furthermore, no mention was made of the sharing of information, at the investigative level, among the different police forces involved in the fight against corruption. For these reasons, GRECO concluded that this recommendation had only been partly implemented.
12. The authorities of Latvia report that a new Code of Criminal Procedure (CPC) entered into force on 10 October 2005. According to this new law, the State Police investigates all criminal offences with the exception of those falling within the competence of other investigative authorities. The CPC provides that KNAB investigates cases of corruption within public institutions, with the exception of corruption in investigative services themselves<sup>1</sup>, and criminal offences in the area of party financing. The State Police investigates corruption in the private sector. If in the course of an investigation it turns out that the investigation does not fall within the competence of the agency carrying out the investigation, this agency is required to transfer the investigation. If the case falls within the competence of more than one agency, the investigation is to be carried out jointly. The Prosecutor-General has furthermore been vested with the authority to assign a case to an investigative authority and can thus in case of doubt decide which authority is to carry out the investigation into a certain corruption offence.
13. Furthermore, in order to further enhance co-operation and the sharing of experience and information, a working group consisting of representatives of the different investigative

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<sup>1</sup> For example, the Financial Police has the authority to investigate corruption in the State Revenue Service, the Security Police has the authority to do so with regard to officials of national security institutions. Similar authority has been given to the Military Police, the Prisons Board and the State Border Guard.

authorities<sup>2</sup> is in the process of being set up. Apart from sharing experience and information about on-going investigations, it is provided that this working group will, *inter alia*, also have the authority to propose amendments to national policies on crime prevention and law enforcement and to submit proposals to the Prosecutor-General to change the institutional jurisdiction regarding the investigation of certain criminal offences.

14. Finally, the Latvian authorities further report that the National Programme for the Prevention, Reduction and Combating of Organised Crime, which was adopted on 31 May 2006, sets out the following objectives with a view of further improving co-ordination of intelligence and investigation activities, which will also have an impact on investigations of corruption:

- the development of a model for co-ordination of intelligence activities;
- improving co-operation of law enforcement bodies with the prosecution office in the fight against criminal organisation;
- the creation and strengthening of analytical units.

15. GRECO takes note of the information provided by the Latvian authorities. It welcomes the adoption of the new CPC, which appears to substantially clarify the jurisdictional boundaries between the different law enforcement authorities involved in the investigation of corruption offences. GRECO is confident that the working group, once operational, and the measures included in the National Programme for the Prevention, Reduction and Combating of Organised Crime (although these are not corruption-specific) will further improve the exchange of information and co-ordination of the activities of the different law enforcement agencies involved in the investigation of corruption. However, as these measures have not been implemented yet, GRECO cannot conclude at this stage that the recommendation has been fully complied with. Finally, in light of GRECO's conclusion in its First Round Evaluation Report that there "appears to be no evidence of any successful corruption investigation originating from police intelligence", it would have appreciated further information on if and how the use of proactive investigative techniques has been improved and if this has led to concrete results, in the form of successful corruption investigations originating from police intelligence.

16. GRECO concludes that recommendation v has been partly implemented.

#### **Recommendation x.**

17. *GRECO recommended that one of the existing units within the Prosecutor General's office dealing with corruption cases be responsible for training, support and sharing of practice to other units involved in the fight against corruption. The unit should give support to the territorial prosecutors' offices and develop a higher level of cooperation with policing institutions.*

18. In its compliance report, GRECO noted that the recommended setting up of an unit within the Prosecutor General's Office dealing with corruption cases, which would be given specific responsibility for training, support and sharing of practice to other units involved in the fight against corruption, had not been addressed. For that reason, GRECO concluded that recommendation x had only been partly implemented.

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<sup>2</sup> State Police, the Security Police, the Prosecutor General's Office, the Corruption Prevention and Combating Bureau, the Customs Criminal Board, the Financial Police Department, the State Border Guard, the Information Centre of the Ministry of Interior and the Prison Administration Board

19. The authorities of Latvia report that Order No. 8 of 18 May 2004 of the Prosecutor General designates the Serious Crime Investigation Division of the Prosecutor General's Office to supervise pre-trial investigations by the Corruption Prevention and Combating Bureau (KNAB) into corruption offences. The prosecutors of the abovementioned division also train the staff of KNAB on the application of the provisions of the new Criminal Procedure code. Furthermore, the Serious Crime Investigation Division provides advice and support to (regional) prosecutors in the investigation of corruption offences on a regular basis, and liaises with the State Police, Security Police and Financial Police whenever necessary. Apart from training in the form of advice in specific corruption investigations, prosecutors of the Serious Crime Investigation Division are also involved in training of prosecutors on issues of relevance to the investigation of corruption offences. In addition, prosecutors of the Prosecutor General's Office have organised training on the new Criminal Procedure Code, which also has an impact on the investigation of corruption, and have participated in the training of judges on these matters.
20. GRECO takes note of the information provided by the authorities of Latvia. It would have appreciated more precise information on the involvement and responsibilities of the Serious Crime Investigation Division as regards the training of prosecutors on issues of relevance to the investigation of corruption offences. Nevertheless, GRECO considers that by designating the Serious Crime Investigation Division as the responsible unit for the supervision of investigations by KNAB and the provision of support to other prosecution offices with regard to the investigation and prosecution of corruption offences, the concerns it expressed in its First Round Evaluation Round appear to have been addressed.
21. GRECO concludes that recommendation x has been dealt with in a satisfactory manner.

**Recommendation xv.**

22. *GRECO recommended to establish guidelines for the Deputies of the Saeima, and especially its Presidium, containing criteria to be applied when deciding on requests for the lifting of immunities. Moreover, to ensure, that in the case of judges, decisions concerning immunity are free from political consideration, and are based only on the merits of the request submitted by the Prosecutor General.*
23. GRECO recalls that in its Compliance Report it was considered that the need to establish clear guidelines for the Deputies of the Saeima (Parliament) containing criteria to be applied when deciding on requests for the lifting of immunities of members of the Parliament had not been addressed. Therefore, GRECO concluded that Recommendation xv had not been implemented.
24. The authorities of Latvia report that on 2 March 2006 the *Saeima* adopted the Code of Ethics of *Saeima* Deputies. The objective of the code is to increase public trust in the *Saeima*. The code prescribes the conduct that is expected of *Saeima* deputies and is also applicable to decisions to lift immunities, by *inter alia* providing that the deputies must not allow a conflict of private and public interests and must not use their position to illicitly influence decisions of state and local government institutions. The Constitution and the law on "Rules of Procedure of the *Saeima*" further describe the procedures that are to be followed as regards the lifting of immunities.
25. Regarding the second part of the recommendation, the authorities of Latvia stress that there is no basis for the assumption that political considerations in Latvia affect issues related to judges' immunity.

26. GRECO welcomes the adoption of a Code of Ethics for *Saeima* Deputies, which is apparently also applicable to decisions on lifting of immunities. Although GRECO would have welcomed a more precise provision in this Code, clearly stating that decisions on the lifting of immunities should not be influenced in any way by political considerations, it considers that with the adoption of this Code a step has been made in the right direction.

27. GRECO concludes that recommendation xv has been partly implemented.

### III. CONCLUSION

28. In addition to the conclusions contained in the First Round Compliance Report on Latvia and in view of the above, GRECO concludes that Latvia has dealt with recommendations i and x in a satisfactory manner. Progress has been reported as regards recommendation v and xv, which GRECO considers as partly implemented. In this regard, GRECO very much hopes that the recommendations v and xv will be implemented fully in the near future.

29. The adoption of the present Addendum to the Compliance Report terminates the First Evaluation Round compliance procedure in respect of Latvia.