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Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

EVALUATION REPORT

LATVIA

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Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



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TABLE OF CONTENTS

I. EXECUTIVE SUMMARY	4
II. INTRODUCTION AND METHODOLOGY	5
III. CONTEXT	6
IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS).....	8
SYSTEM OF GOVERNMENT AND TOP EXECUTIVE FUNCTIONS.....	8
<i>The President</i>	8
<i>The Government</i>	10
<i>Status and remuneration of persons with top executive functions</i>	12
ANTI-CORRUPTION AND INTEGRITY POLICY, REGULATORY AND INSTITUTIONAL FRAMEWORK	13
<i>Policy framework</i>	13
<i>Legal framework.....</i>	14
<i>Institutional framework.....</i>	14
<i>Ethical principles, rules of conduct and awareness</i>	15
TRANSPARENCY AND OVERSIGHT OF EXECUTIVE ACTIVITIES OF CENTRAL GOVERNMENT	16
<i>Access to information</i>	16
<i>Transparency of the law-making process.....</i>	17
<i>Third parties and lobbyists.....</i>	19
<i>Control mechanisms</i>	20
CONFLICTS OF INTEREST	20
PROHIBITION OR RESTRICTION OF CERTAIN ACTIVITIES.....	21
<i>Incompatibilities, outside activities and financial interests</i>	21
<i>Contracts with state authorities</i>	23
<i>Gifts</i>	23
<i>Misuse of public resources.....</i>	24
<i>Misuse of confidential information</i>	24
<i>Post-employment restrictions.....</i>	24
<i>Oversight mechanisms.....</i>	26
ACCOUNTABILITY AND ENFORCEMENT	28
<i>Immunities, administrative and criminal proceedings.....</i>	28
V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES.....	30
ORGANISATION AND ACCOUNTABILITY OF THE POLICE AND BORDER GUARD AUTHORITIES.....	30
<i>Overview.....</i>	30
<i>Access to information</i>	32
<i>Public trust in law enforcement authorities</i>	33
ANTI-CORRUPTION AND INTEGRITY POLICY.....	33
<i>Policy, planning and institutionalised mechanisms for implementation</i>	33
<i>Risk management measures for corruption prone areas</i>	34
<i>Handling undercover operations and contacts with informants and witnesses.....</i>	36
<i>Advice, training and awareness.....</i>	37
RECRUITMENT, CAREER AND CONDITIONS OF SERVICE	37
<i>Recruitment requirements and appointment procedure.....</i>	37
<i>Performance evaluation and promotion to a higher rank.....</i>	39
<i>Termination of service and dismissal from office</i>	40
<i>Rotation and mobility policy.....</i>	41
<i>Salaries and benefits.....</i>	41
CONFLICTS OF INTEREST	42
PROHIBITION OR RESTRICTION OF CERTAIN ACTIVITIES.....	43
<i>Incompatibilities and outside activities</i>	43
<i>Gifts</i>	43
<i>Misuse of public resources.....</i>	43
<i>Confidential information and third party contacts.....</i>	44
<i>Post-employment restrictions.....</i>	44
DECLARATION OF ASSETS, INCOME, LIABILITIES AND INTERESTS	44

<i>Remedy procedure for the general public</i>	46
<i>Enforcement and sanctions</i>	47
IV. RECOMMENDATIONS AND FOLLOW-UP	50

I. EXECUTIVE SUMMARY

1. Latvia is one of those GRECO member States whose position on Transparency International's Corruption Perception Index has fluctuated between being less or more favourable, with increases in corruption perception registered in 2004 and between 2009-2011, and decreases between 2006-2008 and since 2012. Many of Latvia's institutions forming the national integrity system suffered drastic budgetary cuts as a result of the 2009-2010 financial crisis which undermined the country's socio-economic foundations. Parts of the population continue to be affected by that precarious economic environment, multiple employment has become common and a certain tolerance of corruption and a lack of integrity have developed.

2. Latvia's integrity and corruption prevention framework applicable to persons who are entrusted with top executive functions (PTEFs) and law enforcement agencies is fairly comprehensive and comprises *inter alia* the 2015-2020 Guidelines for the Prevention and Combatting Corruption, the Law on Prevention of Conflicts of Interest in Activities of Public Officials and the Criminal Code. Although in the past twenty years, significant resources have been injected to curb corruption, strengthen accountability and augment public trust in the two sectors covered by the present Evaluation report, in the State Police in particular, certain shortcomings persist.

3. The integrity of PTEFs needs to be reinvigorated significantly through a combination of measures. The carrying out of regular integrity risk assessments and the elaboration on their basis of enforceable principles and standards of conduct for Cabinet members, other political officials in the Offices of the Prime Minister and his/her Deputies and unpaid advisors in central government as well as obliging them to notify conflicts of interest as they arise (*ad hoc*) is imperative. Aside from the Cabinet members and parliamentary secretaries, all political officials are to obtain permission to exercise ancillary activities, which is not the case at present. The practice of "advisory officials" in central government giving orders without proper entitlement to civil servants and professional staff needs to be stopped and greater institutional awareness promoted and guidance and, if necessary, supplementary clarifying rules issued. As regards transparency, information on attendees of Cabinet of Ministers' and State Secretaries' meetings is not fully open to the public. The legal requirements on publication of the outcome of public participation procedures are not systematically and timely enforced. The names of paid and unpaid advisors in central government are not easily searchable and would benefit from being made easily accessible online (in respect of the latter - together with the information on their main job and the execution of "work-performance" contracts for central government). From the perspective of accountability, legislative amendments need to ensure that the veracity of asset declarations of Cabinet members and of other political officials is subject to systematic (preferably, annual) in-depth and independent scrutiny. The up-dated asset declarations of PTEFs (and all public officials) in central government are to be made publicly accessible online as provided for in law. Finally, the carrying out of an evaluation of law enforcement bodies' capacity to institute criminal proceedings against PTEFs would likely result in a better allocation of functions and resources.

4. Turning to law enforcement agencies, the report focuses on the State Police (SP) and the State Border Guard (SBG). The transparency of both can be further enhanced through specific legal provision being made for public advertisement of vacant posts. In terms of commitment to integrity and corruption prevention values, the adoption of codes of ethics and the establishment of ethics committees by both Services can be praised. Still, the SBG's Code is not free from omissions *inter alia* in relation to gifts, lobbying and the conduct not covered. Also both services' codes and ethics committees' rules need to be harmonised, and objective and transparent criteria elaborated for assessing the compliance by police and border guard staff with the codes as part of their periodic performance reviews. It would be important to allocate more resources to both services in order for them to better perform their tasks, bring about consistency in the allocation of bonuses, and to adopt and implement whistleblowing protection mechanisms.

II. INTRODUCTION AND METHODOLOGY

5. Latvia joined GRECO in 2000 and has been evaluated in the framework of GRECO's First (in December 2001), Second (in February 2004), Third (in January 2008) and Fourth (in June 2012) Evaluation Rounds. The resulting Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's website (www.coe.int/greco). This Fifth Evaluation Round was launched on 1 January 2017.¹

6. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of Latvia to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of Latvia, which determine the national institutions/bodies that are to be responsible for taking the requisite action. Within 18 months following the adoption of this report, Latvia shall report back on the action taken in response to GRECO's recommendations.

7. To prepare this report, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Latvia from 11 to 15 December 2017, and reference was made to the responses by Latvia to the Evaluation Questionnaire, as well as other information received, including from civil society. The GET was composed of Ms Alexia KALISPERA, Counsel of the Republic A', Law Office of the Republic (Cyprus), Mr Richard HAGEDOORN, Senior Policy Officer, Directorate of Kingdom Relations, Ministry of the Interior and Kingdom Relations (the Netherlands), Ms Oana Andrea SCHMIDT-HAINEALA, Prosecutor, Prosecutor's Office attached to the Bacau Court of Appeal (Romania) and Mr Frank WALSH, Detective Superintendent, Irish National Police force, Liaison and Protection Security and Intelligence, Garda Headquarters (Ireland). The GET was supported by Ms Liubov SAMOKHINA from GRECO's Secretariat.

8. The GET interviewed representatives of the Chancellery of the President, the State Chancellery, the Constitution Protection Bureau, the Internal Security Bureau, of various structures of the State Police and of the State Border Guard, of the Corruption Prevention and Combatting Bureau (KNAB), the State Audit Office, the State Revenue Service, the Ministry of Finance, the State Treasury, the Trade Union of Latvian Interior Employees, as well as a senior expert in administrative law and representatives of civil society, namely of the Centre for Public Policy "Providus" and of Transparency International Latvia "Delna".

¹ More information on the methodology is contained in the Evaluation Questionnaire which is available on GRECO's [website](http://www.coe.int/greco).

III. CONTEXT

9. Latvia has been a member of GRECO since 2000 and has undergone four evaluation rounds focusing on different topics related to the prevention of and fight against corruption². Latvia has achieved very positive results in terms of implementing GRECO's recommendations except in the Fourth Evaluation Round: the results for the First Evaluation Round were the most positive, with 86,6% of recommendations fully implemented and 13,4% partly implemented. The next best performance was under the Third Evaluation Round, with 84,61% of recommendations fully implemented and 15,3% partly implemented. Under the Second Evaluation Round, 69,23% of recommendations were fully implemented and 30,77% partly implemented. Finally, with respect to the Fourth Round, 42,85% of recommendations were fully implemented, 21,42% partly implemented and 35,71% not implemented. Latvia is no longer subject to compliance procedures in the First, Second, Third or Fourth rounds.

10. Latvia is one of those GRECO member States whose position on Transparency International's Corruption Perception Index has fluctuated between being less and more favourable, with increases in corruption perception registered in 2004 and between 2009-2011, and decreases between 2006-2008 and since 2012:

Country	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2016	2017
LATVIA	40	42	47	48	50	45	43	42	49	53	55	57	58

11. Many of the institutions forming the national integrity system suffered drastic budgetary cuts as a result of the 2009-2010 financial crisis which undermined the country's socio-economic foundations³. Parts of the population continue to be affected by that precarious economic environment, multiple employment has become common and a certain tolerance of corruption and a lack of integrity have developed.

12. According to the 2018 Eurobarometer, 84% of respondents think that corruption is widespread in Latvia (EU average: 68%), 16% say they have been personally affected by it (EU average: 25%) and 8% have experienced or witnessed a case of corruption (EU average: 5%). The giving and taking of bribes and the abuse of power for personal gain is believed to be prevalent in the police and customs (63%), in public procurement and the issuing of building permits (both 59%), within political parties (58%) and the healthcare system (57%). On the other hand, businesses perceive the police force to be reliable in protecting them from crime and upholding the rule of law, and companies interacting with the police say they do not face high corruption risks⁴. Close ties between public officials and business are believed to be the primary source of corruption (43%) as is favouring friends and family members in public institutions (39%)⁵.

13. Only 11% of respondents consider that government efforts to combat corruption are effective; 77% find that the sanction for bribing a senior public official is inappropriate; and 61% take the view that the sanctions applicable to individuals and businesses for engaging in corrupt acts are

² Evaluation round I: Independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption / Extent and scope of immunities; Evaluation round II: Identification, seizure and confiscation of corruption proceeds / Public administration and corruption / Prevention of legal persons being used as shields for corruption / Tax and financial legislation to counter corruption / Links between corruption, organised crime and money laundering; Evaluation round III: Criminalisation of corruption / Transparency of party funding; Evaluation round IV: Prevention of corruption in respect of members of parliament, judges and prosecutors.

³ <http://delna.lv/wp-content/uploads/2012/03/Transparency-International-Latvia-National-Integrity-System-Evaluation-2012.pdf>

⁴ <https://www.business-anti-corruption.com/country-profiles/latvia/>

⁵ <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2176>

not harsh. For making a corruption-related complaint, the police is considered the most trusted institution (35%), followed by a specialised anti-corruption agency (30%), and the media (26%). In 2018, the proportion of respondents who know where they can report corruption has risen significantly (+13% compared to 2016)⁶.

14. The establishment in 2002 of the Corruption Prevention and Combatting Bureau (KNAB) is still regarded as a milestone in the fight against corruption. Since then the KNAB has undergone a series of reforms and has occasionally suffered from insufficient human and financial resources. The KNAB's independence has remained a recurrent source of concern - an issue addressed by GRECO in its Third and Fourth Round Evaluation Reports⁷.

15. The 2015-2020 Guidelines for the Prevention and Combatting of Corruption provide a medium-term integrated national policy framework oriented towards: 1) shifting from external to internal anti-corruption and anti-fraud controls; 2) the open recruitment of upright, motivated and competent staff in the public administration and in the judiciary, 3) reducing public tolerance of corruption, and promoting public involvement in policy making; and 4) combating corruption and fraud in the private sector. The anti-corruption legal framework consists *inter alia* of the Law on Prevention of Conflicts of Interest in Activities of Public Officials which has been amended 11 times since 2011, and the Criminal Code. In respect of the latter it had been alleged that the government had failed to effectively implement it in practice.⁸ The gap between legislation and implementation was believed to significantly impact the overall integrity of the system⁹.

16. Convictions for corruption-related offences usually concern low to mid-level officials and transactions in modest amounts, and only few cases of high-level corruption have reached a final verdict, allegedly due to complexity and significant delays¹⁰. In terms of statistics, at least 165 persons were convicted for public sector corruption in 2016, compared to 202 in 2015. Criminal cases for giving bribes to the traffic police formed the largest share of all cases (at least 108). Among the other persons convicted in 2016, 11 were State Police officers, six customs officers, three border guards, one a judge and one a manager of a municipal hospital. Of those, five officials were sentenced to a real term in prison. The largest bribe involved in the cases tried in 2016 was of approximately € 70 000 offered to an official of the KNAB¹¹, and the former CEO of Latvian Railways is being prosecuted for accepting a € 500 000 bribe in connection with a public procurement tender. On 18 June 2018, the KNAB forwarded for prosecution a case against a high level official of the Latvian Central Bank. During the pre-trial investigation, sufficient evidence was collected on the alleged solicitation and acceptance of a bribe by a public official in a responsible position, in violation of Article 320 (4) of the Criminal Code. The alleged amount of the bribe is not less than € 100 000.

17. Latvian civil society is perceived as relatively small and weak¹².

⁶ <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2176>

⁷ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c6cf4> and <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c6d36>

⁸ <https://www.business-anti-corruption.com/country-profiles/latvia/>

⁹ <http://delna.lv/wp-content/uploads/2012/03/Transparency-International-Latvia-National-Integrity-System-Evaluation-2012.pdf>

¹⁰ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_latvia_chapter_en.pdf

¹¹ <http://corruption-c.wikidot.com/statistics-on-trials-of-corruption-cases>

¹² <https://www.business-anti-corruption.com/country-profiles/latvia/>

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

The President

18. Latvia is a unitary state and parliamentary representative republic with a multiparty system. The President is the Head of State and appoints the Prime Minister who, together with the Cabinet of Ministers, forms the executive branch of government. A unicameral parliament (*Saeima*) represents the legislative power.

19. The President¹³ is elected by the *Saeima* for a maximum of two four-year terms, by secret ballot and by an absolute majority of *Saeima* members. S/he may be removed from office on the proposal of not less than a half of all *Saeima* members, following a decision by the *Saeima* taken in a closed session by a majority of not less than two-thirds of all *Saeima* members.

20. The President represents the State in international relations, appoints diplomatic representatives (by a joint recommendation of the Foreign Minister and the *Saeima's* Commission of Foreign Affairs), receives diplomatic representatives of other states and implements *Saeima's* decisions on the ratification of international agreements.

21. The President is the Commander-in-Chief of the National Armed Forces and a member and chair of the National Security Council. It is her/his responsibility to declare war on the basis of a decision taken by the *Saeima* and to appoint the Supreme Commander during wartime.

22. The President has the right: to grant clemency to criminals against whom a judgment of a court has come into legal effect¹⁴; to convene and preside over the Cabinet's extraordinary meetings and determine their agenda; to initiate legislation and promulgate laws passed by the *Saeima*¹⁵; and to propose the dissolution of the *Saeima*¹⁶.

23. The President is not politically liable for the fulfilment of his/her duties. All his/her orders are to be signed jointly with the Prime Minister or the appropriate minister, who thus assume full responsibility for them with the exception of orders on the dissolution of the *Saeima* and on the invitation of a candidate to the office of Prime Minister.¹⁷ The President is subject to the same conflicts of interest rules as established for other state bodies. S/he is subject to criminal liability provided the *Saeima* consents thereto by a majority vote of not less than two-thirds.

24. The President's Office is managed by the President's Chancellery and at the time of writing relies on nine advisers and fifteen support staff, including three lawyers. The overall number of the President's Chancellery staff is approximately 50 persons. This includes *inter alia* persons who are responsible for the maintenance of the President's premises.

¹³ Functions of the Head of State are determined in Chapter III of the Constitution. The detailed description of the duties, powers and rights of the President is available here: <https://www.president.lv/en/president-of-latvia/institution-of-the-president-of-latvia/duties-and-rights>

¹⁴ The extent of, and procedures for, the use of this right is set out in a specific law – Article 45 of the Constitution.

¹⁵ S/he has discretion to suspend the promulgation of a law for two months and if requested to do so by not less than one-third of *Saeima* members.

¹⁶ In such cases, a national referendum is to be held and if more than half of the votes are cast in favour of dissolution, the *Saeima* is considered dissolved and new elections called. If more than half of the votes are cast against the dissolution, the President is deemed to be removed from office, and the *Saeima* shall elect a new President to serve for the remaining term of office of the President so removed.

¹⁷ Articles 53, 48 and 56 of the Constitution

25. As agreed by GRECO, a Head of State would be covered in the Fifth Evaluation Round under “central governments (top executive functions)” when s/he actively participates on a regular basis in the development and/or execution of governmental functions, or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure, taking decisions on the appointment of individuals to top executive functions.

26. The GET notes that, in Latvia, presidential powers derive from and reside in the parliamentary vote on his/her election, including in matters of foreign affairs and national defence, and his/her orders require governmental consent and co-signature, except those on dissolving the *Saeima* and inviting a candidate to take up office as the Prime Minister. The President does not actively and regularly participate in governmental functions and his/her entitlement to convene and preside over the Cabinet’s extraordinary meetings has been resorted to only five times since 1991.

27. Although the President can propose draft legislation to the *Saeima*, his/her legislative capacity is limited: in those six examples that were cited to the GET as corresponding to the incumbent President’s term of office, his legislative initiatives were said to be confined to the mere elaboration of ideas/concepts for laws¹⁸. As for the right to veto and call referendums on draft legislation, eleven bills have been rejected so far by the incumbent President, mostly on the grounds that drastic changes have been made prior to the final hearing in the *Saeima*. A referendum on draft legislation was called only once, in 2007, in connection with a bill on special intelligence services; the result had supported the President and compelled the *Saeima* to accept the changes suggested by him. A referendum on the premature dissolution of the *Saeima* was also held only once – in 2011 – triggered by the parliament’s failure to lift the immunity of one MP for a proposed search of his place of residence in the context of allegations of corruption and money laundering in respect of three *Saeima* deputies¹⁹. The President enjoyed overwhelming support (94%), two MPs lost their seats, and an official who is not an MP is still facing trial.

28. Although the President is formally the Commander-in-Chief of the National Armed Forces, during wartime, all decisions are to be taken by the Cabinet and, in particular, by a group composed of the Prime Minister and three Cabinet members. The Supreme Commander to be appointed by the President is not meant to be a military person but a civilian who acts on behalf of the President and is likely to be the Prime Minister. The National Security Council, of which the President is a member and chair, does not have executive powers. It meets once per month to discuss various issues which included a change in the KNAB’s leadership and various anti-corruption initiatives. Finally, with respect to high-level appointments, the President only disposes of a veto in respect of those nominated as ambassadors (some 35 persons) and members of military commissions.

29. The GET concludes that, in Latvia, the President does not actively on a regular basis exercise his/her executive functions and therefore, in light of the foregoing, the President does not fall within the category of “persons who are entrusted with top executive functions” (PTEFs) in the meaning of the present evaluation round. While acknowledging the high levels of public trust in the incumbent President and the office of president, GRECO nevertheless invites the authorities to take inspiration from its comments and recommendations included in this chapter to the extent that they might be appropriate for further boosting the authority and integrity of the office of president in Latvia.

¹⁸ See <https://www.president.lv/en/activities/laws-and-regulations>

¹⁹ See, e.g., http://providus.lv/upload_file/Publikacijas/2011/2011_kalnins_the-latvian-game-changer.pdf

The Government

30. The Cabinet is composed of the Prime Minister and the ministers s/he chooses. The number of ministers (13, of which 10 are currently male and three female) and the scope of their duties are stipulated by law. The Cabinet's functions are to discuss bills initiated by individual ministries and deliberate matters pertaining to more than one ministry as well as State policy issues raised by Cabinet members. Decision-making is collegial and all legal acts are to be co-signed by the Prime Minister and the minister in charge of the matter. The Cabinet and its members can on their own initiative only issue regulations that are binding on institutions and officials subordinated to them. Cabinet regulations binding on third parties may only be adopted if provided for by law and can be appealed in the Constitutional Court.

31. The Cabinet of Ministers is responsible politically, both collectively and individually (votes of confidence and no confidence, parliamentary questions), to the *Saeima*. If the Prime Minister resigns, the whole Cabinet is deemed to have resigned²⁰.

32. The Prime Minister manages the Cabinet's work, determines its main political guidelines and ensures that declarations concerning Cabinet activities and action plans are implemented. S/he represents the Cabinet and may exercise ministerial duties temporarily or permanently and without authorisation. The Prime Minister chairs Cabinet meetings and approves their agenda. S/he also establishes and chairs collegial institutions (commissions and councils).

33. The Prime Minister appoints the Director of the State Chancellery, the Head of the Cross-Sectoral Co-ordination Centre (both for a five year term) with the Cabinet's approval. Candidates to the position of state secretaries within the ministries²¹, the Head of the Secretariat of the Minister for Special Assignments and the Head of the Secretariat of the Deputy Prime Minister²² are appointed by the relevant Cabinet member. Heads of other public institutions are either selected through open competition²³ or transferred from another position within the public administration. They are appointed for a renewable five-year term by the relevant minister. Vacancies are advertised in the Official Gazette and on the Cabinet's web page as well as through social media. Decisions concerning appointments are published and all appointments, including those by the Cabinet and the Prime Minister, can be appealed in a court.²⁴

34. The status of the Cabinet members' offices is governed by the Cabinet of Ministers Structure Law (CMSL), the State Administration Structure Law (SASL) and other normative acts. Such Offices are established by the Cabinet members for the duration of their term of office to carry out political analysis, identify problems, suggest solutions and inform society of the activities of Cabinet members and their fields of responsibility. The Offices of the Prime Minister and his/her Deputy²⁵ are units within the State Chancellery which is under the Prime Minister's direct control, and ministers' offices are units within the respective ministries.

35. For the duration of his/her term of office, a Cabinet member can hire two types of advisors: those who are remunerated and those who are not. "Advisory officials and employees" belong to the first category, are remunerated, and are considered Cabinet/ministry staff. They provide services under employment contracts and a Cabinet member is to determine their competences and whether

²⁰ These issues are regulated by Parts III and IV of the Cabinet of Ministers Structure Law.

²¹ These are appointed by the ministers concerned.

²² Article 11 (3) of the State Civil Service Law (SCSL)

²³ The selection procedures are laid down in the Cabinet of Ministers regulation of 9 June 2015 No. 293 on "Selection of Heads of Institutions of Direct Administration".

²⁴ Article 9 SCSL

²⁵ The Prime Minister's Office comprises the Chief of Staff, advisors, assistants to him/her and to his/her Press Secretary. The Deputy Prime Minister's Office comprises the Chief of Staff, advisors and assistants – See Rules of the State Chancellery.

“advisory officials” can issue orders to administrative officials.²⁶ The second category is the so-called “supernumerary advisory employees” and they are non-staff. They are not remunerated and their competences are determined by Cabinet Regulation No. 495 of 18 May 2004. The Prime Minister, his/her Deputies, ministers and their office staff (assistants, advisors, press secretaries and parliamentary secretaries) are political officials in the sense of the SASL²⁷, not civil servants²⁸.. .

36. During the on-site visit, it was rather challenging for the GET to obtain precise information on the number, status and functions of “advisory officials and employees” and, particularly, of “supernumerary advisory employees”²⁹. It did nevertheless receive assurances that there is no practice of hiring relatives on these posts (which is explicitly prohibited in respect of the former category). There is no limit on the number of such persons that can be hired. In the case of “supernumerary advisory employees”, the average varies between three and five per institution, although, in certain instances, e.g. in the Ministry of Health, the number of such persons or those with equivalent status³⁰ was said to be in the range of some twenty persons. Although both categories of advisors can influence decision-making processes due to their proximity to government members, information on them is not easily searchable on institutional websites, even though the names of “supernumerary employees” hired by the Prime Minister are published in the Official Gazette³¹ and the names of advisory staff appear on some ministries’ websites. The GET concludes that it would be advisable to make the names of all “advisory officials and employees” and of “supernumerary advisory employees” and persons with equivalent status (i.e. those who provide unremunerated advice to central government) available to the public, clearly differentiating between those exercising paid and unpaid functions. In the case of persons exercising unremunerated duties, their main job and the execution of “work-performance” contracts for Cabinet members and central government (i.e. the fact that they receive public money) are to be indicated. Consequently, **GRECO recommends that, for the sake of transparency, the names of “advisory officials and employees” and of “supernumerary advisory employees” and any other type of unpaid advisor in central government are published online and, in respect of the two latter categories, that information on their main job and ancillary activities, including “work-performance” contracts executed for central government, is easily accessible online.**

37. The GET furthermore notes that the regulation of the interaction between “advisory officials”, on the one hand, and civil servants and employees hired on the basis of professional criteria in central government on the other, suffers from some imperfections. As already mentioned, Cabinet members can confer on their “advisory officials” the right to give orders to civil servants and professional staff. This fact is often unknown to the professional staff concerned and internal rules and guidance are either scant or non-existent on how to act when receiving such orders, for example, on how to check the legality of the “advisory official’s” entitlement to give orders in case of doubt, whether to inform the direct superior that an order has been received, which action to take if the exertion of undue influence by an “advisory official” is suspected, etc. In reality, “advisory

²⁶ See Articles 24 and 25 SASL. Administrative official is defined by Article 1 SASL as an official who is a civil servant or an employee of a public institution appointed to the office or hired based on professional criteria. Political official – is an official who is elected or appointed on the basis of political criteria. Official – is a natural person who is authorised to take or prepare administrative decisions in general or in a particular case.

²⁷ See footnote 26.

²⁸ Article 3 SCSL.

²⁹ In their written comments provided after the visit, the authorities confirmed that the number of “advisory officials and employees” is 96 persons (out of those 80 are political officials). However, the number of “supernumerary advisory employees” is unaccounted for because they are not considered as staff.

³⁰ Subsequent to the visit, the GET was informed that only one “supernumerary advisory employee” is currently hired by the Ministry of Health. In 2016, the Ministry had introduced a regulation allowing for the hiring of so-called “chief specialists” whose role and duties are largely identical to those of “supernumerary advisory employees”. Currently, the Ministry counts on the advice of 18 such Chief Specialists who provide advice without remuneration. The GET was not provided with the translation of this regulation in English.

³¹ Due to the requirement for all Prime Minister’s decrees to be published in this way.

officials” are said to regularly give orders to professional staff without proper entitlement, a practice which is at variance with the rules. In light of the foregoing and with a view to ensuring clarity, preventing undue influence and nurturing the culture of transparency, integrity and legality in central government, **GRECO recommends that “advisory officials” in central government give orders to civil servants and employees hired on the basis of professional criteria only with proper entitlement and that greater institutional awareness of the related rights and obligations is facilitated, proper guidance provided and supplementary clarifying rules issued to the extent necessary.**

Status and remuneration of persons with top executive functions

38. Remuneration of persons with top executive functions is determined by the Law on Remuneration of Officials and Employees of State and Local Government Authorities and by the Cabinet rules. Monthly remuneration consists of work remuneration (monthly salary, additional payments and bonuses), social cover (allowances, compensation and insurance) and annual leave allowances. The average salary of the Prime Minister and ministers are tied to the national average salary, whereas the average salaries of state secretaries and of public institution heads are based on a system of job classification (duties, complexity and responsibility). According to the Central Statistical Bureau, in 2016, the average gross monthly salary in Latvia was € 859 (<http://www.csb.gov.lv/en/statistikas-temas/wages-and-salaries-key-indicators-30608.html>)

39. The Prime Minister’s monthly salary is the highest in public administration (exceptions are stipulated by law) and is calculated by multiplying the average national monthly salary (as published by the Central Statistical Bureau two years previously) by a coefficient of 4.93. The coefficient 4.68 is used for calculating ministerial salaries. In 2018, the Prime Minister’s gross monthly salary was € 4 235, and that of ministers € 4 021.

40. The Cabinet members are entitled to a bonus of 50% of their salary if they replace another Cabinet member. The monthly representation expenses of the Prime Minister may not exceed 95%, and of a minister 90%, of those set for the President annually (in 2018, € 1 025 per month). Dismissal and leave allowances equivalent to one monthly salary are payable to Cabinet members with some exceptions. Unless they receive no remuneration or are not considered officials, advisors and employees of Cabinet members’ offices are also entitled to a leave allowance equal to one monthly salary when their contract expires.³²

41. The expenses of the offices of the Prime Minister and of other Cabinet members are covered from the state budget.³³ Since 2010, the names of state administration officials and employees, and the amount of their remuneration are published monthly on the websites of their respective institutions.³⁴ Similar information on the Cabinet and the State Chancellery – including on the Prime Minister, his/her Office members, ministers, the Director of the State Chancellery and his/her deputies, etc. is available on the website of the Cabinet (<http://mk.gov.lv/lv/content/budzets>). In GRECO’s view, for the sake of transparency and the accountability of PTEFs, this practice should be continued as it can serve to reinforce public confidence and trust in the highest echelons of the executive power.

³² Article 25 SASL

³³ Article 25 (3) of the Cabinet Structure Law

³⁴ Article 92 SASL

Anti-corruption and integrity policy, regulatory and institutional framework

Policy framework

42. The 2015-2020 Guidelines for the Prevention and Combatting of Corruption provide an integrated national policy framework. Key mechanisms to prevent corruption and promote integrity amongst PTEFs are: 1) corruption risk assessment; 2) background security checks³⁵ (primarily with a view to granting access to state secrets); 3) codes of conduct; 4) asset disclosure; and 5) post-employment restrictions.

43. Corruption risks are assessed on the basis of anti-corruption plans adopted and implemented by each ministry/institution. The risks are measured by internal audit units established by each ministry/institution as part of its internal control system and following the requirements of the Internal Audit Law and of Cabinet Regulation No. 630 of 17 October 2017³⁶. The goals of the system are to *inter alia* identify, analyse and assess corruption risks, create an oversight environment conducive to preventing them, ensure timely identification and prevention of procedural gaps and breaches, determine, introduce and implement corruption prevention measures and train employees on preventing corruption and conflicts of interest.

44. The 2015-2018 Anti-Corruption Action Plan of the State Chancellery covers three distinct areas: a) internal work organisation, including internal control; b) management of financial resources and public property; and c) management of human resources, including compliance by public officials with restrictions on combining offices, and respect for ethical standards/honest fulfilment of duties by employees and awareness of corruption risks which are all subject to control and on-going monitoring.

45. One of the objectives of the State Chancellery's Anti-Corruption Action Plan is to address the risk of "a loss of reputation for the institution and of public trust" by proposing measures targeting solely the Chancellery's *employees*. It seems that Cabinet members are thus excluded from its scope, and that the term "employee", which is not defined in any of the aforementioned normative acts, does not embrace other political officials or "supernumerary advisory employees" hired by the Prime Minister and his/her Deputy. Furthermore, the Action Plan does not foresee a systematic assessment of the nature and scale of integrity- and corruption-related risks facing political officials and "supernumerary advisory employees", which the GET understood to be a typical situation across central government. GRECO has always attached high importance to systematic integrity risk assessments as a tool capable of identifying practices in state institutions which can compromise their capacity to perform public service functions in an impartial and accountable manner, anticipating emerging challenges and proposing effective remedies. The proper assessment of integrity risks is also a precondition for developing and regularly updating ethical and robust rules, including codes of conduct (on this see further below), governing PTEFs and implementing such rules by means of corruption-resistant procedures and practices. Consequently, **GRECO recommends carrying out a systematic analysis of integrity-related risks that Cabinet members, other political officials and "supernumerary advisory employees" (and persons with equivalent status) in central government might face in the exercise of their duties and to designate and implement appropriate remedial measures.**

³⁵ Vetting is carried out by the Constitution Protection Bureau, a state security service supervised by the Cabinet of Ministers. Its decision to deny access to official secrets can be appealed to Prosecutor General only (in respect to PTEFs). The GET was told that several ministries and state secretaries did not pass such vetting procedures.

³⁶ Cabinet Regulation No. 630 of 17 October 2017 "On the Basic Requirements for Internal Control System for the Prevention of Corruption and Conflicts of interests in the Institution of a Public Person".

Legal framework

46. The core legal instrument is the “Law on the Prevention of Conflicts of Interest in the Activities of Public Officials” (LPCOI). Its goal is to ensure that the actions of public officials are in the public interest, prevent influence stemming from a personal or financial interest of a public official, his/her relatives or counterparties on his/her actions, to promote confidence in and openness regarding public officials’ actions and their responsibility to the public. The LPCOI sets out restrictions and prohibitions, establishes rules for preventing conflicts of interest and provides for the declaration of the financial status of public officials and a mechanism for verifying them.

47. While the GET is satisfied that Cabinet members, parliamentary secretaries as well as advisors, consultants, assistants, heads of Offices of the Prime Minister and of his/her deputies and ministers, including for special assignments, are all deemed to be public officials in the meaning of the LPCOI³⁷, the previously mentioned “supernumerary advisory employees”, “provided they do not receive remuneration or other financial benefits”, are excluded from its scope³⁸. The circle of such persons or those with equivalent status is varied and said to include individuals exercising other legally compatible public functions (e.g. a city mayor) as well as private sector representatives. For example, the GET was told while onsite that in the Ministry of Health, academics, doctors and pharmaceutical industry staff serve as unpaid advisors.

48. Even if such “supernumerary advisory employees” do not dispose of any executive decision-making powers *per se*, they can sway public policy on behalf of partial interests due to their proximity to government members and by virtue of their legally prescribed functions, namely: providing policy advice; representing ministers in institutions, councils and working groups; participating with the authorisation of a minister in activities and representing them in the media³⁹. Moreover, such employees have access to official premises, restricted information and may be provided with offices, assistants and transportation, but are not subject to the same prohibitions, restrictions and duties as well as liability, as public officials unless by virtue of their other, remunerated function they fall within the LPCOI’s scope⁴⁰. In light of the above and in order to exclude any partial influence on governmental decision-making or appearance thereof, **GRECO recommends that the system for managing conflicts of interest also covers non-remunerated “supernumerary advisory employees” and unpaid advisors in central government, as is appropriate to their functions.**

Institutional framework

49. It is within the competence of the Corruption Prevention and Combatting Bureau (KNAB) - the institution of direct state administration responsible for preventing and fighting corruption, exercising control over political financing and authorised to conduct investigations – to promote integrity and prevent corruption in respect of PTEFs. The Bureau is placed under the Cabinet’s supervision which is implemented via the Prime Minister and entails his/her right to inspect the legality of administrative decisions taken by the Head of the KNAB, to cancel unlawful decisions and, if an unlawful failure to act is detected, to issue an order to take a decision. The Cabinet’s supervisory powers thus do not apply to the KNAB’s decision-making on issues within its mandate⁴¹.

³⁷ Article 4 LPCOI

³⁸ Article 25 SASL

³⁹ See Cabinet Regulation No. 495 of 18 May 2004.

⁴⁰ While the Cabinet Regulation No. 495 imposes duties of loyalty to the relevant Cabinet member, not to disclose information obtained while carrying out duties, to act in the public interest, not to discredit him/herself, the Cabinet member of the state, to preserve State property and to use the entrusted authority only for carrying out his/her duties, it does not establish liability or provide for sanctions in case of breaches.

⁴¹ For more information on this, please see GRECO Third Round Evaluation and Compliance Reports on Latvia.

Ethical principles, rules of conduct and awareness

50. Although each ministry/institution has adopted a code of conduct, binding *inter alia* on the institution's head and its political officials⁴², there is no code of conduct for the Cabinet of Ministers, political officials hired by the Prime Minister and his/her Deputy or "supernumerary advisory employees", allegedly due to a lack of political will. The authorities state that, in accordance with the principle of the rule of law⁴³, PTEFs are to familiarise themselves with the legal requirements by which they are bound, show respect for the law and enhance its implementation in the institution they head.

51. Similarly, there are no dedicated awareness or advice mechanisms on integrity and ethics specifically for PTEFs. Depending on the situation, they can seek advice from the KNAB or the State Revenue Service or the Ombudsperson who is in charge of fostering compliance with the principle of good governance in public administration. The public can inform itself of the rules applicable to PTEFs by consulting the general, publicly accessible legislation (www.likumi.lv) and the legal acts and codes of conduct of the institutions.

52. The GET notes, that, in the State Chancellery, the conduct of civil servants is guided by the 2001 "Principles of Conduct for a Civil Servant". At present, a draft Cabinet Regulation on "Public Administration Values and Ethical Principles" is being elaborated which will replace the existing Principles. Once adopted, the new regulation will be accompanied by methodological guidelines and awareness-raising and training activities. Furthermore, the State Chancellery's employees are bound by Regulation No. 1 on Internal Working Procedures, which sets out the "main principles of ethical behaviour" and rules for preventing conflicts of interest and communicating with lobbyists (on this see further below). On taking up their duties, employees are to be informed of this Regulation and to attest by signing it that they will respect it.

53. In terms of other training, the State Chancellery currently implements the 2016-2022 Public Sector Top Level Managers Development Programme which targets state secretaries and their deputies as well as directors of state institutions and their deputies with a view to further enhancing their managerial competences⁴⁴. Approximately 160 participants from 64 public bodies participate in the programme and are expected to acquaint themselves with the Effective Manager's Handbook which contains a chapter on ethical principles for governance and management in the public sector. Of those, some 60 participants are also expected to attend the module on "Rule of law and state governance". In 2018, three groups each consisting of 10-13 top managers had completed the training and further training activities are foreseen for 2019.

54. As much as the GET supports and appreciates all of the aforementioned initiatives, including the preparation of the new "Public Administration Values and Ethical Principles" with their broader coverage and extended content compared to the 2001 version, there is no evidence that the existing regulations and training activities apply to the Cabinet of Ministers and to political officials hired by the Prime Minister and his/her Deputy and no sign that the new ones will either.⁴⁵ The absence of well-articulated integrity standards for these PTEFs might lead to public perceptions of their vulnerability to corruption and prompt an over-reliance by them on their personal conscience which

⁴² Such codes are normally published on institutions' official website, e.g. the Code of Ethics of the Ministry of Health, which applies to the Ministry's employees, civil servants and officials (http://www.vm.gov.lv/lv/ministrija/etikas_kodekss)

⁴³ Article 7 Administrative Procedure Law

⁴⁴ <http://www.mk.gov.lv/lv/content/augstaka-limena-vaditaju-attistibas-programma>

⁴⁵ Although the authorities insist that the aforementioned Regulation No. 1 of the State Chancellery applies to political officials, this cannot be unequivocally inferred from this Regulation's content: the majority of its provisions establish obligations in respect of "employees", the term which is not defined and can be subject to diverse interpretation in view of definitions included in the SASL, on which this Regulation is premised and which do not encompass the term "employee".

is not conducive to mitigating corruption-related risks. Saliently, the 2015-2018 State Chancellery's Anti-Corruption Action Plan is only meant to promote respect for ethical standards and honest fulfilment of duties by proposing measures, including training, targeting exclusively the Chancellery's *employees*.

55. The GET is firmly convinced that a comprehensive and robust public integrity system presupposes that the principles and standards of ethical conduct permeate all echelons of the state power and apply first and foremost to the top executive functionaries who must lead by example and enjoy and maintain not only legal but also high moral authority for setting integrity standards for the rest of the public sector. This is regrettably not the case at present for the Cabinet members, the political officials and "supernumerary advisory employees" hired by the Prime Minister and his/her Deputy as well as various categories of unpaid advisors in central government and is a clear deficiency which needs to be rectified, particularly with regard to such issues as conflicts of interest, interaction with third parties - including lobbyists, gifts, etc. Proper investment in deepening those PTEFs' awareness of the applicable ethical standards and facilitating coherent and sustained adherence to them through guidance, training and counselling (including confidential counselling) is also primordial.

56. Furthermore, with a view to augmenting public trust and confidence in the government, the Cabinet needs to prioritise integrity matters and other issues that might potentially give rise to public concern, by addressing them - from time to time - in open sittings or identifying other means of interacting with the public on integrity matters internal to the Cabinet, for example, by designating for this purpose a responsible Cabinet member. In view of the foregoing, **GRECO recommends to elaborate - drawing on the results of comprehensive integrity risk assessments - principles and standards of conduct applicable to and enforceable for Cabinet members, political officials and "supernumerary advisory employees" as well as for various categories of unpaid advisors in central government (on issues such as conflicts of interest, interaction with third parties, including lobbyists, gifts, etc.) and to ensure that they are made aware of those standards and are provided with dedicated guidance and counselling, including confidential counselling.**

Transparency and oversight of executive activities of central government

Access to information

57. All Government documents are generally freely accessible to the public⁴⁶ (www.mk.gov.lv) as well on the relevant web sites of the ministries and other public institutions⁴⁷. The author or the institution's head may decide to restrict access on legal grounds. Restricted access also applies to documents drawn up in connection with the resolution of certain matters, including by advisors or invited experts and by one institution for the use of another. Access to restricted information can still be requested in writing, indicating the purpose and grounds for the request. Refusal to provide access can be appealed to an administrative district court and the Senate of the Supreme Court.

58. Each ministry publishes on its website information on its structure and offices, the core financial budget indicators and costs⁴⁸ as well as the monthly salaries of its staff⁴⁹. Information on the allocations from the state budget to particular areas (<http://www.fm.gov.lv/valstsbudzets/>), on

⁴⁶ In accordance with the Freedom of Information Law

⁴⁷ A common platform for central and municipal institutions' web sites is being developed by the State Chancellery.

⁴⁸ In accordance with Cabinet of Ministers Regulation No. 171 on "Procedure concerning publishing information online"

⁴⁹ In accordance with the Law on Remuneration of Officials and Employees of State and Local Government Authorities and Article 92 SASL

financial allocations to individual ministries and institutions and on the institutions' performance and quality indicators, goals and tasks are all available on the Ministry of Finance's website.

Transparency of the law-making process

59. Within the Cabinet of Ministers and central government at large, transparency of the law-making process is regulated by the Cabinet's Rules of Procedure, the CMSL, the SASL, the Development Planning System Law as well as other laws and regulations. Draft legal acts are to be submitted to the Cabinet by state secretaries of line ministries, by the Head of the Deputy Prime Minister's Office, the Director of the State Chancellery or the head of institution subordinated to the Prime Minister. Draft legal acts are deemed to be registered by the State Chancellery when placed on the Electronic Processing and Assignment Control (DAUKS) system.

60. Draft legal acts are first to be examined and unanimously approved by the State Secretaries' meeting. They are then to be considered and approved, without amendments, by a Cabinet Committee whose composition is determined in each case by the Prime Minister. Thereafter draft legal acts are to be presented to the Cabinet for adoption on the suggestion of a ministry/institution, and discussed by the Cabinet in an open or closed sitting, depending on the legal act's status attributed to it by its author or head of institution.⁵⁰ Draft laws, draft *Saeima* decisions and draft Cabinet letters to the *Saeima* are to be approved only in their finalised draft form.

61. Draft legal acts are to be made public at least two weeks prior to being announced at the State Secretaries' meeting, on the websites of both the responsible institution and the Cabinet (section "Public Participation") and open for comments by any person. At the moment the updated draft is submitted for announcement at the State Secretaries' meeting, its text is made available on the Cabinet's website in a single database of legal drafts (www.tap.mk.gov.lv). Further changes proposed to the draft at the State Secretaries' meeting are reflected in the minutes and at that point a formal coordination procedure is launched to arrive at a compromise text. If objections are registered, the draft is to be brought to the Cabinet Committee meeting and then – to the Cabinet sitting, for a decision to adopt the text as it is or to continue improving it. Where no objection is registered, the draft is submitted directly to the Cabinet for adoption.

62. A Cabinet sitting quorum requires the presence of more than half of its members. Decisions are taken by consensus, provided none of the members presents an objection or requires a vote. In such cases, the decision is taken by a majority vote of the members present. In the event of a tied vote, the Prime Minister has a casting vote.⁵¹ The general principle is that Cabinet sittings are open to the public. Since 2013, live video broadcasts have been aired every Tuesday on the Cabinet's webpage (www.mk.gov.lv). Before each sitting, the agenda is published on the Cabinet's website.

63. Minutes are to be taken and audio recordings made of all Cabinet sittings.⁵² The agenda and minutes of the State Secretaries' meetings, of the Cabinet Committees' meetings and of the Cabinet sittings, as well as all meeting documents, including draft planning documents, draft legal acts and *ex-ante* regulatory impact assessments and informative reports, except those that are classified "for restricted use only", are to be published on the Cabinet's website at www.tap.mk.gov.lv.⁵³ All adopted normative acts can be found at www.likumi.lv. The life cycle of a document submitted to the

⁵⁰ In practice, documents with restricted access are reviewed in closed Cabinet sittings. See also Article 180 of the Rules of Procedure of the Cabinet of Ministers
The criteria for considering documents in an open or closed Cabinet sitting are contained in Articles 181-183 of the Rules.

⁵¹ Article 30 CMSL and Article 190 of the Rules of Procedure of the Cabinet of Ministers.

⁵² Article 28 (6) CMSL

⁵³ Article 21 of the Rules of Procedure of the Cabinet of Ministers and Article 29(3) CMSL.

State Secretaries' meeting or directly to the Cabinet can be furthermore viewed at www.tap.mk.gov.lv⁵⁴.

64. Third parties may be invited to Cabinet and State Secretaries' sittings in an advisory capacity⁵⁵. The Cabinet Rules stipulate that the minutes of sittings shall only reflect the decisions and voting results as well as the names of the persons who participated *and spoke* on a particular matter.⁵⁶ Similarly, with respect to Cabinet Committees' sittings, the minutes shall only include the decisions and the participants who reported on a specific matter⁵⁷. Identical rules also apply to State Secretaries' sittings. The GET concludes that the names of those persons who attend various sittings without taking the floor are omitted and the decision-making processes internal to the Cabinet and to State Secretaries' sittings cannot be qualified as fully transparent or open to public scrutiny. Therefore, **GRECO recommends that the relevant rules be reviewed so as to ensure that the names of all participants of sittings of the Cabinet and its Committees and of State Secretaries' meetings are publicly accessible online.**

65. As for public involvement in and awareness of the law-making process, non-governmental organisations and social partners may submit draft legal acts or reports for the Cabinet's consideration only through the mediation of a Cabinet member who is politically responsible for the respective industry/branch.⁵⁸ Representatives of the Council for the Implementation of the Co-operation Memorandum between Non-Governmental Organisations and the Cabinet may participate in Cabinet Committees' meetings and in the State Secretaries' meetings in an advisory capacity.⁵⁹ The Cabinet and subordinate State administration institutions, including the State Chancellery, are to inform the public of their activities and decisions taken.⁶⁰ Line ministries are also responsible for keeping society informed about Cabinet consideration of drafts legal acts emanating from the ministries and of any essential amendments made.⁶¹

66. The types and procedure for public participation are detailed in Article 48 SASL⁶² and in Cabinet Regulation No. 970 of 25 August 2009 on "Procedures for Public Participation in the Development Planning Process". Pursuant thereto, public consultations of various types are to be held on matters of public importance and when draft policy planning documents or draft legal acts substantially change the existing regulation or introduce new political initiatives. The outcome of participation procedures and the lists of participants are to be posted in a timely manner on the official website of the institution concerned and to indicate separately all public proposals/objections

⁵⁴ In addition, all adopted policy planning documents and informative reports are available in the database at: <http://polsis.mk.gov.lv> and all studies and evaluations commissioned by state and municipal bodies are available in a single public database: <http://petijumi.mk.gov.lv/>.

⁵⁵ Article 28 (4) CMSL

For example, the Prime Minister may, on his/her own initiative or on a proposal of a Cabinet member, invite representatives of social partners and civil society organisations or other experts whose opinion may be important for deciding on relevant issues, to express their opinions at a Cabinet sitting – see Article 28 (5) CMSL.

⁵⁶ Article 187 of the Rules of Procedure of the Cabinet of Ministers

⁵⁷ Article 150 of the Rules of Procedure of the Cabinet of Ministers

⁵⁸ Article 11 of the Rules of Procedure of the Cabinet of Ministers

⁵⁹ Article 63.2 and 149.15 of the Rules of Procedure of the Cabinet of Ministers

⁶⁰ Article 29 (1) CMSL

⁶¹ The procedure by which the ministry prepares, formalises and distributes information to the public about the draft which is to be considered at the State Secretaries' meeting, the Cabinet Committee's meeting or the Cabinet sitting and decisions adopted on the draft, is laid down in the Cabinet of Ministers' instruction. See Article 17 of the Rules of Procedure of the Cabinet of Ministers

⁶² It stipulates that institutions are to involve public representatives in their activities by including them in working groups, advisory councils and by soliciting their opinions. If an institution's decision does not correspond to the opinion of a considerable part of society, the decision is to be substantiated. It is the institution's head who decides on the type and method of public involvement in the institution's activity in accordance with laws and regulations.

that have been presented together with justifications for their rejection or for them being taken into account by the institution concerned.

67. The authorities opine that the movement of draft legal acts through the various stages of the law-making process and the tracking of changes are relatively easy. Draft legal acts are always accompanied by regulatory impact assessments, which underscore the results of consultations with stakeholders, and by other prescribed documents. All legal drafts, whether Cabinet regulations or laws, undergo public online consultation even before they are submitted to the Cabinet, i.e. at the stage of discussion at the relevant ministry. While on site, the GET was presented with concrete examples of draft legal acts undergoing public consultations managed by the State Chancellery, and of certain partners, e.g. trade unions, signalling their interest to attend related State Secretaries' meetings. However, the GET was informed that as the outcomes of public participation procedures are often only briefly described in published regulatory impact assessments, and the notes summarising objections to legal drafts and policy planning documents are not public, a full picture of the comments and concerns expressed on specific issues subject to public consultation cannot be formed. Therefore, **GRECO recommends that legal requirements regarding the publication of the outcomes of public participation procedures, including the lists of participants and proposals/objections presented together with justifications for their rejection or acceptance by the institution concerned, are met in practice and that such information is posted online in a systematic, timely and easily accessible manner.**

Third parties and lobbyists

68. Apart from the requirement to disclose their business associates as part of the asset disclosure process (see further below) and any criminal charges for trading in influence (under Article 326 of the Criminal Code), the interaction between PTEFs and third parties, including lobbyists, is currently not regulated by law. That being said, this issue has been addressed by institutional codes of conduct and internal rules of procedure. For example, the previously mentioned Regulation No. 1 on Internal Working Procedures of the State Chancellery has introduced a definition of a "lobbyist"⁶³ and put the following procedure in place. The State Chancellery's civil servants and employees hired on the basis of professional criteria are to afford to all lobbyists interested in advancing a specific matter equal opportunities to receive information and to arrange meetings with those within the Chancellery who are in charge of preparing or taking decisions, in line with the Access to Information and State Secrets Laws.

69. Within two working days from the contact between the person in charge of preparing a legal act and a lobbyist, information on the latter and his/her proposals are to be published on the Cabinet's website⁶⁴. The Regulation contains a prohibition on the Chancellery's civil servants and employees lobbying for a person, business or organisation in a state/municipal institution, taking advantage of official position, or of the name or reputation of the State Chancellery to influence decisions, and asking lobbyists or their representatives to materially support the events organised by the Chancellery or organisations related to its employee or his/her family member. Similar provisions are included in the codes of conduct/procedural rules of ministries and other public institutions, fully in line with the Concept on lobbying adopted by the Cabinet of Ministers in 2008 (see also the next chapter on law enforcement authorities).

⁶³ A lobbyist is "a natural or legal person, which in its own or another person's interests, for remuneration or for free, intentionally and systematically communicates with public authorities in order to influence decision-making processes in the interest of specific persons".

⁶⁴ The information subject to publication is: the person represented by a lobbyist, description of the formulation of a specific decision in relation to which lobbying takes place (if the lobbyist has indicated it), the policy area/sector the lobbyist's proposal is related to, the manner of communication with the lobbyist (e.g. consultative council, working group) and justification of consultation.

70. Lobbying groups are said to exert significant undue influence on legislation and bylaws in Latvia. Yet, despite several attempts, the law on lobbying has not been adopted and suitable legal and practical solutions are still being sought, including as part of the country's commitments under the draft Open Government Partnership Third National Action Plan. From this perspective, the adoption in 2015 of the State Chancellery's rules on the registration and disclosure of contacts with lobbyists as well as similar steps taken by other public institutions can be regarded as a positive and welcome initiative and an attempt to shed light on this obvious "grey zone" of the law-making process. Still, its impact would remain fragmented as long as there are no standards underpinning the conduct of Cabinet members, political officials and "supernumerary advisory employees" hired by the Prime Minister and his/her Deputy or of various categories of unpaid advisors in central government when interacting with third parties and lobbyists, whether in an official or non-official setting, and no requirement for such contacts to be disclosed. The imperative of putting in place such robust rules is already highlighted in paragraph 56 which contains a recommendation to that effect. A separate recommendation on this issue is therefore deemed unnecessary.

Control mechanisms

71. The State Audit Office, which is an independent collegial supreme audit institution, is responsible for carrying out audits of the annual financial statements of all ministries and central public authorities as well as of the Annual Report of the Republic of Latvia on the implementation of the State budget and of local government budgets.

Conflicts of interest

72. The LPCOI defines a conflict of interests as a situation where a public official, while performing his/her duties, takes or participates in the taking of a decision or performs other activities related to his/her office, which affect or may affect his/her personal or financial interests or those of his/her relatives or counterparties.⁶⁵ As mentioned previously, the Prime Minister, his/her Deputies, ministers, parliamentary secretaries, advisors, consultants, assistants and heads of the Offices of the Prime Minister and his/her Deputies as well as heads of public institutions and their deputies all qualify as public officials and fall within the ambit of the LPCOI, although the scope of applicable prohibitions, restrictions and duties may vary, depending on the position held.

73. The existence of an obligation on PTEFs to declare conflicts of interest *ad hoc* – either under Article 11 or Article 21 LPCOI – is a point which had given rise to controversy among practitioners and academics met by the GET. Pursuant to Article 11 (1) LPCOI, in the exercise of their duties public officials are prohibited from "preparing or issuing administrative acts, performing supervision, control, inquiry or punitive functions, entering into contracts or performing other activities, in which they, their relatives or counterparties have a personal or financial interest". The GET was told that while Cabinet members occasionally abstain from carrying out duties when in a conflict of interests, they are not obliged to do so by virtue of Article 11(6.2) LPCOI which exempts them from disclosing such conflicts if they participate in "the adoption of external laws and regulations or political decisions". The wording of Article 11(1) LPCOI was also construed by most interlocutors as excluding political officials who carry out advisory functions and there are no statistics that show that the opposite is the case.

74. As for Article 21 LPCOI⁶⁶, it places an obligation on public officials to *provide without delay and in writing* information on their financial and other personal interests as well as those of their relatives and counterparties *to a higher official or collegial authority*. The GET's interlocutors insisted

⁶⁵ A counterparty is a natural or legal person or an association of natural or legal persons established on the basis of a contract, which in accordance with the LPCOI is in declarable business relations with a public official.

⁶⁶ Included in Chapter III on "Duties and Rights of the Head of an Institution of a Public Person and the Public Official in the Prevention of Conflicts of Interest"

that Cabinet members are exempted from its scope by virtue of them being subject to the most strict incompatibility rules (see further below). The authorities disagree. An explicit exemption is not found in the LPCOI. The GET also noticed that both the onsite discussions and the authorities' written submissions were symptomatic of confusion often existing between the entitlement to perform legally compatible secondary jobs and the officials' duty to declare conflicts of interest *ad hoc*. As for political officials other than Cabinet members, it has been alleged that no "higher official or collegial authority" has been designated for the purpose of implementing this Article⁶⁷. The absence of a designated (higher) official/authority as well as the allegedly low level of awareness of the applicability of Article 21 LPCOI to political officials also has consequences for ensuring compliance by advisors, consultants and assistants with the LPCOI rules on obtaining permission for exercising legitimate ancillary jobs⁶⁸, a procedure which at present also does not seem to be operational (on this also see further below).

75. The GET's attention was furthermore drawn to Article 30 (3) CMSL⁶⁹ and to the previously mentioned Regulation No. 1 on Internal Working Procedure of the State Chancellery⁷⁰ as a supplementary legal basis for *ad hoc* disclosure of conflicts of interest by PTEFs. Their analysis however suggests that the former only prescribes the procedure for the notification by a Cabinet member of a conflict of interest but does not *per se* impose the reporting duty or the duty to withdraw from a particular decision-making process. As for the latter regulation, as stated before, in the GET's view, it only applies to the State Chancellery's civil servants and employees hired on the basis of professional criteria. As for "supernumerary advisory employees" and other types of unpaid advisors in central government, they do not fall under any of the aforementioned rules. To conclude, a clear legal basis for the *ad hoc* disclosure of conflicts of interest by Cabinet members, other political officials, "supernumerary advisory employees", and other types of unpaid advisors in central government is currently missing. Therefore, **GRECO recommends to ensure that i) Cabinet members, other political officials, "supernumerary advisory employees", and other unpaid advisors in central government notify conflicts of interest as they arise (*ad hoc*) and that such conflicts are adequately registered, disclosed and that non-disclosure is properly sanctioned; and ii) all political officials in central government, aside from Cabinet members and parliamentary secretaries, are to obtain permission to exercise ancillary activities.**

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

76. Incompatibilities and outside activities of PTEFs are governed by the Constitution and Articles 6 and 7 LPCOI. Provided this does not constitute a conflict of interests or contradicts binding ethical norms or harms the performance of their direct public duties, the offices of the Prime Minister, his/her Deputy, minister and parliamentary secretary, can be combined with up to two additional positions: a) positions that they hold in accordance with the law, or international agreements ratified

⁶⁷ No information on which authority performs such a function in respect of political officials working for the Prime Minister's and his/her Deputy's Offices was provided to the GET. Pursuant to Article 1(9) LPCOI, within ministries such powers are vested in the respective State Secretaries who, in the opinion of the GET, do not appear to be the appropriate persons to receive disclosures from political officials answerable directly to ministers. Additionally, the authorities themselves denied that such functions are performed by the State Secretaries.

⁶⁸ See Article 8¹ LPCOI.

⁶⁹ It stipulates that, if due to restrictions specified in laws and regulations, as well as for ethical or other reasons, a Cabinet member refuses to participate in the taking of a decision, s/he is to notify this prior to the taking of a decision and to submit a written motivation not later than on the following day after the Cabinet sitting, and such motivation shall be appended to the minutes of the sitting.

⁷⁰ Pursuant thereto, the employees of the State Chancellery may not carry out duties which can create a conflict of interests or suspicions about influencing his/her interests or those of their family or business partners. In such cases they are to inform their manager and cease to take part in the decision-making.

by the *Saeima*; b) positions in a trade union, association, foundation or a political party, a political party union or a religious organisation; c) work as a teacher, scientist, doctor, professional athlete and creative work, d) a position or work in the *Saeima*⁷¹ or in the Cabinet of Ministers, if provided for by their regulations/orders; and e) position in an international organisation or institution if provided for by the *Saeima* or the Cabinet.⁷² The Prime Minister and ministers can thus keep their MP mandates.

77. The issue of the concurrent holding of ministerial and parliamentary offices transcends, in GRECO's view, the issue of incompatibility by virtue of its relationship with the nature of a political regime. In most parliamentary republics, the combination of ministerial and parliamentary duties is not only authorised but actively encouraged in order to strengthen the ties between assemblies and the executive. In the case of Latvia, the common practice is for MPs to renounce their mandates when assuming ministerial duties. However, one case was reported to the GET where a former Minister of Health had kept his MP mandate for an unjustifiably long period, allegedly in order to benefit from a more favourable immunities regime which existed at the time. For the analysis of immunities applicable to PTEFs at present, please refer to the relevant section of this report.

78. The Prime Minister, his/her Deputy, ministers and parliamentary secretaries may furthermore – without written permission and provided they act as properly registered sole entrepreneurs – combine their public office with:

- the carrying out of economic activity in the fields of farming, forestry, fishery, rural tourism or professional activity as general practitioners (i.e. doctors);
- the administration of their own immovable property;
- the fulfilment of authorisations to act in the name of their kin;
- holding office in a commission, council or Chapter of Order⁷³ established by the President; and
- service in the National Guard.

79. There is an explicit prohibition on the Director of the State Chancellery, his/her deputies, state secretaries and their deputies combining their office with a position in a political party or association of parties.

80. Other public officials, including advisors, consultants and assistants in central government, may combine their public office with a) another position, including in the same institution, b) execution of "work-performance" contracts or "authorisations", or c) economic activity as a properly registered sole entrepreneur. A public office may only be combined with up to two paid or otherwise compensated public positions (work as a teacher, scientist, doctor, professional athlete and creative work are excluded).

81. The GET is concerned that advisors, consultants and assistants in central government may combine their duties as public officials with remunerated execution of civil law "work-performance" contracts for third parties⁷⁴. Being in favour of an approach whereby, in the regulation of incompatibilities, the principles of openness and transparency are given precedence over restriction, the GET leaves it up to the authorities to decide whether or not to narrow the scope of such permissible secondary activities. The recommendations in paragraph 75 are already meant to introduce a higher degree of transparency with respect to such persons by subjecting them to an obligation to disclose conflicts of interest *ad hoc* and by putting in place a functional mechanism for

⁷¹ In case of a combination of official duties with the office of MP, remuneration from one office only may be received (Article 9(2) LPCOI).

⁷² Article 7 LPCOI

⁷³ An honorary commission established at the Chancellery of the President of Latvia that selects candidates for the State's highest awards, such as e.g. the Order of Three Stars of the Republic of Latvia.

⁷⁴ Article 1 (2) LPCOI

seeking permissions to perform compatible ancillary jobs whether in the public sector or in the private sector.

Contracts with state authorities

82. According to Article 32 of the Constitution, ministers may not enter into government contracts or concessions either personally or in the name of another person. Additionally, Article 10 LPCOI (restriction of commercial activities) provides that the Prime Minister and ministers may not hold stocks or shares or be a partner in a commercial company or own a business (as a sole entrepreneur) which is in receipt of orders for public procurement, partnership procurement, procurement of public services or concessions, state financial resources or state-guaranteed credits. Similar rules apply to parliamentary secretaries, state secretaries, their deputies as well as directors of state authorities, except where public contracts are granted as the result of an open competition. The above prohibitions also apply to public officials' relatives and remain valid *for two years* after the official concerned ceases to perform his/her function.

Gifts

83. Article 13 LPCOI (general restrictions on accepting gifts) defines a gift as any financial or other benefit (services; granting, transfer or waiver of a right(s); release from an obligation(s)) or any other activity, which, as a result, creates a benefit in favour of a public official whether directly or indirectly. The following items are exempt from this definition and therefore allowed:

- flowers;
- souvenirs, books or courtesy articles if their total value received from a single donor in one year does not exceed one minimum monthly wage;
- awards, prizes or honours, as set out in laws and regulations;
- any benefit or guarantee, to which a public official is entitled in the public institution where s/he exercises his/her duties pursuant to State or local government regulations;
- services and various types of discounts offered by commercial companies, sole entrepreneurs, farms or fishery enterprises and which are accessible to the public.

84. The Prime Minister and the Minister for Foreign Affairs as well as their spouses may accept diplomatic gifts in the framework of state, official and work visits in and outside Latvia as part of official ceremonies, co-ordinated in advance and compliant with the diplomatic protocol. Such gifts are to be registered pending the Minister of Foreign Affairs' decision on their use and are considered the property of the State. As for other public officials, they may also accept gifts offered within the framework of state, official and working visits in and outside Latvia. Such gifts are considered the property of the institution where the public official serves and are to be registered, evaluated, used and redeemed.⁷⁵ The procedure for accounting for, defining the value and making use of gifts is determined in the separate orders of the State Chancellery' Director.

85. Article 14 LPCOI moreover establishes restrictions on the acceptance of donations by public institutions, with minor exceptions. A donation is defined as the allocation (transfer) of financial resources, goods or services without compensation for specified purposes. Furthermore, Article 13² (special restrictions on accepting gifts external to the fulfilment of official duties) prohibits the acceptance of gift(s)/donation(s) if, in relation to the donor, a public official has in the previous two years prepared or issued an administrative act or performed supervisory, control, inquiry or punitive function(s), or entered into a contract or performed another activity associated with his/her duties.

⁷⁵ Article 13¹ LPCOI

Misuse of public resources

86. Article 2 read in conjunction with Article 18 LPCOI authorises public officials to act with regard to public property and finances only for the purposes provided for in laws and regulations and in accordance with the procedures laid down in laws and regulations. This includes the preparation or taking of a decision regarding the acquisition, transfer, use or possession of such property by other persons or its removal from other persons or for the division of financial resources.

87. The Law on the Prevention of Squandering Financial Resources and Property of the State and Local Governments regulates the lawful use of public resources and property in the public interest and is aimed at preventing the squander, waste and/or maladministration of such resources and corruption in public administration.

Misuse of confidential information

88. Article 19 LPCOI prohibits the unlawful disclosure of information accessible to public officials in connection with the exercise of their duties or the use of such information for purposes unrelated to the performance of their duties. The retention, use and protection of classified information are governed by the Official Secrets Act. This law also sets out the different categories of information to be treated and protected in accordance with specific procedures. In addition, the Freedom of Information Law applies to generally accessible and restricted information and contains provisions on its protection. The Criminal Code establishes liability for abuse of official position (Article 318) and disclosure of confidential information (Article 329), including after leaving office (Article 330).

Post-employment restrictions

89. The aforementioned restrictions (restriction of commercial activities, cf. paragraph 82) continue to apply for two years post public employment. Furthermore, *for two years post-employment* a former public official is prohibited from owning or acquiring an interest in a company or business in relation to which, s/he took a decision on public procurement, allocation of state resources, privatisation funds, or performed any supervisory, control or punitive functions.

Declaration of assets, income, liabilities and interests

90. PTEFs are to submit annual declarations (as well as a declaration on entering and leaving public service and when their duties are terminated⁷⁶) via a designated electronic declaration system (EDS) to the State Revenue Service (SRS).⁷⁷ Additionally, the Prime Minister and his/her Deputy, ministers, including for special assignments, and parliamentary secretaries are to submit their declarations, upon terminating their duties, if they have performed duties for more than three months. Such declarations shall be submitted for the 24 months following the termination of performance of the duties of office⁷⁸. The table below provides an overview of the interests subject to declaration and related thresholds:

⁷⁶ The Prime Minister and his/her Deputies as well as ministers and parliamentary secretaries are to be submitted for the 24 months following the termination of performance of their duties.

⁷⁷ Article LPCOI. The LPCOI is accompanied by a Regulation on "Procedure for Completion, Submission, Registration and Keeping of Declarations of Public Officials and for Drawing up and Submission of Lists of Persons Holding the Office of a Public Official".

⁷⁸ Article 25 (5) LPCOI. The declaration for the first 12 months shall be submitted not later than in the 15th month, for the next 12 months – not later than in the 27th month after terminating official functions.

Table of Registrable Interests and Thresholds⁷⁹

Category	Must Declare	Thresholds
Additional posts (paid, unpaid, + those allowed by law)	✓	All declarable (Information on all additional posts, work-performance contracts, authorisations, etc.)
Commercial interests (shares, stocks, partnership, sole entrepreneur)	✓	All declarable
Gifts	✓	All monetary gifts of any value and other gifts if exceeding 20 x the minimum monthly wage
Diplomatic gifts (on Official Register)	✓	State property must be registered on Official Register
Land and Property (including vehicles)	✓	Immovable property in ownership, possession, usage; vehicles in ownership, possession, usage, or rented
Income (including savings)	✓	Including cash or non-cash savings if they exceed 20 x the minimum monthly wage
Debts, loans and financial transactions	✓	Any and all which exceed 20 x the minimum monthly wage

91. All types of income earned must be individually identified by gross amount, currency, place and name of source (identifying and naming legal and natural persons). As seen in the table above, all accessory positions are to be declared, even when they are allowed by law (posts in associations, foundations, and religious organisations and trade unions). The declaration must detail “work-performance contracts” or “authorisations” and any liabilities related to the position held. All those submitting a declaration can include any further information about his/her financial situation or interests or any relevant changes in the period in question.

92. Declarations are publicly accessible but with some restrictions. The non-public part of the declaration includes the residence and personal code details as well as those of the public official’s relatives and any other persons mentioned in the declaration, as well as information on counterparties, including debtors and creditors. Such non-public information is available to the public officials and authorities who examine declarations in accordance with the law as well as in cases determined by law – prosecutors, investigative institutions and State security services⁸⁰.

93. Regular declarations are stored and maintained by the SRS and the non-confidential part of the declaration is publicly available on its website (<https://www6.vid.gov.lv/VAD>) and searchable by name. In respect of the Prime Minister and his/her Deputy, ministers, including for special assignments, and parliamentary secretaries, declarations are to be published electronically not later than within one month from the day of their submission.⁸¹

94. Public officials are not obliged to submit declarations in respect of their family members. From March 2012, however, all natural persons (in addition to public officials) have to declare their assets according to established criteria and thresholds in pursuance of the Law on Declaring Assets and Undeclared Income by Natural Persons. Therefore, although an asset disclosure obligation is not imposed on relatives and members of households of public officials, such information is available to the competent bodies.

⁷⁹ This table was compiled for the purposes of GRECO’s Fourth Round Evaluation Report on Latvia and remains valid.

⁸⁰ Article 26 LPCOI

⁸¹ Article 26 (6) LPCOI

Oversight mechanisms

95. Supervision of abidance by PTEFs with the LPCOI requirements is split between the KNAB and the SRS, pursuant to an agreement concluded between the two bodies in 2012. Both check public officials' asset declarations albeit from different perspectives. The KNAB uses the declarations as a tool to identify conflicts of interest and examines the legality of officials' activities from the point of view of their compliance with the LPCOI-prescribed *restrictions and incompatibilities*⁸². The SRS implements national tax policies and screens officials' assets to check the legality of their income and establish compliance with *the tax legislation*.

96. Annually, the KNAB checks declarations of some 1 000 officials⁸³ and, of these, some 150 undergo in-depth inspections, in accordance with the KNAB's internal thematic priorities and guidelines. These set the criteria for in-depth inspections such as the public official's position in the hierarchy of public governance, functions, high exposure to conflicts of interest, prior sanction for LPCOI violations, and media alerts⁸⁴. Based on those guidelines, in 2018, in-depth inspections are to be conducted in respect of 31 PTEFs, including eight MPs who entered the *Saeima* in 2017, ministers appointed in 2017, the Head of the Prime Minister's Office, the Director of the State Chancellery (appointed in 2017), other State Chancellery's officials with managerial duties, several State Secretaries and their deputies.

97. Supervision is exercised *ex officio*, following complaints, whether submitted directly to the KNAB or reported anonymously via hotlines, as well as media reports. An in-depth inspection entails a detailed assessment of the public official's duties, his/her asset declaration and comparing it with the one submitted in the previous year and with information available from public registries. Where an illegal combination of offices and incompatibilities are identified, an administrative case is to be opened and charges for breaches filed.

98. The KNAB is entitled to impose sanctions under Article 166 of the Administrative Violations Code for violations of restrictions and prohibitions imposed on a public official, and of restrictions on gifts, donations and other forms of financial aid. If there is evidence of a criminal offence, the case is to be transferred to the prosecutor's office. In the exercise of its duties, the KNAB co-operates with the SRS, the Legal Office of the *Saeima*, the State Audit Office and other competent bodies and may request information from legal persons.

99. Turning to the SRS, at the time of the on-site visit, it controlled the correct and timely submission of asset declarations and checked whether the relevant official was a tax payer and, if so, compared his/her current and previous asset declarations with the tax return, as well as the data available from other state information systems. Declarations of the Prime Minister and ministers were reviewed manually due to their high exposure to corruption risks; the review process was however the same as for other categories of public officials. A more in-depth verification of a declaration was only conducted on request from: a) the tax control department when an inaccuracy between income and expenditure was detected; b) law enforcement bodies, including the KNAB; and c) any person claiming that a declaration was false. With respect to PTEFs, such, more in-depth, examinations were carried out in respect of one minister in 2015 and two ministers in 2016, triggered by discrepancies found between their expenses and income. On the basis of amendments (6 March 2018), the SRS is now also empowered to compare the information in the declaration with

⁸² Under the LPCOI, the KNAB is competent to "verify whether the declarations contain information that is indicative of violation of the restrictions" laid down in the LPCOI.

⁸³ 1005 public officials were checked in 2014; 948 – in 2015; 872 in 2016; and 1190 – in 2017.

⁸⁴ According to the KNAB's internal guidelines, public functions most prone to corruption include: the power to use public funding, such as public procurement, EU funds, etc.; supervisory/inspection powers; control function, such as investigation and application of punishment; and the power to use restricted information, such as state secrets and restricted information.

other information at its disposal. The revision of working procedures internal to the SRS resulting from this amendment is under way.

100. The SRS may impose sanctions under Article 166 of the Administrative Violations Code for failure to submit a declaration or to submit it *on time*, non-observance of procedural requirements, and submitting a false declaration. If false information on large amounts of illegal income is detected, the case is to be forwarded to the Finance Police for criminal investigation.

101. The oversight by the KNAB of compliance by some 60,000 of Latvia's public officials with the LPCOI-established restrictions and incompatibilities was qualified onsite as being overall efficient and sturdy. While the GET largely agrees with this assessment and welcomes the elaboration by the KNAB of internal criteria for in-depth inspections to be carried out in respect of those public officials who may be exposed to high corruption risks, it is concerned that such clear and objective criteria are not grounded in law and that not all PTEFs undergo regular in-depth checks, as was apparently the practice until 2002. Due to the nature of their functions and a short term in office, PTEFs, as compared to other public officials, should be subject to more stringent accountability standards and that the likelihood of detection and sanction for violation of relevant rules is greater.

102. As for the SRS, until recently, it has only inspected whether the declarations were submitted on time, completed correctly and whether the filers complied with the tax legislation. Compared to the KNAB, no internal criteria for in-depth verifications in respect of those public officials who may be susceptible to higher corruption risks and no internal procedure on how to conduct such assessments have been elaborated, including for the purpose of manual checks of declarations submitted by the Prime Minister and ministers. More in-depth verifications could only be carried out in response to external requests but the meaning of an "in-depth" verification has not been defined. Aside from those declarations that were examined manually, the rest were processed electronically. The extent to which the new amendments to the LPCOI – by virtue of which the SRS is now obliged to compare the information included in the declarations with other information at its disposal - will in practice increase the thoroughness of controls of PTEFs' declarations is not obvious. Doubts were also expressed while on site about whether the SRS's 24 staff could accomplish more in view of its limited resources and whether the Service itself qualified as an independent body given its subordination to the Ministry of Finance, which are the issues that today still appear not to have been tackled properly.

103. The GET understands that the SRS primarily sees its role as the keeper of the Electronic Declaration System (EDS) and has been focusing on the timely publication of all declarations submitted to it, which is its explicit obligation under the LPCOI. Nevertheless, allegedly only initial declarations are accessible online and, if corrections are made, the updated versions are not subsequently published. Furthermore, the mechanism for promptly reporting the names of all public officials to the SRS, including those who may be hired as advisors, consultants and assistants in central government, is apparently not fully functional. Here again the absence of a designated (higher) official/authority who is to file such information with the SRS comes into play and remains to be properly dealt with⁸⁵ (cf. paragraphs 73-74).

104. To conclude, at present, the LPCOI does not impose an obligation on either the KNAB or the SRS to conduct *in-depth* checks of PTEFs' declarations. Therefore, the asset declaration system cannot be considered fully effective as it does not ensure proper control. A similar view was

⁸⁵ Pursuant to Cabinet Regulation No. 478 of 22 October 2002 on "Procedure for Completion, Submission, Registration and Keeping of Declarations of Public Officials and for Drawing up and Submission of Lists of Persons Holding the Office of a Public Official", the heads of State/local authorities shall draw up a list of persons holding the office of a public official and submit it to the State Revenue Service electronically and in writing. If amendments are made to the list, they shall be submitted to the SRS within 15 days (Article 19).

expressed by the State Audit Office in its thematic report published in 2015⁸⁶. The GET aligns itself with the overall findings and specific suggestions made by the State Audit Office, in particular, as concerns the desirability of re-thinking the overall rationale and functioning of the system of asset disclosure with a view to substantially strengthening its impact and efficiency. Additionally, oversight of PTEFs does not qualify as fully independent, due to the SRS being a substructure of the Ministry of Finance. In view of the shortcomings identified in paragraphs 101-104, **GRECO recommends that i) the veracity of asset declarations of Cabinet members and other political officials is subject to systematic (preferably, annual) in-depth and independent scrutiny in accordance with law; and that ii) the amended asset declarations of all public officials are made publicly accessible online in accordance with law.**

Accountability and enforcement

Immunities, administrative and criminal proceedings

105. Irrespective of political liability, Cabinet members are responsible for their actions in accordance with the laws and regulations governing criminal, administrative or civil liability⁸⁷. In other words, they do not benefit from immunity or other privileges in criminal or administrative procedures with one exception. Ministers who are also MPs benefit from procedural immunity.⁸⁸ For example, the consent of the *Saeima* is required for initiating criminal proceedings, the search of an MP's premises, arrest (except when apprehended in *flagrante delicto*) and restriction of liberty. MPs may refuse to give evidence in prescribed cases. GRECO recalls that immunities were analysed in the context of its First and Fourth Evaluation Rounds and that, in response to a recommendation from GRECO, Latvia abolished in 2016 the system of administrative immunities for MPs by means of amendments to the Constitution.

106. As for the initiation of criminal proceedings, pursuant to Article 387 of the Criminal Procedure Code, the following law enforcement bodies have jurisdiction with respect to PTEFs: the State Police, the Security Police, the Financial Police, the customs authorities as well as the KNAB. If the investigation of a concrete criminal offence is under the jurisdiction of more than one agency, the agency that initiated criminal proceedings first shall investigate the criminal offence. If an investigating agency receives information regarding a serious or particularly serious criminal offence that is taking place or has taken place, and the investigation does not fall within its jurisdiction but emergency investigative actions are necessary for the detention of the suspect or the recording of evidence, the agency is to initiate criminal proceedings. The agency that initiated criminal proceedings is to inform the competent agency thereof, perform the emergency investigative actions, and transfer the materials of the initiated criminal proceedings to the appropriate agency. Any institutional disputes are to be resolved by the Prosecutor General.

107. The GET is concerned about the too large number of law enforcement bodies competent to institute criminal proceedings in respect of PTEFs and that, in the absence of clearly defined jurisdiction, inter-institutional disputes often necessitate the involvement of a prosecutor. While the establishment of all these agencies might well be understood as being a result of the country's past political context, the time might be ripe to re-consider their respective competences and effectiveness by means of a well-informed professional, not political, debate, with the overall goal of optimising the allocation of functions and resources, including for the purpose of launching swift and

⁸⁶ The State Audit Office report on "Are Submission, Revision and Publication of the Declarations of Public Officials Effective?" The main conclusions of this audit was that the existing system does not fully achieve its goals for the following reasons: 1) the system is not effective since not all public officials fulfil their duty to declare; 2) the system does not ensure that the information contained in the declarations is true; and 3) the goal of informing the public is met only partially.

⁸⁷ Article 4 (3) Cabinet Structure Law

⁸⁸ Articles 29, 30 and 31 of the Constitution

efficient criminal proceedings when PTEFs are involved. Consequently, **GRECO recommends carrying out an evaluation of law enforcement bodies' competence to institute criminal proceedings against persons with top executive functions, with the overall goal of optimising the allocation of functions and resources.**

Sanctions

108. Breaches of the LPCOI can result in either administrative or criminal sanctions. Administrative sanctions range from a fine (a maximum €350) to, in some instances, suspension or prohibition from holding office. Criminal sanctions for violating the restrictions for public officials holding a position of responsibility are: a fine not exceeding 2000 times the minimum monthly wage, with or without the confiscation of property, and/or employment restrictions; temporary deprivation of liberty, or community service; or imprisonment for a term not exceeding five years (Article 325, Criminal Code). Anyone found guilty under criminal law of using their official position to unlawfully facilitate or participate in a property transaction in order to acquire property or for some other personal interest/benefit, is liable to imprisonment not exceeding one year or temporary deprivation of liberty, or community service or a fine not exceeding 100 times the minimum monthly wage. If the public official holds a position of responsibility, the applicable punishment is imprisonment for a term not exceeding three years, or temporary deprivation of liberty, or community service, or a fine not exceeding 1000 times the minimum monthly wage with or without confiscation of property and/or employment restrictions (Article 326, Criminal Code).

109. Failure to submit a declaration or to submit it on time, can lead to an administrative fine not exceeding €350, whereas the submission of a false declaration is a criminal offence with the possibility of temporary deprivation of liberty, or community service, or a fine up to 100 times the minimum monthly wage.

110. Between 2013 and 2016, four administrative decisions were adopted by the KNAB in respect to two top level officials. Three decisions concerned one person, the former Minister of Health and a former MP, and established breaches with respect to conflicts of interest in decision-making and restrictions on commercial activities. The fourth decision was made in respect of the current Minister of Justice and established a breach of conflicts of interest rules in the management of state property.

111. The statistical data on administrative violations by PTEFs is presented below:

	2012	2013	2014	2015	2016
Number of administrative violation cases (Section 166 ²⁷), incl.:	292	259	347	340	318
Ministers	1	1	2	1	1
State Secretaries	-	-	-	1	-

112. Information on LPCOI-related violations is published on the official websites of either the KNAB or the SRS, depending on their competence, and is to include the name and position of the official concerned, the legal norm violated, the essence of the violation, when it was committed, the decision taken and date of its entry into force⁸⁹. The authorities refer to the example of the resignation of the former Minister of Health and related Cabinet Order published online⁹⁰.

113. The GET is generally satisfied with the combination of administrative and criminal sanctions foreseen for violations of conflicts of interest rules as well as other corruption-related criminal offences. Although, while on site, the administrative fines under the LPOCI (up to €350) were judged not effective, proportionate or dissuasive, the GET was informed of a package of amendments discussed by the Cabinet of Ministers, which envisaged *inter alia* reviewing the policy on administrative sanctions. GRECO supports the authorities in their endeavours and expresses its interest in being kept informed of any developments in this field.

⁸⁹ Article 31 LPCOI

⁹⁰ <https://likumi.lv/ta/id/282783-par-g-belevica-atkapsanos-no-veselibas-ministra-amata>

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of the police and border guard authorities

Overview

114. The Corruption Prevention and Combating Bureau (KNAB) and the Ministry of the Interior are the prime agencies in Latvia in which law enforcement powers are vested. The Ministry of the Interior implements national policy on crime prevention, safety and public order, as well as the protection of individuals' rights and lawful interests, and comprises *inter alia* the State Police, the Security Police, the Internal Security Bureau, the State Border Guard and the Office for Citizenship and Migration Affairs.

115. This report focuses on the State Police and the State Border Guard. While both agencies have their own rules governing the exercise of their functions, as well as integrity and corruption prevention frameworks, the principles and rules the recruitment and career progression, the identification and resolution of conflicts of interest and disciplinary liability are identical for both and implemented in comparable ways. Given that in Latvia the police service is composed of the State Police as well as the Security Police and local government police⁹¹, the authorities are encouraged to follow the recommendations below to the extent desirable for further reinvigorating the prestige of the country's police as a whole.

116. The State Police (SP), an authority of direct administration under the supervision of the Ministry of the Interior, is an armed, paramilitary institution responsible for the protection of life, health, rights, freedoms, property and public and national interests against criminal and unlawful acts.⁹² The SP is to investigate any criminal offence, except where jurisdiction is with another law enforcement body, unless the Prosecutor General is assigned to investigate. The tasks⁹³, structure, principles of operation and financing of the SP, as well as the duties and rights of its staff are laid down in the Law on Police (LOP).

117. The SP is a hierarchically subordinated system⁹⁴ managed by the SP Chief who is assisted by four deputies⁹⁵. It consists of the Central Police Department, the Central Criminal Police Department, the Central Public Order Police Department, the Personnel Department, Public Relations Unit, Security Regime Unit, Special Record Unit, Internal Control Bureau, the Finance Department, the Forensic Department, the State Police College and five Regional Departments. The SP's financial resources are formed from: 1) the general State revenue; and 2) income from contracts it concludes with legal and natural persons⁹⁶.

118. The State Border Guard (SBG) is also a state authority of direct administration and a paramilitary institution whose goal is to ensure the inviolability of the State border and to prevent illegal migration. The SBG is to investigate criminal offences related to the illegal crossing and illegal transportation of persons across the State border, illegal residence in the State and non-violent

⁹¹ Article 15 of the Law on Police

⁹² Article 1 of the Law on Police

⁹³ The State Police's tasks are to: 1) guarantee the safety of persons and society; 2) prevent criminal offences and other violations of law; and 3) disclose criminal offences and search for persons who have committed crimes; 4) provide assistance to institutions, natural persons and their unions in the protection of their rights and in carrying out tasks prescribed by law; and 5) within the scope of its competence enforce administrative sanctions and criminal sentences.

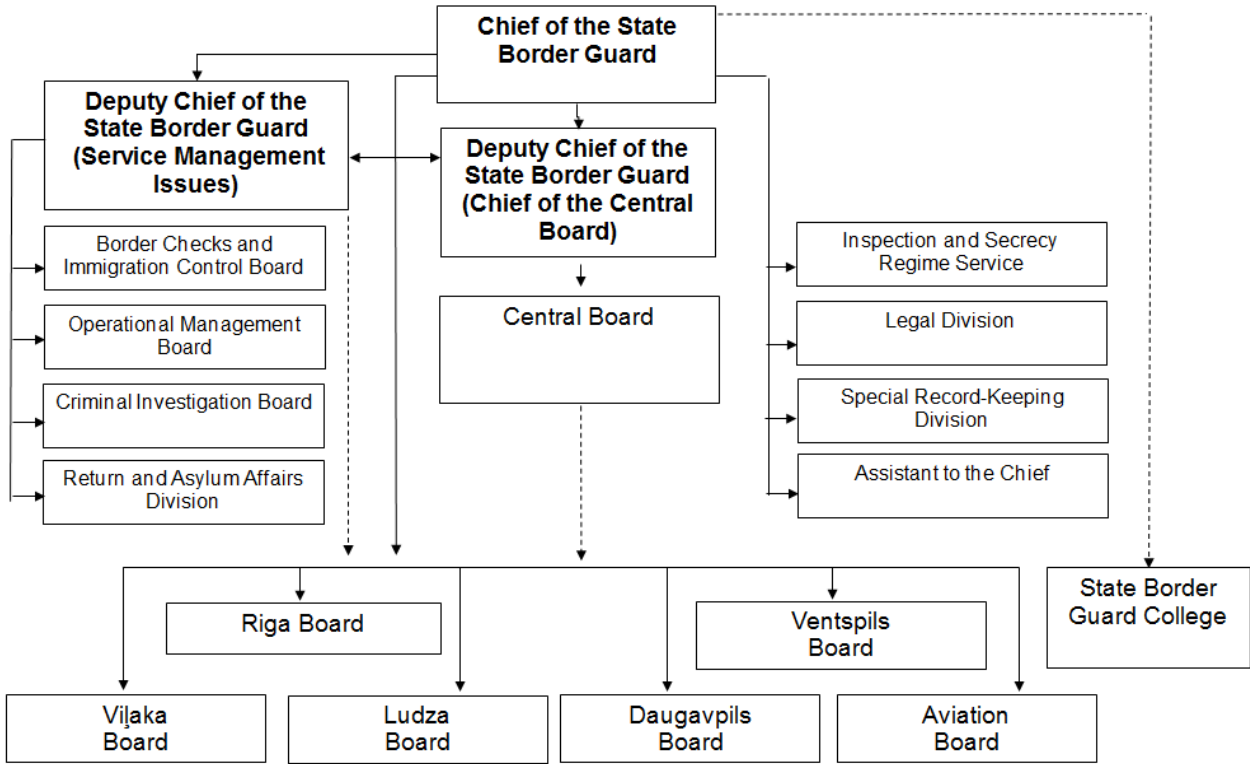
⁹⁴ The structure and work organisation of the State Police are laid down in the Rules of Procedure No. 2 "Rules of Procedure of the State Police" of 8 January 2010.

⁹⁵ The Chief Administrative Office Chair, the Chief Administrative Office of the Criminal Police Chair, the Chief Administrative Office of the Order Police Chair, and the Chief Administrative Office of the Riga Region Chair.

⁹⁶ Article 34 LOP

criminal acts committed by border guards who are State officials. The SBG’s function and duties as well as border guards’ duties, rights, mode of appointment, legal protection and operational guarantees are stipulated in the Border Guard Law (BGL) and Cabinet Regulation No. 122 on “State Border Guard” of 15 February 2005, the Law on the State Border of Latvia and other legal acts.

119. The SBG consists of the Service Organisation Office, the Criminal Investigation Office, the Inspection and Secrecy Service, the Legal Department, the Special Record-keeping Department, the Headquarters, the territorial offices, including the Aviation Office, as well as the State Border Guard College, which is a higher education institution. Certain of the SBG’s tasks are carried out jointly with the customs, the Food and Veterinary Service, the international seaport, airport, sea passenger and railroad station administrations, the SP, the National Armed Forces and local governments⁹⁷. The SBG’s organisational structure is presented below:



120. The operational principles governing the SP and the SBG are shared and include *inter alia* the principles of lawfulness, humanity, human rights, social justice, transparency and undivided authority/single command structure⁹⁸.

121. The SP’s and the SBG’s staff is split into two categories: 1) officials with special service rank (police/border guard officers) whose service is governed by the Law on the Course of Service of Officials with Special Service Ranks in the Institutions of the Ministry of the Interior and in the Administration of Penal Institutions (LCS); and 2) employees on fixed or indeterminate term contracts⁹⁹. The laws and regulations on the state civil service do not apply to police/border guard officers, but some provisions of the Labour Code do¹⁰⁰.

⁹⁷ For example, the agreement “On co-operation in State Border Security Matters” was signed with the State Police, the State Revenue Service, the Food and Veterinary Service and the State Environment Service on 21 April 2016

⁹⁸ Articles 5 LOP and 3 BGL

⁹⁹ Article 19 (4) and (5) BGL

¹⁰⁰ Article 3 LCS

122. The table below indicates the number of SP staff in the two categories in 2012-2016 disaggregated by gender:

Year	Total number of persons employed			Officials with special service rank			Employees on employment contracts
	Total	men	women	Total	instructors	officers	
2012	7,113	4,864 (68.38 %)	2,249 (31.62 %)	6,421	2,614	3,807	692
2013	7,058	4,874 (69.06 %)	2,184 (30.94 %)	6,338	2,541	3,797	720
2014	7,153	4,878 (68.20 %)	2,275 (31.80 %)	6,383	2,567	3,816	770
2015	7,085	4,739 (66.89 %)	2,346 (33.11 %)	6,286	2,506	3,780	799
2016	6,984	4,188 (59.97 %)	2,796 (40.03 %)	6,140	2,485	3,655	844

123. In November 2017, the SBG was composed of 2 553 persons. Of these, 2,339 were border guards - 1,537 men (65.71%) and 802 women (34.29%); and 327 employees - 107 men (32.72%) and 220 women (67.28%).

124. The police/border guard officers are to observe the Constitution, international treaties that bind Latvia as well as applicable laws and regulations. In the exercise of their duties, they are subordinated to a direct superior or more senior officer and are to fulfil their functions and their superior's orders dutifully and in good faith and to observe the principles of behaviour established for them¹⁰¹. The police/border guard officers cannot be bound by the decisions of political parties and other socio-political organisations and movements or their representatives.

125. No one has the right to interfere in the actions of the police, except for institutions/officials expressly authorised to do so by law. If an illegal instruction is received from a superior officer, a police officer/employee is to report it to a more senior officer¹⁰². As for the border guards, they are to fulfil lawful orders without objections. Knowingly carrying out unlawful orders does not discharge them from liability¹⁰³. Both police and border guard officers can appeal at a court decisions made in their regard by their superiors or by the Ministry of the Interior institutions if such decisions are believed to unjustifiably restrict the officers' rights or authority or injure their dignity.

126. The SP's and SBG's operations are controlled by the Minister of the Interior and the Cabinet of Ministers. External oversight is performed by other public authorities such as the Prosecution Service, courts, the *Saeima* and Ombudsman.¹⁰⁴

Access to information

127. Operational activities of both agencies are to be transparent in the sense that state institutions and the public are to be informed about them.¹⁰⁵ In the case of the SBG, only information on the results of operational activities is to be reported, both directly and through the media, with

¹⁰¹ Article 6 LCS

¹⁰² Article 6.5.2 of the SP's Code of Ethics (on this see further below)

¹⁰³ Article 14 (2-3) LBG

¹⁰⁴ Articles 38 and 39 LOP

¹⁰⁵ Article 6 LOP, Article 6 BGL and Cabinet Regulation No. 171 on "Publishing information on the Internet by Institutions" of 6 March 2007

due regard being paid to the Law on Official Secrets. Information on the SP's budget, public procurement as well as its annual financial reports are accessible on its website: <http://www.vp.gov.lv>. The financial reports of the Police College are also accessible: <http://www.policijas.koledza.gov.lv>. The same is valid for the SBG: its homepage (<http://www.rs.gov.lv/?setlang=1>) contains information on contacts, services, statistics, budget, property, staff remuneration, public procurement and public involvement. The annual reports of both services are furthermore available on the Ministry of Finance's website.

Public trust in law enforcement authorities

128. In the past twenty years, significant resources have been injected to curb corruption and strengthen accountability of both the SP and the SBG and those efforts are regarded today - especially with respect to the SP - as true success stories. Whereas some twenty years back, public surveys indicated a bribery rate of up to 70% within the police, today the SP enjoys the highest levels of public trust and has made headway in terms of corruption perception, compared with the judiciary, the government and the *Saeima* who are all lagging behind¹⁰⁶. The GET is conscious that most of the measures taken were either of a repressive nature (sentencing of bribe takers and bribe givers) or involved the installation of tracking and recording devices and other equipment (e.g. GPS, body cameras, audio recording, etc.) so as to dissuade bribe taking by officers. Stringent rules on legitimate accessory activities and effective internal controls have been implemented as well and are deemed to have produced positive results (on this also see further below).

Trade unions and professional organisations

129. The following unions/associations of law enforcement authorities have been established which include in their membership police staff: the International Police Association, the Trade Union of Latvian Interior Employees, the Joint Latvian Trade Union of Policemen, the Independent Trade Union of Policemen, the Trade Union LABA, the Free Trade Union Confederation of Latvia and the Police Cycling Union. The SP is not empowered to request information on their staff's membership in trade unions, except when justified by law.

130. As for border guards, by virtue of Article 49 BGL, they have been prohibited from joining a trade union. However, the Constitutional Court ruling of 23 April 2014 overruled this prohibition. Some border guards are now members of the Trade Union of Latvian Interior Employees.

Anti-corruption and integrity policy

Policy, planning and institutionalised mechanisms for implementation

131. Both the SP and the SBG implement as part of their internal control systems dedicated multi-annual anti-corruption action plans¹⁰⁷. The common elements of these systems/plans are: 1) corruption risk assessments; 2) the inspection of staff's compliance with restrictions and incompatibilities; 3) the strengthening of service discipline; 4) the assessment of officers' property and assets; 5) the promotion of open, fair, impartial and efficient recruitment and career progression procedures; 6) the prevention and investigation of violations; 7) the on-going control of unauthorised access to and processing of personal data; 8) the development of electronic/remote customer

¹⁰⁶ According to the National Report of Latvia for Standard Eurobarometer 88 published in December 2017, public trust in the police reached a high level of 60%. According to the February 2018 survey of society's attitude towards the State Police, carried out by the SKDS (a Latvian research centre), public trust in the police further rose to 62%.

¹⁰⁷ The 2014-2017 Anti-Corruption Plan of the State Police and the Organisational Anti-Corruption Action Plan of the State Border Guard approved by Order No. 944 "On Anti-corruption Measures" of 8 August 2011. Additionally, the SP's Internal Control Office participates in the implementation of anti-corruption measures in the sphere of assurance of public order and traffic monitoring under Order No. 557 of the State Police of 6 February 2017.

service solutions; 9) greater transparency and control of the administrative process; and 9) better communication with society and public access to information.

132. The prohibition on carrying cash while on duty was referred to on site as one of the most effective corruption prevention measures. In the SBG, those border guards who exercise their duties at border control points and who guard the State border are banned from carrying cash as well as personal communication devices, portable data carriers and vehicle keys. For the time of assignment, such items are handed over to a designated “person on duty”. A similar measure, i.e. a prohibition on carrying more than € 30 in cash per police officer while on duty, is also enforced in the SP.

Risk management measures for corruption prone areas

133. Corruption risk management in the SP and the SBG has been carried out pursuant to the Cabinet Regulation on “The Concept for Minimisation of Risks of Corruption in Government Institutions and Municipalities” and the recommendations elaborated by the KNAB specifically for law enforcement bodies. In pursuance thereof, the duties and work of SP staff underwent evaluation depending on corruption exposure (very high, high, medium, low or minimal) according to five categories of risk¹⁰⁸. As a result of this exercise, 73 officer positions were assessed as having a very high corruption risk, 971 employee positions a high risk, and 3,131 employee positions a medium risk. A total of 19% of positions in the SP were assessed as entailing either very high or high corruption risk. These risks mostly concerned decision-making on finances and public procurement, administrative procedures and criminal investigations, as well as unlawful disclosure of restricted information. Work to examine the positions with a low corruption exposure and to develop preventative measures to mitigate identified vulnerabilities was underway in 2017.

134. The SBG had conducted an identical assessment¹⁰⁹, which concluded that positions at the so-called “green border” and border control points were most susceptible to corruption. A new assessment of corruption-prone services is currently in the making and its results are to be presented to the Chief of the SBG for the design of follow-up measures.

135. The GET acknowledges that both agencies have embarked on ambitious and well-targeted anti-corruption policies and have at their disposal relatively effective mechanisms and tools capable of ascertaining corruption risks for all levels of the hierarchy and chains of command, and of deterring and detecting corruption-related offences within their own ranks. The elaboration of lists of positions with high corruption exposure is a positive feature as well and has prompted more stringent internal controls as well as the application of more strict and incisive rotation and mobility measures in the public order and traffic police which account for over 65% of the SP’s staff (on this also see further below). The authorities are called upon to continue to pursue their anti-corruption action plans with the utmost rigour and to ensure that each of the envisaged measures has the widest possible application and produces incremental corruption reduction effects.

Code of Ethics

136. Upon entering the service, police and border guard officers are to take an oath of office in which they are to pledge *inter alia* to serve society’s interests¹¹⁰. The specific ethical principles and standards of conduct are laid out in “The State Police Code of Ethics”¹¹¹ and in “The Code of Ethics for

¹⁰⁸ Based on the SP Chief’s Order No. 3911 “On Risk Levels for Positions of the State Police Employees” of 29 October 2014

¹⁰⁹ As per Order No. 43 on “The List of Positions at the State Border Guard and the State Border Guard College Which are at Risk of Corruption” of 13 January 2016.

¹¹⁰ Article 11 LCS, Articles 19(4) and 22 BGL

¹¹¹ Pursuant to Article 6 LOP, police officers are also to observe the principles of behaviour established for them.

an Official and Employee of the State Border Guard”¹¹², approved by the Minister of the Interior on 16 September 2014 and 22 November 2008, respectively.

137. The goal of the SP’s Code of Ethics, which applies to both categories of staff, is to promote the lawful and honest fulfilment of duties, contribute to strengthening the image and public trust in the SP and to encourage correct and civil behaviour outside office. The Code consists of six parts: general provisions, basic principles of ethics, general rules of conduct, ethics governing the direct superior/manager, activities aimed at preventing conflicts of interest, and evaluation and accountability. The Code is to be presented to newly recruited staff by their superiors on the first day of service/employment and to all staff – within five working days from the Code’s entry into force. Any staff member may report a violation of the Code to his/her superior or to the Chief of the SP. If the complaint points to a possible disciplinary offence, disciplinary procedures are to be launched. If not, a complaint may be referred to an Ethics Committee, established by order of the Chief of the SP and authorised to issue recommendations.

138. The SBG’s Code of Ethics is composed of general provisions; basic principles of professional ethics; rights, obligations and prohibitions of office; and actions to prevent conflicts of interest. Each border guard officer/employee is to receive a copy on recruitment and once a year. Implementation of the Code involves all officers and employees as each one of them is to ensure that his/her peers comply with it and are duty bound to report any violations they know of to their superiors or to the Chief of the SBG. The SBG has established an Ethics Committee as well to examine the compliance of SBG staff with the Code. Requests for an opinion on presumed violations must be addressed to the Chief of the SBG and, on receipt of his/her resolution, forwarded to the Ethics Committee’s Chairperson. The statistics available on the imposition of disciplinary measures for breaches of the SBG’s Code show 22 persons in 2012, 7 in 2013, 19 in 2014, 30 in 2015 and 12 in 2016.

139. Although the adoption of codes of ethics and the establishment of ethics committees can be regarded as a testimony of the SP’s and the SBG’s commitment to integrity and corruption prevention values, the latter Code is not free from omissions, compared to the SP’s Code. A blanket prohibition on the acceptance of gifts that goes beyond the restrictions established by the LPCOI is missing. An SBG officer/employee is only banned from accepting gifts, hospitality and other benefits (payment for travel, lodging, catering or any other material benefits) from lobbyists or organisations employing lobbyists (Article 12.2). As for gifts/benefits from other sources, the officer/employee is only to determine whether the offered gifts/benefits meet the thresholds set by normative acts (Article 17). Unlike the SP’s Code, the term “lobbyist” is not defined in the SBG’s Code. The notions of “professional ethics” and “professional etiquette” are used interchangeably (Articles 11.2 and 13). What is meant by “sponsor” of an organisation in which the officer/employee performs his/her duties is unclear (Article 11.7.2). In situations not covered by the Code, rather than referring the matter for opinion to the Ethics Committee which is not mentioned at all in the Code, officers/employees are invited to act in accordance with “the generally accepted ethical principles (Article 3)¹¹³ and a similar duty also applies to heads of structural units (Article 14.6). Consequently, **GRECO recommends clarifying and further strengthening the corruption prevention effect of the State Border Guard’s Code of Ethics in relation to gifts/benefits, lobbying, “professional ethics” and conduct in situations not covered by the Code.**

140. Furthermore, the onsite interviews revealed that the SP’s and the SBG’s codes of ethics are yet to be properly embedded by both institutions and internalised by their staff. Information on the practical enforcement of ethical rules was scarce and often contradictory, which might be explained by noticeable discrepancies in the respective regulatory frameworks.

¹¹² <http://www.rs.gov.lv/index.php?top=0&id=1135>

¹¹³ Similarly, heads of the SBG structural units are to avoid situations that do not comply with generally accepted ethical principles (Article 14.6).

141. Specifically, the SP's Code of Ethics only allows for the reporting of a violation thereof to a superior officer or to the Chief of the SP, whereas the rules on the Ethics Committee stipulate that queries with respect to the Code may be sent to the Committee directly by any staff member or any third party. Whereas, pursuant to its rules, the Ethics Committee is to give advice on ethical issues and to provide recommendations on ethical behaviour, the corresponding right of police staff to seek the Committee's advice has not been incorporated into the Code. The GET was told that, since its inception, the Committee has met only twice and issued only two opinions. The question of whether or not a violation of the Code, which does not incur disciplinary liability, carries a sanction has not been dealt with. The Committee's power to resolve ethical disagreements *among* police staff and to recommend improved personal conduct in accordance with "*the general norms of behaviour and basic ethical principles*"¹¹⁴, rather than with the Code's own provisions and spirit, was challenged onsite. Last but not least, the Committee is entitled to promote ethics-related education and training and to contribute to the evolvement of ethical norms, but has apparently not done so.

142. As for the functioning of the SBG's Ethics Committee, it elicited largely similar criticisms. Although this Committee has frequently met, the majority of its meetings were said to have focused on settling team disputes in the presence of the staff concerned and their direct superiors. The provisions of the rules which authorise the Committee to conduct its sessions *in camera*, which allow for the submission of queries to the Committee only through the medium of the Chief of the SBG as well as those which empower the Committee to propose to the Chief of the SBG that an applicant to this Committee be reprimanded, were perceived as unfortunate signs of a lack of understanding of what the role and nature of an ethics committee should be. Furthermore, in the replies to the questionnaire, the authorities indicated that border guard officers can receive advice on integrity matters by contacting the Inspection and Secrecy Service, i.e. the body that is in charge of disciplinary matters within the SBG. Last but not least, and as mentioned above, the SBG's Code of Ethics does not even refer to the Ethics Committee, not to mention its powers. The GET concludes that the SP's and the SBG's Ethics Committees cannot be considered effective as they do not meet the intended goal of promoting and strengthening the implementation and observance of those agencies' Codes of Ethics.

143. Besides, interlocutors pointed to the absence of robust training programmes to ensure that both Codes of Ethics take root throughout the agencies and are tailored to their specific organisational needs. Apparently, familiarisation with and interpretation of codes is perceived as an individual duty. Therefore, the impact of codes on the daily conduct of police and border guard staff and on both agencies' practical operation was said to be marginal and there were calls for reinforcement of such impact in areas such as promotion, senior appointments, performance reviews, disciplinary action and initial and on-service training. In view of the concerns expressed in paragraphs 140-143, **GRECO recommends i) that the codes of ethics and the rules on ethics committees be reviewed to ensure the congruency of rules and procedures for ascertaining compliance with the codes, and that procedures and sanctions for breaches be established; and ii) that dedicated guidance and training be provided on the codes of ethics and on the mechanisms for their enforcement referred to in part i) of this recommendation with the involvement and contribution of the respective ethics committees.**

Handling undercover operations and contacts with informants and witnesses

144. Undercover operations and contacts with informants and witnesses within the SP and the SBG are to be carried out in accordance with internal regulations, based on Article 3 (2) of the Operational Activities Law. Pursuant to Article 8 (3) of this law and Cabinet Regulation No. 887 on "The List of State Secret Objects", the internal regulations are to be classified and may not be disclosed to the public. The authorities state that such operations and contacts are compliant with the law.

¹¹⁴ By-law of the State Police Ethics Committee, paragraph 34.2

Advice, training and awareness

145. Police and border guard officers are to regularly advance their knowledge and to improve professional skills and abilities necessary for the fulfilment of duties¹¹⁵. In the SP, training programmes are carried out by the Internal Control Office (ICO) as well as by the State Police College. In 2013, a new two-day professional development programme on “Corruption Prevention” was introduced and training sessions held in each region at least twice a year by employees of the ICO’s regional departments. 168 police officers were trained in 2016; 141 employees in 2015; 157 officers in 2014; and 118 officers in 2013.

146. The Police College has provided both initial and in-service training to police officers on topics such as corruption, prevention of conflicts of interest, restrictions and prohibitions and ethical conduct. Training is delivered through lectures and practical sessions with case studies, role-play, practical preparation of investigation documents, analysis of case-law, etc. Since 2015, a new one-day training programme on “Corruption Prevention”¹¹⁶ has been developed and delivered approximately on fourteen occasions to various SP offices.

147. The SBG organises internal training as well on corruption and conflicts of interest according to provisions of Internal Regulation No. 26 on “Further Education and Professional Training” of 30 October 2012. The SBG also participates in the European Social Fund Project on “Professional Development of Human Resources in Public Administration for Preventing Corruption and Reducing Shadow Economy” implemented by the School of Public Administration.

148. The KNAB has also given regular training in the framework of its “Train the Trainers” programme, which targets designated officials from various institutions, including the SP and the SBG. The programme, financed from the KNAB’s budget, encompasses themes such as conflicts of interest, institutional measures for corruption prevention and criminal liability for corruption crimes. Since 2012, twelve such training sessions have been delivered.

Recruitment, career and conditions of service

Recruitment requirements and appointment procedure

149. The mandatory requirements for appointment in the SP and the SBG are: Latvian citizenship, physical and psychological aptitude, no sentence for a deliberate crime and full legal capacity¹¹⁷. Additional requirements include: being of between 18 and 40 years of age (with some exceptions), having a secondary education, a good knowledge of the Latvian language, and not to have been dismissed from the Ministry of the Interior or from the Administration of Penal Institutions for disciplinary reasons.¹¹⁸ For appointment to the SBG, candidates are also to master the other predominant language spoken and at least one foreign language and to be graduates of e.g. the State Border Guard College, the Police College, the National Defence Academy or possess other relevant specialised higher education degree.

¹¹⁵ Article 17 (1) LCS

¹¹⁶ This mandatory course covered topics such as the definition and causes of corruption, damage caused by corruption, corruption perception index, corrupt practices in the public service, the detection of corruption, the role of legal acts in combating corruption, the impact of regulatory requirements on the conduct of public officials and on the spread of corruption, the Law on Prevention of Conflict of Interest in Activities of Public Officials (LPCOI), its purpose, objectives and implementation errors, the concept and types of conflicts of interest, the identification of situations and of obligations of a public official faced with a conflict of interests, statutory restrictions and prohibitions, procedures for assuring compliance, etc. The courses end up with a test and a discussion of the results attained.

¹¹⁷ Article 4 LCS

¹¹⁸ See Articles 7 and 9 LCS.

150. There are two stages to the recruitment procedure¹¹⁹. During the first stage, a candidate's criminal record is checked, physical condition is examined, a psychological assessment is conducted¹²⁰ and the documents necessary for initiation of the selection procedure are collected. The Medical Examination Commission performs health-related checks. During the second stage, an Evaluation Committee, established by the agency's chief or an official authorised by him/her, is to assess candidates' compliance with legal requirements, their physical, psychological and professional aptitude, education, knowledge of the official language and the correspondence of their professional profile to a particular post. The Evaluation Committee issues a recommendation on a candidate's suitability for the post, and the decision on appointment is taken by the agency's chief¹²¹.

151. Individuals undergoing recruitment are screened by the agencies' internal control units in the sense that any publicly accessible information on them is analysed and various information systems and databases are searched¹²². This type of activity is said to be new for the SP and the possibility of improving it and re-using the data collected are currently being considered. On commencement of service in the SBG, a newly recruited person is to sit an integrity test and his/her integrity is also examined at a later stage when justified by job- or service-related tasks and when a special permit to access information qualified as a state secret is sought.

152. Appointment to both institutions is subject to a trial period not exceeding six months. During this period, person may be dismissed without a reason with at least three days' written notice.

153. The requirements for appointment as the Chief of the SP or the SBG are a higher education diploma and not less than ten years of service in the system of the Ministry of the Interior.¹²³ Both Chiefs are appointed for a five-year term by the Minister of the Interior, on a recommendation from an Evaluation Committee established under him/her and after approval by the Cabinet of Ministers. Other appointments in the SP and the SBG are made by the agencies' chiefs or officials authorised by them, based on a recommendation by designated Evaluation Committees.¹²⁴

154. Neither the generic law on the course of service of officials with special service ranks in the Ministry of the Interior (the LCS) nor specialised laws (the LOP and the LBG) require vacancies in the SP and the SBG to be publicly advertised. Even though the GET was told that initial recruitment in the SP and the SBG is often publicised via social media and that other vacancies are posted from time to time on the agencies' websites, a clear legal basis for advertising vacancies is currently not established¹²⁵. Therefore, **GRECO recommends that specific legal provision is made for publicly advertising vacancies in the State Police and the State Border Guard.**

¹¹⁹ Governed *inter alia* by Internal Regulation No. 5 on "Procedures for Organisation of Selection of Candidates and Hiring Them for Service with the State Police" issued on 14 March 2012 and the Regulation on Enrolment in the Further Vocational Education Programme "Border Guarding" of the State Border Guard College.

¹²⁰ For example, the evaluation of psychological competences is carried out by the Team of Psychologists of the Personnel Development and Planning Department of the State Police based *inter alia* on Internal Regulation No. 21 on "Procedure for Evaluation of Psychological Competences in the State Police and the State Police College" issued on 1 July 2015.

¹²¹ See Articles 8 and 9 LCS.

¹²² Verifications are carried out of: the declared place of residence, marital status, previous places of work, education, administrative violations, information from the Electronic Log of Events of the State Police and of the Judicial System, the disciplinary records, essential information on or in association with family members, as well as any information retrieved from the information system KEIS (i.e. Electronic Information System of the Criminal Police) including telephone numbers. Vetting criteria can be found in the LCS as well as on the SP's, SBG's and the Constitution Protection Bureau's web sites.

¹²³ Article 9(4) LCS

¹²⁴ Article 9 LCS

¹²⁵ The GET was informed when finalising the draft of this report that in the SP this is regulated by Internal Regulation No. 7 of 23 April 2013 on "Order how career course of service of officials with special service rank is organised in the State Police", but the GET was not given a copy.

Performance evaluation and promotion to a higher rank

155. All police/border guard officers, including the agencies' chiefs and their deputies¹²⁶ are to undergo periodic performance reviews by their direct superiors or, for middle and senior officers, by specifically formed Appraisal Commissions¹²⁷. The review is carried out once a year, although for certain positions or in case of substantial changes to the quality or scope of an officer's duties a different periodicity can be fixed that does not exceed two years. So-called "extended reviews" can be conducted as well involving the subordinates of the officer concerned, his/her colleagues, other managers, institutional partners and NGO representatives.

156. Performance is assessed against criteria such as the attainment of objectives and performance of tasks, compliance with the requirements established for the post, professional knowledge and skills, training, knowledge of foreign languages, initiative (participation in teams, projects, implementation of innovations in own activities, participation in events, participation and/or organisation of sports and professional competitions, etc.) and discipline (reprimands and disciplinary sanctions).

157. The goal of a periodic performance review is to affirm an officer's full or partial conformity with the requirements set for his/her post or a lack of conformity. If an officer partly meets the requirements, a repeat review is to be carried out within six months and a decision on his/her transfer can be contemplated. If an officer still does not meet the requirements, a decision on his/her transfer or dismissal is to be taken. The review results can be appealed before the agency's chief and are to be examined by a panel formed by him/her. Largely similar rules apply to the SP and the SBG employees.

158. Periodic performance reviews elicited criticism on-site for failing to comprehensively ascertain the integrity of police and border guard staff. Although the competence "Ethics" is compulsory for certain groups of posts, the criteria and indicators which are to accompany each competence subject to evaluation, have apparently not been developed for "Ethics". The GET is of the strong view that for periodic performance reviews to be credible and effective, it would be imperative for them to be grounded in well-elaborated criteria for assessing the ethical dimension of police/border guard staff conduct primarily based on the applicable Code of Ethics (see paragraphs 137-138). This would allow for a fully objective and comprehensive analysis of their performance and its evolution over time as well as early detection of any propensities for unethical behaviour. Moreover, ascertaining respect for the codes is likely to further strengthen the objectivity and transparency of promotion procedures by further helping to substantiate related decisions. Therefore, **GRECO recommends that objective and transparent criteria for ascertaining the integrity of police and border guard staff, and their compliance with the applicable code of ethics, be elaborated and form part of periodic performance reviews.**

159. For a police/border guard officer to be promoted (i.e. granted the next special service rank), the following conditions are to be concurrently met: 1) completion of the length of service fixed for the current rank; 2) obtaining the diploma needed to access the next rank; 3) a higher rank is provided for the position which the officer occupies at present; 4) obtaining a positive assessment in

¹²⁶ Article 16 LCS, Cabinet Regulation No. 845 on "Procedures for Evaluation of Performance of the Officials With the Special Service Ranks Working at the Institutions of the System of the Ministry of the Interior and the Administration of Penal Institutions and the Results of Their Performance" of 20 December 2016 - a copy of which was not provided to the GET, and Cabinet Regulation No. 494 on the Evaluation of Work Performance of Employees in Direct Administration State Institutions of 10 July 2012.

¹²⁷ Activities of the institutions' chiefs and their deputies are assessed by the Commission under the Minister of the Interior. Activities of medium-level officers and head/deputy heads of educational establishments of the SP and the SBB are evaluated by the Commission under those institutions' chiefs.

a periodic performance review; and 5) not to have been suspended from service¹²⁸. Senior officers are promoted by the Minister of the Interior and by the Cabinet of Ministers¹²⁹.

Termination of service and dismissal from office

160. As a general rule, a police/border guard officer remains in service up until 50 years of age. Depending on the service's needs, physical fitness and professional aptitude, an officer's length of service may be extended to 60 years of age, and for the head and academic staff of the Police College to 70 years of age.¹³⁰ The length of service of the SP's and SBG's Chiefs may be extended by the Minister of the Interior.

161. A police/border guard officer is discharged from service at his/her own request, on reaching retirement age or in the case of death. S/he is to be dismissed for failure to pass probation; not meeting physical fitness requirements; non-conformity with the service – including cases when the officer does not agree to a transfer; due to the dismantling of the institution/removal of the post or a reduction in the number of officers; or as a disciplinary sanction¹³¹. Dismissal can be appealed to a higher authority or court¹³².

162. The statistics on employment/appointment to the SP and discharges from service or transfers to/from institutions subordinated to the Ministry of the Interior between 2012 and 2016 are presented below:

Year	Total number of persons employed			Officials with special service rank					Employees on an employment contract		
	total	men	women	total	hired for service	released from service	transferred from other institutions of the Ministry of the Interior	transferred to other institutions of the Ministry of the Interior	total	employed	dismissed
2012	7,113	4,864 (68.38%)	2,249 (31.62%)	6,421	323	485	60	23	692	254	175
2013	7,058	4,874 (69.06%)	2,184 (30.94%)	6,338	280	350	42	22	720	225	203
2014	7,153	4,878 (68.20%)	2,275 (31.80%)	6,383	302	264	38	20	770	160	115
2015	7,085	4,739 (66.89%)	2,346 (33.11%)	6,286	261	352	40	31	799	121	103
2016	6,984	4,188 (59.97%)	2,796 (40.03%)	6,140	279	421	43	30	844	182	114

¹²⁸ Article 21 LCS. See also e.g. Article 30 BGL

¹²⁹ See e.g. Article 30 BGL.

¹³⁰ Article 46 LCS

¹³¹ Article 47 LCS

¹³² Pursuant to Article 76 of the Administrative Procedure Code

Rotation and mobility policy

163. The implementation of rotation and mobility policies is included in the SP's and the SBG's anti-corruption action plans and entails the application of the principle of randomness in the distribution of job assignments, rotation of tasks and routine transfer of officers in between service locations¹³³. Additionally, and as mentioned previously, both the SP and the SBG have prepared lists of positions vulnerable to corruption and where, consequently, rotation is needed. So far, in the SP, rotation pursuant to such lists has been implemented in structural units responsible for the public order and traffic monitoring¹³⁴. The GET was told that the SP's proactive rotation and mobility policy has produced positive results and has assisted greatly in reducing the prevalence and perception of corruption in relation to such categories of police officers.

164. Decisions on intra-institutional transfers are made by the agencies' chiefs or officials authorised by them, or by the Minister of the Interior where a transfer is made to another institution within the Ministry's system. A transfer can be made for a fixed or unspecified term. It can be voluntary, due to non-compliance with the requirements of the occupied post, removal/reorganisation of the post/structural unit, graduation from an educational establishment of the system of the Ministry of the Interior, demotion as a disciplinary measure or expiry of the term of transfer to another position in the interests of service or the cessation of such interest.¹³⁵

Salaries and benefits

165. Salaries of police and border guard officers are regulated by the Law "On Remuneration of Officials and Employees of State and Local Government Authorities" and a series of Cabinet rules. Remuneration consists of a monthly salary, supplements for service rank and length of service and bonuses¹³⁶. The salary levels vary. The lowest gross annual salary of an officer at the beginning of career is between €8,616 and €8,988, and the monthly salary is €718 in the SP and €798 in the SBG. The highest monthly salary in both services is €3 270.

166. Various social allowances¹³⁷ and additional payments/bonuses are available as well, the latter e.g. for the performance of supplementary duties, replacing an absent officer, the performance of duties of a vacant post and for personal input and quality of work¹³⁸. Proposals to grant such additional payments/bonuses are prepared in writing by superior officers in respect of their subordinates and approved by designated internal committees. Information on additional payments, bonuses and monetary awards within the system of the Ministry of the Interior, their financial value and grounds for reward is public as is also the information on social allowances/benefits in the SP, their financial value and eligibility criteria. Both the SP and the SBG moreover have the right to purchase residential premises or individual flats as well as to build residential premises for their officers¹³⁹.

¹³³ In the SBG, for example, the rotation and mobility policy is pursued in accordance with Regulation No. 11 on "Organisation of Service in the Structural Units of the Territorial Offices of the State Border Guard Responsible for Border Control and Immigration Control" of 4 April 2014 and Order No. 789 on "Rotation of Border Guards on Assignment" of 19 June 2015.

¹³⁴ Based on Order No. 557 "On Preventive Measures for Anti-corruption Measures in the Assurance of Public Order and Monitoring of Traffic", issued on 6 February 2017, and Internal Regulation No. 5 on "Organisation of and Control over Performance of Official Duties in the Assurance of Public Order and Monitoring of Traffic", issued on 22 February 2010.

¹³⁵ Article 12 LCS

¹³⁶ Article 32 (1) LCS

¹³⁷ See e.g. Chapter IX LCS and Article 46-47 LBG.

¹³⁸ See e.g. Internal Regulation No. 16 of the State Border Guard of 5 June 2014 and amendments thereto of 3 November 2014 and "Rules for attribution of additional payments and bonuses" of the State Police from 22 August 2014.

¹³⁹ Article 24 LOP and Article 47 LBG.

167. Interviews conducted on-site pointed to the conspicuously poor salaries of police officers, which were said to be below the national average (€859 in 2016). This was seen as a possible reason behind many unfulfilled vacancies (between 30-50%) as well as some corrupt practices within the police. The low salaries were also said to have tarnished the image of the police as an institution capable of attracting competent and competitive staff. With respect to additional payments and bonuses, the GET was informed that ministries, including the Ministry of the Interior, have the right to establish their own bonuses within the limits of budgetary appropriations and that no centralised system for defining eligibility criteria for the attribution of such bonuses has been established. The authorities stress that the SBG is facing similar challenges.

168. As a starting point, the GET encourages the authorities to ensure, as far as possible, an appropriate and dignified pay for police and border guard officers, which should be regarded itself as a powerful deterrent against corruption and perceived as such within and outside the police and border guard force. This necessitates allocating supplementary resources to both services in order for them to perform their tasks. Concerning additional payments and bonuses, given the specificities of the SP's and SBG's functions, particularly that different categories of officers may be entrusted with different sets of tasks, the feasibility of designing a fair bonus system for each agency seems doubtful. Even though both have elaborated internal rules on the granting of bonuses, most of the interlocutors met had expressed concerns that the established criteria are not sufficiently precise, not applied in a uniform manner and that the practical allocation of bonuses is not subject to monitoring. Convinced that a bonus system which is not grounded in sufficiently precise, objective and transparent criteria may render police and border guard officers vulnerable to possible undue influence from their superiors, **GRECO recommends i) providing the State Police and the State Border Guard with the necessary resources to perform their tasks; and ii) elaborating precise, objective and transparent criteria for the allocation of bonuses, promoting consistency in their application and introducing adequate controls and monitoring in this field.**

Conflicts of interest

169. As officials holding a special service rank in the system of the Ministry of the Interior, police and border guard officers are deemed to be public officials and fall within the ambit of the previously mentioned Law on the Prevention of Conflicts of Interest in Activities of Public Officials (LPCOI)¹⁴⁰. By virtue of Article 11 LPCOI, there is a prohibition on them performing supervisory, control or punitive functions, entering into contracts or performing other activities in which they, their relatives or counterparties may have a personal or financial interest.

170. Additionally, as per Article 21 LPCOI, police and border guard officers shall without delay provide information in writing to their superiors on: 1) their/their relatives'/counterparties' financial or other personal interest regarding the performance of an action included in the officer's duties; 2) commercial companies in which they/their relatives/counterparties are share or stockholders, or partners, a member of a supervisory, control or executive body; and 3) receipt of revenue by them/their relatives/counterparties as sole entrepreneurs from public procurement, partnership procurement, procurement of public services or concessions, state financial resources or state-guaranteed loans, except where these are granted as a result of an open competition. On receiving such information, a superior officer is to assign the performance of the officer's functions to another officer. Such information may be also reported to the agency's chief and the KNAB.

171. Conflicts of interest are additionally regulated by the Criminal Procedure Code (Chapter 4), the Administrative Procedure Law (Article 37) and the agencies' codes of ethics¹⁴¹.

¹⁴⁰ Article 4 (25) LPCOI. See Chapter IV of this report.

¹⁴¹ Part V of the "Code of Ethics for the State Police" (on activities aimed at preventing conflicts of interest)

Prohibition or restriction of certain activities

Incompatibilities and outside activities

172. Incompatibilities and accessory activities of the police/border guard officers are governed by the LPCOI. Both agencies' chiefs and their deputies may only combine their position with: 1) positions that they hold in accordance with the law, or international agreements ratified by the *Saeima*, Cabinet regulations and orders; and 2) work as a teacher, scientist, doctor, professional athlete, and creative work.¹⁴² Other police/border guard officers may combine their posts with the two types of positions/work mentioned above as well as with: a) positions in a trade union; b) other positions based on a "work-performance contract" and "authorisation"; and c) economic activity as a properly registered sole entrepreneur. The latter two activities may only be exercised provided this does not constitute a conflict of interest and written permission is granted by the agency's chief or an official authorised by him/her. The procedure for obtaining prior permission to carry out legitimate ancillary jobs is prescribed by Articles 8 and 8¹ LPCOI¹⁴³.

173. All police/border guard officers may furthermore – without written permission and provided they act as properly registered sole entrepreneurs – combine their public office with:

- the carrying out of economic activity in the fields of farming, forestry, fishery, rural tourism or professional activity as general practitioners (i.e. doctors);
- the administration of their own immovable property;
- the fulfilment of authorisations to act in the name of their kin;
- holding office in a commission, council or Chapter of Order¹⁴⁴ established by the President; and
- service in the National Guard.

174. Regulations internal to the SP and the SBG establish the procedure for submitting requests for authorisation to exercise legitimate secondary jobs and determine the information that needs to be filed and the criteria that are to be taken into account by superior officers and other responsible services when processing and approving such requests¹⁴⁵.

Gifts

175. The acceptance of gifts and donations by police/border guard officers is regulated by the LPCOI (cf. the preceding chapter of this report). Part V of the "The State Police Code of Ethics" (on activities aimed at preventing conflicts of interest), reiterates that police staff may not accept gifts in connection with their service, except those which meet the LPCOI requirements. A similar prohibition is not contained in the SBG's Code of Ethics and this omission is dealt with by the recommendation in paragraph 139.

Misuse of public resources

176. The rules on the lawful use of public resources and property are laid out in the LPCOI and in the Law on the Prevention of Squandering Financial Resources and Property of the State and Local Governments (cf. the preceding chapter of this report) as well as the respective agencies' codes of ethics.

¹⁴² Article 7 (4) LPCOI

¹⁴³ In the SBG, for example, it is additionally governed by Internal Regulation No. 15 "On authorisation of multiple office holding". It determines a procedure for submitting a request for authorisation, the information to be supplied, the criteria to be taken into account by the superior officer and other responsible services when approving the request.

¹⁴⁴ See footnote 75

¹⁴⁵ See e.g. the SBG "Regulations on Authorisation of Multiple Office Holding" of 4 June 2015.

Confidential information and third party contacts

177. Misuse of confidential information is prohibited by the Law on Official Secrets, Article 19 LPCOI and the Cabinet regulation of 6 January 2004. The Criminal Code furthermore establishes liability for abuse of official position (Article 318) and disclosure of confidential information (Article 329), including after leaving office (Article 330).

178. As for police officers, pursuant to Article 6 LOP, they may not disclose a) an official secret, other secret protected by law, commercial and patent secrets; b) materials related to a pre-trial investigation without the consent of a prosecutor or their superior, as well as materials contrary to the principle of presumption of innocence; and c) information infringing on the privacy of persons or violating their honour and dignity, if such activity does not pursue the interests of securing lawful order or conducting an investigation. The duty of confidentiality also forms part of the SP's Code of Ethics. As concerns contacts with third parties, the Code's Part V (on activities aimed at preventing conflicts of interest) stipulates that communication with lobbyists is to comply with the Regulation on "The State Police officials' rules of behaviour in communication with lobbyists" of 24 February 2009. The duty of confidentiality and the rules on communication with lobbyists also form part of the SBG's Code of Ethics.

Post-employment restrictions

179. Pursuant to Article 10 LPCOI (restriction of commercial activities), public officials, including police/border guard officers, are prohibited from holding stocks or shares or being a partner in a commercial company or working for a company if in the previous two years they prepared or issued a decision or participated in the taking of a decision to grant to that company public procurement, partnership procurement, procurement of public services or concessions, state financial resources or state-guaranteed credits or performed supervisory, control, inquiry or punitive function(s) or administered insolvency proceedings in respect of that company.

Declaration of assets, income, liabilities and interests

180. The declaration of assets, income, liabilities and interests by police and border guard officers is regulated by the LPCOI. The requirements, procedure and liability are identical to those that apply to PTEFs and are described in the preceding chapter.

Oversight mechanisms

Internal control

181. Given that the SP and the SBG are hierarchical structures, initial internal control is vested in direct superiors of individual police and border guard officers. Apart from that, internal control is performed by the ICO in the SP and the Inspection and Secrecy Service (ISS) in the SBG. The SP's ICO underwent reforms in November 2015¹⁴⁶. It is now managed by the ICO Chair who is appointed by the Chief of the SP and comprises 15 staff.

182. Guided by the multiannual anti-corruption action plans, corruption risk assessments and lists of posts determined as carrying high corruption risks, the ICO and the ISS systematically and stringently verify compliance of *all* police and border guard officers with the LPCOI-prescribed restrictions and prohibitions, ascertain the lawfulness of their assets and accessory activities (e.g. by keeping and examining records of issued permits) and check justified use by officers of internal

¹⁴⁶ In 2015, the Internal Security Office in the State Police was dismantled and replaced by the two new structures: the Internal Control Office in the State Police and the Internal Security Bureau of the Ministry of the Interior.

information systems and databases. The ICO and the ISS only have access to the “public part” of officers’ asset declarations and, in case they identify a discrepancy with the information found in other publicly accessible registers and databanks, they may request the KNAB or the SRS to conduct more in-depth checks. The comprehensiveness and vigilance of the SP’s and the SBG’s internal control were repeatedly praised while on site and estimated as a crucial factor in reducing corruption prevalence within both agencies’ ranks.

External oversight

183. As in the case of PTEFs, supervision of observance by police and border guard officers with the LPCOI rules is split between the KNAB and the SRS. Interviews with their representatives showed that interests and assets of police and border guard officers are examined on the same footing as in respect of all other (60,000) Latvia’s public officials. Considering the well-developed systems for internal control, which are capable of detecting breaches of conflicts of interest rules and holding officers concerned to account, the carrying out of more in-depth checks by the KNAB and the SRS was felt uncalled for. That being said and, as already mentioned, queries regarding individual cases are routinely forwarded to them by the SP’s ICO and the SBG’s ISS and more in-depth assessments are made in such cases and, where irregularities are confirmed, it is up to the KNAB and the SRS to impose administrative fines. The added value of such a multi-eye control principle was obviously appreciated by the GET’s interlocutors and seen as an evitable step for a country which had only fairly recently gained its independence and whose institutions, including those with law enforcement powers, require time to mature.

Reporting obligations and whistleblower protection

184. Police and border guard officers are duty-bound to prevent other officers from violating discipline and to report without delay to their superiors the information on any infringements¹⁴⁷. Such reports can be submitted in writing, by email, phone, anonymously¹⁴⁸ by using hotlines or post-boxes available at each agency’s structural unit. Relevant obligations also form part of the agencies’ codes of ethics¹⁴⁹. As for conflicts of interest involving other officers, these are to be reported directly to the agencies’ chiefs or the KNAB. The information reported is not released to the public.

185. Additionally, in 2014, the SBG adopted an internal regulation offering detailed practical guidance for situations when its staff is solicited for bribery or if they are aware of their peers being potentially involved in such acts, which also encompasses the reporting obligation¹⁵⁰. The authorities estimated very positively the effect of this rule on lower level officers (i.e. those who carry out document checks) as well as their managers (i.e. shift leaders). The importance of this regulation for preventing and countering, aside from corruption, other types of criminal offences with direct impact on the security of the State border, was underlined as well.

186. Although neither of the agencies pursues a dedicated whistleblower protection policy, the GET was provided with a copy of a Whistleblower Protection bill¹⁵¹ which is currently debated in the *Saeima* and is to encourage whistleblowing in the public interest across the entire public sector,

¹⁴⁷ Article 2¹(5) the Law on Disciplinary Liability of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and of the Latvian Prison Administration.

¹⁴⁸ The SBG processes anonymous reports in accordance with Order No. 347 “On Collection of Anonymous Information” of 22 March 2012. All information receiving regarding alleged corruption or other misconduct is evaluated.

¹⁴⁹ For instance, “The State Police Code of Conduct” provides that police officers and employees may not allow any manifestation of corruption and are to inform their immediate superiors or other competent bodies of any corruption case within the police.

¹⁵⁰ “Recommendations Regarding the Preferred Actions of the State Border Guard Official Upon Identification of Corrupt Practices”

¹⁵¹ The version adopted by the Cabinet of Ministers on 7 March 2017.

including in the law enforcement bodies. The GET fully supports the overall thrust of this draft as well as its various provisions aimed at facilitating the reporting of such crimes as corruption, the squandering of public resources, irregularities in public procurement, etc., ensuring protection of whistleblowers who make their reports in good faith and based on reasonable doubt, putting in place appropriate internal procedures and mechanisms for ascertaining whistleblowers' reports and ensuring confidentiality of whistleblowers and their protection against adverse consequences at work. In the furtherance of these important efforts and in order to promote and encourage whistleblowing amongst police and border guard ranks, **GRECO recommends adopting and implementing whistleblower protection measures in the State Police and the State Border Guard and integrating modules on whistleblower protection into existing and future training programmes on integrity, conflicts of interest and corruption prevention designed for the police and border guard staff.**

Remedy procedure for the general public

Administrative internal complain procedure

187. The submission and processing of external complaints is governed by the Law on Applications and the Administrative Procedure Law. Complaints regarding violations of law and other misconduct by police and border guard staff are to be filed, in respect of the SP, with the ICO, and in respect of the SBG, with the ISS. Complaints are to be submitted in writing, in a free form, and to include as many details as possible regarding the facts, the police staff member's name and place of work (if feasible), evidence of guilt and information on any complaints already filed with other law enforcement bodies and their outcome. All complaints are to be signed with personal signature, safe electronic signature or by using the portal www.latvija.lv

188. An official response is prepared in respect of all duly submitted written complains, except those received via email, to which replies are sent depending on specific circumstances. The homepages of the both the SP and the SBG provide links to laws and regulations determining the process of lodging complaints and contain information on the postal addresses of responsible services, their email addresses, telephone number, visiting hours, etc.

189. The GET notes that the web page of the SP contains very clear instructions on how to proceed with complaints against the police. Although written complaints may not be anonymous, the authorities stress that anonymous hotlines are operational 24/7 and that anonymous written reports may also be made through dedicated post-boxes installed in each of the SP's and SBG's structural units/offices. The authorities also provide the analysis of information received through the anonymous hotline of the SP's ICO between 2010 and 2016¹⁵²:

	2010	2011	2012	2013	2014	2015	2016
Number of received calls	408	434	607	492	406	517	1,338
of which those with essential information:	68 (16.6%)	76 (17.5%)	75 (12.4%)	115 (23.4%)	85 (21%)	121 (23.4%)	72* (5.38%)
<i>Illegal selling of alcohol/cigarettes</i>	14	13	9	16	7	15	2
<i>Selling of drugs</i>	8	8	4	12	3	5	4
<i>Bribery</i>	10	8	3	10	10	3	2
<i>Complaints regarding the employees of the State Police</i>	24	30	24	55	42	46	44
<i>Complaints regarding the personnel of other institutions</i>	2	1	2	1	4	6	0

¹⁵² Processed in accordance with Internal Regulation No. 10 on "Procedures for Turnover of Electronically Received Anonymous Information within the State Police" issued on 30 August 2016.

<i>Expressed threats</i>	2	2	4	4	0	1	1
<i>Information of other nature</i>	8	14	29	17	19	45	20

* 73, considering that one call contained 2 types of complaints – 1 regarding illegal selling of alcohol and 2 – regarding employees of the State Police)

Enforcement and sanctions

Disciplinary procedure

190. The Law on Disciplinary Liability of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and of the Latvian Prison Administration (LDL) prescribes the grounds for disciplinary liability of police and border guard officers, the types of disciplinary sanctions and the procedures for holding such officers to account. A disciplinary offence is defined as a deliberate or negligent act or failure to act related to the fulfilment of duties and manifesting itself in non-compliance with legal requirements, or unrelated thereto but discrediting the institution and undermining confidence in public administration. Moreover, a superior police officer may be held liable for failing to ensure discipline within his/her structural unit and for taking measures which have led or may lead to disciplinary violations by his/her subordinates.

191. The following disciplinary measures may be imposed: a reproof, a reprimand, a 10-20% reduction in the monthly salary for a period of between one and six months, demotion in rank/position and dismissal. If an offence is not substantial or has not caused unfavourable consequences, the superior officer may admonish the officer concerned without initiating disciplinary action or take a decision to terminate the procedure in his/her regard.

192. The disciplinary action is to be launched when the following circumstances are concurrently present: 1) an act or failure to act has the elements of a disciplinary offence; 2) the service of the officer has not ended; and 3) not more than two years have elapsed since the commitment of the offence. The action is to be initiated by the agency's chief or authorised person not later than one month from receipt of the information on the offence.

193. An investigation is to be conducted by a designated officer/s or a commission, with due regard being had to the incompatibilities set out by the LDL. For the time of the investigation, the officer concerned may be suspended from duties. An investigation is to be completed and the decision to impose a sanction or terminate the procedure is to be taken within one month from its commencement, with some exceptions. If criminal proceedings/prosecution have been instituted for the same offence/in respect of the same officer, the disciplinary investigation may be stayed in order to comprehensively and completely determine the facts. Such investigation shall be recommenced within one month after the day when the decision to terminate criminal proceedings has been received or a court judgment has entered into force if not more than three years have elapsed since the commission of the disciplinary offence.

194. The decision to impose a disciplinary sanction/terminate the procedure is to be taken by the agency's chief or authorised person. The decision to impose reproof and reprimand may be taken via summary procedures, provided the specific LDL requirements are met. The disciplinary decision may be contested before a higher institution within one month of its entry into force. A decision by the Minister or the State Secretary of the Ministry of Interior can be appealed to a court.

195. In so far as the SP is concerned, disciplinary action was initiated against 192 officers in 2016, 188 in 2015, 206 in 2014, 265 in 2013 and 268 in 2012. The authorities stress that the number of officers against whom administrative action was taken in the last five years has dropped by approximately 28%, which is interpreted as a positive trend influenced by factors such as improved discipline, structural reforms, changes to the regulatory framework for disciplinary action (namely the introduction of reproof and its use instead of disciplinary action, as well as the possibility not to

institute/terminate action when a violation is minor), the efficiency of internal control and monitoring measures, as well as regular training programmes on ethics, conflicts of interest and corruption prevention. The nature and type of disciplinary violations by police officers between 2012 and 2016 are presented below:

Year	Associated with the performance of the service (official) duties	Improper performance of the service (official) duties or failure to perform the service (official) duties, unjustified absence from service (work)	Abuse of service rank (office) (including violence against an individual)	Abuse of authority for mercenary purposes	Having a conflict of interest Failure to comply with the provisions of the Law on Prevention of Conflict of Interest in Activities of Public Officials (including failure to comply with the restrictions applicable to combined jobs)	Failure to comply with the principles of ethics and the rules of conduct	Unwarranted disclosure of sensitive information or loss of its carrier	Failure to comply with the provisions applicable to the handling of service gun	Discriminating, racist or racially (ethnically) abusive action (conduct)
2012	541	461	2(1)	1	58 (56)	90	6	3	0
2013	600	535	6(6)	0	49 (49)	85	6	1	0
2014	550	486	4(4)	0	34 (31)	80	5	5	0
2015	577	508	3(1)	0	23 (21)	120	8	10	0
2016	570	473	1(1)	1	34 (34)	117	4	9	0

196. Statistics on the number of officers subject to disciplinary sanctions in the SBG show three officers in 2013, 12 officers in 2014, one officer in 2015 and five officers in 2016.

Administrative and criminal proceedings

197. Police and border guard officers are not subject to immunities, other procedural privileges or special criminal proceedings. As stated above, administrative proceedings in their regard may be instituted by the KNAB and the SRS. The statistics on administrative proceedings and violations are presented in Annex I. Under the LPCOI, the KNAB and the SRS are to inform the public about violations, including by police and border guard officers, through announcements made on their websites. Such announcements are to include the name and position of the officer(s), the violated provisions, the nature and timing of the violation, the decision (judgment) and the dates of its entry into force and execution. The information is to be posted after the decision has taken effect or after the respective court judgment has become effective. The announcement is posted for not more than one year from the date of execution of the respective decision (judgment). All court decisions in Latvia are public.

198. Criminal proceedings in regard to police and border guard officers may be instituted by the Security Police, which is an institution subordinated to the Minister of the Interior, and the Internal Security Bureau (ISB), which is a public administration body under direct supervision of the Minister of the Interior. The main competence of the Security Police is counterintelligence, counterterrorism, protection of classified information and protection of high state officials. As for the ISB, its task is to detect, prevent and investigate offences committed by officers and employees of subordinated institutions of the Ministry of the Interior, including police and border guard staff. While there is apparently no overlap between the jurisdiction of the Security Police and the ISB in terms of initiation of criminal proceedings against police and border guard staff, such an overlap is said to exist between the ISB and criminal investigation units under the SBG who are competent to investigate and launch criminal proceedings in respect of non-violent criminal offences committed by

border guard staff. While the GET is of the opinion that it would be appropriate for such units to continue to carry out operational activities in such cases, their mandate to initiate criminal proceedings in respect of its own staff needs to be withdrawn. Therefore, **GRECO recommends that consideration be given to whether or not the competence of the State Border Guard for instituting criminal proceedings in respect of its own staff should be maintained.**

Statistics

199. Between 1 November 2015 and 31 July 2017, the ISB had instituted 22 criminal proceedings for corruption offences, including conflicts of interest, committed by 41 police officers (40 male and one female) as follows: 21 proceedings on the acceptance of bribes and one on the intentional violation of restrictions or prohibitions established for public officials where substantial harm has been caused to the interests of the State or the public or personal interests protected by law. According to statistics provided by the SP, criminal charges were brought against 30 police employees in 2016, 27 in 2015, 34 in 2014, 31 in 2013, and 25 in 2012. Charges for criminal offences in the service of state institutions were brought against 21 officers in 2016, 15 in 2015, 18 in 2014, 19 in 2013, and 17 in 2012. Out of these, charges for *corrupt* practices were brought against 6 officers in 2016, 6 in 2015, 11 in 2014, 12 in 2013, and 7 in 2012. Twenty officers were convicted in 2016, 23 in 2015, 21 in 2014, 27 in 2013, and 14 in 2012. Out of these, 12 were convicted for criminal offences in the service of state institutions in 2016, 15 in 2015, 13 in 2014, 20 in 2013, and 6 in 2012, including five for *corrupt* practices in 2016, 10 in 2015, 8 in 2014, 10 in 2013, and 4 in 2012.

200. Criminal proceedings in respect of border guards officers were initiated by the SBG as follows: 7 proceedings in 2015 (three persons convicted), of which one for disclosure of confidential data, two for destruction of materials from two criminal cases contained in the record-keeping of a former officer, two for bribery, one for abuse of power and unauthorised activities involving goods subject to customs clearance and one for abuse of power; 11 proceedings in 2016 (no convictions yet), of which four against nine officers for bribe-taking and bribery, one for bribery, one against three officers for bribery and criminal offences in public service, one against two officers and two civilians for bribery and group smuggling, one against an officer and a civilian for smuggling, one for criminal offences against property and criminal offences in public service, one for disclosure of confidential information, and one for service falsification.

Sanctions

201. Police and border guard officers are subject to the same administrative and criminal sanctions established for violations of conflicts of interest rules and corruption-related criminal offences as apply to PTEFs and described in the preceding chapter of this report. The GET already expressed its overall satisfaction with the combination of such sanctions and took note of the discussion in the Cabinet of Ministers on a package of amendments which is expected to review the policy on administrative sanctions (see paragraph 113). GRECO renews its calls on the authorities to keep it abreast of any related developments.

IV. RECOMMENDATIONS AND FOLLOW-UP

202. In view of the findings of the present report, GRECO addresses the following recommendations to Latvia:

Regarding central governments (top executive functions)

- i. for the sake of transparency, the names of “advisory officials and employees” and of “supernumerary advisory employees” and any other type of unpaid advisor in central government are published online and, in respect of the two latter categories, that information on their main job and ancillary activities, including “work-performance” contracts executed for central government, is easily accessible online (paragraph 36);**
- ii. that “advisory officials” in central government give orders to civil servants and employees hired on the basis of professional criteria only with proper entitlement and that greater institutional awareness of the related rights and obligations is facilitated, proper guidance provided and supplementary clarifying rules issued to the extent necessary (paragraph 37);**
- iii. carrying out a systematic analysis of integrity-related risks that Cabinet members, other political officials and “supervisory advisory employees” (and persons with equivalent status) in central government might face in the exercise of their duties and to designate and implement appropriate remedial measures (paragraph 45);**
- iv. that the system for managing conflicts of interest also covers non-remunerated “supernumerary advisory employees” and unpaid advisors in central government, as is appropriate to their functions (paragraph 48);**
- v. to elaborate - drawing on the results of comprehensive integrity risk assessments - principles and standards of conduct applicable to and enforceable for Cabinet members, political officials and “supernumerary advisory employees” as well as for various categories of unpaid advisors in central government (on issues such as conflicts of interest, interaction with third parties, including lobbyists, gifts, etc.) and to ensure that they are made aware of those standards and are provided with dedicated guidance and counselling, including confidential counselling (paragraph 56);**
- vi. that the relevant rules be reviewed so as to ensure that the names of all participants of sittings of the Cabinet and its Committees and of State Secretaries’ meetings are publicly accessible online (paragraph 64);**
- vii. that legal requirements regarding the publication of the outcomes of public participation procedures, including the lists of participants and proposals/objections presented together with justifications for their rejection or acceptance by the institution concerned, are met in practice and that such information is posted online in a systematic, timely and easily accessible manner (paragraph 67);**
- viii. to ensure that i) Cabinet members, other political officials, “supernumerary advisory employees”, and other unpaid advisors in central government notify conflicts of interest as they arise (*ad hoc*) and that such conflicts are adequately registered, disclosed and that non-disclosure is properly sanctioned; and ii) all political officials in central government, aside from Cabinet members and parliamentary secretaries, are to obtain permission to exercise ancillary activities (paragraph 75);**

ix. that i) the veracity of asset declarations of Cabinet members and other political officials is subject to systematic (preferably, annual) in-depth and independent scrutiny in accordance with law; and that ii) the amended asset declarations of all public officials are made publicly accessible online in accordance with law (paragraph 104);

x. carrying out an evaluation of law enforcement bodies' competence to institute criminal proceedings against persons with top executive functions, with the overall goal of optimising the allocation of functions and resources (paragraph 107);

Regarding law enforcement agencies

xi. clarifying and further strengthening the corruption prevention effect of the State Border Guard's Code of Ethics in relation to gifts/benefits, lobbying, "professional ethics" and conduct in situations not covered by the Code (paragraph 139);

xii. i) that the codes of ethics and the rules on ethics committees be reviewed to ensure the congruency of rules and procedures for ascertaining compliance with the codes, and that procedures and sanctions for breaches be established; and ii) that dedicated guidance and training be provided on the codes of ethics and on the mechanisms for their enforcement referred to in part i) of this recommendation with the involvement and contribution of the respective ethics committees (paragraph 143);

xiii. that specific legal provision is made for publicly advertising vacancies in the State Police and the State Border Guard (paragraph 154);

xiv. that objective and transparent criteria for ascertaining the integrity of police and border guard staff, and their compliance with the applicable code of ethics, be elaborated and form part of periodic performance reviews (paragraph 158);

xv. i) providing the State Police and the State Border Guard with the necessary resources to perform their tasks; and ii) elaborating precise, objective and transparent criteria for the allocation of bonuses, promoting consistency in their application and introducing adequate controls and monitoring in this field (paragraph 168);

xvi. adopting and implementing whistleblower protection measures in the State Police and the State Border Guard and integrating modules on whistleblower protection into existing and future training programmes on integrity, conflicts of interest and corruption prevention designed for the police and border guard staff (paragraph 186);

xvii. that consideration be given to whether or not the competence of the State Border Guard for instituting criminal proceedings in respect of its own staff should be maintained (paragraph 198).

203. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Latvia to submit a report on the measures taken to implement the above-mentioned recommendations by 31 December 2019. The measures will be assessed by GRECO through its specific compliance procedure.

204. GRECO invites the authorities of Latvia to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

Annex I

Decisions by the KNAB in respect of police officers in 2013 -2016

No	Gender	Date of decision			Section of the LPCOI	Section of the LPCOI	Section of the LPCOI	Penalty	Amount of fine, EUR
1	Male	26	2	2014	7(6)	9(1)		Fine	70
2	Male	9	7	2014	19			Fine	100
3	Female	25	11	2014	14(5)			Fine	70
4	Male	10	10	2014	7(6)	19		Fine	150
5	Male	3	12	2014	19			Fine	90
6	Male	15	1	2015	7(6)			Fine	70
7	Female	2	11	2015	7	9		Fine	70
8	Male	5	11	2015	11	7	9(1)	Fine	120
9	Male	12	11	2015	19			Fine	70
10	Male	20	11	2015	19			Fine	85
11	Male	16	8	2016	7(6)	9(1)		Fine	120
12	Male	16	3	2016	19			Fine	100
13	Female	25	10	2016	7(6)			Fine	70
14	Female	8	11	2016	19			Fine	85

No	Gender	Date of the decision			Section of the LPCOI	Section of the LPCOI	Penalty
1	Male	8	1	2013	7(6)		Verbal reprimand
2	Female	24	5	2013	7(6)	9(1)	Verbal reprimand
3	Male	27	11	2013	7(6)		Verbal reprimand
4	Male	20	5	2014	7(6)	9(1)	Verbal reprimand
5	Male	4	9	2013	7(6)	9(1)	Verbal reprimand
6	Male	25	10	2013	7(6)	9(1)	Verbal reprimand
7	Male	25	10	2013	7(6)	9(1)	Verbal reprimand
8	Male	20	11	2013	7(6)	9(1)	Verbal reprimand
9	Male	26	2	2014	7(6)	9(1)	Verbal reprimand
10	Male	17	3	2014	7(6)	9(1)	Verbal reprimand
11	Male	21	2	2014	7(6)	9(1)	Verbal reprimand
12	Female	12	5	2014	7(6)	9(1)	Verbal reprimand
13	Male	24	10	2014	7(6)	9(1)	Verbal reprimand
14	Male	25	8	2014	7(6)	9(1)	Verbal reprimand
15	Female	20	11	2014	19		Verbal reprimand
16	Male	24	2	2015	7(6)		Verbal reprimand
18	Male	16	12	2015	7	9	Verbal reprimand
19	Male	27	4	2016	7(6)		Verbal reprimand
20	Male	30	12	2016	7(6)	9(1)	Verbal reprimand
21	Male	11	11	2016	7(6)	9(1)	Verbal reprimand
22	Male	26	10	2016	7(6)		Verbal reprimand
23	Male	22	11	2016			Verbal reprimand
24	Male	8	11	2016	7(6)	8 ¹ (3)	Verbal reprimand

**Decisions by the KNAB not to initiate administrative proceedings
in relation to police officers in 2013-2016
(e.g. for those who received a permission to exercise legitimate secondary activities
and where no conflict of interests has been identified)**

No	Gender	Date of decision			Decision	Section of the LPCOI	Section of the Law
1	Male	14	1	2013	Verbal reprimand	7(6)	9(1)
2	Male	18	1	2013	Verbal reprimand	7(6)	9(1)
3	Male	30	1	2013	Verbal reprimand	7(6)	
4	Male	11	2	2013	Verbal reprimand	7(6)	
5	Male	14	2	2013	Verbal reprimand	7(6)	9(1)
6	Male	19	2	2013	Verbal reprimand	7(6)	
7	Male	25	2	2013	Verbal reprimand	7(6)	9(1)
8	Male	28	2	2013	Verbal reprimand	7(6)	9(1)
9	Male	11	3	2013	Verbal reprimand	7(6)	9(1)
10	Male	13	3	2013	Verbal reprimand	7(6)	9(1)
11	Male	14	3	2013	Verbal reprimand	7(6)	9(1)
12	Male	22	3	2013	Verbal reprimand	7(6)	9(1)
13	Male	5	4	2013	Verbal reprimand	7(6)	9(1)
14	Male	12	4	2013	Verbal reprimand	7(6)	9(1)
15	Male	15	4	2013	Verbal reprimand	7(6)	
16	Male	2	5	2013	Verbal reprimand	7(6)	
17	Male	8	5	2013	Verbal reprimand	7(6)	9(1)
18	Male	10	5	2013	Verbal reprimand	7(6)	9(1)
19	Male	16	5	2013	Verbal reprimand	7(6)	9(1)
20	Male	17	5	2013	Verbal reprimand	7(6)	9(1)
21	Male	20	5	2013	Verbal reprimand	7(6)	9(1)
22	Male	24	5	2013	Verbal reprimand	7(6)	
23	Male	27	5	2013	Verbal reprimand	7(6)	9(1)
24	Male	27	5	2013	Verbal reprimand	7(6)	9(1)
25	Male	28	5	2013	Verbal reprimand	7(6)	9(1)
26	Male	10	6	2013	Verbal reprimand	7(6)	9(1)
27	Male	10	6	2013	Verbal reprimand	7(6)	9(1)
28	Male	25	6	2013	Verbal reprimand	7(6)	9(1)
29	Male	25	7	2013	Verbal reprimand	7(6)	9(1)
30	Male	27	8	2013	Verbal reprimand	7(6)	9(1)
31	Male	28	8	2013	Verbal reprimand	7(6)	9(1)
32	Male	3	9	2013	Verbal reprimand	7(6)	9(1)
33	Male	3	9	2013	Verbal reprimand	7(6)	9(1)
34	Female	6	9	2013	Verbal reprimand	7(6)	9(1)
35	Male	30	9	2013	Verbal reprimand	7(6)	9(1)
36	Female	8	10	2013	Verbal reprimand	7(6)	9(1)
37	Male	8	10	2013	Verbal reprimand	7(6)	9(1)
38	Male	8	10	2013	Verbal reprimand	7(6)	9(1)
39	Male	15	10	2013	Verbal reprimand	7(6)	9(1)
40	Female	29	11	2013	Verbal reprimand	7(6)	

41	Male	5	12	2013	Verbal reprimand	7(6)	
42	Male	19	12	2013	Verbal reprimand	7(6)	9(1)
43	Male	8	1	2014	Verbal reprimand	7(6)	
44	Male	9	1	2014	Verbal reprimand	7(6)	9(1)
45	Male	24	1	2014	Verbal reprimand	7(6)	9(1)
46	Male	3	3	2014	Verbal reprimand	7(6)	9(1)
47	Male	12	3	2014	Verbal reprimand	7(6)	9(1)
48	Male	19	3	2014	Verbal reprimand	7(6)	9(1)
49	Male	21	3	2014	Verbal reprimand	7(6)	9(1)
50	Male	8	4	2014	Verbal reprimand	7(6)	9(1)
51	Male	14	4	2014	Verbal reprimand	7(6)	9(1)
52	Male	16	5	2014	Verbal reprimand	7(6)	9(1)
53	Male	2	6	2014	Verbal reprimand	7(6)	9(1)
54	Male	3	6	2014	Verbal reprimand	7(6)	9(1)
55	Male	4	6	2014	Verbal reprimand	7(6)	9(1)
56	Male	4	6	2014	Verbal reprimand	7(6)	9(1)
57	Male	9	6	2014	Verbal reprimand	7(6)	9(1)
58	Male	25	6	2014	Verbal reprimand	7(6)	9(1)
59	Female	17	7	2014	Verbal reprimand	7(6)	9(1)
60	Male	29	7	2014	Verbal reprimand	7(6)	9(1)
61	Male	6	8	2014	Verbal reprimand	7(6)	9(1)
62	Male	11	8	2014	Verbal reprimand	7(6)	9(1)
63	Male	19	8	2014	Verbal reprimand	7(6)	9(1)
64	Male	2	9	2014	Verbal reprimand	7(6)	9(1)
65	Male	29	9	2014	Verbal reprimand	7(6)	9(1)
66	Male	6	10	2014	Verbal reprimand	7(6)	
67	Male	13	10	2014	Verbal reprimand	7(6)	9(1)
68	Male	20	11	2014	Verbal reprimand	7(6)	9(1)
69	Male	8	12	2014	Verbal reprimand	7(6)	9(1)
70	Male	16	2	2015	Verbal reprimand	7(6)	
71	Male	29	8	2015	Verbal reprimand	7(6)	
72	Male	29	8	2015	Verbal reprimand	7(6)	
73	Male	20	10	2015	Verbal reprimand	7(6)	9(1)
74	Male	26	11	2015	Verbal reprimand	7(6)	9(1)
75	Male	1	12	2015	Verbal reprimand	7(6)	9(1)
76	Male	17	2	2016	Verbal reprimand	7(6)	9(1)
77	Male	21	6	2016	Verbal reprimand	7(6)	9(1)
78	Male	22	6	2016	Verbal reprimand	7(6)	9(1)
79	Male	8	8	2016	Verbal reprimand	7(6)	9(1)
80	Male	24	8	2016	Verbal reprimand	7(6)	9(1)
81	Male	29	8	2016	Verbal reprimand	7(6)	9(1)
82	Male	4	10	2016	Verbal reprimand	7(6)	8 ¹
83	Male	11	10	2016	Verbal reprimand	7(6)	9(1)
84	Male	13	12	2016	Verbal reprimand	7(6)	

Decisions by KNAB in respect of State Border Guard officers in 2013 -2016

No	Gender	Date of decision			Section of the LPCOI	Section of the LPCOI	Section of the LPCOI	Penalty	Amount of fine, EUR
1	Male	15	12	2016	11(1)	18		Fine	95

No	Gender	Date of decision			Section of the LPCOI	Section of the LPCOI	Penalty
1	Female	19	11	2014	7(6)		Verbal reprimand

**Decision by the KNAB not to initiate cases relation to State Boarder Guard officers in 2013-2016
(for example persons who have received permit for carrying out legitimate secondary activities
and where no conflict of interests has been ascertained)**

No	Gender	Date of decision			Decision	Section of the LPCOI	Section of the LPCOI
1	Male	4	6	2013	Verbal reprimand	7(6)	9(1)
2	Female	20	7	2015	Verbal reprimand	7(6)	
3	Male	22	6	2016	Verbal reprimand	7(6)	8prim(3)
4	Male	4	7	2016	Verbal reprimand	7(6)	9(1)

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The Group of States against Corruption (GRECO) monitors the compliance of its 49 member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

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