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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

ADDENDUM TO THE SECOND COMPLIANCE REPORT LATVIA

Adopted by GRECO at its 86th Plenary Meeting
(Strasbourg, 26-29 October 2020)

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I. INTRODUCTION

1. The [Fourth Round Evaluation Report](#) on Latvia was adopted at GRECO's 58th Plenary Meeting (7 December 2012) and made public on 17 December 2012, following authorisation by Latvia. GRECO's Fourth Evaluation Round deals with "Corruption Prevention in respect of members of parliament, judges and prosecutors".
2. In the [Compliance Report](#), which was adopted by GRECO at its 67th Plenary Meeting (27 March 2015) and made public on 14 April 2015, it was concluded that Latvia had implemented satisfactorily or dealt with in a satisfactory manner only two of the 14 recommendations contained in the Fourth Round Evaluation Report. In view of this result, GRECO concluded that the very low level of compliance with the recommendations was "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. GRECO therefore decided to apply Rule 32, paragraph 2 (i) concerning members found not to be in compliance with the recommendations contained in the evaluation report and asked the Head of Delegation of Latvia to provide a report on the progress in implementing the pending recommendations.
3. In the [Interim Compliance Report](#), adopted by GRECO at its 71st Plenary Meeting (18 March 2016) and made public on 7 April 2016, it was concluded that only some minor positive steps had been made by Latvia. More specifically, only two of the 14 recommendations had been fully implemented. GRECO therefore reiterated its conclusion that the level of compliance with the recommendations was "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. In accordance with Article 32, paragraph 2, sub-paragraph (ii.a), GRECO had drawn the Head of the Latvian delegation's attention to the non-compliance with the relevant recommendations and the need to take determined action with a view to achieving further progress as soon as possible. In addition, in accordance with Rule 31 paragraph 8.2, as revised, of its Rules of Procedure, GRECO asked the Head of the Latvian delegation to submit, by 31 March 2017, a report on the action taken to implement the pending recommendations.
4. In the [Second Interim Compliance Report](#), adopted by GRECO at its 76th Plenary Meeting (23 June 2017) and made public on 1 August 2017, it was concluded that Latvia had made some progress with six out of 14 recommendations implemented satisfactorily, three partly implemented and five not implemented. GRECO therefore concluded that the level of compliance with the recommendations was no longer "globally unsatisfactory". Application of Rule 32 was discontinued and Latvia was requested to submit additional information regarding the implementation of the outstanding recommendations.
5. In the [Second Compliance Report](#), adopted by GRECO at its 82nd Plenary Meeting (22 March 2019) and made public on 3 June 2019, it was concluded that Latvia had implemented satisfactorily or dealt with in a satisfactory manner in total nine of the fourteen recommendations contained in the Fourth Round Evaluation Report. Latvia was asked to submit additional information on the five outstanding recommendations, namely recommendations ii, iii, v, x and xiii. This report was received on 6 February 2020 and served as a basis for this Addendum to the Second Compliance Report.
6. This [Addendum to the Second Compliance Report](#) evaluates the progress made in implementing the pending recommendations since the adoption of the Second Compliance Report (recommendations ii, iii, v, x and xiii) and provides an overall appraisal of the level of compliance of Latvia with these recommendations.
7. GRECO selected the Netherlands (in respect of members of parliament) and Estonia (in respect of judicial institutions) to appoint rapporteurs for the compliance

procedure. The Rapporteurs appointed were Marja VAN DER WERF, on behalf of the Netherlands, and Mari-Liis SÕOT, on behalf of Estonia. They were assisted by GRECO's Secretariat in drawing up the Report.

II. ANALYSIS

Corruption prevention in respect of members of Parliament

Recommendation ii.

8. *GRECO recommended the introduction of rules on how Members of Parliament engage with lobbyists and other third parties who seek to influence the legislative process.*
9. GRECO recalls that this recommendation was not implemented in the Second Compliance Report. The draft amendments to the Rules of Procedure of the *Saeima* which aim at improving transparency of the legislative process, notably by disclosing details on the consultations in law-making, had passed a first reading and were expected to be adopted by Parliament in the first half of 2019.
10. The Latvian authorities now refer once more to draft amendments to the Rules of Procedure of the *Saeima* that would provide *inter alia* for transparency of consultations in the law-making process. The authorities explain that the current *Saeima* has agreed to continue reviewing these draft amendments, which are currently pending for a second reading. The authorities specify that an alternative proposal on this matter prepared by the Corruption Prevention and Combatting Bureau (KNAB), essentially similar to the President's proposal, was dismissed in order to avoid duplication.
11. Furthermore, the authorities report that in October 2019, the Defence, Internal Affairs and Corruption Prevention Committee of Parliament established a Working group to draft specific legislation on lobbying. In 2019, the Analytical Service of the *Saeima* conducted a research on lobbying, analysing international best practices. In January 2020, the Working group started drafting a new law, that aims at a broad framework to promote transparency of interests at the level of different State authorities. The Working group includes members of all political fractions of the *Saeima*, the Parliamentary Judicial Bureau, the President's Office, the Ombudsman's Office, KNAB, representatives of the State Chancellery, NGOs (Transparency International Latvia and Centre for public policy "Providus"). The Working group is led by Ms Inese Voika, MP and one of the founders of TI in Latvia.
12. GRECO takes note of the information provided by the authorities. GRECO notes that draft amendments to the Rules of Procedure of the *Saeima* providing for transparency of consultations in the law-making process, which passed a first reading, are still pending in Parliament. In addition, a working group has been established to draft specific legislation on lobbying. But this process is at an initial stage. In the absence of any tangible progress, the present recommendation cannot be considered implemented, even partly.
13. GRECO concludes that recommendation ii remains not implemented.

Recommendation iii.

14. *GRECO recommended that the Code of Ethics be (i) revised and updated and (ii) complemented with practical measures in order to provide adequate guidance and counselling to members of the Saeima regarding ethical and corruption-prevention related provisions (recommendation iii).*

15. GRECO recalls that this recommendation was not implemented in the Second Compliance Report. GRECO had noted the reported intention to update the Code of Ethics of the *Saeima*. These plans had not materialised in practice.
16. The Latvian authorities now report that in December 2019 the Mandate, Ethics and Submissions Committee decided to start a thorough revision of the Code of Ethics of parliamentarians. For this purpose, it will use a survey prepared by the Analytical Service of the Saeima in May 2020 reflecting on various solutions adopted throughout Europe on codification and application of rules for parliamentarians. In addition, KNAB has developed a special training programme on anti-corruption, conflict of interest, ethics and contacts with lobbyists for parliamentarians, including case studies on ethics..
17. GRECO takes note of the information provided by the authorities, in particular that some work on revising the Code of Ethics appears to have started. Moreover, it notes that a special training programme on anti-corruption, conflict of interest, ethics and contacts with lobbyists for parliamentarians has been elaborated by KNAB. However, no measures have been taken to provide guidance and counselling to parliamentarians. In the absence of any tangible results the recommendation cannot be considered implemented, even partly.
18. GRECO concludes that recommendation iii remains not implemented.

Recommendation v.

19. *GRECO recommends that the mechanisms internal to the Saeima for assuring application of the Code of Ethics, as well as for preventing conflicts of interest, be further developed and articulated with a view to ensuring their proactivity and effectiveness (recommendation v).*
20. GRECO recalls that this recommendation was not implemented in the Second Compliance Report. Even though there were draft laws underway to enhance prevention and proactivity regarding integrity related matters in the *Saeima*, they remained to be adopted. GRECO underlined that beyond legislation/rules this recommendation was about the need to articulate effective and proactive internal mechanisms to enhance the parliamentary ethos. No meaningful progress had been reported.
21. The Latvian authorities now reiterate the amendments to the Rules of Procedure of the *Saeima*, which provide for transparency in law-making and enforcement of ethical standards and had been adopted in a first reading. These amendments are still pending in the *Saeima*. As mentioned in the previous reports, these amendments would allow the Mandate, Ethics and Submissions Committee to initiate a case regarding breaches of the Rules of Procedure of the *Saeima* without the need for a written submission from MPs or political factions (revised Article 179 of the Code of Conduct). Moreover, the authorities refer to the draft amendments to the Law on Prevention of Conflict of Interest in the Activities of Public Officials, elaborated by KNAB and adopted in a first reading in 2018, provide for prevention of conflicts of interest in the activities of MPs and would provide for *ad hoc* disclosure of conflicts of interest by MPs. These draft amendments are also pending in Parliament.
22. GRECO takes note of the information provided by the authorities, i.e. that there have been no tangible results with respect to reported amendments to the Rules of Procedure and to the Law on Prevention of Conflict of Interest, which both are pending in Parliament. In the absence of any progress the recommendation needs to be fully addressed.

23. GRECO concludes that recommendation v remains not implemented.

Corruption prevention in respect of judges and prosecutors

Recommendation x.

24. *GRECO recommended that the system of administrative immunities for judges is abolished.*

25. GRECO recalls that this recommendation was not implemented in the Second Compliance Report. GRECO noted that the legislative proposal abolishing administrative immunity of judges was at a very early stage of preparation.

26. The authorities of Latvia now report that on 21 October 2019 the Judicial Council decided that the immunity of judges should be waived in cases of administrative offences. The Judicial Council also decided that an administrative punishment does not prevent from evaluating if a judge's conduct is ethical under disciplinary procedure. On 29 October 2019 the Legal Affairs Committee of Parliament conceptually supported drafting amendments to the Law on Judicial Power and to the Law on Judicial Disciplinary Liability. These draft amendments passed a first reading (31 October 2019) and a second reading (19 December 2019) in Parliament. On 14 May 2020, Parliament adopted the amendments, which abolish the administrative immunity of judges. The amendments entered into force on 1 July 2020, together with the Law on Administrative liability.

27. GRECO takes note of the information provided by the authorities and welcomes the new legislation removing the administrative immunity of judges.

28. GRECO concludes that recommendation x has been implemented satisfactorily.

Recommendation xiii.

29. *GRECO recommended that the system of administrative immunities for prosecutors is abolished.*

30. GRECO recalls that this recommendation was not implemented in the Second Compliance Report as there were no tangible results to abolish administrative immunity of prosecutors.

31. The authorities of Latvia now report that on 17 June 2020, Parliament adopted amendments to the Law on Prosecutor's Office abolishing the administrative immunity for prosecutors. The amendments entered into force on 1 July 2020, together with the Law on Administrative liability.

32. GRECO takes note of the information provided by the authorities and welcomes the new legislation removing administrative immunity of prosecutors

33. GRECO concludes that recommendation xiii has been implemented satisfactorily.

III. CONCLUSIONS

34. **In view of the conclusions contained in the previous Fourth Round Compliance Reports on Latvia and in view of the above, GRECO concludes that Latvia has implemented satisfactorily or dealt with in a satisfactory manner in total eleven of the fourteen recommendations contained in the Fourth Round Evaluation Report.** The three pending recommendations remain not implemented.
35. More specifically, recommendations i, iv, vi, vii, viii - xiii and xiv have been implemented satisfactorily or dealt with in a satisfactory manner. Recommendations ii, iii and v remain not implemented.
36. GRECO notes that apart from the abolition of administrative immunity of parliamentarians, no tangible progress in implementing the recommendations regarding MPs has been achieved. The Code of conduct of parliamentarians remains to be updated and complemented with guidance and counselling. Moreover, internal parliamentary mechanisms on integrity need to be strengthened. While a working group has been established in Parliament to elaborate specific legislation on lobbying, this process is still at a very early stage. GRECO reiterates its call to the authorities to show determination in the implementation of the pending recommendations with respect to parliamentarians.
37. Having said that, the situation is more positive in respect of judges and prosecutors. GRECO welcomes the abolishment of administrative immunities for judges and prosecutors. With this recent progress, all the recommendations in respect of judges and prosecutors have now been addressed. Inter alia, the role and function of the Judicial Council has been strengthened, better access to court judgments has been provided and there is a stronger focus on judicial ethics and training.
38. The adoption of this Addendum to the Second Compliance Report terminates the Fourth Round compliance procedure in respect of Latvia. However, in respect of the recommendations still pending concerning corruption prevention in respect of parliamentarians, GRECO invites the Latvian authorities to keep GRECO informed of future progress on the implementation of these recommendations.
39. Finally, GRECO invites the authorities of Latvia to translate the report into the national language and to make this translation public.