

INPUT OF LATVIA FOR EUROPEAN RULE OF LAW MECHANISM (2021)

I. JUSTICE SYSTEM

A. Independence

1. Appointment and selection of judges and prosecutors and court presidents

Appointment of the President of a District (City) Court.

According to the Article 33¹ of Law on Judicial Power the President of a district (city) court shall be appointed to the office by the Judicial Council for five years. Procedures for the nomination and appointment of candidates for the office of the President of a court shall be determined by the Judicial Council (*on 15 March 2019, the Judicial Council approved the Procedure in which candidates for the office of a Chief Judge, deputy Chief Judge and chairperson of a courthouse of district (city) court and regional court are nominated and appointed*²). Procedures for the nomination and appointment of candidates for the office of the President of a court shall be determined by the Judicial Council. The same person may be the President of a district (city) court for not more than two consecutive terms.

Appointment of the President of a Regional Court.

According to the Article 40 of Law on Judicial Power the President of a regional court shall be appointed to the office by the Judicial Council for five years. Procedures for the nomination and appointment of candidates for the office of the President shall be determined by the Judicial Council (*on 15 March 2019, the Judicial Council approved the Procedure in which candidates for the office of a Chief Judge, deputy Chief Judge and chairperson of a courthouse of district (city) court and regional court are nominated and appointed*³). The same person may be the President of a regional court for not more than two consecutive terms.

Appointment of the President of the Supreme Court.

According to the Article 50 of Law on Judicial Power the President of the Supreme Court who shall, upon recommendation of the Supreme Court, be approved from amongst the judges of the Supreme Court by the Parliament (Saeima) for five years. The same person may be the President of the Supreme Court for not more than two consecutive terms of office.

Appointment of a Constitutional Court Judge and election of the Chief Judge of the Constitutional Court.

According to the Article 4 and 12⁴ of Constitutional Court Law the Constitutional Court judges shall be confirmed by the Saeima⁵. Three Constitutional Court judges shall be confirmed following a proposal by not less than ten members of the Saeima, two – following a proposal by the Cabinet of Ministers and two more following a proposal by the Supreme Court plenary session. The Supreme Court plenary session shall select candidates for the position of a Constitutional Court judge from among the judges of the Republic of Latvia. Constitutional Court judges, by

¹ <https://likumi.lv/ta/en/en/id/62847-on-judicial-power>

² http://www.at.gov.lv/files/uploads/files/9_Tieslietu_padome/Dokumenti/Tiesu%20priekssedetaju%20apstiprinasan%20kartiba.pdf (not translated).

³ http://www.at.gov.lv/files/uploads/files/9_Tieslietu_padome/Dokumenti/Tiesu%20priekssedetaju%20apstiprinasan%20kartiba.pdf (not translated).

⁴ <https://likumi.lv/ta/en/en/id/63354-constitutional-court-law>

⁵ According to the Article 85 The Constitution of The Republic of Latvia the Saeima shall confirm the appointment of judges to the Constitutional Court for the term provided for by law, with a majority of the votes of not less than fifty-one members of the Saeima <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia>.

secret ballot, with an absolute majority of votes by all members of the judges shall elect from among those participating a Chief Judge of the Constitutional Court for three years.

Appointment of the Prosecutor General.⁶

Prosecutor General shall be appointed for five years term by the Parliament upon proposal of the Council for the Judiciary. One and the same person may be appointed as Prosecutor General for no longer than two consecutive terms. Head Prosecutor and Deputy Head Prosecutor shall be appointed for five years by Prosecutor General. One and the same person may be appointed as Head Prosecutor for one and the same structure of the Prosecution Office for no longer than two consecutive terms. Other Prosecutors shall be appointed by Prosecutor General without any limitation of term of office.

2. Irremovability of judges, including transfers of judges, dismissal and retirement regime of judges, court presidents and prosecutors

Maximum Age for Holding the Office of a Judge.

According to the Article 63 and the Article 80¹ of Law on Judicial Power the maximum age for holding the office of a judge shall be 70 years. The powers of a judge shall expire on the day when the term for which the judge has been appointed to the office ends, as well as with reaching the maximum age for holding the office specified in Law on Judicial Power.

Dismissal of the President of a District (City) Court.

According to the Article 33¹ of Law on Judicial Power the Judicial Council may remove the President from the office before the end of the term upon his or her own request or upon a proposal of the Minister for Justice, if the President has made gross violations while fulfilling his or her duties of office or is unable to ensure qualitative management of the administrative work of the court.

Removal of the President of a Regional Court.

According to the Article 40¹ of Law on Judicial Power the Judicial Council may remove the President of a regional court from the office before the end of the term upon his or her own request or upon a proposal of the Minister for Justice, if the President has made gross violations while fulfilling his or her duties of office or is unable to ensure qualitative management of the administrative work of the court.

Removal of the President of a Supreme Court.

According to the Article 81¹ of Law on Judicial Power in the cases provided for in Section 82, Paragraph one, Clauses 1 and 2 of this Law (upon his or her own wish; in connection with election or appointment to another office) the President of the Supreme Court shall be removed from office by the Saeima, upon a proposal of the Judicial Council.

Removal or Dismissal of a Constitutional Court Judge from Office.

According to the Article 10 of Constitutional Court Law:

- 1) If a Constitutional Court judge is unable to continue to work due to his or her state of health, he or she shall be removed from office with a Constitutional Court decision. For this decision to be taken an absolute majority vote of all the court members shall be necessary.

⁶ See section 38 of Office of the Prosecutor Law: <https://likumi.lv/ta/en/en/id/57276-office-of-the-prosecutor-law>

- 2) A Constitutional Court judge shall lose his or her office, if he or she is convicted of a criminal offence and the judgment has come into legal effect.
- 3) If a Constitutional Court judge has breached the requirements of the Constitutional Court Law, allowed a dishonourable offence that is incompatible with the status of a judge or systematically does not fulfil his or her official duties and a disciplinary sanction has been imposed on him or her regarding it, he or she may be discharged from office with a Constitutional Court decision For this decision to be taken an absolute majority vote of all the court members shall be necessary.

Removal or Dismissal of a Prosecutor General.

Prosecutor can not be transferred to another position without his/her consent. Grounds of dismissal of Prosecutor are provided for by the Section 40 of the Office of the Prosecutor Law, namely, prosecutor shall be dismissed from the position:

- 1) if Prosecutor General has found the fact that any of the conditions referred to in Article 37 of this Law has not been observed;
- 2) if Prosecutor refuses to discontinue his or her membership in a party or political organization;
- 3) if according to the Criminal Procedure Law Prosecutor has been found to be guilty for commission of the criminal offence;
- 4) if he/ she has repeatedly received negative Prosecutor's professional activity evaluation result.

Prosecutor may be dismissed from the position:

- 1) for intentional violation of the law or negligence related to his or her professional activity and causing material consequences;
- 2) for a shameful act, which is incompatible with the position of a Prosecutor;
- 3) if the Attestation Commission finds that his or her professional skills are not sufficient;
- 4) for intentional failure to fulfil duties of the position;
- 5) for serious violation of the provisions of the Code of Conduct of Prosecutors;
- 6) if Prosecutor General has found that any of restrictions and prohibitions provided for by the Law on Prevention Conflicts of Interest in the Work of Public Officials have not been complied with.

Prosecutor is entitled to the service retirement, the grounds for its granting, as well its calculation and payment procedures are regulated by Prosecutors Service Retirement Law. The mentioned Law provides for the rights to service retirement to Prosecutor, who has reached the age of 50 years and who has not less than 20 years work experience in the position of Prosecutor or Judge, or who has worked as investigator with the institutions of the Ministry of Interior, as head or deputy head of the investigation unit provided that last 10 years are worked in the position of Prosecutor.

3. Promotion of judges and prosecutors

No new developments since the 2020 report.

4. Allocation of cases in courts

Court of Economic Cases.

On 1 July 2020, amendments to the Law on Judicial Power⁷ came into force, providing for the establishment of the Court of Economic Cases, which will be competent for both certain types of civil and criminal cases. Accordingly, the Court will be competent for specific commercial disputes and criminal cases concerning particularly serious and serious crimes, which cause significant damage to the business environment and economic development. The Court of Economic Cases shall take its action on 31 March 2021.

5. Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

No new developments since the 2020 report.

6. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules. judicial immunity and criminal liability of judges.

Judicial Immunity

According to the Article 13 of Law on Judicial Power in the fulfilment of the duties related to the administration of justice, the judge has immunity. Only the Prosecutor General of the Republic of Latvia can initiate a criminal case against a judge. A judge may not be arrested or held criminally liable without the consent of the Saeima. A Supreme Court judge specially authorised for such purpose shall take the decision to arrest, convey by force, detain or subject to search a judge. If a judge is apprehended for committing a serious or especially serious criminal offence, the decision to convey by force, detain or subject to search need not be taken, but the specially authorised Supreme Court judge and the Prosecutor General must be informed thereof within 24 hours. A judge is not financially liable for the damages incurred by a person who participates in a case as a result of an unlawful or unfounded court judgment. In the cases provided for by the Law, damages shall be compensated by the State. A person who considers that a court ruling is unlawful or unfounded may appeal it in accordance with the procedures specified in the Law but cannot bring an action before a court against the judge who examined this case.

The new Code of Judicial Ethics.

On 2 February 2021 the Judicial Ethics Commission approved the new Code of Judicial ethics. The new Code is designed as a set of principles for the ethical conduct of judges and no longer contains detailed rules of conduct. Also, the Code no longer includes situations that today are regulated by laws and regulations. The Code of Judicial Ethics consists of a preamble and five canons – independence, integrity and dignity, impartiality, competence and compliance. Each canon contains the essence of the principle and its areas of application. The Code of Judicial Ethics further explains the scope and principles of application of each canon.

7. Remuneration/ bonuses for judges and prosecutors

No new developments since the 2020 report.

⁷ <https://likumi.lv/ta/id/315750-grozijumi-likuma-par-tiesu-varu->

8. Independence/ autonomy of the prosecution service

No new developments since the 2020 report

9. Independence of the Bar (chamber/ association of lawyers) and of lawyers

Independence of the Sworn Advocates.

According to the Article 2 and Article 3⁸ of Advocacy Law of the Republic of Latvia advocacy shall be an integral element of the judicial system of a law-governed state. An advocate shall be an independent and professional lawyer who provides legal assistance in defending and representing the lawful interests of persons in court proceedings and pre-trial investigations, providing legal consultations, preparing legal documents and performing other legal activities.

According to the Article 6 of the Law advocates shall be independent and shall be subject only to the Law in their professional activities. State authorities and local government institutions, courts, prosecutors and pre-trial investigation institutions shall guarantee the independence of advocates. It is prohibited to:

- 1) interfere in the professional activities of advocates, exert influence or bring pressure upon them;
- 2) request information and explanations from advocates, as well as interrogate them as witnesses regarding the facts which have become known to them in providing legal assistance;
- 3) control postal and telegraph correspondence and the documents, which advocates have received or prepared in providing legal assistance, to examine or confiscate them, as well as to execute a search in order to find and confiscate such correspondence and documents;
- 4) control, also by applying the procedural measures referred to in Clause 3 of this Section, the information systems and means of communication, including electronic means of communication, used by advocates in providing legal assistance, to remove information from them and to interfere with the operation thereof;
- 5) request information from clients regarding the fact of assistance provided by advocates and the contents thereof;
- 6) subject advocates to any sanctions or threats in relation to the provision of legal assistance to clients in accordance with the Law;
- 7) hold advocates liable for written or oral announcements, which they have made while performing their professional duties in good faith.

An unlawful action of an advocate in the interests of a client, as well as an action for the promotion of an unlawful offence of a client shall not be recognised as a provision of legal assistance.

10. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

No new developments since the 2020 report.

⁸ <https://likumi.lv/ta/en/en/id/59283-advocacy-law-of-the-republic-of-latvia>.

B. Quality of justice

11. Accessibility of courts (e.g. court fees, legal aid, language)

Language of Court Proceedings.

According to the Article 21 of the Law on Judicial Power Court proceedings in the Republic of Latvia shall be conducted in the official language - Latvian. To a person who participates in a case, but is not fluent in the language of the court proceedings, a court shall ensure the right to become acquainted with case files and to participate in the court process with the assistance of an interpreter, as well as the right to speak in the court in the particular language, in which such person is fluent.

12. Resources of the judiciary (human/ financial/ material)

Strengthening the capacity of the Supreme Court.

In order to strengthen the capacity of the Department of Administrative Cases of the Senate and reduce the backlog of cases, the Saeima, on the basis of a proposal of the Council for the Judiciary, increased the number of judges of the Department of Administrative Case of the by two judges of the Administrative Regional Court for a period of two years (from 1 January 2021 to 31 December 2022). As a result, two judges from the Regional Administrative Court will perform the duties of a judge of the Supreme Court for two years.

Ten vacancies of judge from district (city) courts are transferred to the Court of Economic Cases.

The establishment of the Court of Economic Cases did not increase the total number of judges, so that ten of the judicial vacancies from the district (city) courts were transferred to the Court of Economic Cases. For the Court of Economic Cases to commence its work, four additional positions of a judge are required for the Riga Regional Court. Two positions have been transferred to the Riga Regional Court from the Kurzeme Regional Court and the Latgale Regional Court, two more positions will be transferred from the seven judicial vacancies in the Riga Regional Court itself. In order to determine which vacancies of judges should be transferred to the Court of Economic Cases, the Court Administration has analysed statistical indicators, court workload indicators, as well as taken into account the opinion of the Presidents of the courts.

Remuneration of court employees has been increased.

As of 1 January 2021, the remuneration of court employees has been increased. In accordance with the Cabinet of Ministers decision of 20 September 2020 to support the priority measures "Increase of monthly salaries of court employees", which provides for an increase in the monthly salary of court employees as of 1 January 2021. The procedures for calculating the remuneration of judges shall take place in accordance with that laid down in the Law on Remuneration of Officials and Employees of State and Local Government Authorities⁹

13. Training of justice professionals (including judges, prosecutors, lawyers, court staff)

Training of judges and court employees.

According to the Article 89 of Law on Judicial Power a judge has the obligation to continuously enhance his or her knowledge throughout his or her career as a judge. According to the Articles 89 and 107¹ of this Law the Court Administration shall plan and ensure training of

⁹<https://likumi.lv/ta/en/en/id/202273-law-on-remuneration-of-officials-and-employees-of-state-and-local-government-authorities>.

judges, court employees. According to the Articles 89¹¹ of this Law upon a proposal of the President of the Supreme Court or the Minister for Justice, the Judicial Council shall approve the content of the training programmes of judges and court employees.

In order to implement the abovementioned, for the purpose of improving the professional qualification of judges, an annual state-funded training programmed shall be ensured, as well as additional training activities shall be organised, including those financed with the support of the European Commission. Annual training of judges and court employees is implemented on the basis of a long-term cooperation agreement concluded by the Court Administration with the Foundation "Latvian Judicial Training Centre".

Training of judges and court staff within the framework of the European Social Fund project "Justice for Growth".

Strengthening the professional qualifications of judicial system and law enforcement, institutions employees contributes to a strong, competent and independent judiciary and law enforcement authorities. It provides both practical and legal training of the European Social Fund project "Justice for Growth", such topics as: judicial management, communication with court clients, basic principles of the procedure, access to justice, procedural standards, etc.

The new judges are provided with initial training, which will cover topics such as cooperation and communication, preparation for the hearing, conducting a hearing and drawing up rulings. The purpose of the initial training is for the new judge: 1) to get an idea of the specific duties of the judge and to be aware of himself or herself as part of the system; 2) to develop understanding of the management of the process and to train the skills necessary for the work of a judge. The total amount of initial training is planned for about 120 academic hours.

Training of the Court of Economic Cases economic judges and court staff.

As mentioned above, as of 31 March 2021, a specialised district (city) court, the Court of Economic Cases will take office, which will have jurisdiction in certain types of both civil and criminal cases. Consequently, in 2021 judges will be offered specialised training on money laundering, commercial law, competition law, financial law and insurance matters, as well as other topics in the areas of law within its competence.

A mentor judge is also provided for each judge of the Court of Economic Cases. Before starting the mentoring work, it is planned to organize an introductory seminar for mentors of the judges of the Court of Economic Cases, in addition to offering mentors the possibility to participate in the training of the mentoring experience group.

Educational institution – the Academy of Justice.

Maintaining the high qualification of judges, prosecutors and investigators and its continuous development is crucial for the quality investigation, preparation and trial of the case, as the public perceives the process as a whole rather than distinguishes different stages performed by different actors of the legal system. It is planned to establish a state educational institution – *the Academy of Justice*. The new institutional model for professional development introduced by this institution will ensure the uniformity, sustainability and consistency of the form and content of training, which is crucial for the effectiveness of the training system and thus for the functioning of the legal system as a whole. A well-functioning judiciary, the public prosecutor's office and law enforcement agencies are the fundamental elements that contribute to the economic development and support the proper functioning of the market. The new institution will make a sustainable contribution to strengthening the capacity of the common justice system, thus increasing competence, efficiency and quality of the operation of the judicial system, the prosecutor's office and law enforcement authorities. The main target groups of the new institution are judges, prosecutors, as well as assistant judges and prosecutors. An interdisciplinary approach will be

applied, which will particularly aim to ensure effective and rapid admission of money laundering cases. For this reason, investigators will be involved in the learning process and in further training. When identifying other new developments, new training modules may be introduced as well as new target audiences may be identified accordingly.

Training of Sworn Advocates.

The Latvian Council of Sworn Advocates provides an opportunity for sworn advocates to raise their qualifications according to the latest developments in laws and regulations.

Regulation on the Raising of the Qualification and Further Training of Sworn Advocates¹⁰ oblige sworn advocates to raise their professional qualifications. The regulation also applies to sworn advocates, whose activities have been suspended.

The Latvian Council of Sworn Advocates has established that from 1 January 2020 sworn advocates have mandatory training on topics related to the application of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing and the Law on International Sanctions and National Sanctions of the Republic of Latvia.

Each sworn advocate must devote not less than 16 hours per calendar year to the raising of their qualifications. The specific educational activities to be attended, shall be chosen by the sworn advocate himself or herself. The respective further training events in which a sworn advocate may choose to participate can be organised and paid for by the Latvian Council of Sworn Advocates within its framework, by a third person or by the sworn advocate himself or herself.

To raise his or her qualifications, the sworn advocate attends lectures, seminars, webinars, conferences and other training events related to law and other fields of science necessary for the practice of sworn advocates.

Training of sworn Prosecutors

In 2020 Prosecutors participated in online training events: seminars, trainings, conferences, courses. The principal counterparts in organization of these training events were the Judicial Training Centre of Latvia, Courts Administration, State Administration School, Financial Intelligence Unit, Legal Continuing Training and Professional Development Centre of the Law Faculty of the University of Latvia, European Law Academy (*ERA*) and European Judicial Training Network (*EJTN*). In 2020 in total were organized 171 training events.

14. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID- 19 pandemic)

Technical provision of courts.

In 2020, as part of the pilot project, 11 courtrooms are equipped with screens for the examination of cases on-line (“E-case”). Based on the results of the pilot project, it is planned to equip all courtrooms in Latvia by the end of 2021. Furthermore, digital solutions are being sought, with the development of scanning software and technical equipment within the e-file, such as the purchase of scanners and document cameras, for the conversion of paper documents into digital form.

¹⁰ Approved by Decision No 149 of the Latvian Council of Sworn Advocates of 26 June 2012, with amendments: taken by Decision No 22 of the Latvian Council of Sworn Advocates on 2 February 2016, by Decision No 43 of the Latvian Council of Sworn Advocates on 27 February 2018, by Decision No 88 of the Latvian Council of Sworn Advocates on 8 May 2019 and by Decision No 152 of the Latvian Council of Sworn Advocates on 10 September 2019. <https://advokatura.lv/lv/dokumenti-par-advokaturas-jautajumiem/radit/43/> (not translated).

In 2021, it is planned to equip courts with about 550 portable computers in total, providing them to all judges who have not received them so far and some of the court staff. Around 1,000 portable computers will be installed in the courts, which exceeds 40% of the total number of computers allocated to staff and judges.

As videoconferencing calls have increased by 30% in 2020 comparing to 2019, the central videoconferencing infrastructure is being developed, particularly by expanding their application possibilities. Furthermore, it is planned to install additional videoconferencing equipment in the courts.

Judicial training sessions have taken place for the holding of public hearings on the MS Teams platform to ensure remote access to justice and the right to access to court of individuals. The new videoconferencing solution, which is currently being tested and has been simultaneously put into practice, provides a safe solution to participate in the hearing remotely, from any device available to the participant of the hearing via an internet browser, thus facilitating and simplifying the use of videoconferencing.

15. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics, and their transparency, monitoring, evaluation, surveys among court users or legal professionals).

In order to continuously monitor and evaluate the work of the courts, the Court Administration uses the business intelligence platform MicroStrategy.

Currently, data on court work are analysed using Business Intelligence (BI) solutions, and are published on Judicial Data Portal.¹¹ It is planned to continue to work on data analysis, to simplify presentation and visualisation, including a portrait of the courts, which is planned as a digital aid tool to the Presidents of the courts, with the aim of ensuring active strategic management of the day-to-day work of the Courts, monitoring trends in the work of the main courts, as well as to proactively responding to problems, if such arise. A portrait of the courts is currently being developed, considering the proposals received from the Presidents of the Courts and in the light of the recommendations on the effectiveness of the justice system made by the Council of Europe.

Furthermore, the business intelligence platform MicroStrategy in accordance with the guidelines developed by the European Commission regularly provides new reports, such as monitoring case reserves, throughput indicators, case turnover indicators, as well as measuring the time of position (in months). One of the efforts regarding the MicroStrategy business intelligence platform is to make its reports user-friendly.

Moreover, Latvia has started work on assessing the complexity of cases in the courts of first instance and appeal (according to the categories of cases), in order to be able to talk further and discuss the optimal workload of judges.

Surveys on public confidence in the judiciary.

The court's task is to ensure access to justice, which also includes the quality of service that each person receives when coming into contact with the court system. Improvement of the quality of work, cooperation with visitors is a self-standing aim the importance of which should not be overlooked. In reaction to the information provided by the survey on the public confidence in the judiciary, carried out at the end of 2019, in 2021 efforts will continue to improve the organisation of judicial work.

¹¹ www.dati.ta.gov.lv

16. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation

Areas of operation of the courts.

Civil, criminal and administrative cases in Latvia are heard in courts divided into three levels – ten district (city) courts, six district courts, the Supreme Court, the Court of Economic Cases, the territory of which is the entire administrative territory of the Republic of Latvia.

The Constitutional Court adjudicates matters regarding the conformity of laws and other regulatory enactments with the Constitution, as well as other matters regarding which jurisdiction is conferred upon it by the Constitutional Court Law.

C. Efficiency of the justice system

17. Length of proceedings

Report on the reasons of lengthy court proceedings.

By Decision No 11 of the Council of the Judiciary of 11 February 2020, the Council for the Judiciary called on the Supreme Court to set up a working group to analyse the reasons of lengthy proceedings in civil, criminal and administrative matters, to draw up appropriate proposals to address the reasons of lengthy proceedings, as well as to examine the findings of the European Court of Human Rights' in its rulings on the length of proceedings.

The working group submitted three reports¹² to the Council of the Judiciary on the rules of procedure (separately of administrative, civil and criminal procedure), which also include proposals to the Council for the Judiciary to resolve the problems identified therein. The report has concluded that each type of procedure – civil, criminal and administrative – provides distinctive challenges, however as emphasized by both the working group and experts, the judge is the manager and facilitator of all procedures, Therefore, emphasis should be put on the training of judges. Moreover, possible improvements may be sought by not only increasing the efficiency of the organisation of court proceedings, but the discipline of the parties, which is closely related to the framework of the professional ethics of sworn advocates and prosecutors, as well as the education of other parties in the procedure, especially public administration specialists. Measures to address the challenges identified in the report will be implemented in 2021.

Other: (1) measures that are implemented or envisaged to promote the efficiency of judicial work.

Guidelines for the organisation of court work during the emergency situation.

On 8 November 2020 (updated on November 2020) drafted guidelines for district (city) courts and the regional courts on organisation of court work during the emergency situation with the aim to prevent health risks of court visitors and staff of the court, and to adapt the work of courts to the precautionary measures imposed by the State.

Digital Court Solutions. Examination of “E-case” system online

The implementation of the “E-case” program will continue in 2021, and the 1st phase, specifically on the improvement of investigation and judicial processes, is planned to be completed by end in the first quarter of 2021. The full implementation of the “E-case” programme is expected

¹² http://www.at.gov.lv/files/uploads/files/9_Tieslietu_padome/A_Zikmanes_zinojums.pdf (only in the Latvian language).

by 2023. Within the framework of 1st phase of the draft “E-case” programme, with the entry into force of the Administrative Liability Law on 1 July 2020, the work on administrative offence cases takes place in the new technological platform of the Court Information System developed within the draft “E-case” project "Informative Development of Courts".

In addition, in the beginning of 2021, an audio and video recording tool has been handed over to users, which allows to record the court hearing with the possibility to add time-stamps to mark particular events in the hearing, as well as to coordinate the minutes of the hearing between the persons within the composition of the court. The audio-video protocol is attached to the case in the Court Information System and published on the e-services portal, where it is made available to the parties.

Moreover, it should be noted that on 20 October 2020, the first administrative offence case, which had been entered the court from the Punishment Registers subsystem "System for Support of Administrative Offence Proceedings" in digital form (“E-case”), was examined for the first time in the Riga City Pardaugava Court. For the transfer of administrative infringement proceedings to the new technological platform, a pilot project for preparing courtrooms for the examination of “E- case” programme at a court hearing has been implemented separately, which required equipping courtrooms with additional technical support, such as monitors for the parties and the judge, in order to be able to display electronic case files.

Other: (2) Changes in the Constitutional Court

With regard to point C on page 2, on October 2, 2020, Ineta Ziemele, the President of Constitutional Court of the Republic of Latvia, left the position of a judge of the Constitutional Court of the Republic of Latvia, to take up the duties of Judge at the Court of Justice of the European Union (hereafter – CJEU). By the decision of the Council of the European Union, adopted on 2 September, No. (EU) 2020/1251, Ineta Ziemele was appointed to the office of the Judge of the CJEU for the remainder of the term of office of the former Judge of CJEU until 6 October 2024. Ineta Ziemele entered office of CJEU’s Judge after giving the solemn promise on 6 October 2020. On October 14, 2020 Sanita Osipova was elected to the position of the Constitutional Court’s President. Taking into account that Ineta Ziemele, the former President of Constitutional Court of the Republic of Latvia (constitutional level court), has been appointed a Judge of CJEU, new candidates are currently being nominated as judges of the Constitutional Court of the Republic of Latvia.

II ANTICORRUPTION SYSTEM

A. The institutional framework capacity to fight against corruption (prevention and investigation/ prosecution)

18. List of relevant authorities (e.g., national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Where possible, please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant), e.g., in table format.

In addition to the information provided in the 2020 report:

In order to ensure the operation of KNAB in 2020, it was allocated EUR 6 659 367 from the State budget. Furthermore, priority measures in the amount of EUR 4 582 131 were approved for the implementation of a new funding model for political organizations (parties). KNAB additionally received funding from the Ministry of Justice's budget program "Fund for Confiscation of Criminal Assets" in the amount of EUR 214 464, to improve the efficiency of its special criminal intelligence operational activities.

In order to strengthen the investigative, intelligence and analytical capacity of KNAB in preventing and combatting corruptive criminal offences and associated money-laundering, on 29 September 2020 the Cabinet of Ministers adopted Order No. 576 "Action Plan for the Prevention of Money Laundering and Terrorism and Proliferation Financing"¹³, inter alia, strengthening the human resources of KNAB by allocating additional 19 posts, i.e. 9 posts in 2021, and 10 posts in 2022, thus implementing measure 180.2 (strengthening the capacity of KNAB in terms of both human and material resources, by improving and streamlining its analytical, operational and investigative capacity for preventing and combating corruption offenses.) of the Government Action Plan.

As of 31st December 2020, 137 out of 152 Positions in KNAB were filled (15 vacant positions). In 2020, 10 persons began their service, and 8 persons terminated their service at KNAB.

The Parliament has also adopted amendments to the Law on Remuneration of Officials and Employees of State and Local Government Authorities¹⁴ and Cabinet of Ministers 29 January 2013 Regulation No.66 "Regulations Regarding Work Remuneration of Officials and Employees of State and Local Government Authorities, and Procedures for Determination Thereof"¹⁵, establishing a new procedure for determining the monthly remuneration of KNAB officials, thus equalizing the remuneration with that of other law enforcement authorities. Changes of the remuneration system have been granted and additional 1.5 mil EUR in 2021, 2 mil EUR in 2022, and 3 mil EUR in 2023. Thus, monthly remuneration of KNAB officials shall be raised by 21% in 2021, by 28% in 2022 and by 37% in 2023 (in comparison to 2020).

In order to ensure the specialization of Prosecutors in criminal offences committed in state authority service, including corruption-related ones, as well as to develop the common understanding regarding the investigation of such crimes and to make it more efficient, the Prosecutor's Office for the Investigation of Criminal Offenses Committed State Authority Service

¹³ <https://likumi.lv/ta/id/317729-par-pasakumu-planu-noziedzigi-iegutulidzeklu-legalizacijas-terorisma-un-prolifercijas-finansanas-noversanai-laikposmam> (available only in Latvian)

¹⁴ <https://likumi.lv/ta/en/en/id/202273-law-on-remuneration-of-officials-and-employees-of-state-and-local-government-authorities> (official English translation does not contain amendments since 2010)

¹⁵ <https://likumi.lv/ta/en/en/id/254560-regulations-regarding-work-remuneration-of-officials-and-employees-of-state-and-local-government-authorities-and-procedures-for-determination-thereof> (official English translation does not contain amendments since 2015)

has become operational as of 1 January 2021. It is a district-level, specialized Prosecution Office and conducts the supervision of investigation, criminal prosecution and maintaining the accusation before the Court in relation to criminal offences provided for by Chapter 24 of the Criminal Law, as well as regarding criminal offences related to the financing of political parties.

B. Prevention

19. Integrity framework including incompatibility rules (e.g.: revolving doors)

No new developments since the 2020 report.

20. General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

In addition to the information provided in the 2020 report:

The Parliament has adopted amendments to the *Law on Financing of Political Organisations (Parties)*¹⁶ (entered into force 1 July 2020), transferring to the aforementioned Law KNAB competence to conduct administrative proceedings for non-compliance with the procedures, restrictions and prohibitions for financing political organizations (parties) specified in the aforementioned Law, which was previously defined in the Latvian Administrative Violations Code (no longer in force).

The Cabinet of Ministers has adopted 14 January 2020 Regulation No. 24 “Regulations on the Use of State Budget Funding Allocated to Political Organizations (Parties)”¹⁷ (entered into force 15 January 2021), defining the permissible use of State budget funding allocated to the political parties, and the procedure for submitting to KNAB substantiating the use of State budget funding.

The Commission for Defence, Home Affairs and Prevention of Corruption of the Saeima has approved the basic principles for regulations on openness of representation of interests (lobbying), and prior to drafting, the principles have been opened to public consultations. The purpose of the consultations is to determine the opinion of stakeholders on the necessity of such regulations in Latvia, and to receive suggestions for the further drafting thereof.

21. Rules on preventing conflict of interests in the public sector

In addition to the information provided in the 2020 report:

The Parliament has adopted amendments¹⁸ to the *Law on Prevention of Conflict of Interest in Activities of Public Officials*, clarifying the definition of relatives of a public official, allowing scientific and veterinary work without special permissions, specifies restrictions on accepting donations and duties of public official, imposing the duty to clarify the declaration of a public official within one month after the decision by which the person has been punished for indicating false information in the declaration of a public official has entered into force in administrative violation or criminal proceedings, as well as imposing the duty on public officials to report any known alleged corruption cases, thus expanding the implementation of the OECD WGB Phase 3

¹⁶<https://likumi.lv/ta/id/315535-grozijumi-politisko-organizaciju-partiju-finansesanas-likuma> (available only in Latvian)

¹⁷<https://likumi.lv/ta/id/311975-politiskajam-organizacijam-partijam-pieskirta-valsts-budzeta-finansejuma-izlietojuma-noteikumi> (only available in Latvian)

¹⁸<https://likumi.lv/ta/id/320680-grozijumi-likuma-par-interesu-konflikta-noversanu-valsts-amatpersonu-darbiba> (available only in Latvian)

recommendation (to report alleged bribery of foreign public officials). The amendments entered into force 3 February 2021.

The Parliament has adopted amendments¹⁹ to the *Law on Prevention of Conflict of Interest in Activities of Public Officials*, supplementing it with a Chapter on *Administrative Violations in the Field of Prevention of Corruption and Competence in Administrative Violations Proceedings*, *inter alia* granting the State Revenue Service the right bar public officials from office (up to 2 years) for submitting false information in the declaration of a public official, or for not submitting the declaration after the warning of public authority that is entitled to request the submission thereof. The amendments entered into force on 1 July 2020.

The Parliament had adopted amendments²⁰ to the *Law on Prevention of Conflict of Interest in Activities of Public Officials*, forbidding certain public officials (members of the Saeima, the Prime Minister, the Deputy Prime Minister, Ministers, Minister for Special Assignments, and a Parliamentary Secretary) to receive salary for positions they have in associations/unions and foundations. The amendments entered into force on 1 July 2020.

On 19 November 2020, the Parliament adopted the *Law on Public Electronic Media and Management Thereof* (entered into force on 1 January 2021), creating a new public authority – the Public Electronic Media Board. Thus, amendments²¹ to the *Law on Prevention of Conflict of Interest in Activities of Public Officials* were adopted, declaring members of the Public Electronic Media Board as public officials and subjecting them to the restrictions, prohibitions and duties of the Law. The amendments entered into force on 1 January 2021.

Amendments to the *Law on Prevention of Conflict of Interest in Activities of Public Officials*, regulating the asset declaration submission procedure for officials of institutions of public persons and the availability thereof to the public, are being prepared for the second reading of Parliament.

Amendments to the *Law on the Prevention of Conflict of Interest in Activities of Public Officials* were submitting to the Commissions of Saeima 21 May 2020, specifying information to be included in the publicly accessible section of asset declarations submitted by Council members of higher education institutions and Board members of capital companies of public persons or representing the interests of public persons

Amendments to the *Law on the Prevention of Conflict of Interest in Activities of Public Officials* prohibiting Heads of Municipal Councils and their deputies from receiving payment for posts held in associations, foundations or social enterprises, which have received government funding during the period of their election to the office, are being prepared for the second reading of Parliament.

Amendments to the *Law on the Prevention of Conflict of Interest in Activities* has been supported by the State and Local Government Committee prior to the 1st reading, implementing the GRECO Fifth Evaluation Round recommendation to ensure that all political officials (except members of the Cabinet of Ministers and Parliamentary secretaries) obtain a superior's written permission for the exercise of auxiliary jobs.

¹⁹ <https://likumi.lv/ta/id/315736-grozijums-likuma-par-interesu-konflikta-noversanu-valsts-amatpersonu-darbiba> (available only in Latvian)

²⁰ <https://likumi.lv/ta/id/310717-grozijumi-likuma-par-interesu-konflikta-noversanu-valsts-amatpersonu-darbiba> (available only in Latvian)

²¹ <https://likumi.lv/ta/id/319526-grozijumi-likuma-par-interesu-konflikta-noversanu-valsts-amatpersonu-darbiba> (available only in Latvian)

22. Measures in place to ensure whistle-blower protection and encourage reporting of corruption

In addition to the information provided in the 2020 report:

The Parliament had adopted amendments²² to the Whistle-blowing Law, providing administrative liability for causing adverse effects and providing false information.

In 2020, KNAB received 53 whistle-blower reports. 13 of the reports were recognized as whistle-blower reports, 17 were transferred to other authorities according to competence thereof, and 23 of the received reports were not recognized as whistle-blower report.

23. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

No new developments since the 2020 report.

24. Measures taken to address corruption risks in the context of the COVID-19 pandemic.

No new developments since the 2020 report.

25. Any other relevant measures to prevent corruption in public and private sector

KNAB has begun the drafting of *the Corruption Prevention and Combating Action Plan 2021-2023*.

During the reporting period, KNAB also prepared an information report “*On the Assessment of Internal Anti-corruption control systems in institutions of public persons*”²³, finding that an anti-corruption action plan has been developed in 1650 institutions. However, based on the data provided by institutions, it was found that identification of corruption risks is often formal. It was concluded that there is a need to further strengthen the education of institutions of public persons on prevention of corruption and conflict of interest, to support the development and improvement of internal anti-corruption control systems, as well as to conduct more in-depth analyses of already developed plans, and providing improvement suggestions thereto.

The Council of Europe Group of States against Corruption (GRECO) has concluded the Fourth Evaluation Round on corruption prevention in respect of members of parliament, judges and prosecutors, and has confirmed Latvia having implemented 11 of the 14 recommendations, greatly appreciating the abolishment of administrative immunity of judges and prosecutors. GRECO also acknowledged that Latvia has fully or partially implemented 14 of the 17 recommendations made during the Fifth Evaluation Round on preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies.

²² <https://likumi.lv/ta/en/en/id/302465-whistleblowing-law> (see Section 17, 18 and 19)

²³ https://www.knab.gov.lv/upload/2020/knabzin_020620_ik.pdf (available only in Latvian)

C. Repressive measures

26. Criminalisation of corruption and related offences

On 19 November 2020, the Parliament had adopted amendments²⁴ to the Criminal Procedure Law²⁵, supplementing Section 121 with Paragraph 5.¹, providing that a prosecutor, or investigator with the consent of the supervising prosecutor, may in pre-trial proceedings request from sworn auditors information in their possession regarding facts which have become known to them in the course of providing professional services, or interrogate thereon, or inspect or seize documents held by sworn auditors or by a commercial company of sworn auditors, except for undisclosed information that is at the disposal of credit institutions or financial institutions or documents that contain such information. The aforementioned amendments entered into force on 1 January 2021.

27. Data on investigation and application of sanctions for corruption offences (including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.

In 2020, KNAB initiated 39 criminal proceedings. 23 criminal proceedings against 39 natural persons and 2 legal persons were sent for prosecution. A total of 21.21 million EUR and 13 immovable properties were seized during investigations.

During the reporting period, 30% of the criminal proceedings sent for prosecution were initiated in 2019, and 48% were initiated in 2020. This shows the ability of the KNAB to investigate alleged corruptive criminal offences efficiently and within reasonable timeframes.

One of the cases, initiated in 2019 and sent for prosecution in 2020 against a legal person for the giving of bribes to a public official of the Republic of Lithuania exceeding EUR 10 000, to ensure decisions in favour of the legal person, has already been tried. The person has been fined 180 minimum monthly wages, i.e. EUR 77 400.

In May 2019, criminal proceedings were initiated against a legal person for the giving of bribes to a public official of the Republic of Belarus exceeding 2 million EUR to ensure decisions in favour of a legal person registered in Latvia. Judgement in the case is currently pending.

Of the criminal proceedings investigated by the KNAB, convicting sentences in 2020 have been passed in 10 of them, holding 38 natural persons criminally liable.

A more detailed breakdown on the investigation and application of sanctions for corruption offences is available in the Corruption Prevention and Combating Bureau Annual Report 2020²⁶ (please note that the report is currently being translated).

28. Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)

No new developments since the 2020 report.

²⁴ <https://likumi.lv/ta/id/319095-grozijumi-kriminalprocesa-likuma> (available only in Latvian)

²⁵ <https://likumi.lv/ta/id/107820-kriminalprocesa-likums> (official English translation does not contain amendments since 11 June 2020)

²⁶ https://www.knab.gov.lv/upload/knab_gada_parskats_2020.pdf

III. MEDIA PLURALISM

A. Media authorities and bodies

29. Independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies

The Law on Public Electronic Mass Media and their Management (LPEMMM) came into force on 17.12.2020. The purpose of the LPEMMM is to ensure efficient and open management, independence, accountability to the public and to promote the quality of public electronic media. It determines the strategic goal, legal status, operation, financing, management and supervision of public electronic media. With this law two independent authorities are established – the Public Electronic Mass Media Council (PEMMC) – an independent autonomous institution – and the Public Electronic Mass Media Ombudsman (the Ombudsman). The National Electronic Media Council is no longer responsible for supervising the operations of the public service media, the appointment of its board or the determination of the public service remit.

From 01.01.2021. the public service media no longer carry advertising.

In addition to points raised in the country chapter of the 2020 Rule of Law Report, progress can be reported on the transposition of the revised Audio-visual Media Services Directive (2018/1808) – it has been completed and amendments to the Electronic Mass Media Law (EMML) – including reinforcement of the regulatory authority’s independence – came into force on 01.12.2020.

30. Conditions and procedures for the appointment and dismissal of the head/ members of the collegiate body of media regulatory authorities and bodies

There are three members of the PEMMC who are nominated, one each, by the president, NGO’s in cooperation with the Cabinet of Ministers (based on a memorandum of cooperation) and Saeima.²⁷ Candidates must meet certain criteria to be eligible, including reputation, not being a “member of a decision-making or executive body formed by a political party or an association of political parties” and not having shares in a media company. Each of the candidates is then approved by the Parliament. The formation of the PEMMC is currently underway and the call for applications is open until 02.03.2021.²⁸

31. Existence and functions of media councils or other self-regulatory bodies

The main task of the Ombudsman, who is elected by the PEMMC for a period of 5 years, is to evaluate, either on its own initiative or on the basis of applications from persons, whether the public service media are acting in accordance with the LPEMMM, their own codes of ethics and editorial guidelines. The decisions of the Ombudsman are not binding on the applicant and are neither open to challenge nor appealable, and they must be publicly available on the PEMMC’s website as well as the website of the PSM. In case the Ombudsman finds that an act or omission

²⁷ The Law on Public Electronic Mass Media and their Management, Chapter IV. Accessible in Latvian: <https://likumi.lv/ta/id/319096-sabiedrisko-elektronisko-plassazinas-lidzeklu-un-to-parvaldibas-likums>

²⁸ Invitation to apply for the position of a member of the Public Electronic Media Council: <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/29533-cilvektiesibu-un-sabiedrisko-lietu-komisijas-aicinajums-pieteikt-kandidatus-sabiedrisko-elektronisko-plassazinas-lidzeklu-padomes-locekla-amatam>

by a member of the Board jeopardizes the editorial independence of the public service media, it can address the Saeima and advise the removal of a member of the PEMMC or all of them.²⁹

The Latvian Media Ethics Council (LMEC) created on 12.12.2018. by the Latvian Association of Journalists is a self-regulatory body comprised of a total of fifteen different media industry associations and companies. The members represent all forms and types of media, media associations and organizations active in media research. The main functions of the LMEC are:

- 1) Examination of complaints submitted by natural and legal persons and provision of an opinion regarding ethical violations committed by the media;
- 2) Reviewing complaints and providing opinions to the media, media companies and journalists in the event of a breach of ethics, restriction of media or freedom of expression;
- 3) Expressing an opinion on issues related to threats to or influence of the media, the deterioration of the situation of the media industry, editorial autonomy or independence or other circumstances in which the media can't fulfil its goals and tasks;
- 4) Organization of public conferences, where a summary of the Ethics Council's experience, expert reports on various issues of media ethics and operations, and research on the media ethics environment and survey results are presented.³⁰

The LMEC has given opinions on 29 cases, four of these in 2021. All four cases were submitted by natural persons and in the end no violation of ethical principles was found.

B. Transparency of media ownership and government interference

32. The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

Although not directly linked to transparency of political advertising, amendments to the Press Law were made in 2020 to ensure legal certainty and differentiation between media outlets and public relations or public information activities, which are not media activities, implemented by public administration.³¹

33. Rules governing transparency of media ownership and public availability of media ownership information

The increase in transparency of media ownership was introduced with the amendments to the EMML.³² - Prospective service providers are required to submit information on their beneficial owners to the National Electronic Mass Media Council and existing service providers are required to submit information on any changes of the beneficial owner respectively. Applications for broadcasting or retransmission permits can be rejected if this information is not submitted. These provisions came into force on 06.07.2020.

²⁹ The Law on Public Electronic Mass Media and their Management, Chapter V. Accessible in Latvian: <https://likumi.lv/ta/id/319096-sabiedrisko-elektronisko-plassazinas-lidzeklu-un-to-parvaldibas-likums>

³⁰ Website of the Latvian Media Ethics Council: <https://www.lmepadome.lv/etikaspadome/>

³¹ Amendments to the Press Law, 17.11.2020: <https://likumi.lv/ta/id/318742-grozijumi-likuma-par-presi-un-citiem-masu-informacijas-lidzekliem->

³² Amendments to the EMML: <https://likumi.lv/ta/id/315661-grozijumi-elektronisko-plassazinas-lidzeklu-likuma>

C. Framework for journalists' protection

34. Rules and practices guaranteeing journalist's independence and safety

In addition to points raised in the country chapter of the 2020 Rule of Law Report, progress can be reported on journalist's independence and safety. The amendments to the Press Law envisaging warnings or fines of up to EUR 1000 for natural or legal persons who prevent or hinder journalists from performing their duties, an administrative offence came into force on 13.02.2020. The State Police are responsible for conducting the administrative offences proceedings.³³

35. Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

There have been no new developments regarding the regulatory framework in the area of protection of journalists. As a reaction to the *Re:Baltica* harassment case in December 2019 the Latvian Association of Journalists, the Latvian Union of Journalists and the State Police have concluded a memorandum of cooperation to ensure effective action in ensuring the safety of journalists. It defines the mutual flow of information in cases where a journalist has received threats related to his or her professional activities.³⁴

In order to provide legal help for journalists, the Latvian Association of Journalists created a legal aid centre. It provides free legal assistance to media companies and journalists, whose financial situation does not allow them to obtain professional legal assistance in situations where it is necessary for the performance of high-quality professional duties and protection against attempts to influence the professional activities of journalists. The centre was established at the end of December 2020 and one of its first goals is to attract professional lawyers who are competent in media law issues in various fields of law and who, being aware of the important role of high-quality journalism, are ready to work on a *pro-bono* basis to strengthen the autonomy and legal protection of Latvian journalists.³⁵

36. Access to information and public documents

Amendments to the Criminal Procedure Law were made adding a new clause that gives journalists the right to make sound recordings and take pictures of court proceedings with the prior consent of the court. These amendments came into force on 06.07.2020.³⁶ These changes make it easier for journalists to more fully and objectively inform the public about criminal proceedings, courts and participants in the proceedings or other activities during court hearings.³⁷

37. Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

No new developments since the 2020 report.

³³ The Law on the Press and Other Mass Media: <https://likumi.lv/ta/id/312278-grozijumi-likuma-par-presi-un-citiem-masu-informacijas-lidzekliem->

³⁴ Article about the Memorandum of Cooperation to ensure journalists' safety: <http://www.latvijaszurnalisti.lv/valdes-lemumi/2020/04/21/lza-un-vp-parakstitais-sadarbibas-memorands-palidzes-noverst-zurnalistu-apdraudejumu/>

³⁵ About the legal aid centre: <http://www.latvijaszurnalisti.lv/lza-juridiskas-palidzibas-centrs/>

³⁶ Amendments to the Criminal Procedure Law: <https://likumi.lv/ta/id/315655-grozijumi-kriminalprocesa-likuma>

³⁷ Guntars Stūris, Judge of the Riga Regional Court: "Amendments for the Improvement of Criminal Procedure Provide Opportunities to Facilitate the Work of Law Enforcement Institutions": <https://www.tiesas.lv/aktualitates/guntars-sturis-rigas-apgabaltiesas-tiesnesis-grozijumi-kriminalprocesa-pilnveidei-paredz-iespejas-at-9635>

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

A. The process for preparing and enacting laws

38. Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process

No new developments since the 2020 report.

39. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

No new developments since the 2020 report.

40. Regime for constitutional review of laws

No new developments since the 2020 report.

41. COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic

Cabinet of Ministers on 6 November 2020 adopted Order No. 655 “Regarding Declaration of the Emergency Situation” in order to reduce a repeated spread of COVID-19 infection in the Republic of Latvia to a controlled threshold, concurrently ensuring the continuity of important State functions and services. Order No. 655 of the Cabinet of Ministers entered into force from November 6 2020 in the territory of the Republic of Latvia.

Also, on 10 June 2020, the Law on the Management of the Spread of COVID-19 Infection³⁸ entered into force in the Republic of Latvia. The purpose of the Law on the Management of the Spread of COVID-19 Infection is to prescribe the legal order during the spread of COVID-19 infection by providing for a set of appropriate measures for ensuring such scope of rights and obligations of private individuals, which would be commensurate with public health and safety interests and effective operation of the State and local government authorities. The Law on the Management of the Spread of COVID-19 Infection lays down basic principles for the operation of public authorities, and also the rights and obligations of public authorities and private individuals for the prevention and management of the threat to the State during the spread of COVID-19 infection.

At the same time, on 10 June 2020, the Law on the Suppression of Consequences of the Spread of COVID-19 Infection³⁹ entered into force in the Republic of Latvia. The purpose of the Law on the Suppression of Consequences of the Spread of COVID-19 Infection is to determine the legal order during the spread of COVID-19 infection, providing for a set of appropriate measures for the suppression of consequences of the spread of COVID-19 infection and the special support mechanisms and expenditures directly related to the containment of the spread of COVID-19 in order to ensure the improvement of the economic situation of society and to promote the stability of the national economy.

The Regulation of Cabinet of Ministers No. 360 “Epidemiological Safety Measures for the Containment of the Spread of COVID-19 Infection” has also been adopted on 9 June 2020.

³⁸ <https://likumi.lv/ta/en/en/id/315278-law-on-the-management-of-the-spread-of-covid-19-infection>

³⁹ <https://likumi.lv/ta/en/en/id/315287-law-on-the-suppression-of-consequences-of-the-spread-of-covid-19-infection>

These are just some of the important regulations issued in connection with the COVID-19 pandemic, and the regulations are being adapted rapidly, based on the specific and current epidemiological situation and social developments in the country. Please note that all regulations related to COVID-19 are available online⁴⁰

B and C - No new developments since the 2020 report.

D. The enabling framework for civil society

45. Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

No amendments have been made to the regulatory enactments at present, but the working group is being set up, to work on future tasks to ensure greater transparency in the NGO sector. Organizations representing NGOs are invited to participate in discussions about relevant regulation in various formats at the state and governmental level.

In 2020, the Ministry of Culture provided support for the development of civil society through the implementation of three programmes:

- 1) the project support programme “Latvian NGO Fund” with a total funding of EUR 1 097 000 in 2020, increased to EUR 1 396 500 in 2021. 71 projects were approved in 2020 and 87 already approved in 2021⁴¹;
- 2) a programme for the promotion of ethnic minority participation. 5 agreements were signed with regional NGO support centres, providing direct support for the development of ethnic minority organisations, both in training and in logistical provision⁴²;
- 3) Co-financing programme for NGO projects supported by the European Union and international financial instruments. As part of the programme, 13 financing contracts were concluded, 4 of which under the national budget sub-programme “Implementation of public integration measures”, with a total amount of EUR 43 062.⁴³ In 2021 the co-financing programme will be implemented by the Society Integration Fund. EUR 425 000 are available to mitigate the negative effects of the Covid-19 crisis on non-governmental organisations

The “Guidelines for the development of a cohesive and civil society for the period 2021-2027” were developed in 2020 and approved by the Cabinet of Ministers on 4 February 2021. The guidelines set out the action lines for investments in order to make Latvia's citizens more knowledgeable, active and ready participate in the development of the country.

E. Initiatives to foster a rule of law culture

46. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, etc.)

No new developments since the 2020 report.

⁴⁰ <https://likumi.lv/p/en/covid-19>

⁴¹ Link to the description of the support programme, documentation:

https://www.sif.gov.lv/index.php?option=com_content&view=category&id=425&Itemid=271&lang=lv

⁴² Link to programme description and agreements:

https://www.sif.gov.lv/index.php?option=com_content&view=article&id=10846&Itemid=30&lang=lv

⁴³ Link to the description of the programme: <https://www.km.gov.lv/lv/jaunums/izsludinats-lidzfinansējuma-konkurss-es-programmu-atbalstītājiem-projektiem>