

**IAJ/UIM**  
**Study Commission IV -2022**  
**LATVIA**

**Judicial Workplace and Judicial Independence**

*What is the impact on judicial independence of the judicial workplace (including nominations and appointments, independence in decision making, governance, assignments, fund and other resources)?*

Judicial independence is established in the Constitution of the Republic of Latvia, which is named *Satversme* (1922) and in the Law on Judicial Power ( in the following – the Law(1992).

The judicial power is exercised in conformity with the rule of law principle. The independence of the judiciary shall be guaranteed by the State.

The judicial power is vested in Latvia in district (city) courts, including one administrative court, one specialized – Economic court, Regional courts, the Supreme Court, and the Constitutional Court. In administrating the justice, judges shall be independent and subject solely to law.

State institutions, public and political organisations, and other legal and private persons have the obligation to respect and abide by the independence of the judiciary and the immunity of judges.

The guarantee of independence of judges is the Judicial Council – collegial authority, established in 2010, which is involved in the elaboration of the policy and strategy for the judicial system, as well as improving the organisation of the work of the court system. The Judicial Council shall ensure to counterbalance relations between executive power, judicial power and legislative power, laying down to it important role in issues regarding court system.

The composition of the Judicial Council consists of 15 members, which includes nine judges: one judge elected by the Plenary Session of the Supreme Court, six judges elected by a conference of judges, the Chief Justice of the Supreme Court, the President of the Constitutional Court.

The Judicial Council determinate the procedure for judges' selection, traineeships and qualification examinations, make decisions, related to issues of judicial careers, decisions in conceptual and organisational issues related to the court system.

The procedure, by which the selection of candidates for the office of a district (city) court and regional court judges takes place, is approved by the Judicial Council. The Commission of Selection for candidates for position of judges is composed

mainly by members of the judiciary: three judges from each court instance (district court, regional court, Supreme court). The Commission of Selection has no jurisdiction regarding the appointment of Judges to the Supreme Court.

Judges are appointed by the Parliament (*Saeima*) in accordance with the procedure laid by Law.

A judge shall be dismissed from office by the Parliament only if the judge has been convicted, and the judgment of the court has entered into legal effect or on the basis of a decision of the Judicial Disciplinary Committee.

A judge shall not be transferred to another court office ( except – another court house in one court) without his or her own consent.

Independence of a judge in a judge's decision making means the power to obey only legislation and generally accepts legal principles. Independence also means impartiality and objectivity. No one has the right to request from a judge a report or explanations of the course of examination of a particular case, or also the disclosure of the views expressed during deliberations.

The administrative work of district (city) courts, regional courts are organised and ensured by the Court Administration which is an institution of direct administration subordinated to the Minister for Justice.

The Court Administration shall ensure the work of the commission for the selection of candidates for the office of a judge, prepare documents and take measures connected with the appointment of judges and their approval to the office, and also their suspension, dismissal, and removal from the Office, plan and ensure training of judges, fulfill the duties of the manager and holder of the State unified and distribute the information entered in the State information system of court institutions, act with budget resources of courts, provide materials and technical resources to courts, in cooperation with State stock company the Courthouse Agency provide courts with working premises and the information and communication technology infrastructure, ensure safety in the district (city) courts and regional courts.

The Court Administration prepares the draft of the budget requests of district (city) courts and regional courts and submit it to the Ministry of Justice. The Ministry of Justice shall submit a summary of budget requests to the Judicial Council for the provision of an opinion. Following the receipt of the opinion from the Judicial Council, the Ministry of Justice shall submit the budget requests of district (city) courts and regional courts to the Ministry of Finance, appending there to the opinion of the Judicial Council.

The Supreme Court shall submit the budget request of the Supreme Court to the Ministry of Finance, appending the opinion of the Judicial Council there to.

*Please provide examples in the judicial workplace that foster judicial independence and identify barriers and practices that impede or negatively impact judicial independence.*

Judges of a district (city) court shall be appointed to office by the Parliament for three years. After a judge of a district (city) court has held the office for three years, the Parliament shall, upon a proposal of the Minister for Justice and on the basis of the opinion of the Judicial Qualification Committee provided in the framework of the assessment of the professional activities of the judge, approve him or her in office for an unlimited term of office or shall re-appoint him or her to office for a period of up to two years.

In particular, the appointment of a judge for an unlimited term depends on the vote of Parliament and there is a risk, when any of the parties in Parliament, may be dissatisfied with the judgement in case, in which it is interested.

The appointment of a judge for an unlimited time, after three years should be subject to the competence of the Judicial Council.