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## **COMMISSION STAFF WORKING DOCUMENT**

### **2023 Rule of Law Report Country Chapter on the rule of law situation in Latvia**

*Accompanying the document*

#### **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS**

### **2023 Rule of Law Report**

#### **The rule of law situation in the European Union**

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## **ABSTRACT**

The Judicial Council further improved procedures for selecting and evaluating judges and is working towards increasing its role in the governance of the justice system. The digitalisation of the justice system is being further strengthened through improvements to the e-Case Management system and a project for an online dispute resolution system. No process has been initiated to ensure adequate safeguards against undue political influence in the appointment of Supreme Court judges. The criminal chamber of the Supreme Court may now sit in extended composition and its judges may issue dissenting opinions. A revised Code of Ethics for prosecutors clarifies their fundamental duties and sanctions applicable for breaches. Preparatory work is ongoing to create a new centralised Academy of Justice. The Judicial Council merged Riga city courts, to even out the workload of judges and improve judicial efficiency. Overall, the justice system is continuing to perform efficiently, and several initiatives aim at improving case management and the efficient use of court resources. The Ministry of Justice assessed positively the efficiency of the Economic Court, taking also into account the views of relevant stakeholders, and is proposing to expand its competences.

The new Action Plan 2023-2025 to prevent corruption was adopted. Several legislative amendments aim to improve the fight against corruption. The Corruption Prevention and Combating Bureau (KNAB) continues to efficiently deal with anti-corruption issues. While the investigation and prosecution of corruption-related cases are carried out efficiently, the State Audit Office has raised concerns regarding the division of competences among various anti-corruption authorities. The electronic system for asset declarations continues to work well. New initiatives on integrity matters, such as the code of ethics for the Government, have been announced. A new law on lobbying was adopted and is expected to be fully implemented by 2025 by setting up the lobby register. The new legislation on whistleblowing is operational, while the Ombudsperson underlines the need for clarity and ensuring effectiveness in the practice of the current whistleblowing framework.

The general legislative framework regarding media pluralism and media freedom remains solid in Latvia and guarantees media freedom and the right to information. The professional environment for journalists remains largely safe in Latvia, although online threats against journalist persist. Media regulatory authorities continue to operate independently. Well-established safeguards continue to ensure the independence of public service media. The Public Electronic Mass Media Council (PEMMC) continues to operate as independent supervisory body for the oversight of public service media.

Measures were taken to increase the participation of civil society in decision-making at local level, through a new law on local government, which introduces several mechanisms to foster the active involvement of civil society at municipal level. The state of emergency at the Latvian-Belarusian border was maintained, restricting access for media and civil society organisations. The legislator has not taken measures to fully implement a judgment of the Constitutional Court on legal, economic, and social protection for all families, as also required by the Supreme Court. Although state funding for civil society organisations increased, they perceive access to adequate funding through different sources as their main challenge.

## **RECOMMENDATIONS**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Latvia has (made):

- No progress on initiating a process in view of ensuring adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointments.
- Fully implemented the recommendation on continuing efforts towards the swift adoption and made some progress on the effective implementation of the Action Plan 2021-2024 to prevent corruption.
- Some progress on continuing efforts towards adopting the draft legislation on lobbying, and following that, ensuring the setting-up of a special lobby register.
- Fully implemented the recommendation on taking measures to increase the participation of civil society in decision-making at local level.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Latvia to:

- Take measures to ensure adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointments.
- Ensure the effective implementation of the legislation on lobbying, including the setting-up of a special lobby register.

## I. JUSTICE SYSTEM

The Latvian justice system has three tiers. At first instance, there are nine district (city) courts dealing with civil and criminal cases, and one district administrative court. The Economic Court deals with certain economic and financial crimes. At second instance, five regional courts are dealing with civil and commercial cases and there is one regional administrative court. The Supreme Court, at third instance, is handling criminal, civil and administrative cases. The Constitutional Court carries out constitutional review. An independent Judicial Council is tasked with participating in the development of policies and strategies for the judicial system and the improvement of its organisation. Furthermore, the Council deals with selecting candidate judges, appointing, and dismissing court presidents, determining the judicial map, and approving the content of training. Candidate judges are selected through an open competition organised by the Judicial Council, ranked and placed on a list, from which the Minister for Justice proposes the candidate with the highest number of points to the Parliament for appointment. After three years in office and an evaluation by a judicial body, judges are appointed for an indefinite term by the Parliament on a proposal from the Minister for Justice. The Prosecution Office is an independent judicial institution under the authority of the Prosecutor General. Latvia participates in the European Prosecutor's Office (EPPO). The Latvian Council of Lawyers is an independent, self-governing professional organisation, which oversees disciplinary proceedings regarding lawyers.

### **Independence**

**The level of perceived judicial independence in Latvia continues to be average among the general public and is now average among companies.** Overall, 41% of the general population and 43% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2023<sup>1</sup>. According to data in the 2023 EU Justice Scoreboard, whilst remaining average, the level decreased among the general public in the last years (it stood at 56% in 2021 and 53% in 2022). It is also lower than in 2016 (42%). The perceived judicial independence among companies has increased in comparison with 2022 (27%), as well as in comparison with 2016 (35%).

**The Judicial Council further improved procedures for selecting and evaluating judges and is working towards increasing its role in the governance of the justice system.** The selection procedure for judges in district and regional courts had already been modified by the Judicial Council<sup>2</sup> in 2021 to improve the examination process<sup>3</sup>. On 28 November 2022, the Judicial Council further amended the selection procedure to improve the work of the selection committee and ensure the continuity of its work<sup>4</sup>. Moreover, the Judicial Council started

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<sup>1</sup> Figures 49 and 51, 2023 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

<sup>2</sup> To strengthen judicial independence, the competence to determine the procedure was transferred in 2018 from the executive to the Judicial Council. 2020 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 2, and 2021 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 2.

<sup>3</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 3.

<sup>4</sup> The new rules provide, *inter alia*, that members of the selection committee will have a term of office of four years (instead of three), aligned with self-governing institutions and members of the Judicial Council. The President of the Judicial Council or an authorized representative will also be able to participate in the selection

implementing the new Rules of Procedure of the Judicial Qualification Committee<sup>5</sup>, which introduce a uniform procedure and criteria for the assessment of the suitability of a judge to fill duties in a regional court and include the length of court proceedings as one of the criteria for evaluating the performance of judges<sup>6</sup>. As stated in the 2021 and 2022 Rule of Law Reports<sup>7</sup>, one of the main goals of the Judicial Council's strategy for 2021-2025 is to take over the administrative management of the justice system, in particular as regards budgetary aspects<sup>8</sup>, from the Court Administration, a body under the Ministry of Justice. This objective is also part of the Judicial Council's work priorities for 2023 and its staff was increased from four to seven employees, allowing it to dedicate more resources to court administration<sup>9</sup>.

**No steps were taken to introduce safeguards in the appointment procedure for Supreme Court judges.** The 2022 Rule of Law report recommended to Latvia to “initiate a process in view of ensuring adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointments”. As highlighted in the 2022 Rule of Law Report, in 2022, the appointment process for the Supreme Court was marked by controversies regarding possible undue political influence<sup>10</sup>. In the meantime, two new Supreme Court judges were appointed, as Parliament approved the candidates proposed by the President of the Supreme Court<sup>11</sup>. In those two cases, the appointment procedure was implemented in line with European standards, according to which the appointing authority should follow in practice the recommendations or opinions of an independent and competent authority drawn in substantial part from the judiciary<sup>12</sup>. However, in terms of safeguards in the appointment procedure, potential unsuccessful candidates cannot request judicial review against the Parliament's decision, which also does not have to contain reasons for the rejection<sup>13</sup>. Since no process has been initiated to introduce adequate safeguards against undue political influence in the appointment procedure to the Supreme Court, no

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examination with advisory rights. Moreover, the exams will be developed by the Division of Case-Law and Research of the Supreme Court. Input from Latvia for the 2023 Rule of Law Report, p. 2.

<sup>5</sup> The Judicial Qualification Committee is a judicial self-government institution composed of nine judges, elected for four years at the Judges' Conference, which performs assessment of professional activity of judges. Its rules of procedure are approved by the Judicial Council.

<sup>6</sup> Rules were adopted on 25 February 2022. Input from Latvia for the 2023 Rule of Law Report, pp. 2-3.

<sup>7</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 3, and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 4.

<sup>8</sup> In the context of a meeting with court staff on ways to improve their remuneration system, the president of the Judicial Council stated that one of the main reasons why employees of district (city) courts and regional courts for a long time have been receiving remuneration that does not correspond to their position is that courts of first and second instance are still organizationally and financially subordinated to the executive branch, which draws up and administers their budget. See Judicial Council, press release of 5 January 2023, “Discussion on the possibilities of improving the remuneration system of court employees”.

<sup>9</sup> Information received from the Judicial Council in the context of the country visit to Latvia.

<sup>10</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 3.

<sup>11</sup> Input from Latvia for the 2023 Rule of Law Report, p. 1.

<sup>12</sup> According to Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 47, where the constitutional or other legal provisions prescribe that the head of state, the government or the legislative power take decisions concerning the selection and career of judges, an independent and competent authority drawn in substantial part from the judiciary should be authorised to make recommendations or express opinions which the relevant appointing authority follows in practice.

<sup>13</sup> Figures 52 and 54, 2021 EU Justice Scoreboard.

progress has been made on the implementation of the recommendation made in the 2022 Rule of Law Report.

**A revised Code of Ethics for prosecutors clarifies their fundamental duties, emphasising independence and impartiality, and sanctions applicable for breaches.** The Code of Ethics, which prescribes the fundamental principles and obligations guiding the actions of prosecutors, had remained unchanged since its adoption in 1998. In a study published in 2021, the Organisation for Economic Co-operation and Development (OECD) recommended to review and update the Code of Ethics, particularly to improve its effectiveness<sup>14</sup>. The new version of the Code of Ethics for Prosecutors<sup>15</sup> emphasises the prosecutors' duties of independence, impartiality, and legality, as well as the citizens' right to be informed of the reasons underpinning decisions. To clarify the consequences of breaches of the Code of Ethics, moral sanctions, such as reprimands and public apologies, were removed as an alternative to disciplinary sanctions<sup>16</sup>. The previous version of the Code of Ethics included both types of sanctions, without, however, providing clear criteria to differentiate in which situations they would apply.

**New rules reinforced the protection of professional secrecy for lawyers.** Amendments to the Criminal Procedure Law<sup>17</sup>, which came into force on 3 November 2022, extended the protection afforded to the secrecy of documents in the possession of lawyers, including correspondence with their clients. Under the new rules, an investigating judge will need to authorise the inspection of items or documents that contain protected professional secrets<sup>18</sup>. New safeguards were also introduced for searches in a lawyer's place of work, residence or vehicle<sup>19</sup>. Such a search must now be carried out in the presence of a representative of the Council of Sworn Advocates of Latvia<sup>20</sup>. An investigating judge will need to authorise the inspection of documents or items for which secrecy is invoked.

## Quality

**The e-Case Management system was improved, and an online dispute resolution system is being developed to further increase the level of digitalisation of the justice system.** The 2023 EU Justice Scoreboard shows that the level of digitalisation of the justice system continues to be high<sup>21</sup>, although progress could still be made on the availability of secure

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<sup>14</sup> OECD, Performance of the Prosecution Services in Latvia: A Comparative Study, 11 January 2021.

<sup>15</sup> The revision was developed in close collaboration with Delna – Transparency International Latvia.

<sup>16</sup> Under Art. 43(5) of the Law of 19 May 1994 on Prosecution, a prosecutor may face disciplinary liability for failure to comply with the Code of Ethics and Art. 44 of the same law foresees the following disciplinary sanctions: warning, reprimand, salary reduction, demotion and dismissal from office.

<sup>17</sup> Law of 21 April 2005 on Criminal Procedure, Latvian Official Gazette no. 74 of 11 May 2005.

<sup>18</sup> Art. 121(2) of the Criminal Procedure Law afford such protection to both defence and counsel activities, as professional secrecy covers “the documents detained by defence counsels and lawyers who have provided legal assistance in any form, regarding information the confidentiality of which has been entrusted to him or her by a defendant”.

<sup>19</sup> Under new Art. 184(1) of the Criminal Procedure Law.

<sup>20</sup> The lawyer concerned has the possibility to invoke the secrecy of documents or items targeted by the search and to submit additional information or objections to the person in charge of the search within 24 hours.

<sup>21</sup> Latvia is among the most advanced Member States as regards the availability of online information about the judicial system, the availability of electronic communication tools for courts, digital solutions to initiate and follow proceedings in civil, commercial and administrative cases, the online access to published judgments as

electronic communication tools for prosecution services<sup>22</sup>. The e-Case Management system, an online case management solution<sup>23</sup>, which became operational on 1 December 2021, was further developed, notably to improve the functionality of the online services to parties and representatives of litigants<sup>24</sup>. The legal framework governing the operation and further development of the e-Case system was complemented with the entry into force of a new law, which set up a Council of e-Case monitoring, and four regulations of the Cabinet of Ministers<sup>25</sup>. New equipment was also provided to courts, including a videoconference management tool, and in January 2023, 54% of all courtrooms were equipped with videoconferencing capabilities (compared to 43% in July 2022). Furthermore, an online dispute resolution system is being developed in cooperation with the OECD<sup>26</sup> to strengthen access to justice at all levels and reduce costs for citizens<sup>27</sup>. The OECD is conducting an in-depth assessment of the current practices, challenges and opportunities in online dispute resolution, and the use of digital technologies and data in the justice sector, in view of improving the user-centricity of pathways for resolving disputes<sup>28</sup>.

**The Judicial Council merged the Riga City Courts to even out workload and improve judicial efficiency.** As a continuation of the judicial map reform launched in 2015<sup>29</sup>, the court reorganization plan was designed in co-operation between the Ministry of Justice and the Working Group for Strengthening the Efficiency of the Judiciary set up by the Judicial Council in 2021<sup>30</sup>. The Riga City Court, which was created by merging<sup>31</sup> the Vidzeme District Court, the Latgale District Court and the Pārdaugava District Court, started its work on 1 August 2022. The judges of the newly created Riga City Court called on the Judicial Council to proceed with projects to even out the workload of judges in the entire country.

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well as arrangements for producing machine-readable judicial decisions. Figures 41, 44, 46, 48 and 49, 2023 EU Justice Scoreboard.

<sup>22</sup> Particularly concerning their communication with defence lawyers, detention facilities, investigative authorities and courts. Figure 45, 2023 EU Justice Scoreboard.

<sup>23</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, pp. 3-4, and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, pp. 5-6.

<sup>24</sup> For instance, the online e-service “My e-cases”, which ensures the parties’ accessibility to the case data and materials has been improved. Similarly, new functionalities were added to allow sworn attorneys to plan and manage court hearings more efficiently. Input from Latvia for the 2023 Rule of Law Report, p. 9.

<sup>25</sup> The Cabinet of Ministers adopted Rules on e-Case data processing, Rules of e-Case Date Archiving, a Regulation on the Council of e-Case monitoring as well as an Order on the establishment of an inter-institutional working group for the implementation and development of a unified national level e-case concept and a unified e-case architecture, as well as for the further implementation of the e-case system.

<sup>26</sup> The cooperation project is planned to be completed in June 2023, and its main coordinator in Latvia is the Court Administration.

<sup>27</sup> Input from Latvia for the 2023 Rule of Law Report, p. 8.

<sup>28</sup> The project includes a study to determine the types of disputes that can be resolved using the new technological solutions, which are initially intended to cover commercial disputes, as well as to provide support to vulnerable groups.

<sup>29</sup> As noted in the 2020 Rule of Law Report, several consecutive reforms of the judicial map, which previously reduced the number of first instance courts from 35 to 10 district courts, helped to balance the workload of judges in different courts, particularly in cities compared to the countryside, and contributed to improved efficiency. 2020 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 6.

<sup>30</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 7.

<sup>31</sup> The courts were merged legally, not physically, and citizens may still submit or withdraw documents in and from any of the court’s locations. Input from Latvia for the 2023 Rule of Law Report, p. 11.

**Preparatory work is ongoing to create the new centralised Academy of Justice.** As stated in the 2022 Rule of Law Report<sup>32</sup>, the establishment of a unified training centre for the development of qualifications for judges, prosecutors, and investigators, which would provide more stability and interdisciplinary approach to the training of judicial staff, is a milestone under Latvia's Recovery and Resilience Plan (RRP)<sup>33</sup>. On 21 November 2022, the Supervisory Board<sup>34</sup> approved the detailed description of the project on the establishment of the Academy of Justice, and a reform of the qualification development system is planned.

**The criminal chamber of the Supreme Court may now sit in extended composition and its judges may issue dissenting opinions.** This possibility, which already existed for civil and administrative cases, was introduced in criminal matters on 3 November 2022<sup>35</sup>. This reform was initiated by the Supreme Court, which emphasised that the examination of complex legal issues in the extended composition would significantly contribute to the creation of a uniform and stable case law<sup>36</sup>. The competence for judicial review was transferred to courts of appeal in several matters<sup>37</sup> to reduce the Supreme Court's workload and allow it to focus on more complex cases<sup>38</sup>.

## Efficiency

**The justice system is overall continuing to perform efficiently.** The 2023 EU Justice Scoreboard shows that the length of court proceedings and pending cases were among the lowest in the EU. In 2022, the overall length of proceedings remained stable<sup>39</sup>. However, in 2021, the clearance rate decreased from 107% to 92,5% for administrative cases at first instance, although in 2021 pending administrative cases remained the lowest in the EU<sup>40</sup>. For civil and commercial cases, the number of pending cases remains low<sup>41</sup>, and the clearance rate

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<sup>32</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, pp. 6-7.

<sup>33</sup> On proposal from the Commission, the Council adopted the Implementing Decision of 16 July 2021 on the approval of the assessment of the recovery and resilience plan for Latvia, under which the milestone no. 192 states: 'Establishment of a single training centre for the development of the qualifications of judges, court staff, prosecutors, assistant prosecutors and specialised investigators (interdisciplinary matters) requires the entry into force of the regulatory framework for the operation of the training centre and public funding ensured in state budget law for 2025 and 2026'.

<sup>34</sup> A project supervisory body, established by the Minister for Justice and consisting of representatives of the Ministry of Justice and the Judicial Council, which takes strategic decisions regarding the implementation of the project.

<sup>35</sup> Under the revised Art. 586 of the Criminal Procedure Law, where a 3-judge panel of the Supreme Court deems it appropriate, it decides on referring the case for examination in the extended composition.

<sup>36</sup> Supreme Court, press release of 4 November 2022.

<sup>37</sup> Under modified Art. 569 of the Criminal Procedure Law, courts of appeal are now competent to review judgements in criminal cases where a plea agreement imposes coercive measures to legal persons, as well as first instance judgements adopted in plea agreement proceedings and not yet enforced.

<sup>38</sup> Data shows that this reform already contributed to reducing the number of incoming criminal cases of the Supreme Court. According to the annual performance report submitted by its Plenary Session on 27 January 2023, the Supreme Court received 104 cases less in 2022 than in 2021. See press release of the Supreme Court of 30 January 2023.

<sup>39</sup> Figures 5-9, 2023 EU Justice Scoreboard.

<sup>40</sup> Figures 12 and 15, 2023 EU Justice Scoreboard.

<sup>41</sup> Figures 13-14, 2023 EU Justice Scoreboard.



increased over the 100% threshold<sup>42</sup>, meaning that courts are able to both deal steadily with incoming cases and reduce their backlog.

**New initiatives further improve case management and the efficient use of court resources.**

On 1 July 2022, the Judicial Council approved new guidelines for the management of case examination deadlines in courts<sup>43</sup>, which focus on the collection and analysis of statistical indicators of court activity, thus providing an opportunity to compare the planned case examination deadlines with the court's performance indicators of the previous year<sup>44</sup>. Under the new guidelines, court presidents must submit to the Judicial Council, at the beginning of each year, their planned deadlines not only for incoming cases, but also for cases that have not been dealt with for more than two years, with a particular focus on cases pending for more than five years. The President of the Supreme Court may request additional information from the presidents of courts on the reasons for lengthy proceedings in specific cases, and they did so several times in 2022<sup>45</sup>. The Court Administration is continuing to improve the case weighing model<sup>46</sup>, for which a pilot project was initiated in 2021 in several courts of first instance<sup>47</sup>, and is currently analysing the necessary resources for the integration of the model into the Court Information System. The Working Group for Strengthening the Efficiency of the Judiciary is continuing its work on optimising the organisation of personnel in the court system. In a report submitted to the Judicial Council, the working group recommended developing further the staff category of assistants to judges, by restoring the qualification requirement of holding a law degree<sup>48</sup>, and by subjecting them to the standards of the legal profession, including by focusing their annual evaluation system on legal qualifications.

**The Ministry of Justice assessed positively the efficiency of the Economic Court and is proposing to expand its competences.** Since November 2022, all ten judges have been appointed to the Economic Court, previously functioning with nine judges since the beginning of its operations in March 2021<sup>49</sup>. On 11 October 2022, the Cabinet of Ministers approved a report, prepared by the Ministry of Justice, on the results of the first year of operation of the Economic Court and possibilities for its further development. The report found that, although

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<sup>42</sup> Figure 11, 2023 EU Justice Scoreboard.

<sup>43</sup> The Judicial Council adopts such guidelines each year to foster a unified methodology for developing standard of case examination deadlines across courts and help with the concrete management of deadlines. Under the guidelines, courts must submit their planned case examination deadlines to the Judicial Council at the beginning of each year.

<sup>44</sup> Input from Latvia for the 2023 Rule of Law Report, p. 12.

<sup>45</sup> In 2022, the President of the Supreme Court requested information from four courts on 13 criminal cases pending for more than five years. The explanations received from the courts were communicated to the working group for strengthening the efficiency of the courts. See press release of the Judicial Council of 19 July 2022, "Chief Justice of the Supreme Court requests the chairs of four courts to explain the reasons for lengthy legal proceedings".

<sup>46</sup> Such a model for determining the degree of complexity of cases aims to assess the workload of courts and judges more accurately, as well as to balance the workload between courts and judges. It can be used for evaluation of court statistics and performance indicators, as well as for distribution of cases.

<sup>47</sup> See Judicial Council, press release of 7 June 2021, "The Judicial Council supports the introduction of a pilot version of a case weighing model".

<sup>48</sup> Currently, assistants to judges cannot provide full-fledged legal support to judges, and mostly perform technical duties, such as entering information into the Court Information System and into the electronic case management system.

<sup>49</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 5, and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 8.

working at incomplete capacity, the Court had demonstrated its efficiency, and its potential can be further exploited. It also highlighted that, compared to ordinary district courts, the Economic Court had a lower rate of overturned decisions than the national average<sup>50</sup>. The Ministry of Justice's report concluded that the Court's competences in civil matters should be extended, in the short term, without the necessity to increase resources<sup>51</sup>. In the medium term, it is envisaged to extend the Economic Court's competence even further, including in criminal matters<sup>52</sup> and for large-scale claims<sup>53</sup>. It is estimated that the additional workload would require five additional judge positions and adequate premises for the additional staff.

## **II. ANTI-CORRUPTION FRAMEWORK**

The legislative and institutional framework to prevent and prosecute corruption is in place. The Corruption Prevention and Combating Bureau (KNAB) is a specialised body with competence to investigate corruption-related offences and prevent corruption. The Prosecutor's Office supervises pre-trial investigations of corruption-related offences conducted by the KNAB. Other institutions with anti-corruption competences are: the State Police, which investigates corruption in private institutions and fraud; the Internal Security Bureau, which investigates corruption-related criminal offences committed by the officials of the institutions subordinated to the Ministry of the Interior; the Internal Security Board of the State Revenue Service, which investigates criminal offences committed by State Revenue Service officials; the State Border Guard, which investigates corruption involving State Border Guard's officers and the Prison Administration which investigates corruption involving Prison Administration officers.

**The perception among experts and business executives is that the level of corruption in the public sector remains relatively high.** In the 2022 Corruption Perceptions Index by Transparency International, Latvia scores 59/100 and ranks 15<sup>th</sup> in the European Union and 39<sup>th</sup> globally<sup>54</sup>. This perception has been relatively stable over the past five years<sup>55</sup>. The 2023

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<sup>50</sup> The Council of Foreign Investors (FICIL) pointed out to positive feedback from the business community on the establishment and functioning of the Economic Court, including because the stability of its rulings contribute to legal predictability.

<sup>51</sup> The Economic Court is already competent to rule on claims arising from the legal relationship between shareholders in a capital company, and is proposed to add actions arising from the disposal of shares, as well as cases concerning the liability of board members, founders, procurators or auditors of companies. This could ensure the uniformity of case-law in actions linked to the holding of shares by avoiding the fragmentation jurisdiction. The Economic Court deems this extension of its jurisdiction would not necessitate additional resources. Information received from the Economic Court in the context of the country visit.

<sup>52</sup> It is considered to give the Economic Court competence to rule, among others, on cases related to insider dealing and manipulation of financial markets, unauthorised release of financial instruments, acquisition and disclosure of trade secrets as well as tax evasion.

<sup>53</sup> The Court would deal with cases where the amount at stake goes over a certain threshold, regardless of the specialisation, in matters that are relevant to commercial activities (for instance the disposal of large industrial property, lease agreements, contracts relating to the supply of raw materials).

<sup>54</sup> Transparency International, Corruption Perceptions Index 2022, pp. 2-3. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

<sup>55</sup> In 2018 the score was 58, while, in 2022, the score is 59. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

Special Eurobarometer on Corruption shows that 74% of respondents consider corruption widespread in their country (EU average 70%) and 16% of respondents feel personally affected by corruption in their daily lives (EU average 24%)<sup>56</sup>. As regards businesses, 72% of companies consider that corruption is widespread (EU average 65%) and 31% consider that corruption is a problem when doing business (EU average 35%)<sup>57</sup>. Furthermore, 23% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)<sup>58</sup>, while 19% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 30%)<sup>59</sup>.

**Significant progress was made as the new Corruption Prevention and Combating Action Plan 2023-2025 was adopted and it is now being implemented.** The 2022 Rule of Law Report recommended to Latvia to “continue efforts towards the swift adoption and effective implementation of the Action Plan 2021-2024 to prevent corruption”. The Corruption Prevention and Combating Action Plan 2023-2025 was adopted on 14 March 2023<sup>60</sup>. Despite the delay in adoption, various activities being currently part of the Action Plan were carried out. This fact reduced the negative impact of the delay in adoption of the Action Plan<sup>61</sup>. Overall, according to the OECD’s Public Integrity Indicator on strategy, Latvia is well above the OECD average for quality of the strategy (100%) and coverage and performs well regarding their implementation plan and rate of implementation (68%)<sup>62</sup>. Thus, significant progress has been made on the 2022 recommendation.

**Several legislative amendments aim to improve the fight against corruption.** In 2022 the Parliament adopted legislative amendments widening the scope of the bribery offence<sup>63</sup>. On 6 October 2022, the Parliament amended the Criminal Procedure Law introducing security measures in view of strengthening investigation and adjudication of economic and financial

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<sup>56</sup> Special Eurobarometer 534 on Corruption (2023). The Eurobarometer data on citizens’ corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 523 (2022).

<sup>57</sup> Flash Eurobarometer 524 on Businesses’ attitudes towards corruption in the EU (2023). The Eurobarometer data on business attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 507 (2022).

<sup>58</sup> Special Eurobarometer 534 on Corruption (2023).

<sup>59</sup> Flash Eurobarometer 524 on Businesses’ attitudes towards corruption in the EU (2023).

<sup>60</sup> Action Plan of measures to prevent and combat corruption for 2023-2025; 2023/73.7 of 14.04.2023.

<sup>61</sup> As the upcoming Action Plan is expected to cover the period from 2021, certain activities already carried out or those currently in course are likely to be part of it, e.g. project ‘Strengthening Corruption Prevention Framework’ ran in close cooperation with DG Reform and OECD experts; two sociological surveys were conducted within the framework of the European Economic Area grant “Support for the establishment of a whistle-blowing system in Latvia”, measuring the attitude of society and of entrepreneurs against corruption; The Law “On Prevention of Conflict of Interest” (Section 8 Paragraph 12) was amended, introducing a functional mechanism obliging political officials to obtain permission to combine office of a public official with that of another one prior to being appointed. Input from Latvia for the 2023 Rule of Law Report, pp. 15-16; Contribution received from Delna and Transparency International in the context of the country visit in Latvia.

<sup>62</sup> Contribution from the OECD for the 2023 Rule of Law Report, p. 6.

<sup>63</sup> Both, the Criminal Law and the Law on the Procedures for the Coming into Force and Application of the Criminal Law were amended on 7 April 2022. The amendments, *i.a.* exclude the offence of intermediation in bribery which reflects the view that an intermediary is involved in bribery similarly to a giver of a bribe and hence a separate offence of intermediation is not needed.

crime in relation to legal persons<sup>64</sup>. On 1 January 2023, the amendments to the Public Procurement Law, which was a milestone under Latvia's Recovery and Resilience Plan<sup>65</sup>, introduced more detailed rules for conflict of interest in public procurement and a ban on creating permanent procurement commissions<sup>66</sup>.

**The Corruption Prevention and Combating Bureau (KNAB) continues to efficiently deal with anti-corruption issues.** As of 31 December 2022, 143 out of 171 positions in KNAB were filled (28 vacant positions remain). An evaluation<sup>67</sup> of the previous national anti-corruption policy planning period, concluded in 2022, and awareness-raising activities<sup>68</sup> are being carried out by KNAB. The new KNAB strategy for the next period 2023-2026 period was introduced<sup>69</sup>. As currently KNAB does not have an overarching methodology for a national corruption risk assessment, the OECD announced a report containing concrete recommendations for a national corruption risk assessment methodology in Latvia that would help KNAB to identify high-risk areas and set priorities<sup>70</sup>.

**The investigation and prosecution of corruption-related cases is carried out by various authorities.** Overall, public procurement and the health sector remain the main areas at high risk of corruption<sup>71</sup>. In 2022, KNAB has carried out a wide range of activities<sup>72</sup>. In 2022, the KNAB Division for Investigation of Administrative Violations initiated 315 departmental investigations, and concluded a total of 314 departmental investigations. KNAB initiated 248 administrative violation proceedings for the violation of the provision of the Law on Prevention

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<sup>64</sup> The amendments concern, *i.a.* a prohibition to carry out certain activities, a prohibition to make changes in the registers kept by the Enterprise Register, and a prohibition of transfer of the company. They are applicable to legal persons in case of resistance to the achievement of the goal of criminal procedure, failure to comply with the legally prescribed procedural obligations, or when there is a reason to believe that the proceedings will be interfered with or a physical person will commit a new offence in the interests or for the benefit of a legal entity or due to inadequate supervision or control by the legal entity.

<sup>65</sup> The Council adopted the Implementing Decision of 16 July 2021 on the approval of the assessment of the recovery and resilience plan for Latvia, under which the milestone no. 209 states: "Entry into force of regulatory framework for improving the competition environment and reducing corruption risks in public procurement."

<sup>66</sup> Amendments of the Public Procurement Law, 3 March 2022. The Parliament made similar amendments in the Law on the Procurements of Public Service Providers and the Law on Public-Private Partnership on 5 May 2022 and the Law on Procurements in the Field of Defence and Security on 13 October 2022.

<sup>67</sup> KNAB Report 'On the final impact assessment of the implementation of the Corruption Prevention and Combating Guidelines 2015-2020'.

<sup>68</sup> In 2022, KNAB published 'Guidelines on how to recognise corruption', addressed to the general public and businesses, which explain general signs that may indicate administrative corruption, political corruption, corruption in public procurements and illegal financing of political parties with easy-to-follow examples and checklists. The material also contains information on how to act in suspicious situations.

<sup>69</sup> The strategy is a medium-term management document, the purpose of which is to ensure effective planning and implementation of the activities of KNAB within the framework of the functions and tasks under its competence. The new KNAB strategy defines 5 priority directions, 24 strategic goals, the tasks for achieving them, 57 performance indicators and their achievable values. Input from Latvia received for the 2023 Rule of Law Report. p. 21.

<sup>70</sup> Contribution from the OECD for the 2023 Rule of Law Report, p. 7.

<sup>71</sup> The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 22% of companies in Latvia (EU average 26%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years. Flash Eurobarometer 524 on Businesses' attitudes towards corruption in the EU (2023). Input from Latvia received for the 2023 Rule of Law Report, pp. 25-28.

<sup>72</sup> Input from Latvia for the 2023 Rule of Law Report, p. 30.

of Conflict of Interest, 260 decisions were taken, and 97 decisions on refusal to initiate administrative proceedings were taken. In 2022, KNAB imposed fines on 202 public officials, for a total of EUR 36 595. Overall, administrative fines imposed by KNAB were paid for a total of EUR 31 410. The data on cases remain stable in terms of number of initiated criminal proceedings (39 in 2021). In 2022, KNAB transferred 18 criminal proceedings to the Prosecutor's Office, proposing the initiation of criminal prosecution against 31 natural persons and 6 legal entities<sup>73</sup>. Those include also high-level corruption cases sent to court, for instance regarding the case transferred to prosecution against four former board members of a state-owned enterprise<sup>74</sup>, three senior civil servants<sup>75</sup> and a company's board chairman offering a bribe to the member of the Riga City Council<sup>76</sup>. As regards cases of foreign bribery, as of October 2022, KNAB had transferred 4 criminal cases for prosecution for suspected bribery of foreign public officials<sup>77</sup>. In turn, the Prosecutor's Office has been handing foreign bribery cases to court<sup>78</sup>. In 2022, the Internal Security Bureau initiated 16 criminal investigations (out of 50 total) related to corruption, also in 2022, the Internal Security Bureau proposed prosecution in 15 criminal proceedings connected with corruption<sup>79</sup>. Overall, according to Transparency International, Latvia is the only EU Member State to have improved its performance in combating bribery of foreign public officials<sup>80</sup>. In 2022 the Economic Court received 10 new cases<sup>81</sup> and currently 10 cases are pending. Those are mostly related to bribery<sup>82</sup>. In 2022, the State Border Guard initiated 20 criminal proceedings against 20 natural persons for bribing a State Border Guard official. In 2022, the State Border Guard proposed prosecution in 19 criminal proceedings connected with bribery.

**The Prosecutor General's Office<sup>83</sup> is expecting to finalise the follow-up on the results of its performance review.** This review on the effectiveness of investigations and trials of the criminal offences in the economic and financial area<sup>84</sup> was carried out by the State Audit Office in December 2020, in line with the two-year action plan<sup>85</sup> of April 2021 addressing those

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<sup>73</sup> KNAB, Annual Report 2022.

<sup>74</sup> Statement of KNAB, 'KNAB encourages the prosecution of four former officials of the national railway company', 3 January 2022.

<sup>75</sup> Statement of KNAB, Office for the Prevention and Combating of Corruption, 'Procedural activities carried out by KNAB', 24 August 2022.

<sup>76</sup> The Baltic Times, Businessman Trubko sentenced to 4.5 years in prison for bribery, 14 April 2023.

<sup>77</sup> Statement of KNAB of 10 October 2022, Office for the Prevention and Combating of Corruption, '20 years in the field of anti-corruption'.

<sup>78</sup> Statement of the Public Prosecutor's Office), 5 May 2022. Statement of the Public Prosecutor's Office), 3 June 2022.

<sup>79</sup> Input received from Latvia to the 2023 Rule of Law Report.

<sup>80</sup> Transparency International, Exporting Corruption 2022, p. 4.

<sup>81</sup> Against around 300 cases received in 2022 for money laundering cases - Information received in the context of the country visit to Latvia from the Economic Court.

<sup>82</sup> Information received in the context of the country visit to Latvia from the Economic Court.

<sup>83</sup> Information received in the context of the country visit to Latvia from the Prosecution Office.

<sup>84</sup> State Audit Office (2020), Performance audit Effectiveness of investigations and trials of the criminal offences in the economic and financial area. The audit was conducted in cooperation with the Organization for Economic Cooperation and Development (OECD), which provided comparative information on organisation of prosecution services in selected countries. OECD (2021), Performance of the Prosecution Services in Latvia - A Comparative Study.

<sup>85</sup> State Audit Office (2021), Press release: Plan to implement the SAO's recommendations for streamlining prosecution of economic and financial crimes.

recommendations. The result of this exercise should be finalised by the end of 2024<sup>86</sup>. Currently, four KNAB investigators are involved in three criminal proceedings led by EPPO<sup>87</sup>. According to EPPO the issue of insufficient resources on the Latvian side remains to be addressed<sup>88</sup>.

**The State Audit Office has expressed concerns regarding the shortcomings of the institutional framework in relation to investigation of corruption-related cases.** On 9 November 2022, the State Audit Office published an audit report<sup>89</sup> related to the number and distribution of investigative anti-corruption competencies, as well as the capacity of the relevant authorities to deal with corruption cases. It was for instance noted that while the initial idea of setting up KNAB was to centralise the investigation of all corruption crimes and set up regional KNAB departments, this objective was not implemented due to insufficient funding<sup>90</sup>. The report states that KNAB initiates and investigates only 16% of all cases related to corruption<sup>91</sup>. As such, the functions of the relevant institutions significantly overlap. Also, the Report underlines that there are no criteria for determining the effectiveness and volume of investigatory work<sup>92</sup>. The Council for Prevention of Crime will be the coordinating body responsible for addressing the recommendations made to the Ministry of Justice, the Ministry of the Interior, the Ministry of Finance, and the investigative authorities<sup>93</sup>.

**The electronic system on asset declarations keeps improving in both legal and operational terms.** Concerning the annual declarations for 2022, 65 125 declarations of public officials were submitted in the Payment Administration Information System (PAIS) and the system automatically accepted 43 649 declarations, ensuring an automated verification of declarations by set criteria while the remaining declarations were checked manually<sup>94</sup>. The State Revenue Service conducts in-depth verification on submission and filling of no less than 2% of all

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<sup>86</sup> Input received from Latvia to the 2023 Rule of Law Report.

<sup>87</sup> One of the proceedings was started in 2021, and two were started in 2022. Input from Latvia for the 2023 Rule of Law Report, p. 18.

<sup>88</sup> Contribution from the EPPO for the 2023 Rule of Law Report, Annex, p. 22.

<sup>89</sup> State Audit Office of the Republic of Latvia (2022), 'Inquiry Authorities in Latvia: the issue of competences and resources, but not the issue of numbers'.

<sup>90</sup> The Cabinet of Ministers has approved the task to carry out a feasibility evaluation regarding the possibility to extend the competence of KNAB to investigate private sector corruption but the evaluation was not finalised at the time of completion of the audit report.

<sup>91</sup> The remaining ones are taken over by other agencies, namely the Internal Security Bureau, the Internal Security Board of the State Revenue Service, the State Border Guard, the Prison Administration and the State Police. The Report also states that those institutions have competence to investigate service-related offences committed by their own officials, which creates potential conflicts of interest. The auditors estimated that if the KNAB investigated all corruption criminal offences, there would be an additional 160 criminal proceedings on average every year where 97% of criminal proceedings would refer to corruption criminal offences committed in public sector and 3% of criminal proceedings in private sector. Thus, the number of criminal proceedings initiated by the KNAB yearly would increase fivefold. The auditors point out that KNAB has been tasked several times to address the issue of expanding its institutional jurisdiction by centralising the investigation of corruption criminal offences since 2015, but no result has been achieved so far. State Audit Office of the Republic of Latvia (2022), 'Inquiry Authorities in Latvia: the issue of competences and resources, but not the issue of numbers'.

<sup>92</sup> State Audit Office of the Republic of Latvia (2022), 'Inquiry Authorities in Latvia: the issue of competences and resources, but not the issue of numbers'.

<sup>93</sup> Information received in the context of the country visit in Latvia from the State Chancellery.

<sup>94</sup> Information received in the context of the country visit in Latvia from the State Revenue Service.

submitted declarations annually<sup>95</sup>. The SRS initiated 282 administrative violation proceedings in 2022 for violations found in the activities of state officials<sup>96</sup>. In 2022, 370 decisions were taken on administrative liability cases for offences conducted by public officials<sup>97</sup>. In 2021 – 2022, administrative decisions came into force regarding 97 cases of failure to submit declaration in time and 154 cases of declaration of false data. The majority of the cases are minor<sup>98</sup>. Currently, the PAIS system also allows public officials to clarify the declarations in the Electronic Declaration System before it is published on the public database. That improvement has increased the detection of gaps in the asset declarations by 50% according to the State Revenue Service<sup>99</sup>. In view of ensuring a uniform understanding of the legal norms, the amendments to the Law on Prevention of Conflict of Interest suggested by State Revenue Service are currently being discussed in the Ministry of Justice<sup>100</sup>. The State Revenue Service is also planning the next round of amendments that are expected to set the time limit for the availability of public officials' declarations in the database to be made public especially for the public officials who terminated employment relationships long time ago or deceased<sup>101</sup>.

**Substantive progress has been made on integrity matters.** On 20 October 2022, further amendments were adopted to the Law on Prevention of Conflict of Interest in Activities of Public Officials in view of strengthening restrictions for members of local government councils to obtain income<sup>102</sup>. GRECO has welcomed the progress made on integrity matters in top executive functions and law enforcement agencies<sup>103</sup>. Also, in line with a GRECO recommendation<sup>104</sup>, an amendment was adopted introducing a mechanism obliging political officials to obtain a relevant permission prior to combining offices. In 2022, KNAB received

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<sup>95</sup> Nevertheless, GRECO raises the fact that it does not seem that all the asset declarations of the top executive power public officials are subject to an in-depth and independent scrutiny (manual check) and the SRS, being part of the Ministry of Finance, may not be considered fully independent, on the basis of the limited information provided by the authorities. GRECO, Fifth Evaluation Round, Second Compliance Report on Latvia, p. 11.

<sup>96</sup> Information received following the country visit in Latvia from the State Revenue Service.

<sup>97</sup> The main reasons were the indication of false information, non-compliance with submitting declarations on time, as well as for not submitting lists of public officials on time and in the correct order. Information received from the State Revenue Service following the country visit in Latvia.

<sup>98</sup> Information on detected violations of the "Law on the prevention of conflict of interest in the activities of public officials".

<sup>99</sup> Information received from the State Revenue Service in the context of the country visit in Latvia.

<sup>100</sup> The purpose of those amendments is to reduce the number of incorrectly completed declarations by public officials because of the interpretation of legal norms, and the number of violations that occur due to ambiguous understanding of legal norms. Those amendments notably aim at defining more precisely the amount of information to be provided in declarations of public officials, to determine a longer time period for updating declarations of public officials. Input from Latvia for the 2023 Rule of Law Report, p. 23.

<sup>101</sup> Currently the regulatory acts do not specify the time limit for the public availability of declarations, but only the time limit for their storage. Information received following the country visit in Latvia from the State Revenue Service.

<sup>102</sup> The amendments prohibit the members to be remunerated by organisations and companies from funds that have been provided by the respective municipality. These officials will also not be allowed to receive remuneration from an organisation for two years since they have made a decision or participated in decision making to grant public funds to the organisation. Amendment of the Law on Prevention of Conflict of Interest in Actions of Public Officials, adopted on 20 October 2022. The amendment will enter into force on 1 April 2023.

<sup>103</sup> GRECO, Fifth Evaluation Round, Report on Latvia, p. 17.

<sup>104</sup> GRECO, Fifth Evaluation Round, Report on Latvia, Recommendation viii Part ii, p. 8.

an EU grant for a project focusing on the evaluation of the Law on Prevention of Conflict of Interest in Activities of Public Officials to be carried out by experts of the OECD<sup>105</sup>. The OECD intends to also produce a report analysing current approaches and inputs for assessing internal control systems in Latvia, with a focus on the prevention of corruption and conflicts of interests<sup>106</sup>. As regards the restrictions regarding post-employment activities, according to Section 6(4) of the Law on Transparency of Interest Representation that entered into force on 1 January 2023 foresees a two-year cooling off period<sup>107</sup>.

**The Cabinet of Ministers intends to adopt a code of ethics for the Government.** In 2022, the State Chancellery<sup>108</sup> published the results of an analysis of integrity risks of certain politicians and high-level civil servants and advisors of the executive regarding areas such as policy making, policy implementation and co-ordination, appointment and career development of subordinate officials<sup>109</sup>, which was welcomed by GRECO<sup>110</sup>. In January 2023, a training for the newly appointed governmental officials was carried out<sup>111</sup>. According to the declaration of the new Cabinet of Ministers, a code of ethics for the Government is expected to be developed on this basis<sup>112</sup>. Both developments were welcomed by GRECO<sup>113</sup> due to its recommendation from 2020 to revise and update the Parliament's code as well as to complement it with practical measures to provide guidance and counselling<sup>114</sup>.

**Some progress has been made regarding legislation on lobbying, as a new law was adopted, although certain challenges still need to be addressed for the system to be operational.** The 2022 Rule of Law Report recommended to Latvia to “continue efforts towards adopting the draft legislation on lobbying, and following that, ensure the setting-up of

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<sup>105</sup> The project focuses on evaluating the quality of internal anti-corruption system rules and developing a methodology to evaluate the quality of these systems, developing national corruption risk assessment methodology and corruption latency level evaluation methodology. It is carried out with close cooperation with DG Reform of the Commission and OECD experts. Report on the implementation of the corruption prevention and combatting plan for 2015-2020.

<sup>106</sup> The report will contain a final methodology for assessing the effectiveness of internal control systems for preventing corruption and conflicts of interest in Latvia, including key indicators that determine the effectiveness of the system. Currently, approximately 80% of State and Municipal institutions have implemented internal control systems. However, their quality and understanding of the requirements is variable and has not been assessed so far. – Contribution received in the context of the 2023 Rule of Law Report from OECD, p. 6-7.

<sup>107</sup> During their term of office, a representative of a public authority is prohibited from being a representative of interests in cases in which they are involved as a representative of the public authority. This limitation also applies for two years after the end of the term of office for cases in which the person has been involved as a representative of public authority.

<sup>108</sup> The State Chancellery is a central public administration institution directly subordinated to the Prime Minister.

<sup>109</sup> For the purposes of the analysis the ‘political office holders of the executive’ are: Members of the Cabinet of Ministers (President of the Ministers, Ministers, Member of the Prime Minister and Minister for Special Purposes), parliamentary Secretary, Head of Cabinet office of a member of the Cabinet, Advisers, assistants to a member of the Cabinet of Ministers. The analysis identified and assessed different risks, for example, orders issued by political officials in areas of public procurement and governance of state-owned enterprises contrary to the division of competences between political and administrative officials - Analysis of integrity risks, 2022.

<sup>110</sup> GRECO, Fifth Compliance Round, Compliance report on Latvia, p. 4.

<sup>111</sup> Information received from the State Chancellery in the context of the country visit to Latvia.

<sup>112</sup> Declaration of envisaged activity of the Cabinet of Ministers, 14 December 2022

<sup>113</sup> GRECO, Fifth Evaluation Round Second compliance report on Latvia, p. 6.

<sup>114</sup> GRECO, Fourth Evaluation Round, Addendum to the Second compliance report, Latvia, p. 6.



a special lobby register”. The Law on Transparency of Interest Representation<sup>115</sup>, that was adopted on 13 October 2022 and entered into force on 1 January 2023<sup>116</sup>, is considered a positive development in view of promoting transparency by the civil society<sup>117</sup>. At the same time, numerous questions regarding implementation remain to be addressed. Those concern in particular the definition of the ‘interest representation’<sup>118</sup>, which currently remains vague and, as such, could lead to confusion as to which cases should be registered. Similarly, a sanctioning system for breaches has not yet been introduced and the authority responsible for the implementation of the law has not been defined<sup>119</sup>. According to the State Chancellery, certain aspects of the new Law will be addressed by September 2023 through a Cabinet Regulation which is expected to bring more clarity on the adopted rules<sup>120</sup>. The creation of an interest representation registry and an interest representation declaration system is expected to be operational by 1 September 2025. Also in 2025, the Ministry of Justice, in cooperation with KNAB and the State Chancellery, is expected to provide an official report to the Parliament assessing the necessity to introduce sanctions for breaches of the Law. The report will also include an indication of the authority competent for the implementation of the Law<sup>121</sup>. Some progress has therefore been made regarding the 2022 recommendation.

**New amendments entered into force regarding political party financing, while no changes took place regarding the rules on revolving doors.** The amendments adopted on 24 February 2022 in the Law on Financing of Political Parties entered into force on 1 November 2022<sup>122</sup>. In context of the Parliament elections carried out on 1 October 2022, KNAB organised seminars for campaigners, as well as political parties on pre-election campaigning restrictions<sup>123</sup>. As regards the examination of submissions and complaints related to alleged political party financing and pre-election campaigning restrictions, KNAB initiated 512 departmental examinations, and by the end of 2022 had completed 535 departmental examinations. For violations of the Law on Financing of Political Parties and Pre-election

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<sup>115</sup> Interest Representation Transparency Law, adopted on 13 October 2022.

<sup>116</sup> The Law has been designed to minimise the potential burden on interest representatives, particularly by keeping them free from an obligation to declare lobbying contacts (the respective obligation is imposed on the lobbied persons). It defines the terms of representation of interests and representative of interests, sets an obligation to register representation of interests, as well as system of registering/declaring representation of interests’ activities, obligations of representatives of interests and public officials, and restrictions in processes of representation of interests.

<sup>117</sup> Information received from Delna and Transparency International in the context of the country visit in Latvia. Contribution from ENNHRI for the 2023 Rule of Law Report, p. 8.

<sup>118</sup> Saeima Press Service (2022), Saeima adopts Law on Transparency of Representation of Interests, 18 October 2022.

<sup>119</sup> Written contribution received from the Ombudsperson’s office in the context of the country visit, pp. 1-2.

<sup>120</sup> The Cabinet Regulation will address other information to be published in the registry as well as its scope and the order in which a public official will be ensured access to the registry. The responsible for development of these Regulations in Ministry of Justice together with State Chancellery. - Input from Latvia for the 2023 Rule of Law Report, p. 17.

<sup>121</sup> Input from Latvia for the 2023 Rule of Law Report, p. 17.

<sup>122</sup> Amendments to the Law on Financing of Political Organisations (Parties) of 19 July 1995, adopted on 24 February 2022.

<sup>123</sup> Input from Latvia received for the 2023 Rule of Law Report, p. 30.

Campaign Law in 2022, KNAB initiated 87 administrative violation proceedings against political parties and other legal and natural persons<sup>124</sup>.

**The new legislation on whistleblowing is operational, while the Ombudsperson underlines the need for ensuring its effectiveness in practice.** The Whistleblowing Law entered into force on 4 February 2022<sup>125</sup>. The system is operational and the main contact for whistleblowers is the State Chancellery. Overall, in 2021, 527 whistleblowing submissions were received while 153 of them were recognised as whistleblowing, including 25 cases of corruption<sup>126</sup>. As regards submission made to KNAB, 55 submissions on whistleblowing were received in 2022, including 15 on corruption (8 on bribery and 7 on conflicts of interest) while the cases recognised as whistleblowing were 11 overall, including 10 on corruption (4 on bribery and 6 on conflicts of interest)<sup>127</sup>. Various awareness raising activities were undertaken in 2022<sup>128</sup>, including issuing of specific guidelines on whistleblowers<sup>129</sup>. Nevertheless, according to the Ombudsperson, there is a need to ensure that the existing mechanism for protecting the rights of whistleblowers is effectively functioning in practice<sup>130</sup>.

### **III. MEDIA PLURALISM AND MEDIA FREEDOM**

The Latvian legal framework concerning media pluralism and media freedom is based on a set of constitutional safeguards and legislative measures. The Constitution prohibits censorship and guarantees freedom of expression and information. Electronic media is regulated by the Electronic Mass Media Law (EMML)<sup>131</sup>, which also implements the Audiovisual Media Services Directive.

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<sup>124</sup> As a result of the examinations, KNAB took 57 decisions against political parties for the established violations, imposing a total of over EUR 13 000 in fines, and seven decisions on the repayment of financial resources to the State budget for a total of nearly EUR 137 000. In 2022, political parties pursuant to the decisions of KNAB, repaid to the State budget unlawfully acquired funding for a total of EUR 80 000, as well as voluntarily repaid a total of EUR 1 600, and a total of EUR 10 500 in fines. Input from Latvia received for the 2023 Rule of Law Report, p. 30.

<sup>125</sup> Whistleblowing Law, adopted on 20 January 2022.

<sup>126</sup> Information received in the context of the country visit in Latvia from the State Chancellery.

<sup>127</sup> Input from Latvia received for the 2023 Rule of Law Report, pp. 24-25.

<sup>128</sup> A second awareness raising campaign was conducted by the State Chancellery (“An employee - it is not nothing”). The State Chancellery’s guidelines were updated and published on [trauksmescelejs.lv](https://trauksmescelejs.lv). Two sociological surveys were conducted within the framework of the European Economic Area grant “Support for the establishment of a whistle-blowing system in Latvia”, measuring the attitude of society and of entrepreneurs against corruption. – Input from Latvia for the 2023 Rule of Law Report, p. 16.

<sup>129</sup> Guidelines on whistleblowers are available here: <https://trauksmescelejs.lv/vadlinijas>.

<sup>130</sup> The Ombudsperson pointed out in case 2022-02-27J that, in Latvia, regulatory acts do not identify an authority which would have competence over whistleblowing issues, including the verification that the authority that dealt with the whistleblower’s report has ensured the protection of the individual’s rights. In the absence of such supervision, public confidence in the effectiveness of the whistleblowing mechanism and in the protection of the whistleblower may be significantly reduced. As a result, a person may lack motivation to report the violations found in the public interest. In the opinion of the Ombudsperson, the authority competent for carrying out that task could be the Public Prosecutor’s Office, which has the necessary legal instruments to ensure control over whistleblowing issues. Written contribution received from the Ombudsperson’s office in the context of the country visit, p. 1. Ombudsperson (2023), *Ombudsperson Annual Activity Report 2022*, p. 58.

<sup>131</sup> Latvian Electronic Mass Media Law, *Latvijas Vēstnesis*, 118, 28.07.2010.

**Since the 2022 Rule of Law Report, there have been no changes to the legal framework concerning the regulator for audiovisual media services<sup>132</sup>.** The media regulator, the National Electronic Mass Media Council (NEMMC), supervises the compliance of the operations of electronic mass media with the Constitution, the EMLL and other relevant legislation. Regulatory safeguards are in place for the independence of the NEMCC. The EMLL provides that while carrying out its tasks, the National Electronic Media Council shall not seek or take instruction from any other body. Financial and human resources of the NEMCC have remained stable<sup>133</sup>. As in the past year, the Media Pluralism Monitor (MPM 2023) reports a low risk for the independence of the media authorities<sup>134</sup>.

**Since the 2022 Rule of Law Report, there have been no significant changes in the legal framework concerning transparency of media ownership<sup>135</sup>.** The public can obtain the information on media ownership from the website of the NEMCC<sup>136</sup> and the Register of Enterprises. All media outlets registered in Latvia must provide the information on their beneficial owners to the Register of Enterprises, and service providers are obliged to provide information on their beneficial owners and any changes in such ownership to the NEMCC. As pointed out in the 2022 Rule of Law Report<sup>137</sup>, the Government has included measures to promote public access to media ownership information in the Latvia's National Open Government Action Plan for 2022-2025; the work on the implementation of those measures by the NEMCC is ongoing<sup>138</sup>. There has been no development regarding media concentration. The Latvian framework does not provide for any specific measures regulating the involvement of media regulators in the context of the assessment of media mergers and acquisitions. Concerning operating licenses, there is no specific limit in terms of number of licenses, which are awarded by the NEMMC following a tender procedure<sup>139</sup>. The MPM 2023 indicates a low risk for the transparency of media ownership<sup>140</sup>, registering an improvement compared to the previous report where the indicators of transparency of media ownership scored a medium risk.

**The Public Electronic Mass Media Council (PEMMC) continues to operate as independent supervisory body for the oversight of public service media.** As reported in the 2022 Rule of Law Report<sup>141</sup>, the Law on Public Electronic Mass Media and their Management (PEMML)<sup>142</sup> established the PEMMC with the aim of ensuring the independence and promoting quality of public service media. Specific safeguards to ensure the independence of the PEMMC are provided for in the PEMML<sup>143</sup>. The PEMMC develops and approves the public service remit, including the annual public service plan, and prepares proposals for the

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<sup>132</sup> Act amending the Electronic Mass Media Law, adopted on 5 November 2020.

<sup>133</sup> Information received in the context of the country visit in Latvia from the NEMMC.

<sup>134</sup> 2023 Media Pluralism Monitor, Latvia, p.15.

<sup>135</sup> Act amending the Electronic Mass Media Law, adopted on 11 June 2020.

<sup>136</sup> [www.neplp.lv](http://www.neplp.lv).

<sup>137</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 14.

<sup>138</sup> Information received from the Ministry of Culture in the context of the country visit to Latvia.

<sup>139</sup> Article 15 of the Electronic Mass Media Law.

<sup>140</sup> 2023 Media Pluralism Monitor, Latvia, p.17.

<sup>141</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 14.

<sup>142</sup> Law on Public Electronic Mass Media and their Management (LPEMMM), adopted on 19 November 2020.

<sup>143</sup> Article 12 and Article 13 of the Law on Public Electronic Mass Media and their Management (LPEMMM).

draft annual State budget law in relation to the financial resources necessary for the fulfilment of the public service remit.

**Well-established safeguards ensure the independence of public service media.** The editorial independence of public service media<sup>144</sup> is guaranteed by the PEMML, which ensures fair and transparent appointment procedures for management and board functions of public service media<sup>145</sup>. Public service media in Latvia are financed by annual allocations of the state budget. The Law stipulates that the annual subsidies to the public service media cannot be smaller than in the previous year<sup>146</sup>. However, according to stakeholders, the funding of public service media by the state budget is restrictive and unstable, and a more adequate and predictable funding model should be adopted<sup>147</sup>. A proposal by the PEMMC, aiming to change the financing model for public service media, together with the plan to merge Latvian Radio (LR) and Latvian Television (LTV) in 2024, is still under discussion<sup>148</sup>. The MPM 2023 indicates the independence of public service media governance as an area of low risk<sup>149</sup>.

**Access to information and documents held by public authorities is safeguarded through legislation.** The Law on the Press and Other Mass Media<sup>150</sup> establishes the right for the press to access information held by the state bodies and public organisations and prohibits censorship of the press and other mass media<sup>151</sup>. Public access to information is also guaranteed by the Freedom of Information Law<sup>152</sup>. The MPM 2023 reports a low risk for the protection of right to information<sup>153</sup>.

**While the professional environment for journalists continues to be largely safe, online threats against journalists remain an issue.** The threats against journalists remain an issue, especially in the online environment where women journalists are particularly targeted<sup>154</sup>. Since the publication of the 2022 Rule of Law Report, one new alert has been published for Latvia on the Council of Europe's Platform to promote the protection of journalism and safety of journalists<sup>155</sup>. The alert concerns the decision of the NEMCC to revoke the broadcasting licence of the Russian independent television channel Dozhd, "due to a threat to national

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<sup>144</sup> According to European Parliament's Flash Eurobarometer: News & Media Survey 2022, 51% of respondents in Latvia stated that they trust public TV and radio stations, above the EU average of 49%.

<sup>145</sup> 108 Article 3 of the Law on Public Electronic Mass Media and their Management (LPEMMM).

<sup>146</sup> Article 70(1) of the Law on Public Electronic Mass Media and their Management (LPEMMM)

<sup>147</sup> Information received from PEMMC in the context of the country visit to Latvia.

<sup>148</sup> Information received from PEMMC in the context of the country visit to Latvia.

<sup>149</sup> 2023 Media Pluralism Monitor, Latvia, p.23.

<sup>150</sup> Law of 20 December 1990 on the Press and Other Mass Media, available at: <https://likumi.lv/ta/en/en/id/64879>.

<sup>151</sup> Latvia ranks 16th in the 2023 Reporters without Borders World Press Freedom Index compared to 22nd in the previous year.

<sup>152</sup> Freedom of Information Law (Latvijas Vēstnesis, 334/335, 06.11.1998).

<sup>153</sup> 2023 Media Pluralism Monitor, Latvia, p.13.

<sup>154</sup> Information received from journalists' associations in the context of the country visit to Latvia.

<sup>155</sup> On the Council of Europe Platform to promote the protection of journalism and safety of journalists.

security and public order” (156). Several associations of journalists and NGOs expressed their concern about the NEMMC decision which they considered disproportionate<sup>157</sup>.

#### **IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES**

Latvia is a unicameral, parliamentary democracy, in which the Constitutional Court can carry out *ex-post* constitutional review of laws, including in concrete cases on the basis of a constitutional complaint. Draft laws may be submitted to the Parliament by the President, the Government, Parliamentary committees, at least five members of the Parliament, or one-tenth of the electorate. In addition to the justice system, also the Ombudsperson’s Office<sup>158</sup>, acting as a national human rights institution, and civil society play a role in the system of checks and balances.

**A new law aims to facilitate the participation of civil society in local decision-making.** The 2022 Rule of Law report recommended to Latvia to “take measures to increase the participation of civil society in decision-making at local level”. As highlighted in the 2022 Rule of Law Report, the involvement of civil society in local government was assessed as weaker than at national level<sup>159</sup>. The Law on Local Government<sup>160</sup>, which entered into force on 1 January 2023, introduces several mechanisms to foster the active involvement of civil society at municipal level<sup>161</sup>. A new participatory budget, whose implementation will be mandatory from 2025 onwards, will enable residents to determine themselves how part of the local government budget is spent on development issues<sup>162</sup>. The law also provides for the organisation of advisory resident councils in municipalities, which would be elected at general meetings of residents and maintain a dialogue between the local population and the municipal council. The law also envisages other forms of public participation, such as the possibility, for residents of the municipality, to submit a collective submission to the city council, or the organisation of

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<sup>156</sup> Dozhd TV operations in Russia were suspended by the Russian authorities over its anti-war coverage in relation to the invasion of Ukraine. The independent station had been operating in exile from Latvia since July 2022, until its broadcasting authorization was revoked by Latvia’s media regulator in December 2022, based on three violations of the Latvian broadcasting law. The European Association of Journalists considers that appropriate steps were taken by Dozhd to address the three violations and that the editorial errors in question do not meet the threshold necessary for the outright revocation of a media outlet’s broadcasting licence. In January this year Dozhd TV was granted a license by the authorities of the Netherlands and is now broadcasting from this country.

<sup>157</sup> <https://eng.lsm.lv/article/features/media-literacy/latvian-journalists-association-calls-tv-rains-punishment-disproportionate.a485906/>; Latvia: Media regulator urged not to revoke TV Dozhd license pending court review – European Federation of Journalists ([europeanjournalists.org](http://europeanjournalists.org)); Latvia: Media regulator urged not to revoke Dozhd license pending court review - European Centre for Press and Media Freedom ([ecpmf.eu](http://ecpmf.eu)).

<sup>158</sup> The Latvian Ombudsperson’s Office is a national human rights institution accredited with an “A Status” by the GANHRI Sub-Committee on Accreditations, in compliance with the Paris Principles.

<sup>159</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, pp. 18-19.

<sup>160</sup> Law of 20 October 2022 on Local Government, published in Latvian Official Gazette no. 215 of 4 November 2022.

<sup>161</sup> See Franet (2023), Country research – An update on developments regarding civic space in the EU and an overview of the possibilities for human rights defenders to enter EU territory – Latvia, p. 4.

<sup>162</sup> Under Art. 59 and 60 of the Law on Local Government, the residents of the administrative territory of the municipality decide on the use of the participation budget, which will represent at least 0.5 percent of the average municipality’s revenues from personal income tax and real estate tax.

municipal referenda. More generally, Civic Alliance Latvia<sup>163</sup> considers that the legal framework for civic participation is favourable and public administration follow the rules both at local and national level, but notes that civil society also calls public authorities for non-formal consultative processes as well as more meaningful engagement and feedback<sup>164</sup>. In view of all these participatory mechanisms, the 2022 recommendation has been fully implemented.

**The state of emergency restricting access to the Latvian-Belarusian border, including for the media and civil society organisations, was maintained.** The state of emergency at the border with Belarus was introduced in August 2021<sup>165</sup>. The Cabinet of Ministers extended this several times for an extensive period, currently until 10 May 2023, taking into account the continuing risks of irregular migration and hybrid attacks by the Belarusian regime<sup>166</sup>. The Order declaring the state of emergency gives the State Border Guard the right to apply, under certain conditions, physical force to prevent illegal border crossings<sup>167</sup>, and access to the border area for the media has been significantly restricted<sup>168</sup>. A report published on 30 June 2022 noted that media and civil society organisations (CSOs) face restrictions in accessing the border zone to provide humanitarian aid and report on the situation<sup>169</sup>. Two draft laws are being discussed in Parliament, to clarify the powers of the State border Guard<sup>170</sup> and to empower the Government to introduce a temporary reinforced border guarding regime in certain situations, respectively<sup>171</sup>.

**The legislator has not taken measures to fully implement a judgment of the Constitutional Court on legal, economic, and social protection for all families, as also required by the Supreme Court.** In 2020, the Constitutional Court of Latvia ruled that the Latvian Constitution requires the legislator to ensure legal protection and measures of social and economic

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<sup>163</sup> Civic Alliance Latvia's membership comprises 138 CSOs, representing a total of approximately 70 000 individuals citizens, or 70% of all persons involved in CSOs in Latvia.

<sup>164</sup> Civic Alliance Latvia, Annual Civic Space Report – 2022 – Latvia, p. 9.

<sup>165</sup> Order No. 518 of the Cabinet of Ministers of 10 August 2021, on the Declaration of an Emergency Situation, initially covered the Ludza, Krāslava and Augšdaugava municipalities as well as the city of Daugavpils.

<sup>166</sup> Ministry of the Interior, press release of 1 February 2023.

<sup>167</sup> The Order declaring the state of emergency stipulates that 'the State Border Guard, the National Armed Forces, and the State Police shall use the means and procedures at their disposal in order to prevent persons from the illegal crossing of the state border of the Republic of Latvia and the Republic of Belarus' and that, upon establishing that the person does not comply with the order to immediately stop the attempt to illegally cross the state border or to immediately return to the country from which the person crossed the border, those authorities have the right, 'in a state of extreme necessity, to apply physical force and special means in order to ensure the execution of this order'.

<sup>168</sup> Under applicable guidelines, a special pass is required to access an area 2 km from the national border line, and the presence of media in a 12-metre radius from the border is prohibited. Journalists need to plan media visits in advance with the State Border Guard, and to be accompanied by border guards at all times. Their presence during defence measures, return operations or patrols is not allowed.

<sup>169</sup> Diversity Development Group and Providus, Comparative report on the influx of irregular migrants across the border of Belarus: the response by the governments of Lithuania and Latvia, pp. 32-34. Latvian authorities however indicated that, in 2022, aid to migrants was provided both by the border guards directly and by civil society organizations through the assistance of the border guards.

<sup>170</sup> The draft amendments to the State Border Guard Law foresee a more clearly defined pattern of action for a border guards, including as regards the use of physical force, towards persons attempting to enter the country illegally.

<sup>171</sup> The draft amendments to the Law on the State Border Law of the Republic of Latvia would allow the Cabinet of Ministers to introduce such a regime in a specified area in case of disproportionately high number of irregular crossings or attempts to cross the state border.

protection and support to all families, including families of same-sex partners<sup>172</sup>, and gave the lawmaker a deadline until 1 July 2022 to comply with its judgment<sup>173</sup>. Under Latvian law, judgments of the Constitutional Court are binding on all State authorities<sup>174</sup>. While the law still does not recognise the possibility to register same-sex unions despite the deadline given by the Constitutional Court<sup>175</sup>, administrative courts gave a series of decisions recognising the legal existence of same-sex relationships upon individual requests. In particular, in a judgment of 10 December 2021, the Supreme Court considered that, insofar as it does not allow registration of family relations of a same-sex couple, Latvian legislation does not comply with the Latvian Constitution as interpreted by the Constitutional Court, and that couples should be able to have their relationship recognised by a court until legislation provides for the possibility to record it in a civil register<sup>176</sup>. This solution remains however more burdensome for the families involved, as it presupposes filing an application before an administrative court and a lengthy procedure, instead of applying for a civil registration.

**On 1 January 2023, Latvia had eight leading judgments of the European Court of Human Rights pending implementation, an increase of one compared to the previous year<sup>177</sup>.** At that time, Latvia's rate of leading judgments from the past 10 years that remained pending was only at 16% (compared to 12% in 2022) and judgments had been pending implementation for 1 year and 3 months (compared to 1 year and 5 months on average in 2022)<sup>178</sup>. On 15 June 2023, the number of leading judgments pending implementation remains eight<sup>179</sup>.

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<sup>172</sup> Judgment of 12 November 2020 in case no. 2019-33-01. The Constitutional Court underscored that, although the legislator has discretion in determining the form of the legal, social and economic protection of all families, this discretion does not extend to deciding whether such protection should be afforded to families. It added that, in establishing the legal regulation and measures for protection and support, the legislator must take into account general principles of law and other provision of the Latvian Constitution, international and the European Union law.

<sup>173</sup> Noting the complexity and significant impact of the necessary reform, the judgment of the Constitutional Court had given the legislator a deadline until 1 June 2022 to fulfil the positive obligation to ensure adequate legal, social and economic protection for all families.

<sup>174</sup> Art. 32(2) of the Law of 5 June 1996 on the Constitutional Court provides that “the Constitutional Court judgement and the interpretation of the relevant legal norm provided therein shall be obligatory for all State and local government authorities (also courts) and officials, as well as natural and legal persons”.

<sup>175</sup> Draft legislation providing for a civil partnership applicable to same-sex relationships was tabled by the Minister of Justice in Parliament in early 2022, but was eventually rejected by the Legal Affairs Committee.

<sup>176</sup> Judgment of the administrative chamber of the Supreme Court in case no. SKA-[B1]/2021. Paras. 17 and 18 of the judgment highlight that the legislature had failed its legal obligation under the Constitution, since the law should provide for the recognition and registration of families of same-sex couples, and no overriding public interest justifies failure to comply with that obligation. At para. 23 of its judgment, the Supreme Court ruled that, given the legislative lacuna, administrative courts may deliver judgments replacing the registration of a relationship by the State, which may then be used to claim certain family rights.

<sup>177</sup> The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

<sup>178</sup> All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2023. See the Contribution from the European Implementation Network for the 2023 Rule of Law Report, p. 1.

<sup>179</sup> Data according to the online database of the Council of Europe (HUDOC-EXEC).

**The Ombudsperson's Office continues to operate effectively, while the rate of implementation of its recommendations decreased.** The Ombudsperson's Office, accredited with 'A' status by the UN Global Alliance of National Human Rights Institutions (GANHRI), continues processing a large number of complaints and issuing opinions and recommendations to public authorities<sup>180</sup>. In 2023, it requested additional financial resources, particularly to ensure competitive remunerations for its staff and secure human resources to conduct research activities<sup>181</sup>. The number of complaints made by citizens regarding alleged violations of the right to a fair trial decreased significantly between 2021 and 2022, and the Ombudsperson made a number of proposals to ministries and the legislator to safeguard this right<sup>182</sup>. However, the rate of implementation by public authorities of recommendations issued by the Ombudsperson has steadily decreased since 2020<sup>183</sup>.

**State funding for civil society organisations increased, but limited access to adequate funding from different sources is perceived as the main challenge.** The civic space in Latvia is still assessed as narrowed<sup>184</sup>. The state funding available to CSOs through the NGO Fund increased from EUR 1.5 million in 2021 to almost EUR 1.9 million in 2022<sup>185</sup> and to EUR 2.3 million in 2023<sup>186</sup>. CSOs can also apply for co-financing for projects, financed by foreign funds, aimed at the development of a cohesive and civically active society, as well as funds for regional projects or programmes promoting the civic participation of minorities<sup>187</sup>. According to data, while the estimated number of associations and foundations working in the field of civil society is stable<sup>188</sup>, the financial activity of CSOs is decreasing, which indicates weaknesses in their financial sustainability. The vast majority of CSOs in Latvia consider the availability and adequacy of financial resources as one of the most significant constraints to their activities<sup>189</sup>. This financial precariousness is exacerbated by an insufficient diversification of funding sources, as annual accounts show that most CSOs rely on a single main source of revenue<sup>190</sup>, and other factors perceived by CSOs as constraints in their financial environment,

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<sup>180</sup> Ombudsperson Annual Activity Report 2022, pp. 8-12. In 2022, the Ombudsperson's Office dealt with 1634 referrals from citizens, conducted 61 inspections following such referrals, issued 173 recommendations to the administration and provided advice to citizens in 2426 cases.

<sup>181</sup> Input from the Ombudsman's Office for the 2023 Rule of Law Report, p. 7.

<sup>182</sup> Ombudsperson Annual Activity Report 2022, pp. 20-21. For instance, on 30 August 2022, the Ombudsperson made recommendations to ensure the representation, in criminal proceedings, of the owners of property illegally acquired.

<sup>183</sup> The rate of implementation was of 82,61% in 2020, of 76,44% in 2021 and 72,22% in 2022. See Ombudsperson Annual Activity Report 2022, p. 10.

<sup>184</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 18. See also rating given by Civicus, Latvia. Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

<sup>185</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Latvia, p. 18.

<sup>186</sup> Information received from the Ministry of Culture in the context of the country visit to Latvia.

<sup>187</sup> Input from Latvia for the 2023 Rule of Law Report, p. 36.

<sup>188</sup> The precise identification of such organisations does not rely on a legal classification, but research based on their activities allowed to identify around 1 000 CSOs active in Latvia in 2022. See Civic Alliance Latvia, Resources of civil society organisations: current situation and needs 2022, p. 5.

<sup>189</sup> According to a survey conducted in 2022, 69% of CSOs assess their overall financial resources as insufficient. See Civic Alliance Latvia, Resources of civil society organisations: current situation and needs 2022, p. 13.

<sup>190</sup> Ibid. p. 11, and Civic Alliance Latvia, Annual Civic Space Report – 2022 – Latvia, p. 7.



such as the tax burden<sup>191</sup>. In January 2023, organisations representative of civil society had sent a letter<sup>192</sup> to the Cabinet of Ministers calling for the inclusion of sustainable funding for civil society activities in the national budget for 2023. CSOs criticised the fact that the 2023 budget did not include the proposed measures and was planned without consulting civil society, as no centralised mechanism exists to enable CSOs to present their proposals in the process<sup>193</sup>.

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<sup>191</sup> Surveys show that 38% of CSOs consider tax rates are a major obstacle, one out of three has issues with the legal framework for donations and one in four with tax laws and regulations. Civic Alliance Latvia, Resources of civil society organisations: current situation and needs 2022, p. 13.

<sup>192</sup> Letter of 4 January 2023 from Civic Alliance Latvia and the organisations in the Council for the Implementation of the Memorandum of Cooperation between the Cabinet of Ministers and the council of NGOs. The letter was proposing to include in the budget for 2023, among others, additional funding for a dialogue between the Cabinet of Ministers and civil society at all stages of decision-making, as well for a targeted civil society development policy.

<sup>193</sup> Civic Alliance Latvia, press release of 13 February 2023, “Budget for the year 2023 – unfriendly for the civic society”.

## Annex I: List of sources in alphabetical order\*

\* *The list of contributions received in the context of the consultation for the 2022 Rule of Law report can be found at [https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation\\_en](https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en).*

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## **Annex II: Country visit to Latvia**

The Commission services held virtual meetings in February 2023 with:

- Association of Journalists
- Association of Judges
- Bar Association
- Civic Alliance Latvia
- Constitutional Court
- Corruption Prevention and Combating Bureau (KNAB)
- Council of Lawyers
- Delna – TI Latvia
- Economic Court
- Foreign Investors' Council in Latvia (FICIL)
- Internal Security Board of the State Revenue Service
- Internal Security Bureau (Ministry of Interior)
- Judicial Council
- Latvijas Televīzija (LTV)
- Latvijas Radio (LR)
- Ministry of Culture
- Ministry of Foreign Affairs
- Ministry of Interior
- Ministry of Justice
- National Electronic Mass Media Council
- Ombudsperson's Office
- Parliamentary Working group for the elaboration of a lobbying transparency law
- Prosecutor's Office
- Providus
- Public Electronic Mass Media Council
- State Audit Office
- State Border Guard
- State Chancellery
- State Police
- Supreme Court

\* The Commission also met the following organisations in a number of horizontal meetings:

- ALDA (European Association for Local Democracy)
- Amnesty International
- Civil Liberties Union for Europe
- Civil Society Europe
- Culture Action Europe
- European Centre for Press and Media Freedom
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- Front Line Defenders
- ILGA Europe

- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- International Planned Parenthood Federation European Network
- International Press Institute
- JEF Europe
- Osservatorio Balcani e Caucaso Transeuropa
- Philea
- Reporters Without Borders
- SOLIDAR
- Transparency International EU