**QUESTIONNAIRE**

1. Please provide detailed information, including disaggregated data, on the number of judges that have been subject to disciplinary proceedings in the last ten years. How many of them were found guilty of a disciplinary misconduct? How many of them were removed from office?

**Answer:** In response to the first question we are adding the table on the decisions of the Disciplinary Board of Judges of Latvia about the disciplinary sanctions applied to judges.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Disciplinary sanctions | Intention violation of law during examination of a matter in court | Failure to perform his/her duties of employment or allowing gross negligence in the examination of a matter | Dishonourable actions or gross violation of the norms of the Judges Code of Ethics | Administrative violations\* | Failure to observe the restrictions and prohibitions provided for in the Law on Prevention of Conflict of Interest in Activities of Public Officials | **Total** |
| Dismissing the disciplinary matter | 16 | 15 | 1 | 9 |  | **41** |
| Limited to proceedings without disciplinary sanction | 2 | 9 | - | 8 |  | **19** |
| An annotation | 8 | 17 | 1 | 6 | 1 | **33** |
| A reprimand | 7 | 4 | 4 | - |  | **15** |
| Reduction of salary for time period up to one year, withholdin up to 20% of the salary | 3 | 4 | 2 | 1 |  | **10** |
| To recommend the removal of the judge | 3 | 2 | 1 | 1 |  | **7** |
| **Total** | **39** | **51** | **9** | **25** | **1** | **125** |

\* In conformity with Law on Judicial Power, an administrative sanction may not be applied to a judge. A judge is the subject to disciplinary liability for the committing of administrative violations in accordance with the provisions of Chapter 14 of this Law.

1. Has any judge belonging to your association been subjected to any form of sanctions that were not previously established by law or that were imposed through a procedure that did not meet the procedural requirements established by the law? If yes, please provide information on the case(s).

**Answer:** No.

1. Apart from disciplinary proceedings, are there any other measures that may be used to interfere with the capacity of a judge to adjudicate cases before him or her in full independence? Are you aware of any case in which a judge has been promoted, transferred to another court, forced to take a training course, a vacation or medical leave, or coerced or pressured in similar ways in order to abandon a case pending before him or her? If yes, please provide information on the case(s).

**Answer:** No.

Only the Judicial Qualification Commitee, which objective of the assessment of the professional work of a judge is to promote the continuous professional growth of a judge throughout his or her career, may recommend a training course to the judge, if it`s necessary.

**4.** What measures have been put in place in your country to enable judges to decide matters before them impartially and without any pressure or interference?

**Answer:** Principles of the independence of judges are strengthen in the Constitution of the State of Latvia, in the Law on Judicial Power :

* State institutions, public and political organisations and other legal and natural persons have the obligation to respect and comply with the independence of a court and the immunity of judges.
* No one has the right to require from a judge a report on or explanations of the course of examination of a particular case, or also the disclosure of the views expressed during deliberations.
* A judge has immunity during the time he or she fulfils his or her obligations in relation to the administration of justice.
* A criminal case against a judge may be initiated only by the Prosecutor General of the Republic of Latvia. A judge may not be detained or held criminally liable without the consent of the Saeima. A Supreme Court judge specially authorised for that purpose shall take a decision on the detention, forcible conveyance, arrest, or subjection to a search of a judge. If a judge is apprehended for committing a serious or especially serious criminal offence, a decision on the forced conveyance, arrest or subjection to a search is not necessary, but a Supreme Court judge specially authorised and the Prosecutor General shall be informed thereof within 24 hours.
* An administrative sanction may not be applied to a judge, and he or she shall not be arrested according to administrative procedures. A judge is the subject to disciplinary liability for the committing of administrative violations in accordance with the provisions of Chapter 14 of this Law.
* A judge is not financially liable for the damages incurred by a person who participates in a matte, as a result of an unlawful or unfounded judgment of a court. In the cases provided for by law, damages shall be paid by the State.
* A person who considers that a court ruling is unlawful or unfounded may appeal it in accordance with the procedures specified in law, but may not bring a claim to a court against the judge who examined this case.

(*Sections 11., 13. of the Law on Judicial Power*)

The independence of the judge is also reflected in the facts, that

* Matters concerning disciplinary and administrative violations by judges of district (city) courts, regional courts, and the Supreme Court shall be examined only by the Judicial Disciplinary Board.
* The members of the Judicial Disciplinary Board are only judges, who are elected at a conference of judges by the judges themselves.

The Judicial Disciplinary Board shall consist of one judge from the Department of Administrative Cases of the Supreme Court, one judge from the Department of Civil Cases of the Supreme Court, one judge from the Department of Criminal Cases of the Supreme Court, one judge from the Regional Administrative Court, one judge from the Civil Matters Board of the regional court, one judge from the Criminal Matters Board of the regional court, one judge from the District Administrative Court, one judge from the Administrative Matters Board of the regional court, and two judges from district (city) courts whereof one has specialised in examination of civil cases, whereas the other - examination of criminal cases.

The Minister for Justice and the Prosecutor General, or persons authorised by them, as well as a person authorised by the board of the Latvian Society of Judges, may participate in the sittings of the Judicial Disciplinary Board in an advisory capacity.

(*Section 2. Judicial Disciplinary Liability Law*)

There are ongoing discussions about the competence of the Minister of Justice ( as a representative of executive power) to initiate the disciplinary proceeding against the judge in Latvia.