1. Does your country's judiciary include prosecutors (or equivalent)? If so, do prosecutors benefit from the same guarantees of judicial independence as other judges?

According to the section 106.1 of the law On Judicial Power, prosecutors are officials belonging to the court system who participate in the adjudication of matters in a court and perform other duties in accordance with law.

According to the section 1, of the Office of the Prosecutor Law, The Office of the Prosecutor is an institution of judicial power.

Prosecutors benefit equal, but not the same guarantees as judge. Independence of judges is established by Constitution, but prosecutors – by special law. Judge could be mowed from power just by decision of Parliament, but prosecutors by decision of more high-ranking prosecutor.

2. How would you define "judicial independence" in the context of the political and social system of your country today?

According to Constitution of Latvia chapter VI, section 83, judges shall be independent and subject only to the law. Law On Judicial Power section 1 define – an independent judicial power exists in the Republic of Latvia, alongside the legislative and the executive power.

In the same time Minister of Justice have power to guide candidate to office of judge, Parliament have power to appoint candidate to office of judge. In negative decision for candidate arguments usually do not follow.
3. Which objective criteria would you identify as indicating that the judiciary of your country is independent and why?

1. **Security of tenure as judge.**

   Judges appointed by Parliament and could be removed only by decision of Parliament.

2. **Having a body independent from other organs of state for:**
   - (a) deciding on appointment to judicial office;
   - (b) fixing judicial salaries;
   - (c) deciding on promotion;
   - (d) considering ethical/disciplinary problems and procedures;
   - (e) judicial training.

   An independent judicial power exists, alongside the legislative and the executive power.

   Judicial salaries have been fixing by special law (in last years judicial salaries decrease by changing of law. On decreasing of judicial salaries the Constitutional Court makes two judgments that will be delivered separately).

   Promotions from 2010 have been controlled partly by Council of Judiciary, Minister of Justice and Parliament.

   Ethical and disciplinary offences could be decided only by special commissions that consist only from judges.

   Judicial training have been organized by special judges training center and program of training is flexible for judges needs.

3. **Constitutional guarantee/other constitutional provision to ensure that the executive or other organs of the state cannot interfere with a judge's work or decision and/or any trials.**

   According to Constitution section 83, judges shall be independent and subject only to the law.

   According to section 1, of the law On Judicial Power, an independent judicial power exists, alongside the legislative and the executive power. Chapter 2 of the law On Judicial Power declares principles of guarantees...
for the independence of the judiciary: Independence of the Judiciary and being Subject only to Law, Prohibition on Interference with the Work of a Court, Immunity of Judges, Legal Effect of a Judgment of a Court.

4. **Laws ensuring judges have freedom of expression and association.**

According to section 86, the law On Judicial Power guaranty rights and freedoms of judges.

Judges have the rights and freedoms provided by law to citizens. Judges shall utilize these rights and freedoms, so that the dignity and honors of the court and judges, impartiality, and the independence of the court do not suffer.

Judges may freely join together in organizations, which protect their independence, promote their professional development, and defend their rights and interests.

The office of a judge may not be combined with membership in a party or other political organization.

A judge is not allowed to go on strike.

5. **Administration of the courts/judges that is run by judges or a service that is independent of the executive/legislature.**

Only Supreme Court has independent administration under supervision of Chief of Supreme Court.

First and second instances court administration is directly subordinate the Minister of Justice.

6. **A budget for court/judicial administration that is free from interference by the executive/legislature.**

Only Supreme Court have independent budget.

Budget of first and second instances court is centralize and courts do not have freedom of action.