APPROVED

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**Strategy of the Judicial Council 2021-2025**

**Introduction**

The strategy states that the overarching goal of the Judicial Council is to achieve equal representation of the judiciary in the dialogue between branches of state power in order to ensure the independence, quality, development and accountability of the judiciary.

**Description of the situation**

Section 891 of the Law “On Judicial Power” stipulates that the Judicial Council participates in the development of the policy and strategy of the judicial system, as well as in the improvement of the work organization of the judicial system.

In the first ten years of its existence, the Judicial Council has proved its potential in strengthening the independence of the Latvian judiciary. In the course of the implementation of the strategy of the previous period (2017–2019), progress has been made in ensuring the independence of the judiciary, in particular by taking over issues related to the career development of judges, as well as participating in judicial reforms.

In turn, when analysing what has to be achieved in the next period for strengthening the judicial system, it is necessary to highlight several areas arising from the current state of the Latvian judicial system, as well as from the European Union and international institutions' assessment of the judicial system.

*Judicial training issues* are closely linked to the independence of the judiciary. The Consultative Council of European Judges also considers that the supervision of these issues should be entrusted to the Judicial Council.

*Strengthening and activating the operation of judicial self-government institutions* is important in strengthening the self-organization capacity of the judiciary. Strong judicial self-government ensures transparency and systemic accountability to the public, which in turn increases trust and allows for greater independence.

*Strengthening the financial independence of the judiciary*. Currently, Section 502 of the Law on Judicial Power grants the Judicial Council advisory powers regarding the financing of the judiciary, but the submission of budget requests to the Ministry of Finance is not suspended even if its contents differ from the views of the Judicial Council. Moreover, in the Opinion No 2 of the CCJE on the funding and management of courts it is established that it is important that the procedure for adopting the budget of courts includes a procedure that takes into account the views of the courts. The consultative mechanism in the budget adoption process in both the Cabinet of Ministers and the Parliament is formal and does not allow for the effective involvement of the Judicial Council in budget formation, which makes the judiciary financially dependent on the executive.

*Remuneration appropriate to the position of a judge and competitive for court employees* is a precondition for the balanced development of all branches of state power in the Republic of Latvia, thus facilitating the strengthening of the rule of law in the Republic of Latvia. The Judicial Council has to continue to monitor the adoption and implementation of the Law on Remuneration of Officials and Employees of State and Local Government Authorities to ascertain whether the decision of the Constitutional Court regarding the establishment of such a system of judges remuneration, which would ensure the compliance of the actual value of judges remuneration with the requirements of financial security of judges and include the mechanism for its preservation, is implemented in practice. It is also necessary to actively participate in achieving the competitiveness of the remuneration of court employees, taking into account that the efficient functioning of the judiciary is not possible without high-quality and sustainable staff.

What regards the organization of the Judicial Council and its work, it has to be noted that its powers, composition and management need to be strengthened in order for the Council to have a significant impact on the development of the judiciary and to play a key role in the development of judicial policy and strategy. The composition of the Judicial Council is not fully in line with the recommendations of the Committee of Ministers of the Council of Europe, which stipulates that at least half of the members of the Council must be judges chosen by their colleagues, representing all levels of the judiciary and respecting pluralism in the judiciary. According to the current system in Latvia, less than half of the members of the Judicial Council have been elected by their colleagues. The number of ex officio members of the Judicial Council is quite unusual, as is the fact that these members form the majority of the Council.

At the level of the European Union, it has been established that the Latvian Judicial Council has one of the worst funding in the European Union. In addition, the Court Administration, the original idea of ​​which was to ensure the work of the Judicial Council with the support of the executive body, remains under the authority and control of the Ministry of Justice. When addressing the issue of establishing a full-fledged executive body of the Judicial Council, its institutional dependence on the Supreme Court should also be ended. It should be emphasized that many of the objectives defined in this strategy cannot be achieved without initial progress in strengthening the institutional capacity of the Judicial Council.

In the light of the above, the Judicial Council the following strategy for the next five-year term (2021-2025).

In order to achieve the overarching goal, the Judicial Council sets the following goals, directions and tasks.

1. **Strengthening the independence of the judiciary**

To promote the independence of the judiciary from the executive and to develop a

guarantee of independence. In order to reach this objective, the following main tasks

are set:

* 1. to achieve the financial independence of the judiciary as a constitutional body, as it already exists for other constitutional bodies;
  2. to take over the management of matters of judges training from the executive branch;
  3. to strengthen the judicial self-government institutions and their co-operation with the Judicial Council;
  4. to advance the increase of self-assessment of the independence of judges;
  5. to work on setting and developing professional standards for persons belonging to the judiciary;
  6. to continue to participate in the development of a competitive remuneration model for judges and court staff;
  7. to actively participate in the development of judicial policy and in the improvement of the regulatory framework on issues that directly affect the functioning of the judicial system.

1. **Strengthening the functionality and the role of the Judicial Council**

Objective: The Judicial Council is a respected representative of the interests of the

judiciary, including in the policy planning process. In order to reach this objective, the

following main tasks are set:

* 1. to initiate a discussion on the status and functions of the Judicial Council, in particular on the need to provide the Judicial Council with the right of legislative initiative and to enshrine the Council in the Constitution as a constitutional body;
  2. to develop and implement mechanisms for monitoring the progress of decisions taken by the Judicial Council;
  3. to audit the functions of the organizational management of courts and to take over the necessary functions from the executive power, accordingly developing the administrative capacity of the Judicial Council;
  4. to examine and analyse the necessity of changes in the composition of the Judicial Council and to initiate such changes, if necessary;
  5. to consider the need to adjust the regulation on the voting rights of the members of the Judicial Council, so that decisions on the career development of judges would be the sole responsibility of judges;
  6. to evaluate solutions in order to encourage the full involvement of judges in the work of the Judicial Council and in self-government institutions;
  7. to develop the international co-operation of the Judicial Council by actively participating in the European Network of Councils for the Judiciary and regularly evaluating the experience of the European Union countries in streamlining the operation of judicial systems, as well as to promote co-operation and exchange of experience with other European Union judicial councils.

1. **Efficient and high-quality judiciary**

Objective: Efficient, convenient, timely, comprehensible and accessible to public

court system.

In order to reach this objective, the Judicial Council will focus on the following tasks:

* 1. to identify the factors essential for ensuring the quality and continuous improvement of court judgments and to provide a vision of the solution of problem situations;
  2. to constantly monitor and evaluate the time limits for the examination of cases and the sufficiency of the resources of the judicial system to ensure reasonable time limits for legal proceedings;
  3. to assess the efficiency of the judiciary and compliance with guarantees of access to justice, focusing in particular on the results of the territorial reform of courts and its impact on the functioning of the judiciary, as well as on the need for further actions;
  4. to encourage discussion on the improvement of the regular evaluation procedure of judges, to ensure a more comprehensive and objective evaluation;
  5. to promote digitization processes that facilitate the work of the judiciary;
  6. to develop standards of specialization of judges;
  7. to proactively promote problem identification in the judiciary;
  8. to ensure liaison with chairs of courts;
  9. to promote the establishment of a unified methodology for the evaluation of court employees and a unified remuneration system linked to it.

1. **Promoting public confidence in the judiciary**

Objective: to ensure public understanding of the judiciary and increase public confidence in it. In order to reach this objective, the following tasks are set:

* 1. to establish a dialogue between the courts and the public, explaining the topicalities of the judiciary in the European judicial space;
  2. to promote the fulfilment of the tasks of the communication strategy of the judicial system and the observance of the common communication principles in the judicial institutions;
  3. to develop the skills of representatives of the judiciary to provide comprehensible, concrete and timely information on topical issues of the judiciary;
  4. to educate the public, provide information on developments in the judicial system;
  5. to periodically assess the public's trust in the judiciary and the attitude towards the judiciary and the work of the judiciary;
  6. to maintain a constant dialogue with the constitutional bodies and to inform the public about its progress.