



'Justice for Growth'

Case study of a Latvian ESF project under the study 'Progress Assessment of ESF Support to Public Administration' (PAPA)

*Written by Dr Iveta Reinholde
April 2019*

PPMi

EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion
Directorate F — Investment
Unit F1: ESF and FEAD Policy and Legislation

Contact: DG EMPL F1
EMPL-F1-UNIT@ec.europa.eu

European Commission
B-1049 Brussels

Implemented by PPMI

PPMI Group
Gedimino av. 50
LT-01110 Vilnius, Lithuania
www.ppmi.lt

Contact:
Dr Vitalis Nakrošis, thematic expert (Programme Manager at PPMI)
vitalis@ppmi.lt

Case study written by country expert Dr Iveta Reinholde

Specific contract No VC/2018/0771 under the Multiple Framework Contract No VC/2017/0376 for the provision of services related to the implementation of Better Regulation Guidelines

'Justice for Growth'

Case study of a Latvian ESF project under the study 'Progress Assessment of ESF Support to Public Administration' (PAPA)

***Europe Direct is a service to help you find answers
to your questions about the European Union.***

Freephone number (*):

00 800 6 7 8 9 10 11

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

LEGAL NOTICE

This document has been prepared for the European Commission; however, it only reflects the views of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

More information on the European Union is available on the Internet (<http://www.europa.eu>).

Luxembourg: Publications Office of the European Union, 2020

© European Union, 2020

Reproduction is authorised provided the source is acknowledged.

CONTENTS

Project background.....	7
Justice for growth.....	8
Introduction: the context of the project.....	8
Design and execution of the ESF-funded project.....	10
Previous ESF-supported projects	10
Purpose of the ESF-supported project	10
Implementation of the ESF project: main developments.....	12
Conclusion: results, lessons learnt and the role of ESF financial support	17
Main results.....	17
Lessons learnt.....	18
Role of ESF support	19
References	20

LIST OF FIGURES

Figure 1. Scope of the project	13
--------------------------------------	----

PROJECT BACKGROUND

JUSTICE FOR GROWTH

Operational Programme	The project is supported under SO 3.4.1 'Improve the competence of the staff of courts and law enforcement authorities to promote improvement of the business environment', Priority Axis 3 'Competitiveness of small and medium enterprises' of the Operational Programme 'Growth and Employment' for EU Structural Funds in the period 2014-2020
Beneficiary organisation	Court Administration
Target groups	Judges, court staff, forensic experts, prosecutors, investigators, policy makers, policy implementers and other representatives of the legal professions such as lawyers, attorneys, arbitrators, notaries, mediators, insolvency administrators, bailiff and social partners.
Project duration	1 January 2016 to 31 December 2022
Budget	EUR 11,028,343 (ESF contribution: EUR 9,347,092 national financing: EUR 1,654,251)
Project manager (email address)	Ms. Anna Skrjabina, Project Leader, Court Administration (Anna.Skrjabina@ta.gov.lv)
Partners	Supreme Court, National Forensic Science Bureau, Ministry of the Interior and Prosecutor General's Office
Project/organisation website	https://www.ta.gov.lv/LV/eiropas_socialais_fonds_1520/projekts_justicija_attistibai__1563

This case study was produced as part of the project 'Progress Assessment of the ESF Support to Public Administration', contracted by DG Employment, Social Affairs, and Inclusion of the European Commission. The purpose of this project is to present specific cases of ESF-funded public administration reform and capacity-building initiatives, as well as to show the role of ESF financial support to public administration for the purposes of accountability. This report recounts the story of the project '**Justice for Growth**'. It discusses the context and purpose of the project; characteristics of the team implementing it; the main challenges faced and difficulties encountered during its implementation; key developments during the implementation process; the results and impacts achieved; as well as the lessons learnt and the contribution of ESF.

JUSTICE FOR GROWTH

Introduction: the context of the project

When the team carrying out this study met with the team behind the ESF project – Ms. Anna Skrjabina, Ms. Ilze Grava and Ms. Dace Kazāka – the discussion immediately turned to the links between justice and policy. Ms. Skrjabina's background is in legal science, while Ms. Ilze Grava and Ms. Dace Kazāka had been course mates studying political science. In 'Justice for Growth', the team have found a way to combine their fields of expertise in the implementation of a project that harnesses EU support to strengthen justice policy. As Ms. Skrjabina notes, the initiative is the first large-scale capacity-building project to be carried out within the justice sector in Latvia. Previous projects on this scale (the project's budget is around 10 million euros) have generally supported the development of infrastructure. The present project is expected to bring changes in judicial power, and to revive the reputation of judges as a well-respected profession.

The roots of the current reform process stretch back to 2009 when the government approved its 'White paper on Guidelines for the Development of the Judiciary 2009-2015'¹. The white paper outlined the main problems and challenges for the judiciary. These included issues such as the high workload of the courts, and the long time taken to conclude cases. The government hoped that the white paper would prompt a systemic reform of the judiciary, a sector that had been neglected for some time in policy terms. In recent years, governments had concentrated on areas of policy directly linked to entering the EU, such as free trade, or on sectors of national importance that had given rise to political turbulence and public attention, such as health care and education. Prior to the release of the white paper, no policy document had taken such a comprehensive and system-wide approach to the judiciary. The white paper set out basic principles and aims for the development of the judiciary, and provided directions for action in respect of these aims. In addition, the white paper addressed the main aspects of the judiciary's performance – quality, independence and efficiency. Alongside this substantial reform to the judiciary, in 2015 Latvia began a territorial reform of the Latvian courts. This process aimed to consolidate multiple jurisdictions into larger units with the aims of increasing efficiency and flexibility, and ensuring a more even caseload. In addition, the reforms aimed to promote more in-depth specialisation among judges.

Meanwhile, national public opinion polls have shown that the courts receive the lowest trust ratings among public administration institutions in Latvia. Client satisfaction with the courts and the Court Administration stood at 3.05 in 2016, 3.49 in 2017 and 3.16 in 2018². Since the scale used for these evaluations runs from 1 to 5, with 5 indicating excellent performance, the performance of courts is only moderate in comparison with the bodies such as the State Revenue Service (3.84 in 2018) and the Rural Support Service (4.29 in 2018). Data from the Justice Scoreboard reflects the wider situation of the judiciary in Latvia, by comparing performance in specific areas between Member States, enables a greater understanding of the complex nature of the judicial sector. In 2010, the average time taken to resolve civil and commercial cases in the court of first instance was approximately 315 days; in 2017 this figure had slightly increased

¹ Ministru kabinets (2009), Par Tiesu iekārtas attīstības pamatnostādņēm 2009.-2015.gadam. Ministru kabineta rīkojums Nr.685, Rīgā, 2009.gada 7.oktobrī (prot. Nr.67 55.§). [Cabinet of Ministers (2009). On guidelines for development of the judiciary 2009-2015. Order of the Cabinet of Ministers No.685, Riga, 7 October 2009.] Available at: <https://likumi.lv/doc.php?id=198914> (accessed: 10 June 2019).

² SKDS (2018), Valsts pārvaldes klientu apmierinātības pētījums 2018. Latvijas iedzīvotāju aptauja. 2018.gada decembris. [Public administration customer satisfaction survey 2018. December 2018.] Available at: http://petijumi.mk.gov.lv/sites/default/files/title_file/Zinojums_klientu%20apmierinatibas%20petijums%202018.pdf p.28. (accessed: 17 June 2019).

to 330 days³. Meanwhile, in 2018 Latvia ranked 19th out of 190 economies for ease of doing business, having risen from 31st in 2010⁴. But while good scores may be seen by the wider public as a reason to re-evaluate perceptions of the Latvian judicial sector, the project is not directly aimed at improving these scores. Instead, it aims to tackle an area that politicians have termed the 'unnoticed child in the family', and the sector itself has isolated itself for a longer period of time following the classical division of powers in the state.

Although the 'Plan for Judicial and Law Enforcement Officials for the Period 2015-2020' was approved in 2015, its roots lie further back in history. In the immediate aftermath of the economic meltdown that hit Latvia in 2008, the government had faced a long list of issues demanding attention. Alongside tax reforms and many other issues of an economic nature, this agenda included the motivation and increased professionalisation of the judiciary, territorial reform of judiciary together with reform of other law enforcement institutions. The economic crisis had not only highlighted hidden weaknesses in the economy; it also revealed deficiencies in fields significantly relevant to the sustainability of Latvia's statehood. Thus, the professionalism of the judiciary and law enforcement institutions is one of the cornerstones of the rule of law.

In addition to the economic crisis, the European Commission also played a role in pushing the Latvian government towards judicial reform. In 2014, the European Council recommended Latvia to 'complete judicial reforms including the pending reforms of insolvency, arbitration and mediation frameworks to ensure a more business- and consumer-friendly legal environment'⁵. A year later, the European Commission suggested strengthening the role of Latvia's Judicial Council⁶. In March 2015, the government approved a judicial capacity-building plan for judicial and law enforcement officials for the period of 2015-2020⁷. The plan's guiding principle is that 'a state governed by the rule of law is capable of ensuring sustainable development, while strengthening the professional qualifications of the judiciary and law enforcement officers is a direct investment in rule of law'⁸. The plan was designed to strengthen human resources in the judiciary in order to handle business-related court cases more quickly. The project team repeatedly emphasised that the plan is the guiding document for the present ESF-funded project, as the project's activities are a direct input into the implementation of the plan. In 2016, Latvia received a positive assessment from the European Commission of its progress in improving the quality of its justice system, along with a nudge to strengthen the accountability of insolvency administrators⁹.

³ European Commission (2019), The 2019 EU Justice Scoreboard. Quantitative data. April 2019. Available at: https://ec.europa.eu/info/sites/info/files/justice_scoreboard_2019_quantative_data_factsheet_en.pdf (accessed: 1 June 2019).

⁴ World Bank (2019), The World Bank. Doing Business. Measuring Business Regulation. Available at: <https://www.doingbusiness.org/en/rankings> (accessed: 18 June 2019).

⁵ Council of the European Union (2014), Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Latvia and delivering a Council opinion on the Stability Programme of Latvia, 2014/C 247/12. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014H0729\(12\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014H0729(12)&from=EN) (accessed: 27 May 2019).

⁶ Council of the European Union (2015), Recommendation for a Council Recommendation on the 2015 National Reform Programme of Latvia and delivering a Council opinion on the 2015 Stability Programme of Latvia. Available at: https://ec.europa.eu/info/sites/info/files/file_import/csr2015_latvia_en_0.pdf (accessed: 27 May 2019).

⁷ Ministru Kabinets (2015), Rikojums Nr 115 'Par tiesu varas un tiesībaizsardzības iestāžu darbinieku cilvēkresursu kapacitātes stiprināšanas un kompetenču attīstīšanas plānu 2015.-2020.gadam'. [Cabinet of Ministers (2015), Order No.115 'On Capacity Building and Competence Development Plan for the Judiciary and Law Enforcement Agencies 2015-2020.] Available at: <https://likumi.lv/doc.php?id=272711> (accessed: 10 June 2019).

⁸ Ibid.

⁹ European Commission (2016), Commission staff working document. Country report Latvia 2016. Brussels, 26.2.2016 SWD (2016) 82 final. Available at: https://ec.europa.eu/info/sites/info/files/cr_latvia_2016_en.pdf (accessed: 8 August 2019)

Due to the first years after the economic crisis being devoted to coping with its direct effects it was not until the middle of the current decade that the government was finally able to deal with the issues of the judiciary. The plan for capacity building for 2015-2020¹⁰ included four potential fields of action: (1) the development of skills and knowledge; (2) the effective use of human resources; (3) the minimising of judicial burden and workload by promoting the use of alternative forms of dispute resolution (i.e. mediation); (4) the implementation of policies based on evidence and evaluation, and planning of human resources. All of these components aim to assess the judicial system, deliver extensive training and modernise the training environment. Once these actions have been completed, a change is expected in public trust towards the judiciary – hopefully for the better.

The scope of the project reflects the Latvian challenges mentioned above. In order to strengthen the judiciary in Latvia, the project combines training and transfer of best practice, conferences and modernisation of training environment, and evaluation of both the system and the training needs of individuals. In fact, the scope of the project reflects a synergy of legal science and policy analysis – fields in which the project team has expertise.

Design and execution of the ESF-funded project

Previous ESF-supported projects

'Justice for Growth' is the first judicial reform project to be carried out in Latvia on such an impressive scale. It presents challenges in terms of institutional cooperation, and brings new tools and methods to the institutions of the judiciary and law enforcement.

Previously, isolated capacity-building projects have been implemented in a number of law enforcement institutions. These aimed to strengthen capacity within their own institutional bounds, but did not extend to interdisciplinary cooperation. During the programming period 2007-2013, projects under the operational programme 'Human resources and employment' were carried out in the court of first instance in Riga, the prison administration, and the probation service. All of these institutions have invested efforts in introducing their own quality management systems. Meanwhile, the Ministry of Justice has implemented an ESF-supported project aimed at carrying out a self-assessment according to the Common Assessment Framework (CAF). While these projects resulted in some improvements to the operation of individual institutions in judiciary, the current project adopts a systemic approach bringing isolated institutional achievements into one stream. Investments have been made in infrastructure under the operational programme 'Infrastructure and services', providing essential European Regional Development Fund (ERDF) support to the courts and law enforcement institutions in order to adapt their ICT environments to better deliver services.

Purpose of the ESF-supported project

The project 'Justice for Growth' was initiated by the Court Administration at the beginning of 2016, in response to changes in the business environment and real needs within the justice sector. Its launch came as a sequencing step after the approval of the 'Plan for Judicial and Law Enforcement Officials for the Period 2015-2020'. The aim of the project is an inclusive one: 'to increase the competence of the staff in the courts and law enforcement institutions to promote

¹⁰ Ministru Kabinets (2015), Rikojums Nr 115 'Par tiesu varas un tiesībaizsardzības iestāžu darbinieku cilvēkresursu kapacitātes stiprināšanas un kompetenču attīstīšanas plānu 2015.–2020.gadam'. [Cabinet of Ministers (2015), Order No.115 'On Capacity Building and Competence Development Plan for the Judiciary and Law Enforcement Agencies 2015-2020.] Available at: <https://likumi.lv/doc.php?id=272711> (accessed: 10 June 2019).

the improvement of the business environment'. Although the Court Administration assumes overall responsible for the training of judges, the project team decided to adopt an interdisciplinary approach that reaches beyond the institutional borders of the Administration to include under its 'training umbrella' all institutions in the justice sector. Thus, the Court Administration invited the Ministry of Interior, the Prosecution Office, the Supreme Court and the State Forensic Science Bureau to become partners in the project's implementation as these institutions employ the main target groups. These institutions are also mentioned in the government decision specifying the project goals and performance indicators¹¹. In relation to this, the project's goal of having 11,433 individuals participate in training events speak for itself. Being a 'soft' project, the main activities of 'Justice for Growth' are structured around training, conferences, evaluations, systemic assessments and the sharing of best practices with necessary inputs into databases and electronic management systems.

The project was inspired by the vision of the 'EU Justice Agenda for 2020'¹² towards a common European area for justice in which justice directly supports economic recovery and growth without internal frontiers. Cross-border nature of justice along with mutual trust and contribution to economic growth are the key perspectives for judiciary discussed in the 'EU Justice Agenda for 2020'. In order to address the challenges, EU Justice Agenda suggest to consolidate the achievements, to codify the practice and complement it with the new initiatives. The project fully applies principles of the EU Justice Agenda, as planned assessment of judiciary system is tailored to identify state-of-affairs, the Latvian judicial practice will be summarised in manuals and guidelines, while training is expected to bring in the new experiences.

In 2014, the European Commission presented a framework for safeguarding the rule of law at EU level, allowing the Commission to intervene in the affairs of a member state at an early stage if there is a risk to the rule of law¹³. Earlier, in 2010, the EU approved the Stockholm programme¹⁴ – a multiannual programme focusing on the areas of freedom, security and justice (explicitly highlighting access to justice for people), as well as cooperation and the training of public professionals employed in the area of justice as a key political priority. The Stockholm programme emphasises trust, implementation, coherence, training and evaluation as the main tools to cope with challenges and bring the EU closer to citizens. In this context, the effective investigation of financial crimes, together with a reduced administrative burden for small and medium-sized enterprises, would be practical steps that the national government can take to put the Stockholm programme into action. This opinion is dominating among the project team and partner organisations. As Ms. Anna Skrjabina acknowledged the best option for any member state to avoid the intervention of the Commission, however, is to strengthen the judiciary, and

¹¹ Ministru kabinets (2015), Noteikumi Nr. 704. Darbības programmas 'Izaugsme un nodarbinātība' 3.4.1. specifiskā atbalsta mērķa 'Paaugstināt tiesu un tiesībsargājošo institūciju personāla kompetenci komercdarbības vides uzlabošanas sekmēšanai' īstenošanas noteikumi. Rīgā, 2015.gada 8.decembrī. [Cabinet of Ministers (2015), Regulation No. 704 'On implementation of the Operational Programme 'Growth and Employment', SO 3.4.1. 'To increase staff competence in the courts and law enforcement institutions for business improvement'. Riga, 8 December 2015] Available at: <https://likumi.lv/ta/id/278613-darbibas-programmas-izaugsme-un-nodarbinatiba-3-4-1-specifiska-atbalsta-merka-paaugstinat-tiesu-un-tiesibsargajoso-instituciju>. (accessed: 10 August 2019).

¹² European Commission (2014), Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and The Committee of Regions. The EU Justice Agenda for 2020 - Strengthening Trust, Mobility and Growth within the Union. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0144&from=en> (accessed: 27 May 2019)

¹³ European Commission (2018), European Commission presents a framework to safeguard the rule of law in the European Union. Available at: http://europa.eu/rapid/press-release_IP-14-237_en.htm (accessed: 28 May 2019).

¹⁴ European Council (2010), The Stockholm Programme - An Open and Secure Europe Serving and Protecting Citizens (2010/C 115/01). Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF> (accessed: 3 June 2019).

to increase awareness and understanding of the rule of law. Thus, Latvia chose the project 'Justice for Growth' as a response to EU-wide challenges.

This project implements the ideas behind the 'EU Justice Agenda for 2020'¹⁵ at a national level, using justice policy to support economic recovery and growth. The Commission's 'EU Justice Scoreboard' served as a point of departure for the project allowing to monitor Latvia's progress on the quality, effectiveness and independence of the judicial sector in each Member State. These scores are a clear signal of the need to continue activities aimed at increasing the long-term efficiency and quality of the judicial sector in, as expressed in both national policy and the Latvian Operational Programme.

The project contributes to the implementation of the Latvian Operational programme 'Growth and Employment', supporting the achievement of Priority Axis 3 'Competitiveness of small and medium enterprises'. Specific objective No.3.4 focuses on enhancement of the competence of the staff of courts and law enforcement authorities to promote improvement of the business environment. The project is expected to result in an increase in the indicator 'Number of people from the courts and law enforcement institutions who have improved their professional competence to improve the business environment'. According to the Operational Programme, it is anticipated that an increase of professional competence of the judiciary will reduce the amount of civil cases that include the recovery of debts and losses, since the staff in the judiciary will be aware of economic consequences of their decisions and actions.

The project represents a logical next step in Ms. Skrjabina's career. Previously, Ms. Skrjabina worked at the Ministry of Justice, horizontally coordinating the Latvian Presidency of the Council of the EU (2015) in the area of justice. During this time, Ms. Skrjabina realised that the comprehensive framework approach for the overall evaluation of the Latvian judicial system would be the perfect tool to propel it towards a model of 'rethink, redesign and rebuild'. The team now consists of the project leader, Ms. Anna Skrjabina, and four coordinators with background in justice, European affairs and policy analysis – Ms. Ilze Grava together with Mr. Dainis Slišāns coordinate training events; Ms. Dace Kazāka is responsible for project administration, while Ms. Elīna Šķipare organise conferences and public discussions.

Implementation of the ESF project: main developments

The project is structured around several blocks of activities (Figure 1). It started with a comprehensive assessment of the Latvian justice system. This assessment has been followed by training and internships supported by training materials and conferences. Finally, IT-tools (e.g. e-training, a competency module, videoconferencing facilities, forecasting and MicroStrategy) are aimed to ensure transfer to e-judiciary, following e-government trends.

¹⁵ European Commission (2014), Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and The Committee of Regions. The EU Justice Agenda for 2020 - Strengthening Trust, Mobility and Growth within the Union. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0144&from=en> (accessed: 27 May 2019).

Figure 1. Scope of the project



Source: The project materials.

The project began with an analysis of training needs in March 2016. The Court Administration collected and synthesised information on the training needs of around 20 institutions, including project partners and other institutions in the judiciary and law enforcement sector covering the whole system¹⁶. Following on from this, bilateral discussions with partners and beneficiaries provided more in-depth perspectives, enabling a comprehensive training plan to be drawn up. The assessment process provided a 'bird's-eye view' of the needs and current challenges facing the development of human resources. Throughout the training process, the analysis of the needs of each partner institution and professional group was kept up to date to ensure an accurate understanding of the current and future needs of beneficiaries. Ms. Marta Kalniņa, who now represents the State Forensic Science Bureau, but was previously employed at the Court Administration, revealed in her interview that networking with her former colleagues helps her to communicate the specific training needs of her bureau.

The first training events took place also in 2016. All training courses focused on three pillars: good governance, professional knowledge, and increasing public trust in judiciary (public relations). The governance pillar is intended to ensure the overall efficiency and quality of the judicial system, while training in professional knowledge is tailored to ensure efficiency in case hearings. The last pillar, increasing public trust in judiciary, represents a great challenge as it involves reputation management with the long-term aim of increasing trust in the courts. Training is impressively broad and comprehensive. Together, the three pillars comprise around 80 training topics, each of which contains numerous subtopics¹⁷.

The team worked on the procurement of training providers, as the majority of training events planned were to be provided by external experts. Even though the team was aware of the

¹⁶ To mention a few of these institutions involved, these were the State Police, the State Border Guard, the Corruption Prevention and Combating Bureau, the Competition Council, the State Revenue Service, Latvian Council of Bailiffs, Latvian Council of Sworn Advocates, Latvian Council of Sworn Notaries.

¹⁷ Training topics include: management of courts and law enforcement institutions; the preparation of court decisions and procedural documents; mentoring; mediation; forensics; current aspects of criminal and civil law; current aspects of competition law; trans-border issues of insolvency; public procurement; litigation in construction; taxes and labour relations; energy law; intellectual property; cybercrime; ethics; communication; trans-border cooperation; and foreign languages.

procurement procedures for training events and planned contingency resources, procurement still provided to be challenging. Procurement procedures took longer than anticipated, but this did not result in a negative impact on the training itself. Instead, one of major challenges included a moderate turnout of participants at training events despite a large number of applications and the project team providing regular updates on the course schedule. The most popular excuse for non-attendance was applicants' high workload.

Once the training plan had been elaborated, it fed into the development of the project's competency programmes. Ms. Dace Kazāka noted that 'We are still continuing to assess training needs for future courses, as we want to deliver training content that fits real life'. While 'Agile' as a word, was not explicitly mentioned during our interviews, it is a concept that the team uses to keep the training programmes up to date. By applying 'Agile' – the modern project management method – the team is designing training on iterative development where substance of training evolves through collaboration with partners. Once a year, training programmes are reviewed and updated to meet new needs as they arise. As Ms. Skrjabina noted, 'At the beginning of 2016, bitcoin and e-evidence were not topics for training. Now they are. Meanwhile one of the main challenges is to measure synergy between training and improvement in the quality of judiciary.' Thus, besides regular training-needs assessment, the team has now entered the new stage of analytic work – analysing whether and how the training participants are applying the knowledge acquired in their life and whether it has any impact on service quality received by society.

Training has been supplemented by exchange of best practice through study visits, which are organised since the beginning of the project. So far, more than 600 participants visited such countries as Estonia, Finland, Germany, Italy, Switzerland, the United Kingdom and Ireland. These study visits, combined with international conferences and workshops, expand experts' networks and bring new ideas on modernisation of Latvian judiciary.

Aside from procurement procedures, in 2017 the team was also busy helping to organise two of three evaluations of the judiciary system. The most notable of these was an assessment carried out by the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ). The OECD carried out research into the regulation of commercial law, while the IMF implemented an assessment of Latvia's insolvency system. All three organisations were invited to carry out assessment based on their outstanding expertise.

The CEPEJ assessment, carried out by internationally recognised experts with extensive experience, benefitted from all the methodology and expertise necessary for a study on a national scale. In addition, the CEPEJ's experts were already familiar with the Latvian justice system as a result of previous cooperation. The CEPEJ's systemic evaluation, conducted between February 2017 and February 2018, addressed the functionality of the judiciary, judicial policy and strategy, along with the recently implemented reforms within the sector. This comprehensive overview included an assessment of the quality and efficiency of the system's processes, as well as forecasting its potential for future development.

The final report of the CEPEJ assessment, published in 2018, served as the background to designing a plan for the development of Latvia's justice system in the medium term. It comprises five sections. The first of these, 'The judicial system and organisation of the judiciary', includes an assessment of the independence and governance of the judiciary, observing the levels of jurisdiction, the specialisation of the judiciary and the territorial reform that had been carried out recently. This section provides an overview highlighting the structural and functional issues within the judicial system. The section that follows provides more in-depth discussion on the

subject. The third section, 'Judges and Judicial Officers', addresses issues in the management of human resources such as selection, training, performance evaluation and ethical management in the judiciary. Here, the report concludes that there is a risk of the politicisation of judges if they are appointed by parliament. Regarding budgetary issues in the judiciary, the assessment recommended that a performance-based budgeting approach should be applied which, together with statistics on cases and time management in the courts, as well as the use of ICT, would support governance. The final section of the report, 'Judicial systems and the quality of the judiciary', covered communication between courts and society, access to justice, communication with court users, access to court information and user satisfaction.

The recommendations of the CEPEJ functioned like a lighthouse, illuminating the directions in which Latvia should invest its efforts. Even though most of the CEPEJ's recommendations fell outside the scope of the ESF-funded project itself, the CEPEJ still provided a useful systemic overview¹⁸. With regard to training, the CEPEJ provided two relevant recommendations. First, it recommended making it obligatory for judges to attend a certain number of hours of training each year, as this could positively impact the justice system¹⁹. It is already established practice for many professionals in the private and public sectors to undergo regular training in order to keep their knowledge up to date. This recommendation endorses continuous training for judges as a precondition for quality. The report's other recommendations envisaged linking the completion of training activities with professional evaluations. Also worthy of note is the CEPEJ's recommendation that highlighted regular training open for different legal professions as a tool for cultural exchange, enhancing openness and a common understanding of legal issues across the legal community. The training in the project is directly tailored to implement the latter – to provide training for persons from different legal professions.

The OECD's assessment highlighted the strengths and challenges of Latvia's justice system, together with its legal and regulatory framework for commercial activities²⁰. The OECD analysed governmental arrangements to reduce the administrative burden on businesses and promote a business-friendly environment. Focusing on the procedures regulated by Latvian Commercial Law, and examining the services available to businesses, the OECD concluded that despite showing good progress, Latvian ministries had so far failed to fully deploy a simplification of administrative procedures based on a quantitative approach and performance indicators.

By the time the CEPEJ and OECD had delivered their assessments in 2018, the IMF was only just starting its assessment of Latvia's insolvency framework. In its report, published in January 2019, the IMF recognised the progress Latvia had already made towards a reliable insolvency system. Its suggestions for improvements revolved around business rehabilitation, as well as the collection of insolvency data and statistics²¹. Ms. Anita Zikmane, Head of Case-law and Scientific-analytic Department at the Supreme Court, noted a synergy between all three assessments, with the CEPEJ assessing the judiciary system as a whole, while the OECD and IMF

¹⁸ CEPEJ – COOP (2018), Report evaluation of the Latvian judicial system on the basis of the methodology and tools developed by the CEPEJ. March 2018. Available at: https://www.ta.gov.lv/LV/eiropas_socialais_fonds_1520/latvijas_tieslietu_sistemas_novertejums_1533/tiesu_sistemas_darbiba_eiropas_padomes_komisija_tiesu_efektivitatei_european_commission_for_the_efficiency_of_justice_cepej_1575 (accessed: 27 May 2019).

¹⁹ Ibid., p.71.

²⁰ OECD (2018), Access to Justice for Business and Inclusive Growth in Latvia. Available at: https://www.ta.gov.lv/UserFiles/Faili/OECD-LV_Access_to_Justice_for_Business_and_IG_Preliminary_version-final.pdf. (accessed: 11 June 2019).

²¹ Garrido J.M., Rasekh A., Rouillon A. (2019), Latvia. Evaluation of the insolvency framework. Riga. International Monetary Fund. Available at: https://www.ta.gov.lv/UserFiles/Faili/Latvia_-_Technical_Assistance_Report_on_Evaluation_of_the_Insolvency_Framework-FINAL_ENG.pdf (accessed: 10 June 2019).

provided their evaluations from a business perspective. In line with this, Ms. Anita Zikmane emphasised that the Supreme Court, the Prosecution Office and the State Revenue Service have entered into closer cooperation to eliminate money laundering and to improve the business environment at a systemic level.

International assessments and training activities took up the majority of the project's agenda during 2017 and 2018. However, in 2018, the project team also began to implement a less publicly visible, but still significant activity: designing an electronic insolvency management system aimed at increasing the speed and transparency of insolvency procedure. In coming years, the project team will be busy with upgrading and installing IT-tools.

The ambitious scope of the project can be summed up in a single number – the target of gathering 11,433 participants to training events by the end of the project. By July 2019, the project had reached its mid-point and was running ahead of the target indicators planned, with 7,375 participants having been involved in the training events. Even though this figure does not represent unique participants, with many participants expected to attend multiple training events, it still marks a massive influx of knowledge to the judicial system, and the bringing together of judges, court experts, prosecutors, investigators, social partners, policy designers and other representatives of the legal professions such as lawyers, attorneys, arbitrators, notaries, mediators, insolvency administrators and bailiffs.

The project's training network is similarly impressive. The team has managed to involve some of the leading training centres in Europe such as ERA, the Academy of European Law, together with the Latvian School of Public Administration and the Latvian Training Centre for Judges. In her interview, Ms. Renāte Ķiploka, project coordinator at the Prosecution Office, gave a very favourable assessment of the training led by lecturers from ERA. As Ms. Ķiploka noted, whenever prosecutors request on-the-job training, their needs are expressed quite simply: 'Do it like ERA did!'. Forensic experts have also been very positive about the training provided by the ESF-funded project. Both Ms. Ķiploka and Ms. Marta Kalniņa, Head of Human Resource Unit at the State Forensic Science Bureau, emphasised the role of training in upgrading 'soft' managerial skills such as presentation skills and public speaking. These skills help experts to communicate with the public and with colleagues in courts. Acknowledging this, Ms. Renāte Ķiploka said that project partners from different institutions came together to learn how 'to speak with one voice', resulting in judges, prosecutors, forensic experts and investigators sharing a common understanding of legal phenomena.

Meanwhile, the team has been concerned with the sustainability and impact of the project's training events. Although the guidelines, manuals and compendiums of existing practice prepared within the project are good materials with lasting value, the team is investing efforts in changing the understanding of professionals currently employed within the system. Thus, the project's training programme for young professionals is designed to recruit candidate judges and train recently approved judges. In doing so, it is hoped that the new generation of judges will develop more service-driven values, and will push the entire judicial system towards a more service-driven path. These training activities are supported by the implementation of a customer service standard in courts, and IT-tools that enable the tracking of case distribution and caseload.

In addition, the Prosecution Office is currently implementing a project financed by the European Regional Development Fund (ERDF) that aims to develop an information system within the Office. Synergy between funding (such as between the ESF and ERAF) is crucial in ensuring added value for both projects, namely, skills necessary to work with a new IT system. This

synergy is an evidence of needs-based and future-centred planning within the judiciary to achieve the reform goals of Latvian authorities – a better performance of the judiciary.

Conclusion: results, lessons learnt and the role of ESF financial support

Main results

The project is currently at its midway point. The team has expressed satisfaction that the project is successful and there is a high demand for training. Since demand for training is high, the project team expects to easily achieve this specific indicator, as positive feedback spreads quickly. By September 2019, the project has already achieved more than third of its target for training participants (i.e. 8232 out of 11433). Feedback received so far indicates both the usefulness and topicality of the subjects covered in the training. Anonymous feedback received following the course on preventing and combating money laundering represents the general tone: 'Thank you very much for such interesting information! Everything that has been learned in these areas will be very useful at work!'

Meanwhile, trust in the courts is climbing slowly. In 2016, 37.8% of citizens surveyed said that they trusted the courts; this figure rose to 38.6% in 2017, and again in 2018 to 43.5%²². Some evidence indicates indirectly a link between this increase in trust and the number of staff trained and ICT solutions implemented during the project. Ms. Skrjabina observed that, as the public image of the judicial system has improved, the role of a judge has become more prestigious. She also admitted that it was 'a question of self-esteem for the judicial system to recognise its problems, to find the best solutions and to implement these solutions'. At the same time, feedback from participants in training events indicates that training has improved communication among the institutions of the judiciary. It has also produced another spill-over effect: as more staff are trained and involved in study visits, they become more able of formulating a future vision of judiciary. Ms. Ķiploka is sure that that the judiciary works for benefit of society – and, thus, upgrading skills should be an integral part of the job.

A service-driven culture is becoming an everyday part of the operation of the judicial system in Latvia. The courts employ a customer service standard that aims to ensure quality of service, delivery, and process. This standard includes issues such as service delivery values and principles, the behaviour expected of court staff, and access to court services. This customer service standard, along with training and the use of ICT solutions, provide important preconditions for the further development of the Latvian judicial system.

The results of the project have already shaped the organisational habits of stakeholders, as well as understanding of the Latvian justice system within local and international networks. Aside from a huge increase in training, stakeholders are now more able to analyse and speak out about their needs. Ms. Renāte Ķiploka admitted that now prosecutors have seen the judicial structures of other countries, they have more evidence for an objective assessment of Latvia's achievements. As Ms. Renāte Ķiploka acknowledged this (i.e., assessment and comparison) provides great value. Ms. Marta Kalniņa shares a similar opinion, seeing the project as a platform for ensuring that the quality of forensic expertise in Latvia is equal to that available elsewhere in the EU and this is what citizens deserve. Thanks to the deployment of networking, the judiciary

²² Jurista vārds. Pakāpeniski palielinās sabiedrības uzticēšanās tiesām. 2019.gada 21.februāris. [Journal 'Jurista vārds (2019). Gradually trust to courts increases. 21 February 2019.] Available at: <https://juristavards.lv/zinas/274214-pakapeniski-palielinas-sabiedribas-uzticesanas-tiesam/>. (accessed: 17 June 2019).

as a system – as well as other stakeholders (e.g. the Prosecution Office, the State Forensic Science Bureau) – no longer feels like the 'unnoticed child'.

The future steps of the project include design and implementation of the training management IT system to ensure a link between training and performance appraisal. The team will continue to deliver training on the new topics (e.g. English for legal experts) and conferences. The next two years are also important in bringing IT solutions to life aimed at allowing citizens to track the progress of cases in court and access the court decisions.

Overall, the goal of the judiciary is to ensure justice and the rule of law as a supreme value supporting statehood. Support for economic growth is not the first task of the judiciary; however, it should be remembered that access to justice, which is effective in resolving conflicts, also feeds economic development.

Lessons learnt

Implementation of the project highlights some substantial lessons learnt. Alignment with the government priorities in the 'White paper on Guidelines for the Development of the Judiciary 2009-2015' ensures political and top managerial support for the project as both the White paper and the project are tailored to improve governance, procedural operations and service culture in the judiciary. The team has learnt that alignment of project activities with the governmental priorities help to communicate with numerous stakeholders and to identify future needs.

The project team has recognised benefits of having international experts for training and systemic assessment. International experts provided alignment of the project to the most recent trends in Europe and helped strengthening Latvia's inclusion in European-wide networks of judiciary, forensic experts, and insolvency administration, as cross-border cooperation also intensifies in this sphere.

Well-designed and needs-based training is beneficial for the participant organisations. The more representatives of organisations participate in the training, the more influx of the new knowledge and experience they bring. In order to ensure this, the project team has learnt that on-going and regular assessment of training needs along with a feedback from participants is compulsory. This indicates another key lesson – the need for flexibility in the planning process, so that activities are easy to adjust to the needs of beneficiaries.

The project success so far is directly linked with the project ownership. Ms. Anna Skrjabina worked with the judiciary already during her career at the Ministry of Justice, and now she is implementing the ideas that she once included in the policy planning documents. As the project leader, Ms. Skrjabina is now exposed to needs of beneficiaries and stakeholders, and her previous experience is very helpful in linking these current needs with the future vision of the judiciary.

Service-driven culture shape organisational practices. Thus, the project team has acknowledged that training along with new organisation practices is more likely to ensure acceptance of the new approaches and governance models. Of course, concerns still remain in relation to the sustainability of the project's results. In respect of this, all stakeholders emphasise that the project's core function is the training of judicial staff in Riga and beyond. Many of participants in the training sessions are in the first decade of their professional career, and will thus be working in the system for another two or even three decades. In the long run, this means that the project's investments in staff will pay off several times in terms of increasing the trust of citizens in courts, public administration and the state.

Role of ESF support

The current ESF-funded project reflects the approach of the programming period 2014-2020 towards the systemic and tailor-made planning and implementation of training. It is obvious that without ESF support the project would be narrowed down to subject-specific training with a limited whole-of-system effect and slow improve in the quality of judiciary. European Commission in its 2016 report pointed out that quality of judiciary is a subject to improve in Latvia²³. As Commission noted in the same report, alternative dispute resolution methods and diversification of the training of judges are the key actions for Latvia. The project tackles both issues, making it aligned with recommendations of the Commission.

It is notable that the training provided under this project is aimed at improving skills across the entire system, rather than focusing on individual target groups or problems, as was common practice in the previous programming period of 2007-2013, when soft projects were divided into constituent parts. This is the first project aimed at the judiciary that can boast such a comprehensive scope, bringing together different stakeholders and tackling systemic issues, as well as generating a vision for the future. Thus, the ESF support provides a vital incentive for implementation of judiciary reforms in Latvia and contributes substantially to strengthening capacity of Latvian judiciary and law enforcement institutions.

Asides from investing in soft skills, the project has also made a number of investments in infrastructure, including videoconference equipment and the upgrading of the court information system. These IT tools are significant in improving communication and exchange of information among law enforcement institutions. The ESF-funded project has directly contributed to the changing culture by bringing more emphasis on IT tools and promoting a service-driven approach. Meanwhile, without the ESF contribution, national priorities most probably would have been limited to investments in IT tools and training. Now, the networks established during the project are relevant in ensuring effective information exchange and collaboration among the investigative authorities, thus addressing Commission's recommendations for 2019²⁴.

The smaller and institutionally isolated projects implemented by law enforcement institutions during the previous programming period appear like 'small drops' in comparison to the current project that brings together the whole policy sector. The competitive advantage of ESF-supported activities is the possibility to introduce the concept of 'law by design' in Latvian justice system. This bears a fundamental impact on the further development of justice policy, when continuous enhancing of access to justice will remain the core value. Also, bringing innovative culture to the judicial institutions will ensure the strong focus on people-centred delivery of services. For example, within the framework of the project, a unique methodology was developed to identify the needs and interests of justice service users, aiming to look at the services delivered from a different perspective. Therefore, long-term impacts of the ESF support on improving the judiciary system in Latvia will contribute to improving Latvia's scores in the Justice Scoreboard and in public opinion polls.

²³ European Commission (2016), Commission staff working document. Country Report Latvia 2016. Brussels, 26.2.2016 SWD(2016) 82 final,p.47. Available at: https://ec.europa.eu/info/sites/info/files/cr_latvia_2016_en.pdf. (accessed: 8 August 2019).

²⁴ European Commission (2019), Recommendation for a Council Recommendation on the 2019 National Reform Programme of Latvia and delivering a Council opinion on the 2019 Stability Programme of Latvia. COM/2019/514 final. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019DC0514&from=EN>. (accessed: 19 August 2019).

REFERENCES

CEPEJ – COOP (2018), Report evaluation of the Latvian judicial system on the basis of the methodology and tools developed by the CEPEJ. March 2018. Available at: https://www.ta.gov.lv/LV/eiropas_socialais_fonds_1520/latvijas_tieslietu_sistemas_novertejums_1533/tiesu_sistemas_darbiba_eiropas_padomes_komisija_tiesu_efektivitatei_european_commission_for_the_efficiency_of_justice_cepej__1575 (accessed: 27 May 2019).

Council of the European Union (2014), Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Latvia and delivering a Council opinion on the Stability Programme of Latvia, 2014/C 247/12. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014H0729\(12\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014H0729(12)&from=EN) (accessed: 27 May 2019).

Council of the European Union (2015), Recommendation for a Council Recommendation on the 2015 National Reform Programme of Latvia and delivering a Council opinion on the 2015 Stability Programme of Latvia. Available at: https://ec.europa.eu/info/sites/info/files/file_import/csr2015_latvia_en_0.pdf (accessed: 27 May 2019).

European Commission (2014), Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of Regions. The EU Justice Agenda for 2020 - Strengthening Trust, Mobility and Growth within the Union. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0144&from=en> (accessed: 27 May 2019).

European Commission (2016), Commission staff working document. Country report Latvia 2016. Brussels, 26.2.2016 SWD (2016) 82 final. Available at: https://ec.europa.eu/info/sites/info/files/cr_latvia_2016_en.pdf (accessed: 8 August 2019).

European Commission (2018), European Commission presents a framework to safeguard the rule of law in the European Union. Available at: http://europa.eu/rapid/press-release_IP-14-237_en.htm (accessed: 28 May 2019).

European Commission (2019), The 2019 EU Justice Scoreboard. Quantitative data. April 2019. Available at: https://ec.europa.eu/info/sites/info/files/justice_scoreboard_2019_quantative_data_factsheet_en.pdf (accessed: 1 June 2019).

European Commission (2019), Recommendation for a Council Recommendation on the 2019 National Reform Programme of Latvia and delivering a Council opinion on the 2019 Stability Programme of Latvia. COM/2019/514 final. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019DC0514&from=EN> (accessed: 19 August 2019).

European Council (2010), The Stockholm Programme - An Open and Secure Europe Serving and Protecting Citizens (2010/C 115/01). Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF> (accessed: 3 June 2019).

Garrido, J.M., Rasekh, A., Rouillon, A. (2019), Latvia. Evaluation of the insolvency framework. Riga. Available at: https://www.ta.gov.lv/UserFiles/Faili/Latvia_-_Technical_Assistance_Report_on_Evaluation_of_the_Insolvency_Framework-FINAL_ENG.pdf (accessed: 10 June 2019).

Jurista vārds (2019), Pakāpeniski palielinās sabiedrības uzticēšanās tiesām. 2019.gada 21.februāris. [Journal 'Jurista vārds (2019). Gradually trust to courts increases. 21 February 2019.] Available at: <https://juristavards.lv/zinas/274214-pakapeniski-palielinas-sabiedribas-uzticesanas-tiesam/> (accessed: 17 June 2019).

Ministru kabinets (2009), Par Tiesu iekārtas attīstības pamatnostādnēm 2009.-2015.gadam. Ministru kabineta rīkojums Nr.685, Rīgā, 2009.gada 7.oktobrī (prot. Nr.67 55.§). [Cabinet of Ministers (2009). On guidelines for development of the judiciary 2009-2015. Order of the Cabinet of Ministers No.685, Riga, 7 October 2009.] Available at: <https://likumi.lv/doc.php?id=198914> (accessed: 10 June 2019).

Ministru kabinets (2015), MK rīkojums Nr. 115 'Par tiesu varas un tiesībsargāšanas iestāžu darbinieku cilvēkresursu kapacitātes stiprināšanas un kompetenču attīstīšanas plānu 2015.-2020.gadam'. [Cabinet of Ministers (2015). Order No.115 'On Capacity Building and Competence Development Plan for the Judiciary and Law Enforcement Agencies 2015-2020.] Available at: <https://likumi.lv/doc.php?id=272711> (accessed: 10 June 2019).

Ministru kabinets (2015), Noteikumi Nr. 704. Darbības programmas 'Izaugsme un nodarbinātība' 3.4.1. specifiskā atbalsta mērķa 'Paaugstināt tiesu un tiesībsargājošo institūciju personāla kompetenci komercdarbības vides uzlabošanas sekmēšanai' īstenošanas noteikumi. Rīgā, 2015.gada 8.decembrī. [Cabinet of Ministers (2015). Regulation No. 704 'On implementation of the Operational Programme 'Growth and Employment', S.O. 3.4.1. 'To increase staff competence in the courts and law enforcement institutions for business improvement'.] Available at: <https://likumi.lv/ta/id/278613-darbibas-programmas-izaugsme-un-nodarbinatiba-3-4-1-specifiska-atbalsta-merka-paaugstinat-tiesu-un-tiesibsargajoso-instituciju> (accessed: 10 August 2019).

OECD (2018), Access to Justice for Business and Inclusive Growth in Latvia. Available at: https://www.ta.gov.lv/UserFiles/Faili/OECD-LV_Access_to_Justice_for_Business_and_IG_Preliminary_version-final.pdf (accessed: 11 June 2019).

SKDS (2018), Valsts pārvaldes klientu apmierinātības pētījums 2018. Latvijas iedzīvotāju aptauja. 2018.gada decembris. [Public administration customer satisfaction survey 2018. December 2018.] Available at: http://petijumi.mk.gov.lv/sites/default/files/title_file/Zinojums_klientu%20apmierinatibas%20petijums%202018.pdf (accessed: 17 June 2019).

Tieslietu ministrija (2016), Tieslietu ministrijas 2016.gada 22.februāra informatīvais ziņojums 'Par Tiesu iekārtas attīstības pamatnostādnēs 2009.-2015.gadam iekļauto pasākumu īstenošanu'. [Ministry of Justice (2016). Information report of the Ministry of Justice of 22 February 2016 on the implementation of the measures included in the Guidelines for the Development of the Judiciary 2009-2015.]

World Bank (2019), The World Bank. Doing Business. Measuring Business Regulation. Available at: <https://www.doingbusiness.org/en/rankings> (accessed: 18 June 2019).

HOW TO OBTAIN EU PUBLICATIONS

Free publications:

- one copy:
via EU Bookshop (<http://bookshop.europa.eu>);
- more than one copy or posters/maps:
from the European Union's representations (http://ec.europa.eu/represent_en.htm);
from the delegations in non-EU countries (http://eeas.europa.eu/delegations/index_en.htm);
by contacting the Europe Direct service (http://europa.eu/europedirect/index_en.htm) or
calling 00 800 6 7 8 9 10 11 (freephone number from anywhere in the EU) (*).

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

Priced publications:

- via EU Bookshop (<http://bookshop.europa.eu>).

Priced subscriptions:

- via one of the sales agents of the Publications Office of the European Union (http://publications.europa.eu/others/agents/index_en.htm).



■ Publications Office