



# Availability and development of human resources in the courts of Latvia



Latvijas Republikas  
Valsts kontrole

Rīga 2024

## Audit report

“Availability and development of human resources in the courts of Latvia”

17 September 2024

Performance audit “Availability and development of human resources in the courts of Latvia”

The audit was performed based on audit schedule No 2.4.1-19/2023 of the Second Audit Department of the State Audit Office of Latvia of 17 May 2023.

The audit report was approved by decision No 2.4.1-19/2023 of the Second Audit Department of the State Audit Office of Latvia of 17 September 2024.

The cover design includes an image generated on 19 July 2024 by means of *OpenAI ChatGPT/DALL-E*





Dear Reader,

I am convinced that we all want a judicial system that works effectively and fairly by ensuring that cases are heard within a reasonable time. The effectiveness and justice of the Latvian judicial system are essential elements that strengthen the rule of law and public trust in the state. However, without sufficient and high-quality judicial human resources, the search for justice in court can become a marathon without a finish line.

The State Audit Office of Latvia has conducted an audit on the availability and development of human resources in district (city) courts and regional courts of Latvia to provide the courts with an external view and improve the situation by joint effort. This report analyses the situation of human resources in courts of Latvia, identifies the main problems in the sustainability and development of human resources, and also offers recommendations for solving them.

Human resources are the foundation of the judicial system, so their development should be a top priority. Modern material and technical provision of courts is essential but high-quality and sustainable human resources of courts are crucial to ensure the right to a fair trial. Therefore, it is essential that Latvia has a strategic vision for human resources development and long-term planning.

The report identifies a number of significant problems and challenges that require solutions:

*First*, there may be a shortage of judges in the coming years. More than 28% of the current number of judges may retire in the coming years. Therefore, the functions and work organization of judges should be evaluated, as well as the total number of judges in Latvia should be reviewed.

*Secondly*, support functions are essential to the efficiency of a judge's work but the turnover of court staff is unacceptably high. The turnover rate of court employees reaches up to 31% per year. In addition, it is necessary to strengthen the institute of Assistant Judges more effectively to safeguard better support to judges.

*Thirdly*, not all judges care enough about improving their knowledge and skills, even though changes in society and the legal framework are happening rapidly. Every tenth judge attended training less than once a year during the last four years. Judges must adapt to changing conditions quickly, and it is impossible without a high-quality training organization and active participation in training.

To solve these problems, changes must be made in human resource management in the courts. We have developed specific and sufficiently ambitious recommendations that will promote positive changes in human resources planning, development and organization of court work.

Through teamwork, mutual support and understanding, as well as leadership and courage, change can be achieved for the common good of society. Therefore, everyone starting from judges and court officials to the Ministry of Justice and the Council of Justice must work together actively and supportively to achieve improvements. Only with joint efforts is it possible to achieve the highest goals and the best results.

I sincerely thank my colleagues who participated in the audit and gave their best in the development of the report. I also highly value the cooperation and support of court presidents, judges, court employees, representatives of justice institutions and law students.

Respectfully  
Mr Gatis Litvins  
Department Director

## Summary

### Main conclusions

The right to a fair trial, guaranteed in Section 92 of the Constitution of the Republic of Latvia (*Satversme*), is one of the most essential human rights because the protection of other human rights and the trust of Latvian citizens in the state, rule of law and justice depend on the proper provision of these rights. However, the right to a fair trial must not exist only formally. Their practical realization in each individual case is ensured by the court, which consists of judges and court employees. It is the judge and his or her support staff who are the implementors of the right to a fair trial and bearers of the values of a state governed by the rule of law. The realization of public interests is unthinkable without high-quality human resources of the judicial system. Therefore, the main driving force of every institution, including courts, is a human. Decisions on human resource planning and management must be timely and sustainable to ensure continuous and high-quality judicial work.

**The audit findings show that prerequisites have been created in general for providing Latvian courts with professional and competent human resources, however, several problems of the Latvian judicial system in the management and development of human resources have been discovered as a result of the audit.**

#### The judicial system lacks strategic vision for the development of human resources

The development of human resources in the judicial system is not seen as a strategically managed issue. The Ministry of Justice has not achieved significant results in the implementation of court HR policy. Although the participating institutions (Ministry of Justice, Court Administration, Judicial Council) have developed strategies for the medium term, they do not offer solutions to reduce the shortage of human resources in the judicial system.

#### The planning of the number of judges is not effective

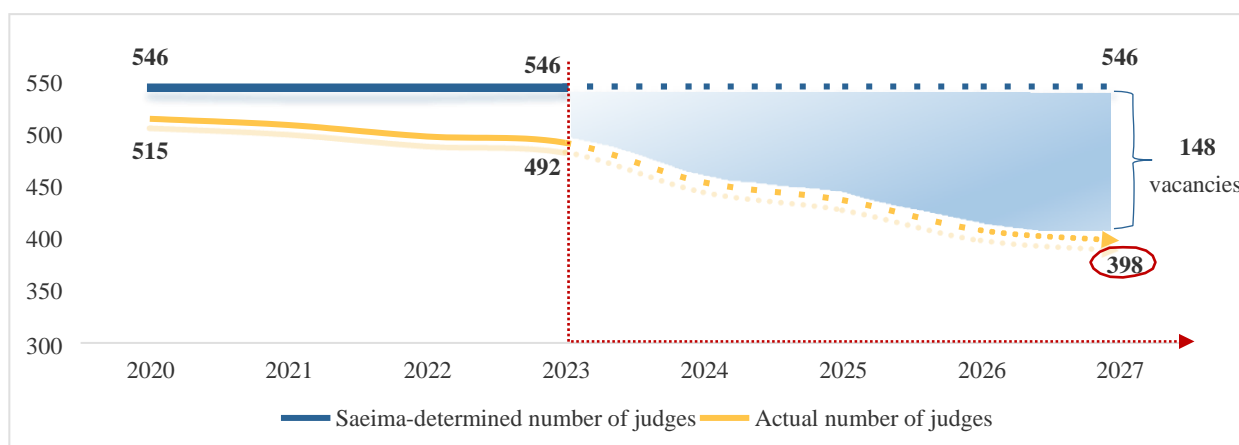
In Latvia, the number of judges per 100,000 inhabitants is one of the highest (29.2 judges), compared to the average indicators of European Union Member States (20-22.2 judges per 100,000 inhabitants). The last time when the Saeima determined a number of judges of district (city) courts and regional courts was on 2 June 2016 (Decisions of the Saeima of the Republic of Latvia No 368/Lm12 on determining the total number of judges in the regional courts of the Republic of Latvia and No 369/Lm12 on determining the total number of judges in district (city) courts of the Republic of Latvia of 2 June 2016. Available: [https://www.saeima.lv/steno/alf\\_rad/12saeima/Tiesa.htm](https://www.saeima.lv/steno/alf_rad/12saeima/Tiesa.htm). Viewed on 15 May 2024), and there are 546 judge positions determined currently. The number of unfilled judicial positions is increasing every year. At the end of 2023, 54 or 10% of the approved judge positions were vacant.

At the same time, the case completion ratio, which characterises the ratio of the number of completed and new (received) cases in percentage, exceeded 100% in the main categories of cases from 2020 to 2023. It means that the courts with the actual number of judges (492 judges) are able to consider the received cases effectively and the backlog of pending cases is decreasing in general.

The budget is planned according to the determined number of judges instead of the actual one. Due to the vacant positions of judges, the state budget funds planned for remuneration are not fully used, and these funds are diverted to cover other court expenses or returned to the state

budget (for example, the 2.6 million euros not spent on remuneration at the end of 2023).

The number of judges over the age of 61 is increasing. The number of vacated judges exceeds the number of appointed judges. More than 28% of the current number of judges may retire in the coming years. In addition, the number of judicial candidates who have passed the judicial candidate selection is not sufficient to fill the existing judicial vacancies. It means that the trend of increasing number of vacancies may continue (Figure 1), and there is a growing risk that in the coming years, if the existing workload of the courts (the number of incoming and considered cases) remains, the judicial system may lack judges to ensure the effective operation of the courts.



\* Forecast for the years 2024-2027 on changes in the number of judges taking into account the trends of recent years regarding the age of judges, length of service and the results of candidate competitions.

Figure 1. Number of judges from 2020-2023 and predicted changes in the number of judges in 2024-2027.

### Critical situation in the provision of human resources regarding judges with specialization in land register cases

The number of vacant positions of judges specializing in land register cases is increasing every year. At the end of 2023, there were 9 vacancies or 13% of judge positions out of 71 judges specialising in land register cases. Since 2017, only two judges with a specialization in land register cases have started working in the judicial system while 16 judges with this specialization have finished their duties. There is no candidate in the current list of candidates for the position of judge who has applied for this position. Moreover, 18 judges specialising in land register cases, or 29% of the actual number of all judges specialising in land register cases, may retire during the next few years.

The workload of judges specializing in land register cases has increased, as a number of received and considered consolidation requests and decisions has increased by 3% (up to 227 thousand in 2023), the number of cases in the category of civil cases “Enforcement of obligations by warning” has increased by 44% (up to 82.9 thousands in 2023).

Expanding the competence of judges specialising in land register cases to other categories of cases has not been possible, as foreseen by the reform of the Land Register Divisions in 2018.

In 2023, judges specialising in land register cases heard only 101 civil and criminal cases (oral proceedings), or 0.6% of the total number of cases received.

In a situation where the number of judges specialising in land register cases is constantly decreasing, but the number of consolidation requests is increasing, the Ministry of Justice has not found a solution and decided on how to safeguard effective and sustainable registration of real estate rights in the future, for example, on the redistribution of competence between a judge and an assistant judge (consultant), complete digitization of the land register process.

#### The measures taken by the responsible institutions in alleviating the shortage of court employees are not sufficient

There is a high turnover of court employees in the courts, especially in the courts in Riga. For instance, the turnover rate is 24% in the Riga District Court, 23% in the Court of Economic Affairs, and 31% in the Administrative District Court. Monthly salary increases by 12% per year on average between 2020 and 2024 have not significantly affected the turnover of court employees.

20 vacant positions or 69% out of the 29 vacant positions of assistant judges, were in the courts in Riga, 19 vacant positions or 59% out of the 32 vacant positions of secretaries of court sessions, were in the courts in Riga.

The judicial system has not been able to attract such an important category of court employees as assistant judges to the court effectively and in the long term because assistant judges have a limited scope of competence, powers and liability, and this position does not have a competitive salary in the labour market. Compared to other European countries, this important human resource is not sufficiently valued in Latvia, it is neither supported nor developed.

For at least 20 years, there have been discussions about reforming and developing the institute of assistant judges in the judicial system, however, no significant progress has been observed:

- ❖ The standard of the position of assistant judge has not been revised, as the law does not specify appropriate requirements for education and the competencies and responsibilities of the assistant judge have not been expanded;
- ❖ There is no clearly defined career development model for an assistant judge how an assistant judge of a district (city) court can build a career in the judicial system, for example, how one can become an assistant judge in a regional court or the Supreme Court.

Without expanding the standard of the position of assistant judge, the opportunity to increase the salary level of the assistant judge and the motivation of existing employees, as well as to attract new qualified employees, will decrease.

Determining the number of court employees is not based on an assessment that would justify the number of court employees needed for each court.

The Court Administration has not provided a uniform procedure for the selection of court employees because each court has created its own procedure for selecting candidates and the necessary selection of employees is carried out independently. Since the lack of employees is particularly pronounced in the courts in Riga, the selection process is ongoing in them constantly. For instance, in the period of 11 months (from November 2022 to September 2023),

there were 18 job applicant competitions in total were organised in the Administrative Regional Court, 95 applicant applications were reviewed, and 13 employees started work. The organization of the selection process in the courts creates a significant additional burden for both the presiding judge and his or her assistant, as well as the judge.

### Ten percent of judges attend professional development events rarely

A training system for judges and court employees has been established and prerequisites have been created for improving the knowledge and skills of judges and court employees.

The Law on Judiciary requires judges to update their knowledge throughout their career as judges constantly, however, it does not determine the amount of hours per year or other period of time that a judge must devote to learning to update his or her knowledge.

Over the past four years, every tenth judge has attended training less than once a year, although there are constant changes in laws and regulations and judicial practice in issues relevant to society.

For the training of judges, the content and the minimum amount (number of lessons or number of training hours) should be determined for a certain period of time.

From 1 January 2025, it is planned to change the training system of judges and court employees and start the operation of the Academy of Justice. Yet, the Academy of Justice project has been delayed in several activities, and there is a high risk that the Academy of Justice will not start operating on 1 January 2025 in accordance with the intended model of the training system, as foreseen by the project's goal.

### Key recommendations

Based on the audit conclusions, the Ministry of Justice has been given five recommendations to improve the management and development of human resources in the courts of Latvia.

Implementation of the recommendations is expected to:

- ❖ **Improve planning of the number of judges** to ensure efficient operation of the courts (trial of cases in reasonable terms, throughput capacity and specialisation of judges) and budget planning;
- ❖ **Develop an action plan for the further development of judicial functions in land register cases** to safeguard effective and sustainable registration of real estate rights;
- ❖ **Result in revised standard for the position of assistant judge** to increase the competence and responsibility of assistant judges;
- ❖ **Establish a competitive remuneration system for assistant judges** to increase motivation to work in court and reduce staff turnover;
- ❖ **Establish a uniform procedure for the selection of court employees** to free those employed in courts (presiding judge, judge, court employee) from performing functions not characteristic of the court such as selection of new court employees;
- ❖ **Define mandatory training programs to be attended (topics and minimum volume)** to ensure that judges attend training regularly.