

Rehabilitation and mutual recognition – practice concerning EU law on transfer of persons sentenced or awaiting trial

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Section A: General information on existing situation: probation measures, alternative sanctions and supervision measures as an alternative to pre-trial detention

Please add the information required to answer the questions. Provide supporting or explanatory information – highlighting laws, policies and measures which justify the answer.

Q1. Please outline the specific probation measures or alternative sanctions that are available at the post-trial stage in the Member State on which you are reporting:

According to the Criminal Law of Latvia, alternatives to the deprivation of liberty are community service (for the term of 40 to 280 hours, or if imposed by the prosecutor – up to 140 hours)¹ and a fine (the maximum amount depends on the gravity of the committed crime)². As an additional punishment, the convicted person can be sentenced to confiscation of property³, deportation from the Republic of Latvia⁴, community service⁵, a fine⁶, restriction of rights⁷, probationary supervision (can be established for the term of one to three years)⁸. The punishment of deprivation of liberty can be imposed as a suspended sentence. Suspended sentence cannot be imposed for the committing an intentional criminal offence, if the person has been previously convicted with deprivation of liberty and the criminal record thereof has not been removed or extinguished according to the procedures specified by law. Also, suspended sentence cannot be imposed for committing of crimes determined by the Section 159 (rape) and Section 160 (sexual violence) of the Criminal Law.⁹

A person who has been sentenced to the deprivation of liberty, except temporary deprivation of liberty, may be conditionally released prior to completion of his or her basic punishment, if there is a reason to believe that he or she is able to adapt in the society after release without committing a criminal offence.¹⁰ However, conditional release prior to completion of the basic punishment cannot be applied if the punishment was imposed to an adult person for especially grave crime committed of sexual violence against a person under 16.¹¹ If the conditional release prior to completion of the basic punishment is applied, electronic monitoring can be imposed to the convicted person in compliance with the provisions of the Criminal Law.¹²

¹ Latvia, Criminal Law (*Krimināllikums*), Section 40, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

² Latvia, Criminal Law (*Krimināllikums*), Section 41, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

³ Latvia, Criminal Law (*Krimināllikums*), Section 42, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

⁴ Latvia, Criminal Law (*Krimināllikums*), Section 43, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

⁵ Latvia, Criminal Law (*Krimināllikums*), Section 40, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

⁶ Latvia, Criminal Law (*Krimināllikums*), Section 41, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

⁷ Latvia, Criminal Law (*Krimināllikums*), Section 44, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

⁸ Latvia, Criminal Law (*Krimināllikums*), Section 45¹, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

⁹ Latvia, Criminal Law (*Krimināllikums*), Section 55, para 11, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

¹⁰ Latvia, Criminal Law (*Krimināllikums*), Section 61, para 1, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

¹¹ Latvia, Criminal Law (*Krimināllikums*), Section 61, para 6, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

¹² Latvia, Criminal Law (*Krimināllikums*), Section 61, para 2¹, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>

Q2. Please outline the specific supervision measures as alternatives to pre-trial detention that are available in the Member State:

A security measure is applied to a suspect or an accused if there are grounds to believe that the relevant person will continue criminal activities, or hinder pre-trial criminal proceedings or court or avoid such proceedings and court.¹³ Criminal Procedure Law stipulates several security measures as alternatives to detention for suspected or accused persons: notification of the change of the place of residence¹⁴, reporting to the police authority at a specific time¹⁵, prohibition from approaching a specific person or location¹⁶, prohibition from a specific employment¹⁷, prohibition from departing from the State¹⁸, residence in a specific place¹⁹, personal guarantee²⁰, bail²¹, placement under police supervision²², house arrest²³. As regards underage persons, placement under the supervision of parents or guardians²⁴ or placement in a social correctional educational institution²⁵ can be applied as a security measure. Placement under the supervision of a unit commander (supervisor) may be applied to a soldier as a security measure.²⁶ Notification of the change of the place of residence, reporting to the police authority at a specific time, prohibition from approaching a specific person or location, prohibition from a specific employment, prohibition from departing from the State may also be applied additionally to any other security measure.²⁷ In selecting a security measure, a person directing the proceedings shall take into account the nature and harmfulness of a criminal offence, the character of the suspect or accused, his or her family situation, health, and other conditions.²⁸

¹³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 241 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 1 (1¹), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 1(1²), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 1(2), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 1(3), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 1(4), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 1(5), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

²⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 1(6), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

²¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 1(7), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

²² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 1(8), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

²³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 1(9), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

²⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 2(1), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

²⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 2(2), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

²⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 3, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

²⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 243 para 4, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

²⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 244 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

Q3. Are there any specific legislative or policy developments regarding alternatives to prison (at the pre- and post-trial stage) of particular suspects/sentenced persons (such as children, persons with disabilities, persons in need of special treatment or mothers with young children)?

There were two recent developments regarding alternatives to prison in Latvia: December 2012 amendments to the Criminal Law²⁹ and Criminal Procedure Law³⁰ which streamlined the application of suspended sentence (*nosacīta notiesāšana*) and conditional release (*nosacīta atbrīvošana*) to persons who committed lesser crimes as well as October 2014 amendments to the Sentence Execution Code³¹, Criminal Law³² and Criminal Procedure Law³³ which introduced the electronic monitoring for conditional release prior to completion of punishment. As such, the conditional release prior to completion of punishment is available to all categories, except for adult offenders sentenced for especially grave crime of sexual violence committed against a person under the age of 16.³⁴ In addition to these two developments above, there are no other specific legislative or policy developments regarding alternatives to prison.³⁵

²⁹ Latvia, Amendments to Criminal Law (*Grozījumi Krimināllikumā*), 13.12.2012, available in Latvian at: <http://likumi.lv/ta/id/253698>.

³⁰ Latvia, Amendments to Criminal Procedure Law (*Grozījumi Kriminālprocesa likumā*), 20.12.2012, available in Latvian at: <http://likumi.lv/ta/id/253953>.

³¹ Latvia, Amendments to Law on the Sentence Execution Code of Latvia (*Grozījumi Latvijas Sodū izpildes kodeksā*), 02.10.2014, available in Latvian at: <http://likumi.lv/ta/id/269521>.

³² Latvia, Amendments to Criminal Law (*Grozījumi Krimināllikumā*), 16.10.2014, available in Latvian at: <http://likumi.lv/ta/id/269815>.

³³ Latvia, Amendments to Criminal Procedure Law (*Grozījumi Kriminālprocesa likumā*), 16.10.2014, available in Latvian at: <http://likumi.lv/ta/id/269816>.

³⁴ Latvia, Criminal Law (*Krimināllikums*), Section 61 Paragraph 6, 17.06.1998, available at: <http://likumi.lv/doc.php?id=88966>.

³⁵ Information provided to the Latvian Centre for Human Rights by a representative of the Criminal Sentence Execution Policy Department (*Kriminālsodu izpildes politikas nodaļa*) and a representative of the Criminal Justice Department.

Section B: Transfer of suspects/sentenced persons

Please give a response for each of the boxes. If the information is the same in two boxes, duplicate the text. If the question is not applicable, specify why.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q1. AVAILABILITY OF INFORMATION			
Q1.1. Is information publicly available in ‘issuing states’ concerning the following:? If yes, please specify.			
<ul style="list-style-type: none"> What information is provided (e.g. conditions for early release for FD 909 or the need for a suspect/sentenced person’s consent to a measure for FD 947 and 829)? 	<p>The relevant sections of the homepage of the Ministry of Justice on international cooperation are: Judicial cooperation in criminal matters³⁶ and Judicial assistance request forms³⁷. International “Judicial cooperation in criminal matters” section does not provide information pertaining to FD 2008/909.</p>	<p>The relevant sections of the homepage of the Ministry of Justice on international cooperation are: Judicial cooperation in criminal matters³⁸ and Judicial assistance request forms³⁹. International “Judicial cooperation in criminal matters” section does not provide information pertaining to FD 2008/947. The section on Judicial assistance request forms includes a certificate (<i>Apliecinošais dokuments</i>) form referred to in Article 6 of the Council</p>	<p>The relevant sections of the homepage of the Ministry of Justice on international cooperation are: Judicial cooperation in criminal matters⁴¹ and Judicial assistance request forms⁴². International “Judicial cooperation in criminal matters” section does not provide information pertaining to FD 2008/829 (ESO).</p>

³⁶ Latvia, Ministry of Justice (*Tieslietu Ministrija*), Judicial cooperation in criminal matters (*Tiesiskā sadarbība krimināllietās*), information available in Latvian at: www.tm.gov.lv/lv/starptautiska-sadarbiba/tiesiska-sadarbiba-kriminallietas.

³⁷ Latvia, Ministry of Justice (*Tieslietu Ministrija*), Judicial assistance request forms (*Tiesiskās palīdzības lūgumu veidlapas*), information available in Latvian at: www.tm.gov.lv/lv/starptautiska-sadarbiba/tiesiskas-palidzibas-lugumu-veidlapas.

³⁸ Latvia, Ministry of Justice (*Tieslietu Ministrija*), Judicial cooperation in criminal matters (*Tiesiskā sadarbība krimināllietās*), information available in Latvian at: www.tm.gov.lv/lv/starptautiska-sadarbiba/tiesiska-sadarbiba-kriminallietas.

³⁹ Latvia, Ministry of Justice (*Tieslietu Ministrija*), Judicial assistance request forms (*Tiesiskās palīdzības lūgumu veidlapas*), information available in Latvian at: www.tm.gov.lv/lv/starptautiska-sadarbiba/tiesiskas-palidzibas-lugumu-veidlapas.

⁴¹ Latvia, Ministry of Justice (*Tieslietu Ministrija*), Judicial cooperation in criminal matters (*Tiesiskā sadarbība krimināllietās*), information available in Latvian at: www.tm.gov.lv/lv/starptautiska-sadarbiba/tiesiska-sadarbiba-kriminallietas.

⁴² Latvia, Ministry of Justice (*Tieslietu Ministrija*), Judicial assistance request forms (*Tiesiskās palīdzības lūgumu veidlapas*), information available in Latvian at: www.tm.gov.lv/lv/starptautiska-sadarbiba/tiesiskas-palidzibas-lugumu-veidlapas.

		Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions. ⁴⁰	
<ul style="list-style-type: none"> How is the information made publically available (tools, or networks used)? 	In homepage of the Ministry of Justice (www.tm.gov.lv/lv)	In homepage of the Ministry of Justice (www.tm.gov.lv/lv)	In homepage of the Ministry of Justice (www.tm.gov.lv/lv)
<ul style="list-style-type: none"> In which languages is the information provided? 	In Latvian	In Latvian	In Latvian
Q1.2. Apart from the competent authorities required by the FDs, is there any other national office or point of contact responsible for leading initial discussions about potential transfers (as issuing and executing state)? If yes, please provide brief details.	No	No	No
Q1.3. Do the competent authorities collate information about their experience of transfers (such as personal data of the suspect/sentenced person, states involved, issues raised during the transfer process)? If yes, specify the information gathered.	Information about the receipt, transmission and the course of execution of international cooperation requests in criminal judicial matters as well as about the persons affected by such requests is registered in the International Criminal Judicial Cooperation Requests Information System. ⁴³ The Cabinet of Ministers	Information about the receipt, transmission and the course of execution of international cooperation requests in criminal judicial matters as well as about the persons affected by such requests is registered in the International Criminal Judicial Cooperation Requests Information System. ⁴⁶ The	Information about the receipt, transmission and the course of execution of international cooperation requests in criminal judicial matters as well as about the persons affected by such requests is registered in the International Criminal Judicial Cooperation Requests Information

⁴⁰ Latvia, Ministry of Justice, Certificate (*Apliecinājums dokuments*) www.tm.gov.lv/files/11_MjAxNS85NDdfYXJ0IDZlTFYyRE9D/2015/947_art%206_LV.DOC.

⁴³ Latvia, Cabinet of Ministers Regulations No.1045 "Regulations on International Criminal Judicial Cooperation Requests Information System" (*Ministru kabineta noteikumi Nr.1045 "Starptautiskās krimināltiesiskās sadarbības lūgumu informācijas sistēmas noteikumi"*), 08.10.2013, available at <http://likumi.lv/doc.php?id=260775>.

⁴⁶ Latvia, Cabinet of Ministers Regulations No.1045 "Regulations on International Criminal Judicial Cooperation Requests Information System" (*Ministru kabineta noteikumi Nr.1045 "Starptautiskās krimināltiesiskās sadarbības lūgumu informācijas sistēmas noteikumi"*), 08.10.2013, available at <http://likumi.lv/doc.php?id=260775>.

	<p>Regulations No.1045 stipulate what information about the requests received from or send to abroad shall be included in the information system. For example, if information request was received from abroad, the following information shall be included into the system: the name of the state and the institution which sent the request, registration data of the request, type of request, the legal basis of the request, foreign criminal proceeding number, information about the person affected by the request, classification (qualification) of the criminal offence, information about the course of execution of the request.⁴⁴ When execution of a judgement is requested, additional information is included: judgement adoption date, judgement made <i>in absentia</i>, notification sent date, complaint regarding retrial in Latvia or abroad and its outcome,</p>	<p>Cabinet of Ministers Regulations No.1045 stipulate what information about the requests received from or send to abroad shall be included in the information system. For example, if information request was received from abroad, the following information shall be included into the system: the name of the state and the institution which sent the request, registration data of the request, type of request, the legal basis of the request, foreign criminal proceeding number, information about the person affected by the request, classification (qualification) of the criminal offence, information about the course of execution of the request.⁴⁷ When execution of a judgement is requested, additional information is included: judgement adoption date, judgement made <i>in absentia</i>, notification sent date, complaint regarding retrial in Latvia or abroad and its outcome, punishment to be executed,</p>	<p>System.⁴⁹ The Cabinet of Ministers Regulations No.1045 stipulate what information about the requests received from or send to abroad shall be included in the information system. For example, if information request was received from abroad, the following information shall be included into the system: the name of the state and the institution which sent the request, registration data of the request, type of request, the legal basis of the request, foreign criminal proceeding number, information about the person affected by the request, classification (qualification) of the criminal offence, information about the course of execution of the request.⁵⁰ When the request received concerns non-custodial security measure, the following shall be included additionally: information about the EU member state's decision which stipulate the implementation of non-custodial security measure and its specific certification, decision date of the Prosecutor General, information</p>
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⁴⁴ Latvia, Cabinet of Ministers Regulations No.1045 "Regulations on International Criminal Judicial Cooperation Requests Information System" (*Ministru kabineta noteikumi Nr.1045 "Starptautiskās krimināltiesiskās sadarbības lūgumu informācijas sistēmas noteikumi"*), Article 3, 08.10.2013, available at <http://likumi.lv/doc.php?id=260775>

⁴⁷ Latvia, Cabinet of Ministers Regulations No.1045 "Regulations on International Criminal Judicial Cooperation Requests Information System" (*Ministru kabineta noteikumi Nr.1045 "Starptautiskās krimināltiesiskās sadarbības lūgumu informācijas sistēmas noteikumi"*), Article 3, 08.10.2013, available at <http://likumi.lv/doc.php?id=260775>

⁴⁹ Latvia, Cabinet of Ministers Regulations No.1045 "Regulations on International Criminal Judicial Cooperation Requests Information System" (*Ministru kabineta noteikumi Nr.1045 "Starptautiskās krimināltiesiskās sadarbības lūgumu informācijas sistēmas noteikumi"*), 08.10.2013, available at <http://likumi.lv/doc.php?id=260775>.

⁵⁰ Latvia, Cabinet of Ministers Regulations No.1045 "Regulations on International Criminal Judicial Cooperation Requests Information System" (*Ministru kabineta noteikumi Nr.1045 "Starptautiskās krimināltiesiskās sadarbības lūgumu informācijas sistēmas noteikumi"*), Article 3, 08.10.2013, available at <http://likumi.lv/doc.php?id=260775>

	punishment to be executed, course of execution of the punishment. ⁴⁵	course of execution of the punishment. ⁴⁸	about security measure determined in Latvia, and information about the course of execution of the security measure. ⁵¹
TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q2. INFORMED CONSENT OF THE SUSPECT/SENTENCED PERSON			
Q2.1. Is there a procedure in the issuing state (e.g. some form of mechanism that ensures it is done in all relevant cases) in place to inform the suspect/sentenced person of the option to transfer the judgment or decision to another Member State? If yes, please briefly provide information (e.g. is it an oral or written procedure) and specify who provides this information.	The administration of penitentiary institution shall, within 10 days after it has received an order of a judge regarding the execution of the judgment, inform a foreign citizen convicted in Latvia or a person whose permanent place of residence is not in Latvia regarding the right of the person to express his or her wish to serve a punishment in the state of his or her citizenship or permanent place of residence. The convicted person shall be explained what are the legal consequences of the transfer of a person for serving of a punishment. ⁵² The legislation does not provide clear norms on how to inform the convict, therefore information procedure in different penitentiary institutions may	Criminal Procedure Law does not explicitly provide such procedure. The State Probation Service informs the person about the possibility to transfer the judgement or decision on alternative sentence for execution in another EU state. ⁵⁵	The Criminal Procedure Law does not provide the procedure for informing the suspected or accused person about the option to transfer the decision which stipulate the implementation of non-custodial security measure to another Member State (MS). There are no other instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another MS. In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the

⁴⁵ Latvia, Cabinet of Ministers Regulations No.1045 "Regulations on International Criminal Judicial Cooperation Requests Information System" (*Ministru kabineta noteikumi Nr.1045 "Starptautiskās krimināltiesiskās sadarbības lūgumu informācijas sistēmas noteikumi"*), Article 3, 08.10.2013, available at <http://likumi.lv/doc.php?id=260775>

⁴⁸ Latvia, Cabinet of Ministers Regulations No.1045 "Regulations on International Criminal Judicial Cooperation Requests Information System" (*Ministru kabineta noteikumi Nr.1045 "Starptautiskās krimināltiesiskās sadarbības lūgumu informācijas sistēmas noteikumi"*), Article 3, 08.10.2013, available at <http://likumi.lv/doc.php?id=260775>

⁵¹ Latvia, Cabinet of Ministers Regulations No.1045 "Regulations on International Criminal Judicial Cooperation Requests Information System" (*Ministru kabineta noteikumi Nr.1045 "Starptautiskās krimināltiesiskās sadarbības lūgumu informācijas sistēmas noteikumi"*), Article 5, 08.10.2013, available at <http://likumi.lv/doc.php?id=260775>

⁵² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 819 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁵⁵ Information provided by a representative of the State Probation Service.

	<p>differ.⁵³ For example, in the Ilguciems prison, within 10 days after the receipt of the order of the judge on the execution of the judgment, the convicted foreign citizens are provided an excerpt from the Criminal Procedure Law as well as explanation of their right to express the wish to serve the sentence in the country of their citizenship or permanent residence. The convicted person signs to confirm the receipt of the excerpt. If the convicted person has additional questions about these rights, she can sign up for a meeting with the Registration unit (<i>Uzskaites daļa</i>) officials.⁵⁴</p>		<p>implementation of decision on non-custodial security measure.⁵⁶</p>
<p>Q2.2. Is there a procedure in place in the issuing state to obtain the informed consent of the suspect/sentenced person before forwarding the judgment or decision to the executing state? (e.g. a pre-prepared written explanation of the process available in a number of languages). If yes, please briefly specify what information the suspect/sentenced person receives (e.g. information on appeal and release possibilities).</p>	<p>Submission of a request to a European Union Member State regarding the execution of a punishment of deprivation of liberty imposed in Latvia in the relevant European Union Member State is possible if the relevant conditions of the Criminal Procedure Law are met and the</p>	<p>Criminal Procedure Law does not explicitly provide such procedure.</p>	<p>A decision, taken in Latvia, determining the application of a security measure not related to deprivation of liberty may be executed in another EU Member State (MS), if a person has a permanent place of residence there and the relevant person has agreed to return to that Member State.⁶⁰ Upon the request of a person such decision may be sent for execution</p>

⁵³ Information provided by a representative of the Prison Administration (*Ieslodzījuma vietu pārvaldes Uzskaites daļas priekšnieka p.i.*).

⁵⁴ Information provided by a representative of the prison security and registration unit (*Ilguciema cietuma Drošības un uzskaites daļa*).

⁵⁶ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

⁶⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 883 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

	<p>convicted person and the European Union Member State agree to it.⁵⁷</p> <p>If a request has been received to execute the punishment of deprivation of liberty in a European Union Member State but a wish of the convicted person expressed in writing to serve the punishment in the relevant European Union Member State has not been attached to the request, the Ministry of Justice shall within 10 days acquaint the convicted person with the request, explaining to him or her the legal consequences of the transfer. A consent or refusal of the person shall be drawn up in writing, and the convicted person shall confirm it with his or her signature.⁵⁸</p> <p>The form for informing a convicted person “Information for a convicted person” is provided by the Cabinet of Ministers Regulations No.176 "Regulations on the form and content of a special document for co-operation in criminal proceedings with the</p>		<p>to the EU Member State also if the person does not reside there permanently, yet has indicated its place of residence and will be reachable there, and the relevant MS has declared its consent.⁶¹</p> <p>There are no instructions, guidelines or internal documents which regulate the transfer of execution of decision on non-custodial security measure to another MS. In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.⁶²</p>
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⁵⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 823 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁵⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 824 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁶¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 883 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁶² Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

	Member States of the European Union", Annex 6. ⁵⁹		
Q2.3. Does the suspect/sentenced person have the right to revoke his/her consent to the transfer in the issuing state? If yes, please briefly specify until which stage of the procedure this right exists.	Criminal Procedure Law does not explicitly provide such option; however, the person has the right to change his or her opinion. ⁶³	Criminal Procedure Law does not explicitly provide such option; however, the person has the right to change his or her opinion. ⁶⁴	Criminal Procedure Law does not provide such option. There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure. ⁶⁵
Q2.4. Is there any procedure in place in the issuing state to obtain the opinion of the sentenced person concerning the following:? If yes, please briefly specify e.g. is it an oral or a written procedure, are there any checks on actual understanding of the option).			
<ul style="list-style-type: none"> When consent is not required)? 	A consent of a convicted person shall not be necessary if:		

⁵⁹ Latvia, Cabinet of Ministers Regulations No.176 "Regulations on the form and content of a special document for co-operation in criminal proceedings with the Member States of the European Union" (*Ministru kabineta noteikumi Nr.176 "Noteikumi par īpaša dokumenta formu un saturu krimināltiesiskajā sadarbībā ar Eiropas Savienības dalībvalstīm"*), Annex 6, 17.03.2008, available at <http://likumi.lv/doc.php?id=172708>

⁶³ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

⁶⁴ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

⁶⁵ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

	<p>1) the person is a citizen of a European Union Member State and resides in the European Union Member State;</p> <p>2) removal from Latvia has been determined as an additional punishment in the judgment or there is another decision binding to the person, as a result of which the person is not allowed to stay in Latvia after serving of the punishment;</p> <p>3) the convicted person has escaped or returned to a European Union Member State because criminal proceedings have been initiated or a judgment of conviction has been rendered against him or her in Latvia.⁶⁶</p>		
<ul style="list-style-type: none"> • When consent is required, Article 6 (3) of FD 2008/909/JHA). 	<p>As a general rule (with exceptions above), the consent of the convicted person is one of the conditions required for the submission of a request to a European Union Member State regarding the execution of a punishment of deprivation of liberty imposed in Latvia in the relevant European Union Member State.⁶⁷</p>		

⁶⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 823 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁶⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 823 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

	<p>If a convicted person is serving a punishment of deprivation of liberty in Latvia and a request to execute the punishment in a European Union Member State has been received and a wish of the convicted person expressed in writing to serve the punishment in the relevant European Union Member State has not been attached to the request, the Ministry of Justice shall, in accordance with the procedures provided by the Criminal Procedure Law, acquaint the convicted person with the request, explaining the legal consequences of the transfer to him or her. A consent or refusal of the person shall be drawn up in writing, and the convicted person shall confirm it with his or her signature.⁶⁸ This opinion (consent or refusal) shall be provided by a representative of the convicted person, taking into account the age or physical or mental state of the convicted person.⁶⁹</p>		
<p>Q2.5. Does the suspect/sentenced person have the right to change his/her opinion on the transfer? If yes, please briefly specify until which stage of the procedure this right</p>	<p>Criminal Procedure Law does not explicitly provide such option; however, the person has the right to change his or her opinion. The Ministry of Justice does not have</p>		

⁶⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 824 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁶⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 824 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

exists and how this is implemented in practice.	information about such cases in practice. ⁷⁰		
Q2.6. Is the suspect/sentenced person assisted by a legal counsel in the issuing state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone)	Usually, the legal assistance is provided by the sworn advocates who have been hired by the persons themselves and who provided the legal defence in criminal proceedings until the final decision takes effect. The Ministry of Justice received no requests for the provision of legal assistance to persons in the process of transfer of custodial sentence for execution in another EU state. ⁷¹	Usually, the legal assistance is provided by the sworn advocates who have been hired by the persons themselves and who provided the legal defence in criminal proceedings until the final decision takes effect. The Ministry of Justice received no requests for the provision of legal assistance to persons in the process of transfer of sentence for execution in another EU state. ⁷²	<p>A suspected or accused person within the criminal proceedings has the right to invite a legal counsel to receive legal assistance at his or her own expense or use the state-funded legal assistance.⁷³ A suspected or accused person has a right to meet a legal counsel in circumstances that ensure confidentiality of the conversation without a special permit from the person directing the proceedings and without limitation of time.⁷⁴</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.⁷⁵</p>

⁷⁰ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

⁷¹ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

⁷² Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

⁷³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 60² para 1(1, 3), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁷⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 60² para 1(2), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁷⁵ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*)

<p>Q2.7. Is there a procedure in place to ascertain that the legal counsel speaks and understands the suspect/sentenced person's language in the issuing state? If yes, please specify.</p>	<p>Criminal Procedure Law does not explicitly provide such procedure.</p> <p>There are no instructions, guidelines or other internal documents which would regulate such procedure.⁷⁶</p>	<p>Criminal Procedure Law does not explicitly provide such procedure.</p> <p>There are no instructions, guidelines or other internal documents which would regulate such procedure.⁷⁷</p>	<p>Criminal Procedure Law does not provide such procedure.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.⁷⁸</p>
<p>Q2.8. Does the suspect/sentenced person have the right to legal aid in the issuing state?</p>	<p>In performing criminal-legal co-operation, an advocate shall be summoned to provide legal assistance to a person, or, in certain cases, to perform the assistance of a defence counsel.⁷⁹ The participation of an advocate is mandatory if the person is a minor or person with diminished mental capacity, mental or other health impairments, illiterate or very low educational level, or in cases regarding compulsory measures of a medical nature.⁸⁰ An advocate</p>	<p>In performing criminal-legal co-operation, an advocate shall be summoned to provide legal assistance to a person, or, in certain cases, to perform the assistance of a defence counsel.⁸³ The participation of an advocate is mandatory if the person is a minor or person with diminished mental capacity, mental or other health impairments, illiterate or very low educational level, or in cases regarding compulsory</p>	<p>A suspected or accused person within the criminal proceedings has the right to invite a legal counsel to receive legal assistance at his or her own expense or use the state-funded legal assistance.⁸⁷ A suspected or accused person has a right to meet a legal counsel in circumstances that ensure confidentiality of the conversation without a special permit from the person directing the proceedings and without limitation of time.⁸⁸</p>

⁷⁶ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrija*)

⁷⁷ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrija*)

⁷⁸ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*)

⁷⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 677 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁸⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 83, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁸³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 677 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁸⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 60² para 1(1, 3), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁸⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 60² para 1(2), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

	<p>can provide legal assistance from the moment when a person is detained or placed under arrest.⁸¹ An advocate also has the right to meet with the person under conditions that ensure the confidentiality of the conversation.⁸²</p>	<p>measures of a medical nature.⁸⁴ An advocate can provide legal assistance from the moment when a person is detained or placed under arrest.⁸⁵ An advocate also has the right to meet with the person under conditions that ensure the confidentiality of the conversation.⁸⁶</p>	<p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.⁸⁹</p>
<p>Q2.9. Is the suspect/sentenced person assisted by an interpreter in the issuing state, if required:</p> <ul style="list-style-type: none"> • While consenting to the transfer? 			
	<p>General norms of the Criminal Procedure Law provide that a suspect or an accused person, if he or she does not understand the state language, has the right to use the language that he or she understands during the procedural activities, as well as to use free of charge the assistance of an interpreter/translator provided by the person directing the proceedings.⁹⁰</p>	<p>General norms of the Criminal Procedure Law provide that a suspect or an accused person, if he or she does not understand the state language, has the right to use the language that he or she understands during the procedural activities, as well as to use free of charge the assistance of an interpreter/translator</p>	<p>General norms of the Criminal Procedure Law provide that if a suspected or accused person does not understand the state language, such person during the performance of procedural actions has the right to use the language he or she understands un use free of charge the assistance of an interpreter provided by the person directing proceedings.⁹²</p>

⁸¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 677 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁸² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 677 para 3(1), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁸⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 83, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁸⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 677 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁸⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 677 para 3(1), 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁸⁹ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*)

⁹⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁹² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

	<p>There are no special norms regarding the provision of interpreter to a person within the procedure of the transfer of the execution of deprivation of liberty punishment to another EU member state, including as regards the expression of the person's consent or request.</p>	<p>provided by the person directing the proceedings.⁹¹</p> <p>There are no special norms regarding the provision of interpreter to a person within the transfer procedure of the alternative sanctions decision for execution in another EU member state, including as regards the expression of the person's consent or request.</p>	<p>Criminal Procedure Law does not stipulate special norms on the provision of interpreter to a suspect or an accused person regarding the transfer to another Member State of the decision which stipulate the implementation of non-custodial security measure.</p>
<ul style="list-style-type: none"> • While requesting the transfer? 	<p>General norms of the Criminal Procedure Law provide that a suspect or an accused person, if he or she does not understand the state language, has the right to use the language that he or she understands during the procedural activities, as well as to use free of charge the assistance of an interpreter/translator provided by the person directing the proceedings.⁹³</p> <p>There are no special norms regarding the provision of interpreter to a person while requesting the transfer of a decision for execution in other EU member state, including as regards</p>	<p>General norms of the Criminal Procedure Law provide that a suspect or an accused person, if he or she does not understand the state language, has the right to use the language that he or she understands during the procedural activities, as well as to use free of charge the assistance of an interpreter/translator provided by the person directing the proceedings.⁹⁴</p> <p>There are no special norms regarding the provision of interpreter to a person while requesting the transfer of a decision for execution in other EU member state, including as</p>	<p>General norms of the Criminal Procedure Law provide that if a suspected or accused person does not understand the state language, such person during the performance of procedural actions has the right to use the language he or she understands un use free of charge the assistance of an interpreter provided by the person directing proceedings.⁹⁵</p> <p>Criminal Procedure Law does not stipulate special norms on the provision of interpreter to a suspect or an accused person regarding the transfer to another Member State of the decision which stipulate the implementation of non-custodial security measure.</p>

⁹¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁹³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁹⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁹⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

	the expression of the person's consent or request.	regards the expression of the person's consent or request.	
Q2.10. Are these interpretation or translation services provided during a face-to-face consultation? Please provide brief information.	<p>General norms of the Criminal Procedure Law provide that a suspect or an accused person, if he or she does not understand the state language, has the right to use the language that he or she understands during the procedural activities, as well as to use free of charge the assistance of an interpreter/translator provided by the person directing the proceedings.⁹⁶</p> <p>There are no special norms regarding the provision of interpreter to a person while requesting the transfer of a decision for execution in other EU member state, including as regards the expression of the person's consent or request.</p>	<p>General norms of the Criminal Procedure Law provide that a suspect or an accused person, if he or she does not understand the state language, has the right to use the language that he or she understands during the procedural activities, as well as to use free of charge the assistance of an interpreter/translator provided by the person directing the proceedings.⁹⁷</p> <p>There are no special norms regarding the provision of interpreter to a person while requesting the transfer of a decision for execution in other EU member state, including as regards the expression of the person's consent or request.</p>	<p>General norms of the Criminal Procedure Law provide that if a suspected or accused person does not understand the state language, such person during the performance of procedural actions has the right to use the language he or she understands un use free of charge the assistance of an interpreter provided by the person directing proceedings.⁹⁸</p> <p>Criminal Procedure Law does not stipulate special norms on the provision of interpreter to a suspect or an accused person regarding the transfer to another Member State (MS) of the decision which stipulate the implementation of non-custodial security measure.</p> <p>In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.⁹⁹</p>

⁹⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁹⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁹⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

⁹⁹ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

<p>Q2.11. Is the suspect/sentenced person's full understanding of the transfer checked on a case by case basis in the issuing state? Please provide brief information.</p>	<p>The Ministry of Justice does not check on case by cases basis. Once a person has signed the "Information for a convicted person" form, it is presumed that the person understands the transfer procedure. In practice, there have been no complaints to the Ministry of Justice that the person did not understand the procedure.¹⁰⁰</p>	<p>When considering the issue of transfer of an alternative sentence to an EU state, the court hears the opinion of the sentenced person and his or her legal counsel and then makes the decision.¹⁰¹</p>	<p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹⁰²</p>
<p>Q2.12. If the executing state adapts, before the transfer, the sentence or measure imposed by the issuing state (as authorised by Article 8.3 of FD 909, Article 9 of FD 947 and Article 13 of FD 829), does the suspect/sentenced person receive any updated information?</p>	<p>The Ministry of Justice is responsible for informing a person about any specific activity in the case.¹⁰³</p>	<p>The Ministry of Justice is responsible for informing a person about any specific activity in the case.¹⁰⁴</p>	<p>Criminal Procedure Law does not provide explicitly such rights to a suspect or an accused person.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹⁰⁵</p>

¹⁰⁰ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁰¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 651 para 6, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁰² Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁰³ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁰⁴ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁰⁵ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

<p>Q2.13. Is there a right to appeal the forwarding of the judgment/decision in the issuing state? If yes, please briefly provide information (e.g. how the suspect is made aware of his/her right to appeal and what support is made available to him/her)</p>	<p>Decisions taken by the court regarding the execution of the judgement may be appealed within 10 days.¹⁰⁶</p>	<p>Matters related to the execution of a judgment and a decision can be appealed within 10 days.¹⁰⁷</p>	<p>Criminal Procedure Law does not provide explicitly such rights to a suspect or an accused person.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹⁰⁸</p>
<p>Q2.14. Does the suspect/sentenced person have a right to a regular review of the decision on the transfer in the issuing state? If yes, please briefly provide information (e.g. how often he/she can exercise this right)</p>	<p>Criminal Procedure Law does not explicitly regulate such option.</p>	<p>Criminal Procedure Law does not explicitly regulate such option.</p>	<p>Criminal Procedure Law does not provide explicitly such rights to a suspect or an accused person.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹⁰⁹</p>

¹⁰⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 651 para 7, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁰⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 651 para 7, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁰⁸ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁰⁹ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

<p>Q2.15. Is the suspect/sentenced person assisted by legal counsel in the executing state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone?)</p>	<p>Latvia as an “issuing” state does not provide the assistance of legal counsel to the person in the executing state.¹¹⁰</p>	<p>Latvia as an “issuing” state does not provide the assistance of legal counsel to the person in the executing state.¹¹¹</p>	<p>In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹¹²</p>
<p>Q2.16. Have there been instances where the Member State has refused a transfer based on a pre-determined ground of refusal, as permitted to a varying extent under each FD? If so, please briefly provide details.</p>	<p>There have been no instances where Latvia has refused.¹¹³</p>	<p>There have been no instances where Latvia has refused.¹¹⁴</p>	<p>In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹¹⁵</p>
<p>Q.2.17. Are there any specific legislative or policy developments regarding the informed consent to the transfer of particular suspects/sentenced persons (such as children or persons with disabilities) in the issuing state? (e.g. the use of healthcare professionals)</p>	<p>There are no specific legislative or policy developments regarding the transfer procedures to another EU member state of a deprivation of liberty sentence imposed in Latvia, including regarding particular groups.¹¹⁶</p>	<p>There are no specific legislative or policy developments regarding the transfer procedures to another EU member state of a sentence imposed in Latvia, including regarding particular groups.¹¹⁷</p>	<p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹¹⁸</p>

¹¹⁰ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹¹¹ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹¹² Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹¹³ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹¹⁴ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹¹⁵ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*)

¹¹⁶ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹¹⁷ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹¹⁸ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*)

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q3. DECISION ON TRANSFER			
Q3.1. Are the following factors considered while deciding on forwarding a judgment or decision in the issuing state?			
<ul style="list-style-type: none"> The likely impact on the social rehabilitation of the suspect/sentenced person? 	<p>Yes. Submission of a request to a foreign state regarding the execution of a punishment imposed in Latvia shall be possible if an adjudication of a court has entered into effect and the execution of the punishment in the foreign state would promote resocialization of the convicted person.¹¹⁹</p> <p>Submission of a request to a foreign state regarding the execution of a punishment imposed in Latvia shall be possible if an adjudication of a court has entered into effect and the execution of the punishment in the foreign state would promote resocialization of the convicted person.¹²⁰</p>	<p>Yes. Submission of a request to a foreign state regarding the execution of a punishment imposed in Latvia shall be possible if an adjudication of a court has entered into effect and the execution of the punishment in the foreign state would promote resocialization of the convicted person.¹²¹</p> <p>Submission of a request to a foreign state regarding the execution of a punishment imposed in Latvia shall be possible if an adjudication of a court has entered into effect and the execution of the punishment in the foreign state would promote resocialization of the convicted person.¹²²</p>	<p>Criminal Procedure Law does not explicitly require consideration of this factor.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹²³</p>

¹¹⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 808 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹²⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 808 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹²¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 808 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹²² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 808 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹²³ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

<ul style="list-style-type: none"> Fundamental rights implications (such as the right to family life, right to education)? 	<p>Factors such as the right to family life, right to education are not explicitly mentioned in the Criminal Procedure Law, however, these factors fall within the notion of resocialisation and therefore are considered.¹²⁴</p>	<p>Factors such as the right to family life, right to education are not explicitly mentioned in the Criminal Procedure Law, however, these factors fall within the notion of resocialisation and therefore are considered.¹²⁵</p>	<p>Criminal Procedure Law does not explicitly require consideration of this factor.</p> <p>There are no instructions, guidelines or other internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹²⁶</p>
<ul style="list-style-type: none"> Others? Please specify. 			
<p>Q3.2: While deciding on the transfer, are there any specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation in the issuing state? Please provide any document containing those criteria/guidelines and specify whether the following factors are considered:</p>			
<ul style="list-style-type: none"> Family and social ties (e.g. accommodation, employment or other economic ties, linguistic and cultural links)? 	<p>There are no specific criteria/guidelines on the factors considered to be relevant for the</p>	<p>There are no specific criteria/guidelines on the factors considered to be relevant for the</p>	<p>There are no instructions, guidelines or other internal documents which would regulate the transfer of execution of</p>

¹²⁴ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹²⁵ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹²⁶ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*)

	purposes of (social) rehabilitation. ¹²⁷	purposes of (social) rehabilitation. ¹²⁸	decision on non-custodial security measure to another Member State. ¹²⁹
<ul style="list-style-type: none"> • Criminal history and criminal ties? 	There are no specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation. ¹³⁰	There are no specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation. ¹³¹	There are no instructions, guidelines or other internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State. ¹³²
<ul style="list-style-type: none"> • Humanitarian concerns (i.e. terminal illness of suspect/sentenced person or family members)? 	There are no specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation. ¹³³	There are no specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation. ¹³⁴	There are no instructions, guidelines or other internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State. ¹³⁵
<ul style="list-style-type: none"> • Detention conditions (e.g. issues of overcrowding or availability of courses, such as the <i>Modulos</i> in Spain which has separate units to promote a progressive accountability of inmates) 	There are no specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation. ¹³⁶	There are no specific criteria/guidelines on the factors considered to be relevant for the	There are no instructions, guidelines or other internal documents which would regulate the transfer of execution of decision on non-custodial security

¹²⁷ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹²⁸ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹²⁹ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹³⁰ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹³¹ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹³² Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹³³ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹³⁴ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹³⁵ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*)

¹³⁶ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

		purposes of (social) rehabilitation. ¹³⁷	measure to another Member State. ¹³⁸
• Others?			
Q.3.3. Are the following persons/entities consulted in the evaluation of the likelihood of social rehabilitation by the issuing state:			
• Probation agencies or similar entities in the issuing state?	There are no specific guidelines on which persons/entities are to be consulted in the evaluation of the likelihood of social rehabilitation. ¹³⁹	The State Probation Service provides information about the factual circumstances in a submission to the court. ¹⁴⁰	In practice, there have been no cases of Latvia requesting another Member State or another Member State requesting Latvia the implementation of decision on non-custodial security measure. ¹⁴¹
• The competent authorities in the executing state?	There are no specific guidelines on which persons/entities are to be consulted in the evaluation of the likelihood of social rehabilitation. ¹⁴²	There are no specific guidelines on which persons/entities are to be consulted in the evaluation of the likelihood of social rehabilitation. ¹⁴³	In practice, there have been no cases of Latvia requesting another Member State or another Member State requesting Latvia the implementation of decision on non-custodial security measure. ¹⁴⁴
• The suspect/sentenced person?	Yes. The sentenced person has the right to express his or her opinion.	Yes. The sentenced person has the right to express his or her opinion.	In practice, there have been no cases of Latvia requesting another Member State or another Member State requesting Latvia the

¹³⁷ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹³⁸ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*)

¹³⁹ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁴⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 841 para 3, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁴¹ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*)

¹⁴² Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁴³ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁴⁴ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

			implementation of decision on non-custodial security measure. ¹⁴⁵
<ul style="list-style-type: none"> The family of the suspect/sentenced persons, especially with regard to child offenders? 	There are no specific guidelines on which persons/entities are to be consulted in the evaluation of the likelihood of social rehabilitation. ¹⁴⁶	There are no specific guidelines on which persons/entities are to be consulted in the evaluation of the likelihood of social rehabilitation. ¹⁴⁷	In practice, there have been no cases of Latvia requesting another Member State or another Member State requesting Latvia the implementation of decision on non-custodial security measure. ¹⁴⁸
<ul style="list-style-type: none"> Any other person/entity? 	There are no specific guidelines on which persons/entities are to be consulted in the evaluation of the likelihood of social rehabilitation. ¹⁴⁹	There are no specific guidelines on which persons/entities are to be consulted in the evaluation of the likelihood of social rehabilitation. ¹⁵⁰	In practice, there have been no cases of Latvia requesting another Member State or another Member State requesting Latvia the implementation of decision on non-custodial security measure. ¹⁵¹
Q3.4. Are there any specific legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/ sentenced persons (such as children or persons with disabilities) by the issuing state?	There are no specific legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/sentenced persons (such as children or persons with disabilities) in Latvia. ¹⁵²	There are no specific legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/sentenced persons (such as children or persons with disabilities) in Latvia. ¹⁵³	There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the

¹⁴⁵ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁴⁶ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

¹⁴⁷ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

¹⁴⁸ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁴⁹ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

¹⁵⁰ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

¹⁵¹ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁵² Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

¹⁵³ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

			implementation of decision on non-custodial security measure. ¹⁵⁴
Q3.5. Is additional information, other than that required in the certificate (for which the standard form is given in Annex I of the three FDs), provided to the competent authorities of the executing state while forwarding the judgment or decision? If yes, please specify if pre-sentence reports are forwarded.	No ¹⁵⁵	No ¹⁵⁶	In practice, there have been no cases of Latvia requesting another Member State or another Member State requesting Latvia the implementation of decision on non-custodial security measure. ¹⁵⁷
Q3.6. If pre-sentence reports are forwarded by the issuing state, are they translated to the language of the executing state?	The Ministry of Justice provides the translation of the judgement and of the certification completed in a special form to the relevant state language of the EU state or to the language which has been indicated for the receipt of the judgment and certification by the Member State to the General Secretariat of the Council of the European Union. ¹⁵⁸ Other documents, upon assessing the situation, are also translated as far as possible, also within possible time frame. ¹⁵⁹	The Ministry of Justice provides the translation of the certification completed in a special form. ¹⁶⁰ Other documents, upon assessing the situation, are also translated as far as possible, also within possible time frame. ¹⁶¹	In practice, there have been no cases of Latvia requesting another Member State or another Member State requesting Latvia the implementation of decision on non-custodial security measure. ¹⁶²

¹⁵⁴ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁵⁵ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

¹⁵⁶ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

¹⁵⁷ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁵⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 825 para 5, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁵⁹ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

¹⁶⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 841 para 5, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁶¹ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

¹⁶² Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

<p>Q3.7. Are there specific measures, as required by Article 4 (6) FD 909, which constitute the basis on which the competent authorities in the executing State have to take their decisions whether or not to consent to the forwarding of the judgement and the certificate (where required)?</p>	<p>The requirements of Article 4 (6) FD 909 have been transposed to Criminal Procedure Law, Section 750.¹⁶³ According to the provisions of the Section 750, execution of a punishment imposed in a foreign state shall be possible if: 1) the foreign state has submitted a request regarding the execution of the punishment imposed therein; 2) the punishment in the foreign state has been specified by an adjudication that has entered into effect in terminated criminal proceedings; 3) the limitation period has not set it for the execution of the punishment in the foreign state or Latvia; 4) the person convicted in the foreign state is a Latvian citizen or his or her permanent place of residence is in Latvia, or he or she is serving a punishment related to deprivation of liberty in Latvia and has been convicted with deprivation of liberty or arrest in a foreign state, which could be executed right after serving of the punishment imposed in Latvia; 5) the foreign state would not be able to execute the punishment, even by requesting extradition of the person; 6) execution of the punishment of Latvia would promote</p>		
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¹⁶³ Latvia, Annotation to the draft law “Amendments to the Criminal Procedure Law” (*Anotācija likumprojektam “Grozījumi Kriminālprocesa likumā”*), 03.11.2011, available at: <http://titania.saeima.lv/LIVS11/SaeimaLIVS11.nsf/0/B93B84F9E908A647C225793D004D1F90?OpenDocument>

	resocialization of the person convicted in the foreign state. ¹⁶⁴		
Q3.8. Are there formal and clear rules regarding data protection in the information exchange between:			
<ul style="list-style-type: none"> National authorities (consulted in the evaluation of the likelihood of social rehabilitation) in the issuing state? 	General data protection provisions apply. ¹⁶⁵	General data protection provisions apply. ¹⁶⁶	There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure. ¹⁶⁷
<ul style="list-style-type: none"> Authorities in the issuing and executing state? 	<p>General data protection provisions apply.¹⁶⁸</p> <p>Criminal Procedure Law provides that the competent authority, in sending a request for criminal-legal co-operation, may request a foreign state to ensure the confidentiality of the information contained in the request.¹⁶⁹</p>	<p>General data protection provisions apply.¹⁷⁰</p> <p>Criminal Procedure Law provides that the competent authority, in sending a request for criminal-legal co-operation, may request a foreign state to ensure the confidentiality of the</p>	There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the

¹⁶⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 750 para 1, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁶⁵ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁶⁶ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁶⁷ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁶⁸ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

¹⁶⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 678 para 5, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁷⁰ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

		information contained in the request. ¹⁷¹	implementation of decision on non-custodial security measure. ¹⁷²
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TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q4. VICTIMS			
Q4.1. Do the victims have the right to receive the following information regarding the transfer from the issuing state:			
<ul style="list-style-type: none"> The decision to transfer 	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of deprivation of liberty sentence imposed in Latvia to another Member State (MS), including the involvement of the victim in this process.¹⁷³</p>	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of alternative sanctions imposed in Latvia to another Member State (MS), including the involvement of the victim in this process.¹⁷⁴</p>	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹⁷⁵</p>
<ul style="list-style-type: none"> The status of the transfer 	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents</p>	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents</p>	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents</p>

¹⁷¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 678 para 5, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁷² Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁷³ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁷⁴ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁷⁵ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

	which would regulate the transfer of execution of deprivation of liberty sentence imposed in Latvia to another Member State, including the involvement of the victim in this process. ¹⁷⁶	which would regulate the transfer of execution of alternative sanctions imposed in Latvia to another Member State, including the involvement of the victim in this process. ¹⁷⁷	which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure. ¹⁷⁸
<ul style="list-style-type: none"> Other? Please specify. 	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of deprivation of liberty sentence imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁷⁹</p>	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of alternative sanctions imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁸⁰</p>	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of decision on non-custodial security measure to another Member State (MS). In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹⁸¹</p>
Q4.2. Is there any procedure in place to provide this information as issuing or executing state? If yes, please specify:			

¹⁷⁶ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrija*)

¹⁷⁷ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrija*)

¹⁷⁸ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁷⁹ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrija*)

¹⁸⁰ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrija*)

¹⁸¹ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

<ul style="list-style-type: none"> Is the information provided upon request of the victim? 	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of deprivation of liberty sentence imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁸² There is no information about any cases of victims requesting such information from the Ministry of Justice.¹⁸³</p>	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of alternative sanctions imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁸⁴ There is no information about any cases of victims requesting such information from the Ministry of Justice.¹⁸⁵</p>	<p>Criminal Procedure Law does not explicitly provide such option, however, if the victim would have requested it, such information would be given to the victim. In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹⁸⁶</p>
<ul style="list-style-type: none"> Who responsible for providing this information? 	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of deprivation of liberty sentence imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁸⁷</p>	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of alternative sanctions imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁸⁸</p>	<p>The person directing the proceedings.</p>

¹⁸² Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁸³ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁸⁴ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁸⁵ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁸⁶ Information provided by a representative of the Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁸⁷ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*).

¹⁸⁸ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

<ul style="list-style-type: none"> Is it a verbal or written communication? 	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of deprivation of liberty sentence imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁸⁹</p>	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of alternative sanctions imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁹⁰</p>	<p>In practice, there have been no cases of Latvia requesting another MS or another MS requesting Latvia the implementation of decision on non-custodial security measure.¹⁹¹</p>
<p>Q4.3. Do the victims have the right to be heard concerning the transfer (in the state you are describing, as issuing or executing state)? (e.g. through submitting an oral or written response)</p>	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of deprivation of liberty sentence imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁹²</p>	<p>Criminal Procedure Law does not explicitly provide such option.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of alternative sanctions imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁹³</p>	<p>Criminal Procedure Law does not provide special norms which would require to hear the victim regarding the decision taken in Latvia which stipulate the implementation of non-custodial security measure to another EU Member State.</p>
<p>Q4.4. Do the victims have any other rights concerning the transfer (in the state you are describing, as issuing or executing state)? Please specify.</p>	<p>Criminal Procedure Law does not provide separate regulation for the rights of the victims in the process in international cooperation.</p> <p>There are no instructions, guidelines or internal documents</p>	<p>Criminal Procedure Law does not provide separate regulation for the rights of the victims in the process in international cooperation.</p>	<p>Criminal Procedure Law does not provide special norms which would require to hear the victim regarding the decision taken in Latvia which stipulate the implementation of non-custodial</p>

¹⁸⁹ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁹⁰ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁹¹ Information provided by a representative of Prosecutor General's Office Department of Operations Analysis and Management International Co-operation Division (*Ģenerālprokuratūras Darbības analīzes un vadības departamenta Starptautiskās sadarbības nodaļa*).

¹⁹² Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

¹⁹³ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrijas*)

	<p>which would regulate the transfer of execution of deprivation of liberty sentence imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁹⁴</p>	<p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of alternative sanctions imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁹⁵</p>	<p>security measure to another EU Member State.</p>
<p>Q4.5. Do the victims have access to translators/interpreter in order to be kept fully informed of the transfer (in the state you are describing, as issuing or executing state)?</p>	<p>Criminal Procedure Law does not provide separate regulation for the rights of the victims in the process in international cooperation.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of deprivation of liberty sentence imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁹⁶</p> <p>According to the general norms of the Criminal Procedure Law, the victim, if he or she does not understand the state language, has the right to use the language that he or she understands during the procedural activities, as well as to use free of charge the assistance of</p>	<p>Criminal Procedure Law does not provide separate regulation for the rights of the victims in the process in international cooperation.</p> <p>There are no instructions, guidelines or internal documents which would regulate the transfer of execution of alternative sanctions imposed in Latvia to another Member State, including the involvement of the victim in this process.¹⁹⁸</p> <p>According to the general norms of the Criminal Procedure Law, the victim, if he or she does not understand the state language, has the right to use the language that he or she understands during the procedural activities, as well</p>	<p>General norms of the Criminal Procedure Law provide that if a victim does not understand the state language, such person during the performance of procedural actions has the right to use the language he or she understands un use free of charge the assistance of an interpreter provided by the person directing proceedings.²⁰⁰</p> <p>Criminal Procedure Law does not stipulate special norms on the provision of interpreter to a victim regarding the transfer to another Member State (MS) of the implementation of the decision which stipulate non-custodial security measure.</p>

¹⁹⁴ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrija*)

¹⁹⁵ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrija*)

¹⁹⁶ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrija*)

¹⁹⁸ Information provided by a representative of the Ministry of Justice (*Tieslietu ministrija*)

²⁰⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

	an interpreter/translator provided by the person directing the proceedings. ¹⁹⁷	as to use free of charge the assistance of an interpreter/translator provided by the person directing the proceedings. ¹⁹⁹	
Q4.6. Do the victims have the right to be informed of the suspect/sentenced person's release (in the state you are describing, as issuing or executing state)?	On 2 June 2015 draft law "Amendments to the Criminal Procedure Law" was submitted to the Parliament. The draft provide that once a person was recognised as a protected victim within the criminal proceedings, he or she is entitled to request and receive information about the release or escape from prison or temporary detention facility of a person who caused harm to that victim, if there is a danger to that victim and there is no risk of harm to the detained or sentenced person. Such request can be submitted before the final adjudication is made. ²⁰¹	On 2 June 2015 draft law "Amendments to the Criminal Procedure Law" was submitted to the Parliament. The draft provide that once a person was recognised as a protected victim within the criminal proceedings, he or she is entitled to request and receive information about the release or escape from prison or temporary detention facility of a person who caused harm to that victim, if there is a danger to that victim and there is no risk of harm to the detained or sentenced person. Such request can be submitted before the final adjudication is made. ²⁰²	On 2 June 2015 draft law "Amendments to the Criminal Procedure Law" was submitted to the Parliament. The draft provide that once a person was recognised as a protected victim within the criminal proceedings, he or she is entitled to request and receive information about the release or escape from prison or temporary detention facility of a person who caused harm to that victim, if there is a danger to that victim and there is no risk of harm to the detained or sentenced person. Such request can be submitted before the final adjudication is made. ²⁰³

¹⁹⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

¹⁹⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), Section 11 para 2, 21.04.2005, available at: <http://likumi.lv/doc.php?id=107820>

²⁰¹ Draft Law on Amendments to the Criminal Procedure Law (*Likumprojekts 'Grozījumi Kriminālprocesa likumā'*), 11 June 2015, available in Latvian at <http://titania.saeima.lv/LIVS12/SaeimaLIVS12.nsf/0/A2A8DD03D30A2D10C2257E580025A39E?OpenDocument>

²⁰² Draft Law on Amendments to the Criminal Procedure Law (*Likumprojekts 'Grozījumi Kriminālprocesa likumā'*), 11 June 2015, available in Latvian at <http://titania.saeima.lv/LIVS12/SaeimaLIVS12.nsf/0/A2A8DD03D30A2D10C2257E580025A39E?OpenDocument>

²⁰³ Draft Law on Amendments to the Criminal Procedure Law (*Likumprojekts 'Grozījumi Kriminālprocesa likumā'*), 11 June 2015, available in Latvian at <http://titania.saeima.lv/LIVS12/SaeimaLIVS12.nsf/0/A2A8DD03D30A2D10C2257E580025A39E?OpenDocument>