

**APPROVED**

by the Order of Prosecutor General J.Stukāns

of 09/12/2021 No.P-101-100-2021-00037

**CODE of CONDUCT**

**of PROSECUTORS of LATVIA**

**GENERAL PROVISIONS**

1. The Constitution (*Satversme*) of the Republic of Latvia and the international legal acts binding to Latvia ensure that everyone can defend his/her rights and lawful interests before a fair court. The Prosecutor as the official of the judicial power is obliged to represent the state, is responsible for supervision and leading the criminal procedure, criminal prosecution and maintaining the public charges before the court, as well as to discharge other functions laid down by the legal acts.
2. An independent and honest Prosecutor is indispensable to safeguarding democracy, human rights, justice and the rule of law. The Prosecutor for retaining the independence and integrity should observe, maintain, and enforce the highest standards of conduct. The provisions of the Code of Conduct of Prosecutors of Latvia (further referred as “the Code”) should be construed and applied, keeping in mind these safeguards.
3. As Prosecutors are subject to stricter behaviour standards both when discharging official duties and in the private life as well, the Code lays down the principles of Prosecutor’s conduct, which shall supplement the law and ethical provisions provided for by other legal acts binding to Prosecutors.

**INDEPENDENCE**

1. The Prosecutor, while discharging official duties, shall be independent in his/her decisions and actions, and they must be compliant with the Constitution of the Republic of Latvia and other legal acts.
2. The Prosecutor, while discharging official duties, shall not be guided by the interests of any individual person, group of persons, political party, shall not abide to the fears from critics or public protests of some members of the society, shall not allow family, political, financial, or other interests to influence his or her conduct or decisions.
3. The Prosecutor shall not permit any private interests or any external influence to encroach the Prosecution Office independence. The Prosecutor shall be aware that success or failures of Prosecutor will be perceived as achievements or defeats of the state of Latvia.
4. The position of Prosecutor is not compatible with the membership in such civic organizations, which might create a wrong impression regarding the independence or integrity of Prosecutor, or undermine the prestige of Prosecutor’s position.
5. The Prosecutor shall neither use the prestige of the Prosecution Office to advance the private interests of the Prosecutor or others, nor permit others to convey the impression that they are in a special position to influence the Prosecutor.

**IMPARTIALITY**

1. The Prosecutor shall discharge official duties by impartial, neutral and biases-free manner, observing the fairness, principle of innocence and equality of persons before the law and the court, as well as without granting any unjustified privileges to persons.
2. The Prosecutor shall discharge official duties free of any individual interests and regardless the pressure of some members of the society or mass media.
3. The Prosecutor shall not verbally, by any speech, gestures or by any other action create a false impression about his/her lack of impartiality or biased attitude, shall not express or support opinions that could be perceived as discriminating on the grounds of race, gender, religion, nationality, disability, age, sexual orientation, financial, or social status.
4. The Prosecutor shall be obliged to refuse to examine a case, if he or she is unable to decide the matter impartially or if any other circumstances exist giving the grounds to cast doubts regarding Prosecutor’s impartiality, also where such doubts arise from the action performed in the interest of a person before his or her appointment as a Prosecutor.

**RULE of LAW**

1. The Prosecutor’s actions and decisions shall be based only and solely on the legal acts and facts established in any respective case.
2. Decisions and actions of the Prosecutor shall be well-weighted, reasoned, lawful and aimed to complete identification of all relevant circumstances. The motives and arguments for any rendered decision or taken action shall be disclosed to the public as much as it is possible.
3. The Prosecutor, while discharging his/her official duties, shall provide the true information to any person. The Prosecutor shall apply all available remedial measures for prevention of effects of erroneous and false statements, and shall act correspondingly for strengthening the rule of law and ensuring the efficient applying of the jurisdiction.

**COMPETENCE**

1. The Prosecutor shall regularly improve, develop and apply the professional skills and knowledges by attending the training and using other opportunities offered by the Prosecution Office or other institutions and organizations.
2. The Prosecutor shall autonomously show interest regarding the recent legal acts, shall follow the up-to-dated case-law, especially in the law fields required for qualitative discharging of his/her duties.
3. The Prosecutor shall share his or her professional knowledges and experience with colleagues.
4. The Prosecutor shall discharge all official duties in effective, fair and timely manner according to the provisions of the legal acts and referring to the facts of a case.
5. The Prosecutor before taking a decision in any specific case shall inquire into and analyse the facts, in case of necessity shall identify the legal issues and shall apply the general law principles.
6. During the case examination before the Court the Prosecutor shall argue his or her case strenuously, shall not allow the delaying of a case examination, but must not engage in conduct intended to disrupt court proceedings.

**CONFIDENTIALITY**

1. The Prosecutor is obliged to keep confidentiality in respect of any information gathered while discharging official duties, and shall not disclose it other than in cases when by the legal acts are laid down the rights and obligation to disclose the information.
2. The information gathered by the Prosecutor while discharging official duties shall not be used for any other purposes which are not related with the discharging of official duties.

**INTEGRITY and RESPECT**

1. The Prosecutor shall respect and abide the law, shall observe the integrity and respect towards official position, official duties and symbols of the Prosecution Office – the oath, robe and insignia of Prosecutor.
2. The Prosecutor, while discharging his/her official duties, shall observe the dress-code and shall choose the business-like everyday dressing style.
3. The Prosecutor, while discharging official duties, shall be patient and tolerant towards any person.
4. The Prosecutor shall act with courtesy in all professional relations, including but not limited to dealings with the court, law enforcement personnel, accused persons, attorneys, witnesses, victims, and other participants of proceedings, as well as members of other institutions and the mass media, and the public at large. During the participation in the hearings of cases in courts, the Prosecutor shall respect the special role of judges.
5. The Prosecutor shall avoid the gossips and unreasoned criticising regarding colleagues.
6. The Prosecutor shall not discredit or insult any colleagues, irrespective of their official position, their origin, social or financial status, race, nationality, disability, age, gender, attitude to religion and sexual orientation.
7. The Prosecutor shall be self-critical, able to recognize and correct his/her own mistakes and apologize for unethical actions. The Prosecutor shall not abuse the lack of knowledge or mistakes of his/her colleagues.
8. The Prosecutor shall not tolerate hostile or any unethical communication with the colleagues.
9. The Prosecutor shall not address any disagreements with colleagues through the mass media.
10. The Prosecutor shall not use the mass media for self-advertising or advertising of other persons.

**RELATIONSHIPS OUTSIDE WORK**

1. As Prosecutor is exposed to constant attention of the public, the Prosecutor shall assume the personal restrictions in relationships outside work as well, which by any person might be perceived as embarrassing.
2. The Prosecutor shall act in the out-of-office relationships in such manner that would not cause any doubts regarding the ability of the Prosecutor to discharge official duties impartially.
3. The Prosecutor also in free-time shall avoid such situations which might have a negative impact on the reputation of the Prosecutor or the Prosecution Office.
4. The Prosecutor shall act in such manner that is not shameful to the position of Prosecutor and the Prosecution Office. The Prosecutor shall not cause the impression that any person will have a possibility to exercise the influence over the Prosecutor during the discharging of his/her official duties.
5. It shall not be permissible to the Prosecutor to use abusive vocabulary or gestures which potentially might insult the dignity and honour of other persons.
6. The Prosecutor shall observe the culture of conduct and dressing also in the everyday life.
7. The Prosecutor like all other citizens is entitled to the freedom of expression and views, nevertheless the Prosecutor, while communicating publicly his/her views, shall retain mindful and temperate manner of expression, shall express well-weighted ideas, keeping in mind that they might be perceived as the opinion of the entire Prosecution Office.

**FINAL PROVISIONS**

1. The Prosecutor with his/her stance and behaviour in any situation shall respect and observe the principles of Prosecutor’s conduct laid down by the Code, seeking to strengthen the trust of the society to the Prosecution Office as the authority belonging to the judicial power.
2. The ongoing responsibility for observing the ethical principles of Prosecutors lies with each Prosecutor.
3. The Prosecutor shall not tolerate a violation of the principles of Prosecutors’ conduct from the side of another Prosecutors. Upon receipt of reliable information that any other Prosecutor has allegedly violated the principles of Prosecutors’ conduct it shall be notified to the Prosecutors Attestation Commission.
4. The principles provided for by this Code, however, shall not constitute grounds for an unmotivated interference in the Prosecutor’s private life or for unreasoned restrictions to the Prosecutor to take part in public events.
5. The Prosecutor shall demonstrate integrity in his/her own conduct towards his or her subordinates, and shall ensure that subordinates seek advice under the ethics rules when necessary or appropriate, and shall take appropriate action to report the subordinate when non-compliance with this Code has occurred or appears to have occurred.
6. The Prosecutors Attestations Commission upon its own initiative or upon a request received from the Prosecutor shall explain and analyse the provisions of this Code, as well as shall consult the Prosecutors on the matters related with the Prosecutors’ conduct. The Prosecutor is also entitled to apply with the Prosecution Office whistleblowing contact person, who shall file the question received from the Prosecutor to the Prosecutors Attestation Commission in anonymized form.
7. The initiation of the disciplinary case and possible liability for violations of the Code will depend on existence of a pattern of improper action, the degree of seriousness of improper action, its effects suffered by other persons or the Prosecution Office, intention of the Prosecutor, as well as other circumstances.
8. The cases on violations of the Code shall be examined by the Prosecutors Attestation Commission.

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