

Memorandum of Understanding
between
the Ministry of Justice of the Republic of Latvia
and
the Ministry of Justice and Home Office of the United Kingdom of Great Britain and Northern Ireland
on Justice Cooperation

The Ministry of Justice of the Republic of Latvia and the Ministry of Justice and Home Office of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as “the Participants”),

Having in mind the strong commitment of the Participants to strengthen the promotion, protection and implementation of human rights,

Desiring to promote the friendly relations in the spirit of respect for democracy, human rights, rule of law and equality,

Desiring to improve the effective criminal and civil judicial cooperation based on the principles of mutual respect, close partnership, and close people-to-people ties,

Desiring to optimise the success of prisoner transfers, supporting rehabilitation and protecting our communities,

Desiring to align our efforts going forward to achieve the best outcomes for Ukraine’s justice reform and recovery,

Desiring to work together, bilaterally and through multilateral institutions including the Council of Europe and United Nations, to ensure that international frameworks remain fit to address modern challenges,

HAVE DECIDED as follows:

Paragraph 1. General Provisions

This Memorandum of Understanding (hereinafter referred to as the “MoU”) provides an understanding for forms of cooperation in justice matters between the Participants.

This MoU is without prejudice to the cooperation through the provisions of agreements, applicable national and international law, principles of reciprocity or any other arrangement, or practice which may be applicable.

This MoU is without prejudice to the commitments of the Republic of Latvia arising from its membership in the European Union.

This MoU is without prejudice to the commitments of the Participants in relation to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (hereinafter referred to as “*the Trade and Cooperation Agreement*”). This MoU is intended to

complement the *Trade and Cooperation Agreement* and support effective bilateral cooperation between the Participants on cooperation in justice matters.

This MoU does not preclude, nor shall it prejudice, future cooperation on matters covered by this MoU, including, if necessary, the discussion and development of legal instruments between the Participants.

Cooperation under this MoU will be carried out in accordance with applicable national and international law, policies, and processes.

Paragraph 2. *Fields of Cooperation*

The Participants underscore the importance of cooperation in the field of justice, particularly in protecting victims, managing offenders, tackling cross border criminality, supporting security and prosperity, and improving justice outcomes for families and children in both countries. The Participants therefore express their joint commitment to strengthening collaboration in the area of justice for the benefit of their citizens.

Paragraph 3. *Protection and Promotion of Human Rights*

The Participants wish to underscore their commitment to the respect, protection and fulfilment of human rights as well as to the further promotion of democratic principles and values.

Paragraph 4. *The Transfer of Sentenced Persons*

The Participants will ensure effective prisoner transfer arrangements in accordance with the requirements of international law, including European Court of Human Rights case law, and national law with the aim of maximising the return of sentenced persons to their State of nationality, to provide better rehabilitation, supervision and management of release, thereby reducing the risk of reoffending, promoting the prospects of the offender and better protecting the communities into which they will be released.

To that end, the Participants in accordance with its scope of competence commit to removing obstacles to, and facilitating, effective prisoner transfers through all appropriate means.

The Participants will establish a “green corridor” for prisoner transfers by examining the received applications as a priority and without undue delay. To that end, the Participants will:

- If agreeing to transfer, issue the decision and terms of transfer within 90 days of receipt of an application to transfer,
- If not agreeing to transfer, issue the decision and where appropriate and in accordance with national law, reasons for refusal, within 90 days of receipt of the application,
- Where transfer is agreed, agree the practical arrangements for the physical transfer within 30 days of notification of the decision to approve the transfer,
- Transfer the sentenced person within 60 days of agreement of the practical arrangements, subject to operational, security, medical, or other logistical considerations,
- Inform the other Participant, in a timely manner, of any delays arising at any stage of the transfer process, setting out the reasons for the delay and, where possible, an indicative timeframe for resolution,

- ensure that application to transfer is supported with information relating to family ties or other relevant information to facilitate decision making and establish the basis for a transfer,
- Promote a clearer and more consistent understanding of ECtHR case law concerning the impact of early-release conditions when taking decisions on the recognition and enforcement of foreign court judgments within their respective States.

The Participants will establish and maintain effective communication mechanisms. To that end, the Participants will:

- Designate single points of contact for case discussion and escalation and establish a consultation mechanism should issues arise that may impede effective cooperation,
- Use digital means of cooperation, via email, wherever possible to facilitate the transfer of sentenced persons within the parameters of applicable national and international law,
- Exchange information on respective decision-making parameters and relevant legislation and ensure that any changes to these are communicated to the other Participant in a timely and appropriate manner,
- Review the process referred to above two years after the signing of this MoU, and every five years thereafter, to ensure that processes and communication remain as effective as possible and take measures to improve or rectify further obstacles.

Paragraph 5. *Civil Judicial Cooperation*

The Participants reaffirm the importance of positive civil judicial cooperation. They will work to strengthen and enhance existing cooperation on civil law matters, and in particular, cross-border family matters, to provide certainty and improve justice outcomes for citizens, families and children, including the safeguarding of the principle of the best interest of the child in relevant disputes. The Participants also recognise the importance of working to enhance cross-border protection for domestic abuse victims and other vulnerable persons, including through civil mechanisms and the work of multilateral institutions.

Paragraph 6. *Support for Ukraine's Justice Reforms*

The Participants affirm their steadfast support for Ukraine. They will:

- Regularly exchange information and consult one another on current and planned initiatives, identifying opportunities for collaboration and avoiding duplication, and
- Endeavour to collaborate on existing and future projects or initiatives, with the aim of delivering strengthened and coordinated support to Ukraine.

Paragraph 7. *Mutual Legal Assistance*

The Participants reaffirm their shared commitment to, if necessary, explore and implement tangible improvements to cooperation on mutual legal assistance, with a view to strengthening their collective capacity to support each other in the effective handling of criminal proceedings.

The Participants will engage to share information and understanding of their respective domestic policies, requirements and practices on the use of videoconferencing in mutual legal assistance, with a view to supporting mutual understanding in the handling of requests, where appropriate.

Paragraph 8. *Forms of Cooperation*

The Participants may carry out cooperation foreseen in this MoU, including in the form of:

- Exchange of information, including information on criminal law, civil judicial practice and justice reform, such as the use of artificial intelligence, in their respective States,
- Exchange of views on measures which may be put in place in order to facilitate cooperation in justice matters between their respective States,
- Meetings and exchange of experts and other personnel,
- Joint training, seminars and conferences.

Paragraph 9. *Victim Assistance*

The Participants commit to take appropriate measures, in accordance with the applicable national and international law, to assist the victims, their families, and witnesses of crime within their own jurisdiction, regardless of nationality, particularly with regard to how criminal proceedings are conducted. In addition, both Participants commit to share, when requested, best practice regarding approaches to victim assistance in their respective States and domestic legislative frameworks.

Paragraph 10. *Organisation and Costs*

The Participants will pay their own costs in performing cooperative activities that arise directly from this MoU.

No provision of this MoU may be construed as conferring financial commitments upon the Participants.

All issues concerning the organisation and any exceptional costs of the conduct of the cooperation between the Participants as a result of this MoU, will be decided in advance by consultation.

Paragraph 11. *Consultations*

The Participants may organise, at times jointly decided by them, meetings of experts, including via electronic means of communication, with a view to promoting the most effective cooperation in the areas covered by this MoU and to implement the best practical measures to facilitate this cooperation. In order to implement and operate this MoU, the Participants may contact each other directly.

Paragraph 12. *Dispute Resolution*

The Participants commit to resolve any disputes regarding the interpretation and application of this MoU by entering into consultations in good faith with the aim of reaching a jointly decided solution.

Paragraph 13. *Validity, Amendments, and Termination*

This MoU will come into effect on the date of its signature by both Participants and is concluded for an unlimited period of time.

The Participants may at any time amend this MoU by mutual consent and in writing.

Each Participant may at any time inform the other by means of a written notification of the will to terminate the application of this MoU. In such a case, this MoU will terminate on the last day of the month following the month in which the second Participant received the written notification.

Paragraph 14. *Final Provisions*

This MoU embodies the understanding of the Participants and is not a legally binding agreement.

Nothing in this MoU will be construed as creating or conferring rights, privileges or benefits or creating legal obligations on any person or participant, private or public.

The foregoing record represents the understanding reached between the Ministry of Justice of the Republic of Latvia and the Ministry of Justice and Home Office of the United Kingdom of Great Britain and Northern Ireland upon the matters referred to therein.

Signed in duplicate at on in the Latvian and English languages, both texts having equal validity.

For the Ministry of Justice
of the Republic of Latvia:

For the Ministry of Justice
of the United Kingdom
of Great Britain and Northern
Ireland:

For the Home Office
of the United Kingdom
of Great Britain and Northern
Ireland:

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