



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Combined third to fifth periodic reports of States parties due
in 2009

Latvia*

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Annexes**

** Annexes can be consulted in the files of the Secretariat.

List of abbreviations

UN	United Nations Organization
MCFIA	Ministry of Children, Family and Integration Affairs
Cēsis CIJ	Cēsis Correctional Institution for Juveniles
SSAMSI	Secretariat of the Special Assignments Minister for Social Integration
EU	European Union
CE	Council of Europe
MI	Ministry of the Interior
LPA	Latvian Prison Authority
MES	Ministry of Education and Science
Convention	UN Convention on the Rights of the Child, 20 November 1989
Committee	UN Committee on the Rights of the Child
MW	Ministry of Welfare
CM	Cabinet of Ministers
NDP	Latvian National Development Plan
NB	Naturalisation Board
NSIP	National Social Inclusion Plan 2008 – 2010
NGO	Non-governmental organization
OCMA	Office of Citizenship and Migration Affairs
MJ	Ministry of Justice
SIF	Society Integration Fund
MEPRD	Ministry of Environmental Protection and Regional Development
SIPCR	State Inspectorate for the Protection of Children's Rights
SPS	State Probation Service

Introduction

1. The United Nations (hereinafter the “UN”) Convention on the Rights of the Child (hereinafter the “Convention”), 20 November 1989, was ratified by Latvia on 14 April 1992. Pursuant to article 44 of the Convention, the State party shall provide information about the measures giving effect to the rights recognised in the Convention and the implementation of the obligations undertaken. The second periodic report on the implementation of the Convention in the Republic of Latvia for the period 2001 – 1 March 2004 was considered by the UN Committee on the Rights of the Child (hereinafter the “Committee”) at its 1124th and 1126th meetings, held on 16 May 2006.

2. Upon the Committee’s final recommendations, the Republic of Latvia was invited to submit a consolidated third and fourth report on the implementation of the Convention. In light of the protracted period of time for preparing the report, the Republic of Latvia submits the consolidated third, fourth and fifth progress report on the implementation of the Convention in Latvia (hereinafter “the Report”) incorporating information for the period 1 January 2004 – 30 June 2012, as well as information about the measures Latvia has taken for implementing the Committee’s proposals and recommendations. The Report was prepared in accordance with the consolidated guidelines for preparing national reports developed by the Committee on 29 November 2005, as well as in line with the Committee’s general recommendations regarding the interpretation of the articles of the Convention.

3. A special working group was formed for preparing the Report.¹ Pursuant to the Cabinet of Ministers (hereinafter the “CM”) Regulation of 17 March 1998 on Representation of the CM in International Human Rights Institutions, the working group was headed by a CM representative in international human rights institutions. The prepared Report was sent to the following organisations for their comments: Latvian Save the Children Association, Latvian Centre for Human Rights, Centre for Human Rights Studies and Research of the University of Latvia, Latvian Red Cross, NGO Shelter Safe House, Marta Resource Centre for Women, Dardedze Centre against Abuse, Children’s Forum of Latvia, Union of Latvian Large Family Associations, Pro Futuro Association, Future Fund, Alternative Child Care Alliance, IMKA Latvia, Latvijas Mazpulki Association, Rīgas pilsētas Rūpju bērns Association, Latvian Children’s Fund. Comments on the Report were received from the Latvian Save the Children Association, Dardedze Centre against Abuse, Union of Latvian Large Family Associations, as well as the Alternative Child Care Alliance in collaboration with the SOS Children’s Villages Latvia Association. These comments have been included in the thematic chapters of the Report. The present Report has been sent for information to the Human Rights and Public Affairs Committee of the Saeima of the Republic of Latvia and the Parliamentary Inquiry Committee thereof. The report was considered and approved by the CM on 9 July 2013. After the receipt of approval it was published in the CM Official Journal *Latvijas Vēstnesis*, as well as on the website of the Ministry of Foreign Affairs.

4. Despite the negative impact of the global economic crisis on the State budget, Latvia continues working to maintain, develop and improve the legal framework and efficiency of mechanisms for protecting human rights.

¹ The following public institutions were represented in the working group: Ministry of Foreign Affairs, Ministry of Economics, Ministry of the Interior, Ministry of Education and Science, Ministry of Culture, Ministry of Welfare, Ministry of Regional Development and Municipal Affairs, Ministry of Justice, Ministry of Health, Prosecutor General’s Office, Central Statistical Bureau, State Inspectorate for the Protection of Children’s Rights.

I. General measures of implementation of the Convention

A. Committee's previous recommendations

Upon the Committee's recommendations 6 and 7:

6. The Committee regrets that some of the concerns it expressed and recommendations it made regarding, inter alia, coordinated policies and institutional mechanisms relating to the rights of children, the allocation of adequate budgetary resources for family benefits, health services and education, and the expansion of family-type alternative care provisions, have been insufficiently addressed.

7. The Committee urges the State party to make every effort to address the recommendations issued in the concluding observations on the initial report that have not yet been implemented, and to address the list of concerns contained in the present concluding observations related to the second periodic report.

5. The Republic of Latvia informs that during the reporting period significant changes have taken place in the areas referred to in the Committee's recommendations. These changes express themselves as amendments to the specific laws, introductions of innovations into the institutional system of the State administration and as reallocation of State budgetary resources.

6. Information about changes in the system of benefits for families with children has been provided in Section VI (C) of the Report. Information about changes in the institutional mechanisms has been included in Section I (C); information about changes in health-care services for children and budgetary resources for health care has been provided in Section VI (B), and additional information about family-type alternative care has been included in Section V (G). Information and statistical data about providing education to children have been included in Section VII.

B. National legislation and its implementation

Upon the Committee's recommendations 8 and 9:

8. The Committee notes with appreciation that the State party has taken steps to develop a legal framework for the protection of children's rights. It welcomes the adoption of legislative measures related to the rights of children, including amendments to the Law on the Protection of the Rights of the Child and to the Law on Social Services and Social Assistance and revised by-laws. The Committee is concerned, however, that there is a gap between law and practice, particularly in the areas of education, health care, juvenile justice and protection from violence.

9. The Committee recommends that the State party revise or amend laws where necessary, and take the necessary measures, inter alia, by providing adequate human and financial resources, to ensure the implementation of the laws in order to bring them in full compliance with the Convention.

7. During the reporting period amendments have been made to the existing legal acts, as well as new laws have been adopted in order to improve the protection and promotion of the rights of the child. Information about the most significant changes has been provided by classifying it according to the content of the amendments.

Social guarantees

8. The CM Regulation Regarding Social Guarantees for an Orphan and Child Left without Parental Care who is in Out-of-Family Care, as well as After the Termination of Out-of-Family Care² were adopted on 15 November 2005 stipulating the amount of social guarantees, how an orphan and a child without parental care may receive them, as well as establishing a procedure for providing support for a child who has reached the legal age for the commencement of independent life (for more information, refer to Section VI (C), Social protection and services for children.

Child safety and environment

9. Amendments made to the Law on the Protection of the Rights of the Child came into force on 29 July 2008, and they apply to child safety during public events or visits to public places, as well as safety requirements for providers of child supervision services (for more information, refer to Section III (B), Violence against a child.

10. On 7 September 2010, the CM Regulation³ was adopted prohibiting the provision of cosmetic tanning (solarium) services to consumers aged under 18, except for cases when the specific person presents a document from his/her general practitioner or a dermatologist certifying that his/her health condition allows this person to receive such a service.

11. In order to protect children from health risks caused by chemical substances contained in cosmetic products, the CM Regulation⁴ was developed in line with the European Commission requirements and adopted in 2011. It allows using 26 substances in hair dyeing products by strictly following specific labelling and concentration limits, as they may cause serious allergic reactions. The Regulation stipulates that hair dyeing products containing the specific substances are not intended for use by persons aged under 16, and this information must also be indicated on the label.

12. In order to prevent accidents involving children and corrosive or dangerous household chemicals, control tools are used to ensure that these products have safe and child-resistant packaging. Special attention is paid to the safety of cosmetic products intended for children aged under 3; the microbiological control of these products is ten times stricter than that of other cosmetic products. The Health Inspectorate, as well as the institutions under the Ministry of Health perform monitoring of the market of chemical substances and cosmetic products, focusing especially on the control of requirements related to child safety.

13. In 2012, the CM Regulation⁵ was adopted containing a requirement for providing information in swimming places about reasonable behaviour in swimming places, and also including child safety rules in order to promote public awareness about child safety issues.

² CM Regulation No. 857 of 15 November 2005 *Regulations Regarding Social Guarantees for an Orphan and Child Left without Parental Care who is in Out-of-Family Care, as well as After the Termination of Out-of-Family Care*, Official Journal *Latvijas Vēstnesis*, 184 (3342), 17 November 2005.

³ CM Regulation No. 834 of 7 September 2010 *Regulations Regarding Hygiene and Harmlessness Requirements for Cosmetic Tanning Services and the Procedure for Monitoring Compliance with these Requirements*, Official Journal, *Latvijas Vēstnesis*, 144 (4336), 10 September 2010.

⁴ CM Regulation No. 979 of 20 December 2011 *Amendments to CM Regulation No. 354 of 20 April 2004 Regulations on Essential Requirements for Cosmetic Products and the Procedure for Monitoring Compliance with these Requirements*, Official Journal *Latvijas Vēstnesis*, 203 (4601), 28 December 2011.

⁵ CM Regulation No. 38 of 10 January 2010 *Procedure for Creating and Maintaining a Swimming*

14. Information about the procedure for providing help for a child – a victim of illegal activities has been provided in Section III (B) of the Report; about child safety online Section IV (G); about enforcing children’s right to education, refer to Section VII (A)–(C); about asylum seeker children’s right to education, Section VIII (A) (i).

Institutional mechanism

15. During the reporting period several institutional changes were made improving the protection and promotion of the rights of the child. For instance, functions of the Ministry of Children, Family and Integration Affairs (hereinafter “the MCFIA”) were divided for the purpose of making the State administration more efficient (for more information, refer to Section I (C) of the Report). The Ombudsman Law was adopted on 6 April 2006 and came into force on 1 January 2007 establishing the Ombudsman’s Office, which is a successor of the rights and obligations of the National Human Rights Office (for more information, refer to Section I (D)). The Legal Aid Administration, an institution under the Ministry of Justice (hereinafter “the MJ”) and responsible for providing legal aid and State compensation to persons recognised as victims in criminal proceedings, began its work on 1 January 2006 (for more information, refer to Section I (C)). The State Inspectorate for the Protection of Children’s Rights (hereinafter “the SIPCR”) was established under the Regulation of 29 November of 2005 which came into force on 1 December 2005. The Law on Orphan’s Courts regulating the operation of orphan’s courts in the area of the Republic of Latvia was adopted on 22 April 2006 (for more information, refer to Section I (C)). The State Police and its specialised units also play an important role in ensuring of the rights of the child.

Efficient legal protection

16. The Administrative Procedure Law was adopted on 25 October 2001 and came into force on 1 February 2004. One of the objectives of this Law is to ensure the observance of fundamental principle of democracy and rule of law, especially human rights in specific public legal relations between the State and a private person.

17. The Criminal Procedure Law was adopted on 21 April 2005 and came into force on 1 October 2005, and which is aimed at ensuring that the Latvian law enforcement institutions work in compliance with the current guidelines of criminal justice of the European Council (hereinafter the “EC”) and the European Union (hereinafter the “EU”), and to seek more advanced solutions to criminal procedural relations, to reduce the backlog of pending cases in pre-trial investigation institutions and courts, to reduce the lengthy adjudication process, as well as to reduce the causes for claiming human rights violations. The Criminal Procedure Law especially protects the interests of minors, regulating in detail special features of the criminal procedure with regard to persons aged under 18.

18. The Law on State Ensured Legal Aid came into force on 1 June 2005, and its purpose is to promote the right of an individual to fair trial by ensuring State-guaranteed financial support for the receipt of legal aid. The mentioned Law stipulates the persons entitled to receive legal aid and establishes a procedure for providing this aid in civil, criminal, and administrative matters, in the appellate proceedings for granting asylum, as well as specifies the legal aid providers and functions of the competent institution.

19. The Law on State Compensation to Victims came into force on 20 June 2006, and its purpose is to ensure an individual who has been recognised as a victim in accordance with the procedures specified in the Criminal Procedure Law, with the right to receive State compensation.

Place, Official Journal *Latvijas Vēstnesis*, 7 (4610), 12 January 2012.

20. The Asylum Law, which came into force on 14 July 2009, ensures the rights of persons in the Republic of Latvia to receive asylum, obtain refugee or alternative status or receive temporary protection in accordance with generally accepted international principles of human rights (for more information, refer to Section VIII (A) of the Report and annex No. XIX).

21. In 2011, several significant amendments were made to the Civil Procedure Law, namely, on 18 June 2011, amendments to the Civil Procedure Law came into force establishing a procedure for applying Council Regulation (EC) No. 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (see Section V (F) of the Report). On 1 October 2011, amendments to the Civil Procedure Law came into force regulating the enforcement of decisions pertaining to the return of a child to the State, which is his or her habitual residence, which have been adopted in cases related to the unlawful movement of a child across borders (see Section V (E) of the Report).

C. Coordination and national plan of action

Upon the Committee's recommendations 10 and 11:

10. The Committee welcomes the establishment of institutional mechanisms focused on the rights of children, including the Ministry for Children and Family Affairs, which is mandated to develop, coordinate and monitor the implementation of a national policy related to the protection of children's rights, and the creation of the State Inspectorate for the Protection of Children's Rights to, inter alia, ensure compliance with the Law on the Protection of the Rights of the Child and other legislation. The Committee also notes that a number of policies, strategies and action plans explicitly refer to the rights of children, including the principal position "A Latvia Fit for Children". However, the Committee is concerned that there is still a lack of coordination of the various institutional mechanisms and entities to monitor implementation of the Convention throughout Latvia, including between the national and local levels. The Committee is also concerned at the absence of a comprehensive national plan of action for the implementation of the long-term policy "A Latvia Fit for Children".

11. The Committee encourages the State party:

(a) To strengthen the mandate of the Ministry for Children and Family Affairs to coordinate and monitor implementation of a national policy related to the protection of children's rights;

(b) To develop a national plan of action for the full implementation of the principal position "A Latvia Fit for Children" that specifies the goals and objectives and establishes a clear time frame and that fully incorporates the principles and provisions of the Convention and of the law;

(c) To situate all other action plans and programmes under the national plan of action to avoid fragmentation and unnecessary overlap; and

d) To provide the mechanisms, regulations and budgetary and human resources necessary for the effective implementation of this national plan of action.

Institutional structure for the protection of children's rights

22. Until 30 June 2009 the MCFIA was the leading State administration institution in the areas of the protection of children's rights, children and family rights, youth and integration. MCFIA's functions included developing a national policy in the areas of the protection of children's rights, children and family rights, and youth; organising and

coordinating the implementation of the policy for the protection of children's rights and integration. In order to ensure a better and more efficient institutional mechanism of the State administration, starting from 1 July 2009 the Ministry of Welfare (hereinafter the "MW"), the MJ and the Ministry of Education and Science (hereinafter the "MES") took over the functions of the MCFIA.

State Inspectorate for the Protection of Children's Rights

23. From 1 July 2009 the State Inspectorate for the Protection of Children's Rights (SIPCR) is an institution under the Minister of Welfare (before that – under the Minister for Children, Family and Integration Affairs), whose major functions are to monitor compliance with the law regulating the protection of children's rights; to analyse the overall situation in the protection of children's rights; to ensure operation of the children and adolescent's trust helpline; to produce recommendations for ensuring and improving the protection of children's rights and to inform the public about children's rights. The SIPCR also monitors the operation of orphan's courts, provides national and municipal institutions with recommendations about the implementation of children's rights, takes measures for supporting foster families and performs other functions.

24. In addition, the SIPCR, upon complaint or its own initiative and with the help of police officers if necessary, is entitled to control the operation of any national or municipal institutions, non-governmental organisations (hereinafter the "NGO") or other individual or legal entity engaged in the protection of children's rights, as well as to demand and receive related information from the specific institutions, organisations, and persons.

25. For statistical data and information about the State's budgetary resources allocated for the basic operation of the SIPCR, as well as about the steps taken, see Section III (B), Section V (H), and Section VIII (B) of the Report and annex No. I.

Legal Aid Administration

26. The Legal Aid Administration is an institution under the MJ, which started working on 1 January 2006, pursuant to the Law on State Ensured Legal Aid adopted on 17 March 2005 and CM Regulation No. 869 of 15 November 2005 Statutes of the Legal Aid Administration. The Administration's functions include managing the resources allocated for State ensured legal aid and State compensation to victims, concluding contracts with legal aid providers, ensuring the provision of legal aid and payment of State compensation to victims under a procedure established by legal act, etc. (for statistical data about resources paid as State compensation to persons -victims of violent crimes, see annex No. VIII).

27. Pursuant to the Law on State Ensured Legal Aid, the State shall provide legal aid to low-income or disadvantaged persons and persons who, taking into account their special situation or state of property and income level, are unable to ensure the protection of their rights (for instance, due to a natural disaster, force majeure or a person is subject to full support of the State). The State ensures legal aid in civil matters related to rights to housing, labour rights, rights of the child as well as in other issues, in administrative matters related to the appellate proceedings for granting asylum, and criminal matters, as well as covers the costs of consultations, preparation of procedural documents, representation in criminal proceedings. In practice, State ensured legal aid is mainly requested by citizens and non-citizens of the Republic of Latvia; however, the Legal Aid Administration has also received applications for legal aid from other countries like Russia and Lithuania (for statistical data about State ensured legal aid, refer to annex No. IX).

28. In accordance with the amendments made to the Law on State Compensation to Victims of 18 May 2006 in 2009 and 2011, a victim has the right to State compensation,

being to some sort a state reaction to award the person concerned with the compensation that he/she suffered from an intentional violent criminal offence. The mentioned Law stipulates that a victim shall have the right to receive State compensation for non-pecuniary or pecuniary damage, or physical suffering resulting from an intentional crime, if the criminal offence has resulted in the death of the person or in infliction of serious or medium bodily injuries or the criminal offence has been directed against the sexual inviolability of the person or the victim has been infected with human immunodeficiency virus, Hepatitis B or C, or the person is a human trafficking victim. The victim also has the right to State compensation if a perpetrator of a criminal offence has not been identified or cannot be held criminally liable. Moreover, if the person or the victim has died and failed to apply for compensation, this compensation can be received by a person recognised as a victim in the criminal proceedings (for statistical data, see annex No. II).

Orphan's courts

29. A new Law on Orphan's Courts was adopted on 22 June 2006 and came into force on 1 January 2007. An orphan's court is a guardianship and trusteeship institution established by a municipality or city local government. It ensures by priority, the protection of the rights and legal interests of a child or another person lacking the capacity to act. The orphan's court is obliged to provide a child with out-of-family care in a foster family or by a guardian and if it is impossible – in a care institution. The Law stipulates the responsibility of the orphan's court for ensuring observance of the rights and interests of a child, and imposes high professional requirements for a chairperson and staff of the orphan's court. There are currently 150 orphan's courts throughout Latvia (for more information, refer to Section V of the Report).

30. It should be emphasised that, in general, a procedure for taking decisions and work management of orphan's courts are aimed at the maximum protection and ensuring of the rights and interests of a child. Decisions adopted by orphan's courts come into force and should be implemented immediately; persons have the right to appeal against them in an administrative court. The appeal does not suspend the enforcement of the decision adopted by the orphan's court.

State Police

31. The State Police are a direct governing body under the Minister of the Interior, which implements the national policy related to the crime fighting and protection of public order and safety, as well as to the protection of rights and legal interests of persons. The legal framework, tasks and functions of the State Police have been specified in the Law on Police and other laws regulating operation of the State Police. One of the tasks of the Prevention Department of the Main Public Order Police Department of the State Police is to organise, coordinate, and control the service of inspectors in charge of juvenile cases. Approximately 130 people are employed in juvenile crime prevention under the State Police.

D. Independent monitoring

Upon the Committee's recommendations 12 and 13:

12. The Committee welcomes the establishment of various mechanisms, including the Section for Protection of the Rights of the Child in the Latvia National Human Rights Office, which deals, inter alia, with complaints related to violations of children's rights, and the draft law on Public Advocates, an ombuds-type of institution meant to broaden human rights protection and to secure the observance of the principle of good governance by State institutions. The Committee is nevertheless concerned that this

Section of the National Human Rights Office is inadequately mandated to monitor, regularly evaluate or report on the implementation of the Convention. The Committee regrets that despite its previous recommendation, the State party has not established a post of Ombudsperson for Children.

13. The Committee recommends that the State party continue its efforts to strengthen the work of the Section for Protection of the Rights of the Child in the Latvia National Human Rights Office by ensuring the provision of adequate human and financial resources, and that it promotes and strengthens accessibility for children to the Section. It also recommends that the State party ensure effective coordination and cooperation between this Section and the new Public Advocate and considers the possibility of developing this Section into an independent Ombudsperson for Children, taking into account the Committee's general comment No. 2 on the role of independent national human rights institutions, as well as the Paris Principles (General Assembly resolution 48/134, annex). The Committee encourages the State party to involve non-governmental organisations (NGOs) in its ongoing efforts to monitor the implementation of the Convention.

Ombudsman's Office

32. The Ombudsman's Office (<http://www.tiesibsargs.lv>) was established pursuant to the Ombudsman Law, which was adopted on 6 April 2006 and came into force on 1 January 2007. The Ombudsman's Office has been established on the basis of the State Human Rights Office, which complied with the UN-developed Principles relating to the status and functioning of national institutions for the protection and promotion of human rights (Paris Principles). The Ombudsman's Office is a national institution for the protection of human rights which complies with the said Paris Principles. In comparison with the former State Human Rights Office, now the Ombudsman is endowed with enlarged scope of duties to ensure the implementation of human rights and the principle of good governance. One of the Ombudsman's functions is to promote the observance of equal treatment and prevention of discrimination. The Ombudsman identifies deficiencies in the law and its application related to the observance of human rights and the principle of good governance, promotes public awareness and understanding about human rights and mechanisms for the protection of these rights. One of the Ombudsman's functions is to enhance the protection of children's rights.

33. The Ombudsman's major tasks include enhancing the protection of human rights and promoting the legal and efficient implementation of State power in line with the principles of good governance. While fulfilling the functions specified in the Ombudsman Law, the Ombudsman shall have the right, inter alia, to identify the deficiencies in the laws and regulations to the Saeima and CM and invite them to eliminate such deficiencies. The Ombudsman examines applications brought by individuals; provides opinions and recommendations for preventing human rights violations; makes recommendations to public institutions about the lawfulness and efficiency of their functioning and observance of the principle of good governance; conducts research and analyses human rights situations etc.

34. The Ombudsman is entitled, upon an application or its own initiative, to initiate examination proceedings; to lodge a constitutional complaint with the Constitutional Court if necessary; to represent the rights and interests of an individual in the administrative court if such is required by public interests. The Ombudsman has the right, at any time and without a special permit, to visit closed-type institutions, to visit all premises and to meet the persons held in closed-type institutions in private; to hear the opinion of a child without the presence of his or her parents, guardians, employees of educational or care institutions if the child so wishes etc.

35. As at 30 June 2012, the number of persons employed in the Ombudsman's Office is 38, out of which 3 employees work in the area of children's rights (for statistical data about budgetary resources allocated to the Ombudsman's Office and the performance indicators of the Ombudsman's Office, refer to annex No. III).

36. The protection of children's rights has been one of the priorities of the Ombudsman's Office since the very beginning of its operation. A special unit has been created in the Ombudsman's Office, namely the Children's Rights Division, which considers issues related to any violations of children's rights. Lawyers working in this unit are only dealing with issues concerning children's rights. In 2012, the Ombudsman's Office renewed full membership of the European Network of Ombudspersons for Children.

37. The Ombudsman has identified the following priorities in the Ombudsman's Strategy for 2011-2013 in the area of the protection of children's rights: observance of the rights of socially marginalised children (rights of children with special needs, orphans and children without parental care; rights of children in imprisonment facilities); the right of children to receive primary and general secondary education free of charge; the right of children to State-funded health care; promoting the right of children to express their views and to be heard and increasing the role of mass media in the protection of children's rights.

38. For statistical data about applications received by the Ombudsman's Office, about applications submitted by the Ombudsman's Office (State Human Rights Office) and examined by the Constitutional Court, about the budget of the Ombudsman's Office and their visits to closed-type prisons, refer to annex No. III. For additional information about the measures the Ombudsman's Office has taken in the area of children's rights, refer to Section I (G), Section IV (G) and (H), Section VII (C) and Section VIII (B) of the Report.

E. Resource allocation

Upon the Committee's recommendations 14 and 15:

14. The Committee welcomes the increases in budgetary resources allocated to education and maternal and child health care. The Committee is nevertheless concerned that these allocations are inadequate to ensure effective implementation of the Convention, including the numerous programmes and reforms that are planned or in place.

15. The Committee recommends that the State party:

(a) Develop a comprehensive strategy and an adequate monitoring system to ensure that budgetary allocations effectively improve the situation of the most vulnerable groups and reduce regional disparities; and

(b) Undertake a study on the impact of the Government's budgetary resources allocated for children and their families, to assess their effectiveness.

39. In 2006, the Ministry of Regional Development and Municipal Affairs, which was merged with the Ministry of Environment and reverted to its former name – the Ministry of Environmental Protection and Regional Development (hereinafter the "MEPRD") in 2010, developed the Latvian National Development Plan 2007-2013⁶ (hereinafter the "NDP").

40. The following medium-term national priorities have been identified in the NDP:

⁶ CM Regulation No. 564 of 4 July 2006 *Regulations Regarding the Latvian National Development Plan 2007-2013*, National Journal *Latvijas Vēstnesis*, 108 (3476), 11 July 2006.

- Priority 6.1.3 determines special support to families with children, encouraging an increase in the birth rate. The following tasks should be undertaken within the framework of this priority: State support to families during the child-rearing period, availability of preschool educational establishments, development of alternative child care services, creation of a family-friendly environment, availability of social services and housing to families with children, as well as development of a family-type care system for orphans and children without parental care;
- Priorities 1.1 and 1.4 are related to quality and access to education, including modernisation of the educational infrastructure. The following tasks should be undertaken within the framework of this priority: qualitative acquisition of general knowledge and skills, increase in the number of students who have completed secondary education, involvement of social partners in the development of curricula, ensuring the availability of education in all of its forms and at all levels to persons with special needs, renovation of educational institutions, updating and improving school libraries, collections of study videos and records, and electronic educational programmes etc. (for more information, refer to Section VII (B) of the Report);
- Priority 4.2.1 establishes cooperation between non-governmental and private sectors ensuring their involvement in decision-making. A requirement of “supporting children and youth NGOs thus facilitating a decrease in the number of roaming children and helping young people to lead active and loyal lifestyles” has been identified as a separate task.

41. In collaboration with the ministries representing specific sectors, the MEPRD has developed a draft Latvian Strategic Development Plan 2010-2013, which is a mechanism for the implementation of the NDP. As to the measures for improving the situation of the most vulnerable groups and reducing regional disparities, this Plan provides for social support to people with low (limited) income, as well as a reduction of social and economic development disparities among regions.

42. In 2008, the MW developed the National Social Inclusion Plan 2008-2010 (hereinafter the “NSIP”), establishing the goals of developing social inclusion. The tasks of the NSIP include improving the support system for people with low income and families with children, and the increasing availability of education, municipal rented apartments and social rented apartments.

43. The NSIP provides for a number of steps aimed at encouraging children and youth integration into society and increasing income in the event of different social risks by improving the financial support system for families and children, the system for payment of State ensured maintenance guarantees, and the financial support system for foster families, and by providing financial support for adopters, as well as by promoting financial support for guardians in order to raise the standard of living of children without family care.

44. The NSIP steps also provide for promoting the development of an inclusive general and vocational educational system, offering possibilities for receiving general education in imprisonment facilities, developing an adequate offer of education and further education to children and youth with learning difficulties and poor basic skills, as well as supporting Roma education.

45. The major steps identified in the NSIP (already implemented and planned) and creating more favourable conditions for children’s development are as follows:

- Create children’s play centres and increase the material and technical resources of at least five of the existing centres;
- Starting from 1 September 2008, partial State funding is provided to catering for 100% of first year students;

- Starting from 1 January 2009, a supplement to the State family allowance for a disabled child amounts to LVL 75 (approximately EUR⁷ 106) per month;
- A study on the out-of-family care system has been conducted (“Research of the System of Out-of-Family Care and Adoption and Recommendations on its Improvement”);
- In 2009, remuneration for the adoption of one child was LVL 1,000 (approximately EUR 1,422), while remuneration for the care of a child prior to adoption was LVL 35 (approximately EUR 50) per month;
- In 2008, group housing (apartment) was created in at least one out-of-family care institution;
- In 2008, a multifunctional crisis centre was established;
- Foster families, guardians and adopters, as well as families with children in crisis situations are offered a possibility to consult with psychologists;
- Support groups for families, foster families, adopters, and guardians were created in Latvian regions by 2010;
- A draft system for the coordination of family support has been developed and specialists engaged in the protection of children’s rights have received appropriate training;
- Material and technical resources have been provided in order to extend the range of services offered by family support centres, to improve the quality of services and to increase the number of services offered by family support centres;
- In 2008, mediation consultancies (for settling family disputes out of court) were provided in all Latvian regions;
- In 2008, 2009 and 2010, a pilot project was implemented for a support and coordination system for children, parents and national and municipal authorities (education specialists, social workers, law enforcement officers) in order to encourage cooperation between students, their parents and schools and municipal institutions;
- Methodical recommendations have been made to legal entities on establishing child care centres in workplaces;
- Methodical recommendations have been produced to orphan’s courts and out-of-family care institutions on the foster family as a support form for children in out-of-family care institutions.

46. In order to ensure the availability of investments to municipalities for the period 2008-2010, the CM has approved a procedure for allocating, using and monitoring the allocation and use of these investments.⁸ Reconstruction and development of the infrastructure of educational establishments (preschool, general education, interest-related education and special educational establishments, boarding schools, art and music schools, sports halls and grounds) have been identified as one of the support areas for investments.

⁷ EUR/LVL exchange rate set by the Bank of Latvia: 1 EUR = 0.702804 LVL.

⁸ CM Regulation No. 566 of 21 August 2007 *Procedure for Allocating, Using and Monitoring Subsidies Earmarked for Investments in the Improvement and Development of Municipal Infrastructure 2008-2010*, Official Journal *Latvijas Vēstnesis*, 142 (3718), 4 September 2007.

47. On 26 August 2008, the CM approved a plan of measures for the development of preschool educational establishments in line with the interests of the population of Latvia 2008-2010.⁹ These measures are aimed at ensuring the development of a network of preschool educational establishments in line with the interests of the population by allowing each preschool age child to receive a high-quality preschool education.

48. During implementation of the tasks identified in the above-mentioned plan of measures, in 2008, a case analysis of the development of preschool child care services was carried out, and amendments were made to the law stipulating that the staff of private preschool educational establishments also have the right to apply for extinguishing a loan, and improving the mutual payment system of municipalities for services provided by educational establishments. Moreover, in 2008, amendments were made to the law aimed at providing the optimum environment for children's development and reducing the risks to children's health during the preschool education process.

49. In addition, the MEPRD also provides a support programme for implementing municipal investment projects by offering support for building and renovating new preschool educational establishments, implementing energy efficiency steps, improving the area and creating children playgrounds, as well as for ensuring accessibility of the environment to persons with functional disorders and families with children. Within the framework of the above-mentioned support programme 19 projects with funding of LVL 1,602,230 (approximately EUR 2,280,000) were supported in 2008, and 14 projects with funding of LVL 2,790,329 were implemented in 2009. Similarly, the MEPRD ensures implementation of the EU support programme for the development of the availability of alternative care services (for statistical data about implementation of this programme, refer to annex No. IV).

50. Previously, in 2007, 45 projects received budget support for renovating and developing the infrastructure of preschool educational establishments with the total funding of LVL 1,971,200 (approximately EUR 2,805,000).

51. For other activities related to children's education and mother and child health, refer to Section VI (B) and Section VII of the Report.

F. Data collection

Upon the Committee's recommendations 15 and 16:

16. The Committee takes note of the State party's progress with regard to the collection of statistical data and notes with appreciation of the detailed and updated information provided by the State party in its written replies. However, the Committee remains concerned that there is still a lack of systematic and comprehensive data that have been disaggregated, which would enable analysis of the factors determining the situation of, in particular, vulnerable groups of children.

17. The Committee recommends that the State party undertake measures to develop a systematic and comprehensive collection and disaggregation of data that is consistent with the Convention, and can be used for the development, implementation and monitoring of policies and programmes for children. Particular emphasis should be placed on gathering data relating to children who need special attention, including non-

⁹ CM Regulation No. 520 of 26 August 2008 *On Plan of Measures for the Development of a Network of Preschool Educational Establishments in Line with the Interests of the Residents 2008-2010*, Official Journal *Latvijas Vēstnesis*, 133 (3917), 28 August 2008.

citizens, stateless and refugee children, and children of minorities. Consideration should be given to conducting analytical, in-depth studies on children who are particularly vulnerable, such as child victims of abuse, neglect, or ill-treatment; street children; children with disabilities and special needs; and children in long-term institutional care and residential boarding schools.

52. From 2004 to 2012, the Central Statistical Board has been publishing a statistical data collection *Children in Latvia*. The *Children in Latvia* collection includes, inter alia, information about parents whose child care or custody rights have been removed, child adoption, the transfer of children to out-of-family care, the application of compulsory measures of a correctional or medical nature to children, children held criminally liable, children who have reached the mandatory education age and who are not attending educational establishments, and about the rehabilitation of children who have become victims of violence. The board's publications are improved and updated on a regular basis. An information centre under the Board provides a possibility to become acquainted with Latvian and foreign publications, as well as purchase data collections.

53. A number of studies have been carried out from 2007 to 2011 on the protection of children's rights or concerning the condition of children:

- Street Children in Latvia. The goal of this study is to consider the situation of street children in Latvia and formulate proposals for solving this problem. The study analyses the concept of street children and its development, as well as provides characterisation and causes of the current situation leading to the emergence of "problem children" (for more information, refer to Section VIII (B)(i), Street children).
- Health Behaviour in School-Aged Children. The goal of this international study is to have new insight and increase the awareness of health habits, health and lifestyle of adolescents in their social context, as well as to study and monitor the health and habits of school-aged children. The target group of the study is children aged 11, 13 and 15. The last study took place in the academic year 2009/2010, and it is conducted every fourth year.
- Global Youth Tobacco Survey in Latvia 2010 and 2011. This is a comprehensive study conducted in Latvia and drawing attention to the problem related to the smoking of students aged 13–15. The goal of the study is to gather information about the distribution of smoking in the specific age group, study the personal habits of this residential group and predict the risks of starting to smoke, as well as to ascertain the motivation behind smoking and the factors affecting the behaviour of both smokers and non-smokers. The study takes place every fourth year.
- WHO European Child Obesity Surveillance Initiative in Latvia 2008 and 2010. The goal of the study is to obtain information and conduct monitoring of the distribution of excessive body weight and obesity among children aged 7 and the compliance of the school environment with the promotion of healthy habits.
- 2011 European School Survey Project on Alcohol and Other Drugs (ESPAD) in Latvia. This international study is aimed at obtaining internationally comparable data about the distribution of smoking and use of alcohol and drugs in European countries among young people aged 15–16. The ESPAD report in Latvian will be communicated to educational boards and schools by the beginning of the academic year 2012/2013 in order to ensure that the teaching staff has access to the most recent information about the use of addictive substances among students and about the possible problem solutions that can be adopted in their daily work with students.

- Adverse Childhood Experiences of Young Adults in Latvia 2010-2011. The goal of this study is to ascertain the distribution of adverse childhood experiences of young adults in Latvia. The target group of this study is year 12 students of secondary schools and year 3 and 4 students of vocational educational establishments or Latvian young adults above 18.
- Reproductive Health of the Population: Report on the Latvian Situation (2003-2011). The goal of this study is to ascertain the knowledge and habits of the Latvian population (aged 15–49) affecting their sexual and reproductive health.
- Violence and Health. Report on the Latvian Situation 2007 produced within the framework of the collaboration between the Ministry of Health and the WHO. This study analyses the definition of violence, causes of violence, as well as offers solutions to violence prevention. It also focuses on domestic violence, violence prevention policy, namely traditions and positive solutions, and the health-care sector.
- Sexual Abuse of Children in Child Care Institutions is a study conducted by the NGO Dardedze in 2009-2010 within the framework of the EU-funded project. The goal of the study is to identify different forms of violence in child care institutions, their characteristics, and factors behind their origin. On the basis of the study results the NGO Dardedze Centre produced recommendations to State administration institutions (like amendments to the law, introduction of legal requirements into the work of child care institutions etc.).¹⁰
- Introduction of a Multidisciplinary Support System for Violence Victims is a project implemented by the Social Services Agency with financial support from the European Commission in 2009-2010 aimed at promoting an increase in the quality of the recovery process for violence victims. The project included performing current case analysis and producing recommendations, as well as providing training for specialists (social workers, psychologists, police officers, lawyers).¹¹
- A House without Violence for Every Child is a project carried out by the NGO Dardedze Centre in 2010-2011 aimed at preventing violence against children under 3. The project resulted in a report *Evaluation of the System for the Protection of Small Children's Rights* prepared by the working group in December 2011.

54. The Information Centre of the Ministry of the Interior (hereinafter the “MI”), in collaboration with the EU, has taken development measures regarding the Support Information System for Minors. This is an IT solution governed by the CM Regulation¹² ensuring the efficient processing of information about minors in crisis situations (like minors that have violated the law, are roaming, living in adverse and dangerous social conditions etc.), thus promoting fast information exchange and cooperation among the involved law enforcement, social, educational and other institutions, as well as the prevention of early juvenile delinquency and victimisation.

55. The Latvian Prison Authority (hereinafter the “LPA”), gathers information about minors serving their time in imprisonment facilities. Such information includes a convict's

¹⁰ For more information, refer to the website of the NGO Dardedze Centre at:

<http://www.centrsdardedze.lv/eng/surveys>. (Last visited: 2 October 2012);

<http://www.bernskacietusais.lv/lv/petijumi/kkk>. (Last visited: 2 October 2012).

¹¹ For more information, refer to the official website of the Social Services Agency at:

<http://www.krize.lv/ru/node/147>. (Last visited: 2 October 2012).

¹² CM Regulation No. 348 of 22 May 2012 *Regulations Regarding the Support Information System for Minors*, Official Journal *Latvijas Vēstnesis*, 81 (4684), 24 May 2012.

family status, conviction, terms of sentence, sections of the Criminal Law applied to the convict etc.

56. In 2009–2012, the LPA carried out a project *Information System of the Convicted* co-funded by the Norwegian Government and aimed at creating a single, comprehensive central information system among imprisonment facilities and other institutions representing the judiciary. This information system gathers data, inter alia, about persons in imprisonment facilities (complete information about each convicted person during the entire period of his or her imprisonment). The project was completed in 2012.

57. Information of the State Probation Service about work with probation clients is gathered by PLUS, a system for the registration of probation clients. The PLUS system for registration of probation clients contains comprehensive information about juvenile probation clients.

58. In order to create a single and efficient information system for the control of migration processes, the Office of Citizenship and Migration Affairs (hereinafter the “OCMA”) in collaboration with the European Refugee Fund, started implementation of the project *Study on the Optimisation of Admission Functions and Improvement of the Refugee Seeker Subsystem of the Single Migration Information System* in 2009. Within the framework of the above-mentioned project, work on the development of the Refugee Seeker Subsystem was carried out in order to gather data about asylum seekers and the course of the asylum procedure. The project was completed in 2011. The current system is being developed and extended by improving the coordination, distribution and registration of support provided for asylum seekers. The functioning of the Refugee Seeker Subsystem is ensured by the MI and State Border Guard.

59. In order to keep records of children born to asylum seekers, on the basis of a birth document and a refugee seeker certificate issued by the State Border Guard a newborn child of asylum seekers is registered in the Refugee Seeker Subsystem of the Single Migration Information System.

60. During the reporting period the Naturalisation Board (hereinafter the “NB”) (incorporated into the OCMA on 1 March 2010) regularly analyses the intensity of acquiring citizenship and factors affecting this process, follows the information about the distribution of the population by national identity, including information about the number of non-resident children in Latvia. Information used in the NB data registration is gathered in the Population Register (for more information about citizenship, refer to Section VI (A) of the Report; for data about education for minorities, see Section VIII (D)).

G. Dissemination of the Convention

Upon the Committee’s recommendations 18 and 19:

18. The Committee notes with appreciation that in response to its previous recommendations, the State party included information about children’s rights in school curricula and projects, and that it translated into Latvian and published the Implementation Handbook for the Convention on the Rights of the Child. The Committee also acknowledges the efforts of the State party to train professionals working for and with children, yet it remains concerned that professionals working with children, parents and children themselves have limited awareness of the Convention.

19. The Committee recommends that the State party:

(a) Continue its efforts to disseminate the Convention in all relevant languages, and also through the use of child-friendly materials and school curricula in primary and secondary schools;

(b) *Expand its programmes to sensitize children and parents about the Convention; and*

(c) *Increase its efforts to provide adequate and systematic training on children's rights for professionals working with and for children, including judges, lawyers, law enforcement personnel, teachers, health-care professionals and social workers.*

61. During the reporting period a number of steps were taken in order to disseminate the Convention. General educational establishments, law enforcement institutions and also the Ombudsman's Office participated in the organisation of activities within the framework of this aim.

62. Issues relating to the Convention have been incorporated into the sample curricula of general education subjects such as Social Sciences, and Politics and Rights. The sample curricula of subjects have been published on the website of the Centre for Curriculum Development and Examinations at: <http://www.isec.gov.lv>.

63. Continuing the effort to disseminate the Convention in all the respective languages in educational establishments, the State Police officers engaged in the prevention of juvenile delinquency use and constantly present child-friendly materials, such as the following presentations: *Stop! It's a Violation of the Law!*; *Your Administrative Liability*; *Law against Drugs*; *Stay visible*; *What Protects You*; *Name of Tobacco against Yours*; *Protect Yourself*; *Protect Yourself and Your Belongings*; *Way to Safe Traffic*; about the relationship among children and violence among them – *Recognise and Prevent Violence at School!* and *Violence*, as well as about safety in general – *Safe Summer – Your Summer*; *My Safe Pedestrian Road*; *Your Safety*, which are directing students' attention to safety during summer holidays, road traffic safety, Internet safety etc. Work on presentation about property safety has been started, and mosaic games about road traffic safety have been developed.

64. According to the information provided by the Ombudsman's Office, during the reporting period the Ombudsman has organised several activities for dissemination of the Convention:

- On 1 June 2008, an informative and educational event for children of different ages was organised, during which children could, in an interactive form, learn about their rights by acquiring an understanding about the implementation of their rights, including the role of the Convention in the protection of children's rights;
- On 1 September 2008, Knowledge Day was organised within the framework of the first day of school. This event was intended for children of different ages and paid special attention to explaining children's right to education. It also included discussions about the children's rights enforced in the Convention and national law;
- In 2008, an educational game *The Wisdom of Indriķis XIII* was created. Principles incorporated into the Convention were used for this game. Introducing the game and its rules to the children, they are explained both the national and international regulations of children's rights, giving special emphasis to the role of the Convention in the implementation of children's rights. During the reporting period 35 classes were taught using the game;
- In 2007 and 2008, a cycle of 11 classes *Starting Independent Life* was organised for children in institutional care in different Latvian regions;
- In 2008, an essay and drawing contest *When you have to run and leave everything you love behind...* was held marking World Refugee Day. Students from Latvian comprehensive schools, art and music schools and creative centres were invited to

participate in the contest. Issues relating to the rights of the refugees were discussed during the event;

- On 20 November 2009, a discussion *Right of a Child to Grow up in A Family and Out-of-Family Care* was organised marking the 20th anniversary of the Convention. Representatives of governmental and non-governmental organisations, legal specialists in the specific areas, and other interested parties participated in the discussion.

65. In 2008, the Convention was translated into a child-friendly language promoting the dissemination of the Convention among children. The translation was published in a special section for children created on the website of the Ombudsman's Office at (<http://www.tiesibsargs.lv>); in 2010 however, the section for children was closed due to a lack of financial resources. Children can ask their questions to the Ombudsman by exercising technical options offered on the website of the Ombudsman's Office.

Specialist training

66. Article 20 of the Law on the Protection of the Rights of the Child stipulates that the State shall ensure that the matters related to the protection of the rights of the child in all public and municipal institutions are considered by specialists who have special knowledge in this area. The CM Regulation¹³ of 27 September 2005 establishes a procedure for providing special training in the protection of children's rights for the specialists of public and municipal institutions considering matters related to the protection of the rights of the child, and specifies the content of this training.

67. In order to acquire special knowledge of the protection of children's rights a specialist completes a training programme consisting of 40 hours which includes the following topics: system for the protection of children's rights and the law regulating the protection of children's rights; the application of international law to the protection of children's rights; rights and obligations of parents and children; violence against a child, its forms and signs, inter-institutional cooperation in the event of violence; basic principles of communication according to the age of a child. Specialists must complete this training programme within a year upon occupying a position. Every five years training should be undergone again, but now consisting of 24 academic hours.

68. During 2005 the MCFIA implemented a project *Specialist Training in the Criteria for Assessing Risks in Dysfunctional Families* involving 1,056 social workers, employees of orphan's courts, representatives of the educational system and police officers in order to train different specialists in issues related to the protection of children's rights.

69. The MW has undertaken a number of activities within the framework of the *National Programme for Improving the Condition of Children and Family for 2010 and 2011*.¹⁴ For instance, in 2010, training was organised in order to develop the competence of judges in the events of the protection of children's rights and domestic violence (preparation of training materials, organisation of 10 training workshops, and participation by 134 representatives of the judiciary). From 2010 to 2011, a total of 1,000 public and municipal specialists received training in issues related to the protection of children's

¹³ CM Regulation No. 729 of 27 September 2005 *Regulations Regarding the Procedure for Acquiring Special Knowledge of the Protection of Children's Rights and Content of This Knowledge*, Official Journal *Latvijas Vēstnesis*, 157 (3315), 4 October 2005.

¹⁴ Approved by Order No. 158 of 18 December 2009 and Order No. 115 of 21 December 2010 adopted by the Minister of Welfare.

rights¹⁵; 401 specialists working in out-of-family care institutions for children underwent training in reducing the risks of violence in out-of-family care institutions; and 45 children acquired practical skills for reducing behaviour problems, thus decreasing the levels of violence among peers. In addition, 576 social workers received training in the risk assessment of families where children are growing up in adverse conditions, and 1,090 specialists, including employees of orphan's courts, police officers, representatives of the judiciary and educational system, underwent training in aspects of domestic violence and inter-institutional cooperation.

70. From 2006 to 2012, the Prosecutor General's Office, in collaboration with the NGO Dardedze Centre, organised a two-day special training course on the protection of children's rights, which was taken by 209 prosecutors in total and was devoted to the following topics: violence against a child, its forms and signs, as well as inter-institutional cooperation in the event of violence; and basic principles of communication according to the age of a child. During the reporting period prosecutors improved their professional qualification by also participating in other training events concerning the protection of children's rights, namely a training event regarding fighting children trafficking and held by the International Organisation for Migration, a Fight against Human Trafficking training workshop organised by the Swedish Prosecutor's Office, and a training programme for preventing and fighting human trafficking implemented by the Nordic Council of Ministers, as well as other Latvian and international conferences and training workshops.

71. From 2010 to 2012, the NGO Dardedze Centre organised training under the name *Interrogating a Minor as a Victim or as a Witness* for police officers.

72. During the reporting period the Ombudsman's Office regularly organised workshops for teaching staff and school support staff. In 2008, the Ombudsman's Office staff participated in 19 seminars on the general principles of the Convention, which were organised for employees of orphan's courts from 21 regional municipalities, giving training to 525 specialists in total. Seminars focused on the content of the general principles of the Convention and the possible application of these principles. In order to promote the application of principles and the Convention in general to the daily work of orphan's courts, participants of the seminars discussed the problematic cases the Ombudsman had been informed of with regard to the observance of the rights of the child.

73. In 2008, the Ombudsman's Office also provided the State Police officers with training in the observance of human rights in the work of the State Police, including issues related to the rights of the child. The training also focused on the role of the Convention in police work and the principles of the Convention. In 2008, six training classes were given to a total of 120 police officers.

74. In 2009 and the first half of 2012, the Ombudsman's Office continued providing police officers with training in the observance of minors' rights in police work. The training focused on the following issues: development of children's rights, content of the Convention (like the principle of non-discrimination; priority of children's rights; right of a child to life and development; weight of the child's view), and its role and application in the State Police work. In 2009, five seminars were conducted for the State Police and Municipal Police officers; in the first half of 2009, four seminars were given, providing a total of 260 officers with this training.

75. In 2010, the Ombudsman's Office organised 2 lectures for specialists working at institutions which deal with the protection of children's rights; in 2011, it conducted six lectures for specialists from the respective institutions and 5 classes for children; and in the

¹⁵ In accordance with CM Regulation No. 729 of 27 September 2005; *Supra* 14.

first half of 2012, it gave seven lectures to specialists from the respective institutions and 13 classes to children.

76. From 2009 to the second half of 2012, the State Police College provided 415 officials with training within the framework of a professional development course, and from 2011 to the second half of 2012, the Latvian Municipal Training Centre gave 172 State Police officers training in the protection of children's rights (for more information, refer to annex. No. V).

77. In 2007, a seminar *Psychological Aspects that Employees Working with Juvenile Asylum Seekers Should be Aware of* was conducted within the framework of a project of the European Refugee Fund and attended by 10 employees of the State Border Guard.

78. According to the State Probation Service's (hereinafter the "SPS") strategy 2007-2009, training in the risk assessment of the repetition of criminal behaviour among juveniles and factors contributing to a criminal offence was given to 80 probation officers in 2008. A total of 101 SPS officers acquired special knowledge of the protection of children's rights in 2012. The same year, 104 SPS officers underwent training in the programme *Use of the Support Information System for Minors*. 40 SPS officers received training under the name *Working with Victims of Sexual Assault* organised by the SPS Monitoring Division.

79. In order to educate representatives of public and municipal institutions, as well as NGOs about the issues related to citizenship for children, the NB has organised informative and educational meetings, consultancies and seminars during the reporting period. In 2007 and 2008, special attention was devoted to educating representatives of Civil Registry offices, orphan's courts, orphanages, and social services.

80. The Latvian Judicial Training Centre (<http://www.ltmc.lv>) ensures judges and court staff with continuing education and implements training programmes for judges, updating them on a yearly basis and incorporating the most recent issues, including those related to children's rights into the training programmes (for more information, refer to annex No. V).

81. A programme *Current Issues related to the Patients' Rights* was carried out within the framework of the EU Project *Education of the Staff Involved in the Work of Health Care and Promotion Institutions about the Current Issues related to the Patients' Rights*¹⁶ providing a total of 1,741 health-care specialists with training in 2010-2012. This programme was focused on patients' rights, including the rights of minor patients and their implementation during the medical treatment process.

Comments of representatives of the non-governmental sector on issues referred to in Section I

82. Commenting on the protection of children's rights in the State, the NGO Dardedze Centre expresses the view that the activities offered by the system for the protection of children's rights are fragmented overall and mainly based on initiatives by the non-governmental sector and the attraction of financial resources outside the Government's budget. It also notes that the NGOs in Latvia do not receive sufficient funding for ensuring the necessary activities.

83. Presenting the view about national legislation, the NGO Dardedze Centre indicates that the law regulating the protection of children's rights should be improved, for example,

¹⁶ For more information, refer to <http://www.talakizglitiba.lv/programmas/personala-visparejo-zinasanu-un-prasmju-pilnveide/veselibas-aprupes-un-veicinasanas-insti>. (Last visited: 23 January 2013).

by stipulating, the education necessary for a psychologist-specialist that has a significant role in the protection of children's rights, as well as the scope of his or her rights, obligations and responsibility.

84. The Latvian Save the Children Association emphasises in its comments on the overall system for the protection of children's rights that the State should devote more attention to issues related to the protection of children's rights in the judiciary and legal proceedings.

85. The Union of Latvian Large Family Associations expresses its concerns about the efficient management of the sector related to the children and family affairs in light of the institutional reorganisation which took place in 2009, and the limited capacity of the responsible ministries. The Association notes that on 18 November 2009 amendments were made to the Law on the Protection of the Rights of the Child introducing the concept of a large family and setting the goal of improving the support system for large families. The Association is, however, unsure whether the Government will make a considerable improvement in this issue.

II. Definition of the child (art. 1)

86. No significant changes have occurred during the reporting period in the definition of the child described in paragraphs 63-96 of the previous report.

III. General principles

A. Principle of non-discrimination (art. 2)

Upon the Committee's recommendations 20 and 21:

20. The Committee welcomes the declaration of the State party that all children in Latvia enjoy the same rights irrespective of their citizen-status, as well as the decision to remove the mandatory requirement to record ethnic origin in passports. It reiterates, however, its previous concern that the principle of non-discrimination is not fully implemented in Latvia for children belonging to minorities, including Roma children, children with disabilities, and children living in rural areas, in particular with regard to their access to adequate health and education facilities.

21. The Committee recommends that the State party:

(a) Undertake effective measures to ensure that all children within its jurisdiction enjoy the rights enshrined in the Convention, in accordance with article 2, including through the adoption of legislation, which specifically prohibits all forms of discrimination;

(b) Undertake comprehensive public education campaigns to prevent and to combat negative social attitudes and behaviour based on sex, age, race, nationality, ethnicity, religion, disability; and

(c) Include information in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's general comment No. 1 on the aims of education.

National legal acts

87. Amendments made to the Criminal Law on 1 June 2007 supplemented the Law with article 149¹ Violation of Prohibition of Discrimination stipulating the imposition of criminal liability on a person who commits discrimination due to racial or ethnic origin or for the violation of prohibition of discrimination if by such acts substantial harm is caused or such violations are associated with violence or threats, or if they are committed by a group of persons or a State official, or a responsible employee of a company, or if they are committed utilising automated data processing systems. The applicable sentence for the commitment of this criminal offence is the deprivation of liberty for a term not exceeding one year, deprivation of liberty for a shorter period of time, community service or a fine.

88. Article 3 of the Education Law stipulates that, irrespective of economic and social status, race, nationality, gender, religious and political affiliation, state of health, occupation and place of residence, each citizen and non-citizen of the Republic of Latvia, a person who has a permanent residence permit in the Republic of Latvia, as well as a citizen of the EU who has a temporary residence permit and their children shall have equal rights to education.

89. Pursuant to the Medical Treatment Law, all children (both citizens and non-citizens of Latvia) shall have an equal right to health care, irrespective of their social status, and they are provided with State-funded health-care services to the extent specified by the State and according to their state of health (for more information, refer to Section III (B) of the Report).

90. Article 3 of the Law on the Rights of Patients of 17 December 2009 stipulates that in ensuring the rights of patients, differential treatment based on a person's race, ethnic origin, age or other factors is prohibited. Differential treatment includes the direct or indirect discrimination of a person, assault of a person or an instruction to discriminate him or her. It is prohibited to punish a patient or otherwise directly or indirectly cause him or her unfavourable circumstances, if the patient is protecting his or her rights.

National administrative measures

91. During the reporting period the MW took a number of steps for eliminating discrimination. For instance, a manual under the title *How to provide equal facilities, irrespective of age, gender and disabilities in the EU co-funded projects?* was developed within the context of the EU-funded projects in 2008 and distributed to 1,500 interested parties in 2009. In addition, 10 informative seminars were given to people involved in the EU-funded projects on how to ensure compliance with the basic principles of the policy of equal facilities in the EU-funded projects with regard to gender equality, age and disability. In 2009, a total of 938 EU-funded project submitters and employees of intermediary institutions for the EU funds received training within the framework of 19 seminars on how to ensure equal facilities in the EU co-funded projects, irrespective of gender, age and disabilities. Moreover, in 2009, visits were made to 9 places where the projects co-funded by the European Regional Development Fund were implemented in order to ascertain whether accessibility measures have been taken with regard to the environment for people with disabilities, senior people, as well as gender equality. This also included 12 regional seminars on *How to ensure an accessible environment for people with disabilities in the EU co-funded projects?* providing a total of 105 municipal construction specialists, architects, planners, construction supervisors, construction engineers and other specialists engaged in the construction process with training.

92. On 31 March 2010, the United Nations Convention on the Rights of Persons with Disabilities came into force in Latvia; its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with

disabilities, including children with disabilities, and to promote respect for their inherent dignity. Ratification of this Convention allows mobilising the strength and support of all sectors in order to improve the policy of disabilities and to carry out more significant improvements. In 2010, a working group¹⁷ was established for developing basic guidelines for the implementation of the Convention 2013-2019. Draft basic guidelines for the implementation of the Convention 2014-2020 should be submitted to the CM by July 2013 in line with the plan for the implementation of the Convention on the Rights of Persons with Disabilities.¹⁸

93. In 2010, the Committee on Gender Equality¹⁹ was established as the body that coordinates the gender equality policy. It encourages cooperation among and participation of the ministries, NGOs, social partners, municipalities, and other parties involved in order to promote the implementation, monitoring and improvement of the gender equality policy. The Committee consists of representatives of both national and social partners, as well as NGOs.

B. The best interests of the child (art. 3)

Upon the Committee's recommendations 22 and 23:

22. *The Committee welcomes the assertion of the State party that priority is given to the implementation of children's rights, but is concerned that the best interests of the child are insufficiently addressed under the pressure of economic transformation and the consequences of an aging population.*

23. *The Committee recommends that the State party:*

(a) *Ensure that the general principle of the best interests of the child is a primary consideration and is fully integrated into all legislation relevant to children; and*

(b) *Ensure that this principle is applied in all political, judicial and administrative decisions, as well as projects, programmes and services that have an impact on children.*

National legal acts

94. Under amendments made to the Law on the Protection of the Rights of the Child on 17 March 2005, article 6 stipulates that in all activities with regard to a child, irrespective of whether they are carried out by State or municipal institutions, public organisations or other natural and legal persons, as well as the courts and other law enforcement institutions, the ensuring of the rights and interests of the child shall take priority (Section 6) (for more information, refer to Section III (D) of the Report).

95. On 22 December 2004, amendments were made to the Latvian Administrative Violations Code improving the legal regulation on administrative liability for violations of the rights of the child. Corpus delicti for administrative violations have been established

¹⁷ Order No. 22 of 1 March 2010 adopted by the Minister of Welfare *On Forming a Working Group for the Development of Basic Guidelines for the Implementation of the UN Convention on the Rights of Persons with Disabilities 2013-2019.*

¹⁸ CM Order No. 693 of 12 October 2009 *On the Plan for the Implementation of the UN Convention on the Rights of Persons with Disabilities 2010-2012*, Official Journal *Latvijas Vēstnesis*, 165 (4151), 16 October 2009.

¹⁹ Order No. 48 of 10 May 2010 adopted by the Minister of Welfare *On Establishing the Committee on Gender Equality.*

with regard to physical and emotional child abuse, illegal involvement of children in events, leaving a child without supervision and failure to fulfil the duty of care of a child. This has resulted in further development of the control system for the observance of children's rights in Latvia. The general principle, according to which priority is given to the cases related to the implementation of the rights and interests of a child, applies to the administrative proceedings as well.

96. In order to ensure that the interests of a child are addressed in the administrative procedure, the Administrative Procedure Law governs the age at which a child can be summoned and examined as a witness in a court hearing, namely article 163 of this Law stipulates that a child may be a witness at the age of 7.

97. The Criminal Procedure Law has established a principle that criminal proceedings against a minor shall have preference, in comparison with similar criminal proceedings against a person of legal age, in the ensuring of a reasonable term.

98. Should a minor (a child from 14 to 18) participate in criminal proceedings, in order to ensure that the child's interests are addressed in pre-trial proceedings and during adjudication, the Criminal Procedure Law stipulates a number of special provisions with regard to the ensuring of a term in the proceedings, representation, and other issues.

99. Pursuant to paragraph 3, article 244 of the Criminal Procedure Law, a procedural compulsory measure, including enforcement of attendance, may not be applied to a victim who is a minor and has suffered from a violation committed by a person from whom the victim is materially or otherwise dependent, or sexual abuse, as well as to a victim who is a juvenile. Article 243 of the Criminal Procedure Law especially specifies the security measures applied to minors – placement under the supervision of parents or guardians and placement in a social correctional educational institution. A minor shall not be detained for the commitment of such a criminal offence for which the Criminal Law does not impose the sentence of deprivation of liberty.

100. Pursuant to article 369 of the Criminal Procedure Law, information which can be the reason for initiating criminal proceedings in the event of an infringement on the rights of a child, the cause of which might be a criminal offence, may be submitted by institutions and NGOs protecting the children's rights.

101. The interests of a child are especially addressed in the civil proceedings related to adoption cases, cases regarding the dissolution or annulment of marriage, cases resulting from custody rights and access rights, cases concerning the determination of the parentage of a child and cases regarding the unlawful movement of a child to Latvia or a foreign country, or the detention of a child in Latvia or in a foreign country.

102. The Civil Procedure Law stipulates that in certain events, when a child participates in the proceedings or the interests of a child are involved, this case shall be considered in a closed court hearing. The Civil Procedure Law also governs the age at which a child can be summonsed and examined as a witness in a court hearing, namely article 106 of this Law stipulates that a child may be a witness at the age of 7. The child's view may also be clarified at an earlier age, provided the child is able to formulate his or her view.

103. The Civil Procedure Law stipulates that a prosecutor has the right to bring an action or submit an application to a court if there has been a violation of the rights or legal interests of minors.

104. The Civil Procedure Law also stipulates that a court shall assume a special role in the proceedings which may have an impact on the interests of a child. This Law also governs that a court, on its own initiative, shall require evidence for deciding such issues that affect the interests of a child.

105. At the same time, following the principle of the interests of a child, article 205 of the Civil Procedure Law provides for a possibility to, upon the request of a participant in the case, provide in the judgment regarding the recovery of child support that this judgment shall be executed fully or with regard to a specific part, without delay. In 2011, the Civil Procedure Law was supplemented with Chapter 303 Matters Regarding Claims for a Small Amount, which establishes a simpler procedure for a claimant to recover child support (the sum of support should not exceed the specific threshold).

106. The EU and international law which ensures that the best interests of the child are addressed in the civil proceedings is also binding on Latvia. Council Regulation (EC) No. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility (also known as the Brussels IIbis Regulation)²⁰, Council Regulation (EC) No. 4/2009 of 18 December 2008 on the jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (Maintenance Obligations Regulation)²¹, the Hague Convention of 19 October 1996 on the Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. These instruments ensure addressing the best interests of the child in cross-border civil proceedings, especially with regard to jurisdiction, and recognition and enforcement of judgements, as well as other issues related to cross-border civil proceedings.

107. Pursuant to the Medical Treatment Law and the CM Regulation²² of 2006 on the procedure for organising and financing health care, priority shall be given to the health care of children, pregnant women and persons with a predictable disability. These provisions also stipulate that a GP and other specialists shall provide children with regular health examinations, and these preventive examinations and checkups shall be financed from the State budgetary resources (for more information, refer to Section VI (B) of the Report).

108. The Constitutional Court in its judgement of 11 October 2004 adopted in case No. 2004-02-0106²³ has provided an explanation about the priority of the rights and interests of children, clarifying that not only the court and other institutions should take their decisions observing the rights and interests of children, but the legislator should also adopt or amend the law by protecting the rights and interests of children as much as possible.

109. For more information about the initiatives of national policy with regard to the protection of children's rights and addressing and considering the best interests of children, refer to further Sections of the Report.

²⁰ Council Regulation (EC) No. 44/2001 of 22 December 2000 concerning jurisdiction and the recognition and enforcement of judgements in civil and commercial matters, Official Journal, L 12, 16 January 2001.

²¹ Council Regulation (EC) No. 4/2009 of 18 December 2008 on the jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, Official Journal, L 007, 10 January 2009.

²² CM Regulation No. 1046 of 19 December 2006 *Procedure for Organising and Financing Health Care*, Official Journal *Latvijas Vēstnesis*, 3 (3579), 4 January 2007.

²³ Text of the judgement is available at: <http://www.likumi.lv/doc.php?id=94831>. (Last visited: 3 October 2012).

Violence against a child

National legal acts

110. During the reporting period amendments were made to a number of laws and regulations aimed at protecting a child from violence.

111. Article 9 of the Law on the Protection of the Rights of the Child stipulates that a child shall not be treated cruelly, tortured or physically punished, and his or her dignity and honour shall not be violated. Physical abuse is deemed to be an intentional use of such force that threatens the health or life of a child in contact with the child. This Law provides definitions of different types of abuse specifying that sexual abuse is the involving of a child in sexual activities that the child does not understand or to which the child cannot knowingly give consent, while emotional abuse is the infringement of the self-respect of a child or psychological coercion – threatening him or her, swearing, humiliating him or her or otherwise harming the emotional development of the child.

112. Article 73 of the Law on the Protection of the Rights of the Child governs that everyone has an obligation to inform, not later than on the same day, the police, the orphan's court or other institution for the protection of the rights of the child in regard to any abuse of a child, violation of the rights of the child or other threats to a child, as well as if the person has suspicions that the child has articles, substances or materials, which may threaten the life or health of the child himself or herself or of another person. Moreover, health-care specialists, teaching staff, social workers or police officers, as well as public and municipal officials who have received information regarding violations of the rights of the child and who have failed to inform the institutions referred to in regard to such, shall be held liable as prescribed by law for such a failure to inform.

113. Article 17 of the Law on Orphan's Courts stipulates, *inter alia*, that an orphan's court shall identify the families in which the development and upbringing of a child is not ensured sufficiently, and decide on providing the required aid for these families in collaboration with health care and educational institutions, social service offices and police offices.

114. International law has imposed an obligation upon countries to enforce efficient criminal sanctions in the criminal law system with regard to violence against women, children, and domestic violence in general. In the criminal law of Latvia an offender is punished for the commitment of these criminal offences by implementing a set of measures, *i.e.* taking into account *corpus delicti* of the specific criminal offence and aggravating circumstances.

115. On 21 October 2010, amendments were made to the Criminal Law supplementing article 48 (Aggravating Circumstances) with a new clause. The new clause governs that the aggravating circumstances shall also be a criminal offence related to violence or threats of violence, which was committed against a person to whom the perpetrator is related in the first or the second degree of kinship, against the spouse or former spouse, or against a person with whom the perpetrator is or has been in an unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household. By stipulating such aggravating circumstances, the liability for domestic violence is aggravated in the event of any violent criminal offence (like bodily injuries, rape, human trafficking etc.) and is thus applicable in its widest sense.

116. If a criminal offence is committed against a minor, the Criminal Law imposes much stricter criminal sanctions than in the event of criminal offences against adults. A separate element *corpus delicti* of the criminal offences referred to in the Criminal Law is related to the commitment of a criminal offence exactly against a juvenile (a person aged under 14) and/or a minor and if the criminal offence is classified according to this specific feature a

criminal punishment for this criminal offence shall be more severe. This element of the criminal offence applies to the following criminal offences: human trafficking (art. 154¹), rape (art. 159), forcible sexual assault (art. 160), molesting of a minor/juvenile (art. 162), encouraging to involve in sexual acts (art. 162¹), compelling or involvement of a minor/juvenile into prostitution (art. 164), controlling prostitution for gain (art. 165), violation of the provisions regarding the importation, production and distribution of pornographic or erotic materials (art. 166), seizure of hostages (art. 153).

117. Article 174 of the Criminal Law separately provides for criminal liability for cruel or violent treatment of a minor or a juvenile, if physical or mental suffering has been inflicted upon on him or her and if such has been inflicted by persons upon whom the victim is financially or otherwise dependent (like parents, grandparents, a teacher etc.). Cruel treatment is deemed to be a violation of a minor's dignity and honour, humiliation, abandonment without care, food, or drink, ejection from home, threats of physical reprisal. Violent treatment in turn is characterised by physical violence – striking, beating, and torture. Thus the criminal liability applies to not only physical suffering but also emotional abuse, for instance, if an offender has caused bodily injuries to a parent of a child in the child's presence.

118. If the cruel or violent treatment of a minor results in serious or medium bodily injuries, this criminal offence shall be classified as an intentional serious bodily injury (art. 125) or as an intentional medium bodily injury (art. 126), imposing even more severe sanctions against the offender than those stipulated in article 174 of the Criminal Law. Moreover, the Criminal Law governs more severe liability in the event of a victim being a juvenile.

119. In 2008, the Criminal Law was supplemented with a new type of criminal offence criminalising any type of encouragement of a person aged under 16 or a juvenile to involve in sexual acts or encouraging such person to meet with the aim of committing sexual acts or entering into a sexual relationship. For a person who commits paederastic, lesbian or other unnatural sexual acts of gratification with a minor, article 160 of the Criminal Law provides for the deprivation of liberty for a term from five to fifteen years and probation monitoring for a term not exceeding three years; if this criminal offence is committed against a juvenile, the applicable sentence is life imprisonment or the deprivation of liberty for a term from ten to twenty years and probation monitoring for a term not exceeding three years.

120. The CM Regulation on the restriction of prostitution, adopted on 22 January 2008, prohibits the prostitution of minors. Thus the minors are protected from the most destructive effects of prostitution, i.e. violence, the violation of a person's dignity and honour, psychological damage of a minor, possible involvement in organised prostitution groups, and human trafficking.

121. On 29 June 2008, amendments were made to article 50¹ of the Law on the Protection of the Rights of the Child providing for restrictions on the involvement of the child in events. For instance, pursuant to the Law, a child may participate in different activities (events) if it does not hinder his or her acquisition of an education, as well as does not threaten his or her safety, health, morality or other substantial interests. These amendments also apply to child safety during public events or visits to public places and impose safety requirements for providers of child supervision services.

122. The CM Regulation²⁴ establishing a procedure for involving a child in activities (events) related to the demonstration of physical appearance was adopted on 5 May 2009.

²⁴ CM Regulation No. 407 of 5 May 2009 *Procedure for Involving Children in Activities (Events) Related to the Demonstration of Physical Appearance*, Official Journal *Latvijas Vēstnesis*, 73 (4059),

This developed a regulation on the work of modelling agencies and other organisations involving children in different events associated with the demonstration of physical appearance in Latvia. The purpose of this Regulation is to ensure greater child safety, for instance, specifying that a person convicted of criminal offences pertaining to violence or of criminal offences against sexual inviolability, or against whom criminal proceedings are initiated, does not have the right to involve children in any events related to the evaluation of physical appearance.

123. In order to protect children from violence, inter alia, article 253 of the Criminal Procedure Law stipulates that a person directing proceedings may decide to impose a restriction upon a suspect or accused to approach a specific person closer than the specified distance, to avoid having physical or visual contact with such person, as well as using means of communication or techniques for transferring information in order to make contact with such person. Moreover, pursuant to article 272 of the Criminal Procedure Law, detention on remand may be applied to a person being held on suspicion of, or accused of, committing an especially serious crime, provided this crime was directed against a minor.

124. Article 172² of the Latvian Administrative Violations Code provides for administrative liability for physical and emotional child abuse (sanction: from a warning to a fine amounting to LVL 150 (approximately EUR 214)), as well as for involving a minor in begging (sanction: a fine up to LVL 500 (approximately EUR 712)). Moreover, in accordance with the amendments made to the Latvian Administrative Violations Code in 2011, in the event of intentionally committing a minor bodily injury causing temporary petty consequences rather than health disorders or general loss of work capacity, if this is committed against a person to whom the perpetrator is related in the first or second degree of kinship, against the spouse or former spouse, or against a person with whom the perpetrator is or has been in an unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household, a fine amounting from LVL 300 (approximately EUR 428) to LVL 500 (approximately EUR 714) shall be imposed.

125. With reference to the CM Regulation adopted in 2009 (see paragraph 118), the Latvian Administrative Violations Code was supplemented with a new article in 2009 regarding the illegal involvement of children in events. This article stipulates that the involvement of a child in a pageant or any other event where only the physical appearance of the child is evaluated, a fine shall be imposed upon physical persons amounting from LVL 250 (approximately EUR 357) to LVL 500 (EUR 714), but upon legal persons – from LVL 500 (EUR 714) to LVL 1,500 (approximately EUR 2,142).

126. Pursuant to article 51 of the Law on the Protection of the Rights of the Child, a child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall be provided with emergency assistance free of charge in order that a child may regain physical and mental health and reintegrate into society. Such medical treatment and reintegration takes place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child's intimate secrets.

127. Article 52 of the Law on the Protection of the Rights of the Child stipulates that special institutions or sections in general medical institutions shall be established and special resources allocated in the State budget for the medical treatment and rehabilitation of a child who has suffered as a result of violence. Expenditures for the medical treatment and rehabilitation of the child shall be covered by the State and shall be collected from the persons at fault by subrogation procedures. Special medical treatment shall be provided for

13 May 2009.

a child who has become ill with a sexually transmitted disease. The adults at fault for the illness of the child shall be held criminally liable and imposed the deprivation of liberty for a term not exceeding four years, and the costs of the medical treatment of the child shall be collected from these persons.

128. On 7 May 2009, the Saeima adopted amendments to the Law on Social Services and Social Assistance stipulating that in the future the State will provide social recovery not only to the children that have suffered violence, but also to adults (thus social recovery becomes available not only to children but also their parents) and persons committing violence, thus reducing the risk of repeated violent action.

129. On 22 December 2009, the CM Regulation²⁵ was adopted establishing a procedure for providing necessary assistance from the Government's budgetary resources to a child who is a victim of any illegal activity – criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts – in order that the child may regain physical and mental health and reintegrate into society.

130. Victims that are minors also have the right to compensation under the Law on State Compensation to Victims of 18 May 2006 (for more information, refer to Section I (C) of the Report).

131. For statistical data about the number of initiated criminal proceedings, criminal cases sent to the court and persons accused, pursuant to article 174 of the Criminal Law, statistical data about the number of victims which are minors, as well as for information about the reports prepared by inspectors in charge of juvenile cases, refer to annex No. VI. For statistical data about violations regarding physical or emotional child abuse and considered by the SIPCR, see annex No. I.

National policy initiatives

132. In 2004, measures were taken within the framework of the supported action plan for the *National Family Policy 2004-2013*²⁶ concept in order to provide support to children that have suffered illegal activities. According to the plan, public institutions should inform the society and persons engaged in the provision of social services and social assistance, as well as those working in education establishments about how to recognise violence against a child, the possibilities of intervention, and the negative effects of violence; supply specialists with information about the most important national and international laws regulating the protection of children's rights and prevention of violence and promote inter-institutional cooperation for the sake of children that have suffered violence etc.

133. On 9 June 2010, a plan for the basic guidelines *A Latvia Fit for Children 2010-2012*²⁷ was developed in order to identify the measures for protecting children's rights from 2010 to 2012 and related to child protection against violence, and improving child health and the accessibility of a quality education. A number of steps for informing and educating society about the possibilities of preventing violence against a child (psychological, emotional, sexual abuse, and negligence) have been taken within the framework of the basic guidelines. Measures have been implemented gradually in order to

²⁵ CM Regulation No. 1613 of 22 December 2009 *Procedure for Providing Necessary Assistance to a Child Who has Suffered Illegal Activities*, Official Journal *Latvijas Vēstnesis*, 205 (4191), 30 December 2009.

²⁶ CM Order No. 949 of 30 November 2004 *On the Action Plan for the Implementation of the National Family Policy Concept*, Official Journal *Latvijas Vēstnesis*, 191 (3139), 2 December 2004.

²⁷ CM Order No. 324 of 9 June 2010 *On the Plan "A Latvia Fit for Children 2010-2012"*, Official Journal *Latvijas Vēstnesis*, 93 (4285), 11 June 2010.

increase the quality and scope of recovery services for children that have suffered violence, ensuring the maximum necessary recovery time in each individual case. Regulatory and educational measures promote control over institutional cooperation and possible cases of violence against a child where the major functions in the monitoring of the protection of children's rights are carried out by the State Inspectorate for the Protection of Children's Rights.

134. In 2008, the *Programme for Reducing Domestic Violence 2008-2011*²⁸ was approved for the purpose of updating and preventing the problems associated with domestic violence. The Programme includes measures aimed at gathering information, educating specialists, improving legal regulation and providing support to victims. Within these 4 years more than LVL 3,000,000 (approximately EUR 4,270,000) have been allocated for these purposes from the State's budgetary resources.

135. On 3 August 2009, the CM approved the *Programme for Preventing Juvenile Delinquency and Protecting Children against Criminal Offences 2009-2011*.²⁹ This development planning document identifies preventive measures for eliminating juvenile delinquency, as well as solving issues related to child safety according to the complex nature of the factors affecting juvenile delinquency.

136. The *Action Plan for the Programme for Protecting Minors from Criminal Offences against Morality and Sexual Inviolability 2010-2013*³⁰ approved on 25 August 2009 has identified four major development directions: preventive measures, education and the involvement of society in restricting criminal offences against morality and sexual inviolability; improving the policy of punishments related to sex crimes; enhancing the monitoring, medical treatment and resocialisation of persons that have committed criminal offences against morality and sexual inviolability and the promotion of inter-institutional cooperation with regard to the said issues.

National administrative measures

Measures aimed at protecting minors from criminal offences against morality and sexual inviolability

137. During the reporting period a number of measures have been taken within the framework of the *Action Plan for the Programme for Protecting Minors from Criminal Offences against Morality and Sexual Inviolability 2010-2013* (see paragraph 132). For instance, in 2010, a total of 40 SPS employees received training in working with sex crime victims, as well as in applying a risk and needs assessment to persons who have committed criminal offences against morality and sexual inviolability. In 2010, the SPS adapted and implemented the risk and needs assessment, and the risk assessment relied on the relapse into the criminal offence with regard to persons who have committed criminal offences against morality and sexual inviolability. As well, a mandatory risk assessment was introduced which relied on the relapse into the same criminal offence with regard to persons released prior to the expiration of the sentence and convicted of a criminal offence

²⁸ CM Order No. 343 of 18 June 2008 *On the Programme for Reducing Domestic Violence 2008-2011*, Official Journal, *Latvijas Vēstnesis*, 33 (4225), 26 February 2010.

²⁹ CM Order No. 605 of 3 August 2009 *On the Programme for Preventing Juvenile Delinquency and Protecting Children against Criminal Offences 2009-2011*, Official Journal *Latvijas Vēstnesis*, 141 (4127), 4 September 2009.

³⁰ CM Order No. 581 of 25 August 2009 *Action Plan for the Programme for Protecting Minors from Criminal Offences against Morality and Sexual Inviolability 2010-2013*.

against morality and sexual inviolability in order to establish the required monitoring procedure and measures after release from an imprisonment facility.

138. In 2010, special facilities were arranged for the implementation of resocialisation programmes for sex offenders in prisons in Daugavgrīva, Valmiera and Jēkabpils, and Cēsis Correctional Institution for Juveniles (hereinafter the “Cēsis CIJ”). Meetings of the Advisory Council for territorial units of the SPS were held on a regular basis in Cēsis, Kuldīga, Rīga, and Sigulda, discussing the necessity to promote cooperation in the monitoring of persons who have committed criminal offences against morality and sexual inviolability.

139. In 2011, a total of 17 prisoners in 3 imprisonment facilities became involved in the programme for sex offenders implemented by the SPS, out of which 12 persons completed the programme; in 2012, this programme included 21 prisoners. The same programme involved 19 probation clients in 2011, out of which 13 completed the programme, while in 2012, the number of probation clients included in the programme was 9. Juvenile probation clients embarked on the *Motivation for Change* probation programme, which contains the elements structuring behaviour that help to recognise violence, assess risk situations and find non-violent behavioural and decision-taking alternatives, as well as on the EQUIP probation programme, which also indirectly helps to reduce the risks associated with violence.

Social recovery measures for children who are victims of violence

140. Starting from 2000, the State guarantees social recovery services for children who have suffered violence, namely a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts.

141. In accordance with the CM Regulation of 22 December 2009³¹, which establishes a procedure for providing necessary assistance to a child who has suffered illegal activities, a child shall receive social recovery services at his or her place of residence, imprisonment facility, social correctional and educational institution or a child care institution (not more than ten consultations of 45 minutes each) or a social recovery institution (social recovery course shall not exceed 30 or 60 days). Starting from 1 January 2010, social recovery services to children who have suffered illegal activities are provided by the Latvian Children’s Fund.

142. In order for a child to receive social recovery services, one of the child victim’s parents or guardians, a head of the institution (child care institution, social correctional and educational institution or imprisonment facility), a foster family or an orphan’s court shall require an opinion of a psychologist or of a social worker about the child. In his or her opinion the specialist specifies what recovery measures the child needs and where it is recommended to provide them. The provision of social recovery services is coordinated by a social service office of the respective municipality.

143. Currently, in addition to the specified social recovery services provided to a child who has suffered violence, the child shall stay at the social recovery institution together with a person taking care of him or her if necessary and if noted so by a psychologist or a social worker in his or her opinion. In most cases this person is a woman (child’s mother) who has also suffered violence if it has been committed in a family or a close relationship. Although these persons are not provided with a complete social recovery course, they are,

³¹ CM Regulation No. 1613 of 22 December 2009 *Procedure for Providing Necessary Assistance to a Child Who has Suffered Illegal Activities*, Official Journal *Latvijas Vēstnesis*, 205 (4191), 30 December 2009.

however, given a possibility of staying in a safe environment and receiving support from a social worker and other specialists.

144. With the help of municipalities and NGOs 86 crisis and family support centres have been established in Latvia as at 1 January 2008, including 26 centres that have been created with MDFIA support. Family support centres provide psychological and legal aid to both persons that have suffered violence and persons that have committed violence. According to the action plan for the *National Family Policy 2004-2013* concept, one multifunctional crisis centre has been established (in the facilities of the Rūķītis orphanage in Lutriņi Parish, Saldus District) in 2008 providing support and training for foster families; moreover, foster families are motivated to also take care of children who are without parental care, have suffered violence, and received recovery services, and require further out-of-family care in a family environment.

145. In 2008 and 2009, the MDFIA paid for psychological consultations in all Latvian regions to families that have taken care of orphans and children without parental care, as well as to families where conflicts occur. In 2008, the number of psychological consultations provided was 2,703, and in the first half of 2009, it was 534. In 2010, 2011 and 2012, psychological consultation was continued within the framework of the annual *National Programme for Improving the Condition of Children and the Family* providing psychological help to foster families, guardians, adopters, families in crisis situations, as well as orphans and children without parental care after reaching legal age (for statistical data about psychological consultation, refer to annex No. VI).

National administrative measures

146. The State Police actively stop activities of souteneurs and persons promoting prostitution in order to prevent the involvement of minors in prostitution or compelling or involvement in prostitution. The State Police also pay special attention to information about the possible sexual abuse of minors in Latvia, and are very thorough on every case. People are regularly informed about these problems through the mass media, and given recommendations on how not to become a victim and what to do when finding themselves in such a situation. Children and young people may find information about human trafficking in the Safety Portal of the State Police under the following headings: *Young People as Human Trafficking Victims, Types of Recruiters, Working Abroad, Help*.

147. The website <http://www.drossinternets.lv> allows people to inform the State Police about violations detected on the Internet, including the accessibility of pornographic materials without a warning, materials that contain child pornography, or violent, racial or other unlawful materials on the Internet (for more information, refer to Section IV (G) of the Report).

148. Measures for educating and training specialists have been taken within the framework of the *Programme for Preventing Juvenile Delinquency and Protecting Children Against Criminal Offences 2009-2011*. This also included case analysis and the promotion of steps for preventing the relapse into criminal offences committed by juveniles. In addition, this Programme involved the provision of social recovery services to children who have suffered illegal activities, children who have become addicted to narcotic, toxic or other addictive substances, and minors who have been human trafficking victims. Funding accounting for LVL 80,841 (approximately EUR 115,000) has been allocated from the budgetary resources for the implementation of this Programme.

149. The SIPCR inspectors have taken methodological, educational and informative steps on a regular basis in order to inform children, parents, teaching staff, employees of care institutions, and specialists of municipal institutions about the law regulating the protection of children's rights, including action mechanisms for preventing violence against a child.

From 2006 to the second half of 2007 the SIPCR implemented 911 informative and educational measures (for more information, refer to paragraphs 148-154 of the Report).

150. The SIPCR provides consultations and psychological support to children in crisis situations. The Helpline is one of the SIPCR's units, which started to operate on 1 February 2006. It was created with the aim of providing psychological assistance to children and young people, as well as support in crisis situations. The Helpline ensures immediate and specific aid, as the Helpline consultants contact the police, children's rights inspectors, orphan's courts or social service offices (for statistical data about the calls received from children with regard to violence, refer to annex No. I).

151. Analysing information provided by the municipalities, the SIPCR concludes that there is a tendency for the condition of children in Latvia to significantly deteriorate. As the unemployment rate grows, families' financial situation becomes worse and the number of parents looking for jobs abroad and leaving their children with relatives or friends increases. Almost all the schools surveyed pointed to the increasing nervousness and aggressiveness of students. Thus, in light of the risk of an increase in violence, the SIPCR has asked the Ministers of the responsible sectors, and the Government to direct their attention to these tendencies and consider a possibility of planning measures which could reduce the possible risks of the threats to children in the social area.

152. In 2008, close attention was paid to the issue of violence in institutions; therefore the SIPCR held seminars for directors of out-of-family care institutions and special boarding schools with a focus on the prevention of violence, as well as inter-institutional and inter-professional cooperation. The SIPCR organised conferences for directors of boarding schools which were devoted to *Disciplining children in education establishments: problems and possible solutions*, and conferences for specialists working in out-of-family care institutions which focused on *Disciplining Children in Out-Of-Family Care Institutions: problems and possible solutions*. In 2009, the SIPCR held 7 seminars in which 76 social workers acquired knowledge of helping students to develop social skills.

153. From 2010 to 2012, the SIPCR provided social workers with training in assessing risks in dysfunctional families, and developed training programmes and materials regarding different forms of violence and other related issues. In addition, the SIPCR has organised several seminars for staff of out-of-family care institutions and preschool educational establishments, as well as employees of public and municipal institutions and NGOs focusing on issues related to the protection of children's rights. In the first half of 2012, the SIPCR has continued actively organising seminars and carrying out methodological work.

154. At the same time, during the reporting period, the SIPCR also organised professional development seminars (creative workshops) for specialists working in out-of-family care institutions and staff of educational establishments devoted to dealing with conflict situations, involving a total of 200 teachers and specialists working in child care institutions. In 2008, a total of 400 specialists in the protection of children's rights working in public and municipal institutions and NGOs, participated in the conference under the name *Working with Children of a Risk Group and Children in Conflict with the Law*, which was held by the SIPCR.

155. In 2010, the SIPCR paid special attention to organising consulting days in the entire area of Latvia, during which consultations were provided to municipal specialists and residents. This encompassed 77 consulting days in municipalities, during which 476 specialists and 90 residents were given consultations. In 2010, the crisis team, which consists of inspectors and psychologists and is aimed at participating in the reduction of the consequences of the most serious accidents involving minors, became more active in providing help to relatives and persons engaged in an accident. In 2010, the crisis team offered psychological assistance to 295 children, 84 teachers, and 31 parents.

156. In 2010, the SIPCR also started new initiatives, namely *A Friendly School and A Friendly Home* movements. A Friendly School is aimed at improving the relationship between students and teachers by reducing physical and emotional abuse and promoting tolerance. During 2010 this movement involved 153 comprehensive schools from all over the country, and students were offered a possibility of participating in different events related to the aim of the movement, like the organisation of conferences, creation of short films, surveys, interviews with famous people etc. Moreover, consultations with the Helpline specialists were provided on the issues of interest to children and young people. An essay contest for students was organised in cooperation with the NGO Dardedze Centre and the Latvian Association of Parents. *A Friendly Home* movement is an initiative with similar aims involving students and teachers from out-of-family care institutions. In 2010, this movement encompassed 21 out-of-family care institutions for children. A number of measures were taken within the framework of this movement: children contests, film contests, interviews. In 2010, the SIPCR organised a total of 742 meetings and seminars for specialists working in educational establishments, out-of-family care institutions and public and municipal institutions. It provided 6,198 consultations to specialists in the protection of children's rights, and physical and legal persons on issues related to the protection of children's rights, as well as considered 721 complaints.

157. In 2011, the SIPCR offered a new service to children and young people, namely creative workshops, which take place on SIPCR premises and run by SIPCR specialists. During the creative workshops students may acquire new skills in the topics that have been selected according to the information provided by the Helpline. These skills help students to realise their resources, understand themselves and their emotions, develop skills in solving conflicts, and improve relationships at school and at home. In 2011, the SIPCR also offered support to teaching staff by organising creative workshops that were aimed at making an environment more positive for cooperation and improving communication in conflict situations etc. In 2011, the SIPCR held 282 creative workshops involving 497 children in total. In addition, a total of 2,835 consultations were provided to specialists in the protection of children's rights, 787 seminars, lectures and other educational and informative events took place with regard to the rights of the child, as well as 57 consulting days were organised in municipalities in 2011.

158. In 2012, the major priorities of the SIPCR involved in-depth inspections in out-of-family care institutions for children, and improvement in the law in order to protect children who have become sex crime victims as much as possible. By the second half of 2012, out-of-family care institutions for children aged under 2 and children with severe mental illnesses were subject to 7 inspections of compliance with the rights and interests of children. The SIPCR has also participated in drafting the law by making its proposals for amendments to the Criminal Law, which would stipulate more severe sanctions for sex crimes against minors.

159. From 2008 to 2010, in accordance with the CM Regulation regarding the procedure for acquiring special knowledge of the protection of children's rights and content of this knowledge, the State Police and heads of the territorial police offices continued receiving training in issues related to the protection of children's rights. In 2010, the State Police officers continued undergoing training with the aim of providing knowledge and developing practical skills in working with children and families, learning to recognise domestic violence or its attempt, and signs of violence (including physical, psychological and sexual abuse), as well as work methods and specific characteristics when working with juvenile victims, children that have suffered violence and their parents.

160. In order to achieve the goals of the *Programme for Reducing Domestic Violence 2008-2011*, a total of 4,500 violence specialists from different sectors received training and 16 support groups for women that have suffered domestic violence were organised in 2011.

A total of 8,321 children that have suffered illegal activities and 460 persons accompanying these children underwent a 30 to 60-day recovery course in an institution or 10 consultations at their place of residence, which was financed from the State's budgetary resources. During the reporting period the measures included in the Programme have been implemented successfully and within the expected periods of time.

161. A significant role in carrying out the activities within the framework of the *Programme for Reducing Domestic Violence 2008-2011* has been assumed by NGOs like the Dardedze Centre, Papardes Zieds – Latvia's Association for Family Planning and Sexual Health, the Latvian Children's Fund, and the Marta Resource Centre for Women. NGOs ensure that violence victims are consulted by a psychologist, psychiatrist, social worker, and lawyer.

162. In 2007, a public information campaign was conducted within the framework of the public information programme *Help a Child Grow!* aimed at reducing physical and emotional abuse against children, which included broadcasting informative videos on television, printing posters, and booklets, and creating outdoor advertising. In 2008, the MDFIA continued implementing this Programme by broadcasting informative videos, and printing posters and booklets. In light of the number of criminal offences committed with the help of IT and the Internet, in 2008, the MDFIA continued the fight against paedophilia started already in 2007 and promoted online safety by preparing a booklet under the name *You Never Know Who's on the Other Side*.

163. In 2007, the MH, in collaboration with the WHO, conducted a *Violence and Health* study, also gathering information about the involvement of the health sector in settling issues related to domestic violence. In 2009, on the basis of this study, recommendations in respect of domestic violence against women were produced and published for reproductive health specialists regarding examination and providing aid to patients. In 2010, the MH, in collaboration with the WHO, developed an in-depth training course on the prevention of violence and trauma under the name *Practice, Training and Further Cooperation in the Health Sector for Reducing Violence and Trauma* and a training programme. This also included an instructor manual *Social and Health Care Instructors against Violence* and a workshop. In 2011, the MH specialists participated in the Supervision Commission for the study on the adverse childhood experiences of young adults in Latvia (for more information, refer to Section I (F) of the Report).

164. In 2008, a study was conducted on the prevalence, recognition, and prevention of mobbing in order to solve the problems of mutual relationships between children which also included preparation of the poster *Don't keep silent!!! All together against violence in school!* and the distribution of this poster in educational establishments. In 2009, the Ombudsman's Office also carried out a study *Violence or Mobbing in Latvian Schools*, within the framework of which posters were created in order to encourage people not to remain silent about the cases of violence. Posters were displayed in all Latvian educational establishments and on their websites.

165. The Ombudsman's Office also developed survey forms and then distributed them to 54 heads of educational establishments in all Latvian regions. They were asked to consider the current situation in their schools, as well as to assess whether the established system for the protection of children's rights in Latvia works efficiently in order to duly identify and prevent mobbing in educational establishments. The obtained results were systematised and analysed.

166. As to children and young people, the Ombudsman's Office, with the help of the <http://www.draugiem.lv> web portal, conducted a survey asking children aged 8 to 18 whether they have faced mobbing in schools, how it occurred and where they appealed for help. A total of 3,096 respondents participated in this survey. Obtaining results from the

survey, the Ombudsman's Office made a number of proposals like inviting each educational establishment to develop and implement its plan for mobbing prevention, which would help the teaching staff, students, and parents understand where to apply for help and who is responsible for providing it; to clearly define what mobbing is, as well as to establish a clear procedure that everyone should follow in the event of mobbing; to provide teaching staff with training in issues related to the rights of the child etc.

167. For additional information about the taken educational, informative and support measures, refer to Section IV (H) and Section V (J) of the Report.

National case-law

168. As to the national case-law, it should be indicated that article 160 of the Criminal Law stipulates that for paedophilia against minors, the applicable sentence is the deprivation of liberty for a term from three to twelve years. In 2010, the Rīga Regional Court sentenced a national of the United Kingdom to 8 years' imprisonment for the sexual exploitation of a minor in Latvia. In 2010, in turn the United States extradited its citizen to Latvia upon Latvia's request and this person was held criminally liable in the Republic of Latvia for the sexual exploitation of a minor.

169. The number of criminal offences related to the involvement of minors or juveniles in prostitution has significantly dropped as a result of the active work of law enforcement institutions. The number of criminal offences related to the involvement or exploitation of minors or juveniles in the preparation or production of pornographic materials has, however, remained rather high.

170. During the reporting year no sex tourism cases have been reported. There is also no information about persons travelling from Latvia to other countries for the purpose of sex tourism in order to exploit minors living in these countries.

C. Rights to life and development (art. 6)

171. Article 7 of the Law on the Protection of the Rights of the Child stipulates that every child has an inalienable right to the protection of life and development.

172. For information about the measures taken for preventing youth suicide, refer to Section VI (B) of the Report, but for statistical data, see annex No. XIV.

173. For statistical data about child birth and causes of death in children, as well as abortions, refer to annex No. XII. Statistical data about morbidity and immunisation of children and adolescents have been provided in annex No. XIII, while statistical data about the use of alcohol and drugs can be found in annex No. XIV.

174. Section VI (B) of the Report also includes information about adolescent health and reproductive health education programmes. For statistical data about children and adolescents' reproductive health, refer to annex No. XII.

175. Information about street children has been collected in Section VIII (B) of the Report.

176. The Constitutional Court, in its judgement of 29 December 2008 adopted in the case No. 2008-37-03³², declared the provisions of the CM Regulation of 31 October 2006 *Procedure for the Reimbursement of Expenditures for the Acquisition of Medicinal*

³² Text of the judgement is available at: http://www.satv.tiesa.gov.lv/upload/judg_2008-37-03.htm. (Last visited: 10 October 2012).

*Products and Medicinal Devices Intended for Out-Patient Medical Treatment*³³ which were appealed against to be compatible with the Constitution. The provisions which were appealed against stipulate that in specific cases patients are reimbursed for the expenditures for the acquisition of medicinal products, yet this amount shall not exceed LVL 10,000 (EUR 14,300) per one patient within a 12-month period. If the estimated expenditure is higher, patients shall cover the difference between these amounts themselves. The Constitutional Court has concluded that the system for the reimbursement of expenditures for the acquisition of medicinal products is aimed at managing the limited resources as effectively as possible and providing help to the maximum number of people, and depends on the State's resources. The Constitutional Court has pointed out that the division between the general reimbursement mechanism (therapeutic efficiency of reimbursable medicinal products has been proved and complies with the treatment of specific diseases) and the individual reimbursement mechanism (in emergency cases when the therapeutic efficiency of medicinal products has not been proved or is unknown) and the differential treatment against persons based on this division is objectively and reasonably justified.

177. Resources amounting to LVL 483,900 (approximately EUR 689,000) were allocated within the framework of the Law on the State Budget 2009 in order to ensure the implementation of drug-induced treatment programmes for children with rare diseases, thus providing Latvian children patients diagnosed with rare diseases with medicinal products. Funding has been granted to the Children's Clinical University Hospital where patients may receive the necessary medicinal products (for statistical data, refer to annex No. XIII).

178. Pursuant to the Medical Treatment Law, a medical practitioner has a duty to protect unborn life and he or she has a duty to try to dissuade a pregnant woman from terminating pregnancy if the pregnancy is not in contradiction with the woman's state of health and if there is no danger that the newborn baby will have an inherited or acquired disease. The doctor has the right to refuse to terminate a pregnancy if there are no medical grounds for such a termination (for more information, refer to Section IV (H) and Section III (D) of the Report).

D. The weight of the child's view (art.12)

Upon the Committee's recommendations 24 and 25:

24. The Committee notes with appreciation the measures undertaken to promote respect for the views of the child, including through active participation in student government, on school boards and in the recently established children's council. It is concerned, however, that children from a disadvantaged background are not included to the same extent in these structures. The Committee regrets that little information was provided on the attitudes towards children's views and proposals, as well as information on the extent to which their views have been sought, expressed or integrated in all institutions attended by children at the local level and in the family.

25. In light of article 12 of the Convention, the Committee recommends that the State party:

(a) Strengthen its efforts to ensure that children have the right to express their views freely in all matters affecting them and to have those views be given due weight in schools and other educational establishments, as well as in the family, and reduces the

³³ CM Regulation No. 899 of 31 October 2006 *Procedure for the Reimbursement of Expenditures for the Acquisition of Medicinal Products and Medicinal Devices Intended for Out-Patient Medical Treatment*, Official Journal *Latvijas Vēstnesis*, 180 (3548), 9 November 2006.

discrepancies in the opportunities for the participation of students from different social and regional backgrounds;

(b) Develop community-based skills-training programmes for parents, teachers and other professionals working with and for children, to encourage children to express their informed views and opinions by providing them with proper information and guidance;

(c) Ensure that children are provided with the opportunity to be heard in any judicial and administrative proceeding affecting them, and that due weight is given to those views in accordance with the age and maturity of the child;

(d) Systematically ensure the effective participation of children's organisations in the development of national, regional and local policies or programmes affecting them, including educational reforms; and

(e) Provide more detailed information on this issue in the next periodic report.

National legal acts

179. Paragraph 3, article 20 of the Law on the Protection of the Rights of the Child stipulates that a child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to him or her, either directly or through a legal representative or a relevant institution. Cases related to the implementation of the rights and interests of a child, including criminal cases where the defendant is a minor, should be given priority (for more information, refer to Section III (B) of the Report).

180. Pursuant to the Civil Procedure Law, the opinion of the children shall be heard in matters which affect them. For instance, this Law stipulates that in cases related to the dissolution or annulment of marriage which affect children (regarding determining of custody, care of a child, and exercising of access rights) the opinion of the children shall be heard if they may formulate it. The same procedure applies to cases being adjudicated by the court and resulting from custody or access rights. In cases regarding the unlawful movement of a child to Latvia or the detention of a child in Latvia, the court shall hear the opinion of the child if the child may formulate it (for more information, refer to Section III (B) and Section V (C) of the Report).

181. Article 72 of the Civil Procedure Law stipulates that court matters for children aged 15 to 18 shall be conducted by their legal representatives. The court, however, also has a duty to invite children to participate in such matters themselves. The Law governs the cases when a child has the right to independently exercise his or her civil procedural rights and to perform duties. For instance a child over 16 is entitled to act with free property removed from parental management, conduct transactions with such property, as well as transactions related to permanent work permitted by the labour law. In such cases the child has the right to independently bring an action and protect his or her rights at the court.

182. A similar provision has been provided for in the Administrative Procedure Law stipulating that the procedural rights of children aged 15 to 18 shall be exercised by their legal representatives. The court also has a duty to invite children to participate in matters themselves.

183. The Law on Orphan's Courts refers to the right of an orphan's court to discuss matters with a child without the presence of other persons.

184. Article 13 of the Law on the Rights of Patients stipulates that medical treatment of a minor patient (under the age of 14) shall be permissible if his or her legal representative is informed of this treatment and has given his or her consent. The minor patient has the right to be heard and according to his or her age and maturity to participate in decision-making

related to medical treatment. If no consent has been received from the minor patient (from the age of 14), his or her treatment shall only be permissible in cases when a delay may endanger the life of the patient and it is not possible to receive consent from the patient or his or her representative. In such urgent cases a medical practitioner shall take emergency medical measures and decisions related to the medical treatment shall be made by a medical practitioners' council, except in cases when emergency medical care has to be provided. If a minor patient (from the age of 14) refuses to give his or her consent for medical treatment but the medical practitioner considers the treatment to be absolutely necessary, consent shall be given by the legal representative of the minor. If the legal representative in turn refuses to give his or her consent or if the whereabouts of this legal representative is unknown, but the medical practitioner considers that the medical treatment should be commenced, the relevant permission may be given by an orphan's court within three working days after receipt of a motivated submission received from this medical practitioner.

185. The issue related to hearing the view of the child within the framework of adjudication proceedings is one of the topics regularly included in judge training (see annex No. V).

186. In order to encourage children and youth participation in public processes and promote a respectful attitude towards others, the CM Regulation regarding the national standard of primary education and standards of primary education subjects³⁴ specifies that a student shall acquire basic skills within the framework of the Social Sciences course. Namely when studying the student, for instance, learns to be open to differences (except cases when this infringes personal or public safety); is aware of and practically takes opportunities of civil involvement at the school, municipal and national level; understands that people have different religious, political and other views; is tolerant of minority views; accepts and respects the rest of group members; cooperates with others participating in projects important to the local community. The basic skills specified in the standards of comprehensive education courses, such as, for instance, Law and Politics and Ethics, have been supplemented for similar purposes – issues related to participation, and the rights and obligations of a student have been updated in the mandatory curricula.

187. Attention has also been directed to improving the work of student governments by organising experience exchange events for leaders and consultants of student governments (gatherings, forums, working groups) in Latvian regions. A manual for student governments, methodological recommendations under the name *Tolerance Trainer or Foreign Student among us* intended for specialists on youth affairs and deputy head teachers in charge of educational work have been distributed to educational establishments. Specialists on educational work from Latvian municipalities have participated in yearly informative and educational seminars on issues related to the implementation of the rights and obligations of students, student governments and school councils.

National policy initiatives

188. In order to ensure coordination of the youth policy, the Youth Advisory Council has been established with the aim of promoting the development and implementation of a situated youth policy, as well as encouraging youth involvement in decision-making and public life. The Council members include representatives delegated by the State

³⁴ CM Regulation No. 1027 of 19 December 2006 *Regulations Regarding the National Standard of Primary Education and Standards of Primary Education Subjects*, Official Journal *Latvijas Vēstnesis*, 24 (3572), 22 December 2006.

administration, municipalities and seven youth organisations, which accounts for half of the Council members.

189. *Basic Guidelines of Youth Policy 2009-2018*³⁵ were adopted in 2009. Their purpose is to situate and coordinate the implementation of youth policy, as well as to create a vision of development with regard to the youth quality of life and implementation of youth policy. One of the tasks for the basic guidelines of youth policy is to protect young people against violent acts and any discrimination.

190. In 2009, the CM approved the *National Youth Policy Programme 2009-2013*.³⁶ From that moment forth, the yearly National Youth Policy Programme will be approved by the Minister of Education and Science, as the MES took over the functions of the reorganised MCFIA. The National Youth Policy Programme will be adapted to the new framework of the National Youth Policy Programme.

191. The Advisory Committee for Youth Organisations which includes 12 representatives delegated by youth organisations was established by order of the Minister of Children and Family Affairs adopted on 28 February 2007. It is an advisory institution created with the aim of ensuring the participation of youth organisations in the planning, implementation, and evaluation of youth policy. The major task of the Advisory Committee for Youth Organisations is to analyse the current situation of youth policy, identify the problems and make development proposals to the Ministry. The Committee consists of representatives of youth organisations.

192. In 2008, the website of the Youth Guard <http://www.jaunsardze.gov.lv> presented a new design and a forum ensuring the activities of the virtual government of youth guards in the entire area of Latvia. The Youth Guard is a form of youth interest-related education organised and managed by the Ministry of Defence with the aim of educating young people in national defence and promoting patriotism, civic consciousness, camaraderie, courage, physical ability, and discipline. At the same time its task is to generate the interest of young people in military service, thus extending the possibilities for the selection of motivated professional military personnel. From 2007 to 2008, the Youth Guard Centre of the Ministry of Defence continued implementing new guard training programmes in many Latvian schools. In 2007, a total of 6,644 people were involved in the movement of youth guards but, in 2008, this number was 6,711.

Comments of representatives of the non-governmental sector on issues referred to in Section III

193. Commenting on the information provided in the Report, the Dardedze Centre expressed its view that Latvia fails to provide State-funded preventive measures for reducing the risk of children becoming the victims of violence. The Dardedze Centre emphasises that the State would require educational programmes for children, parents, specialists in children's rights, policy makers and decision takers, as well as the public in general, which aim to inform about all types of violence against children.

194. The Dardedze Centre notes that it is recommended that specialists dealing with issues related to the rights of the child at different levels improve their knowledge of the protection of children's rights and the recognition of violence, incorporating such topics as

³⁵ CM Order No. 246 of 20 April 2009 *On Basic Guidelines of Youth Policy 2009-2018*, Official Journal *Latvijas Vēstnesis*, 61 (4047), 22 April 2009.

³⁶ CM Order No. 589 of 20 April 2009 *National Youth Policy Programme 2009-2013*, Official Journal *Latvijas Vēstnesis*, 138 (4124), 1 September 2009.

the protection of children's rights, recognition of violence and children development into higher education curricula in social care, police matters, law, psychology, and pedagogy. At the same time the Dardedze Centre emphasises that specialists working in Latvian child care and correctional institutions should have complete specific knowledge of the significance of attachment (the permanent, consistent and significant connection formed as a result of a consistent relationship between a child and a person taking care of him or her).

195. The Dardedze Centre expresses its opinion that in order to implement a focused policy on the prevention of violence against children it is necessary to improve the system for data collection which would allow employing a single method for data analysis and characterisation. For instance, in light of the limited State's resources, the Dardedze Centre considers that it is necessary to introduce a single division of children into age groups, and agree on mutually coordinated data focus which would enable to characterise the situation of violence more accurately, develop a policy on violence prevention on the basis of evidence, as well as conduct studies which will control the efficiency of selected programmes for violence prevention.

196. The Dardedze Centre deems that the State does not ensure efficient intersectoral collaboration, as a result of which the decisions taken do not often comply with the principle of protecting the best interests of a child. The Dardedze Centre, for instance, points to flaws related to the timely and coordinated detection of violations of children's rights, reporting them, and the provision of help in line with the needs of a child. The Dardedze Centre expresses its view that specialists involved in violence prevention would benefit from common and practically applicable criteria for the recognition of violence, as well as training in improving these skills.

197. Commenting on the procedure for granting compensation to children that have suffered violence, the Dardedze Centre notes that during criminal proceedings, legal representatives of the child victim are not provided with sufficient information about the procedure for and possibilities of receiving this compensation, and the legal representative of the child does not always have all the necessary information which would help him or her represent the child's interests.

198. The Dardedze Centre expresses its view that the available resources are not always used in order to interrogate a child victim or a witness involved in criminal proceedings according to the best interests of the child, namely in a timely manner, in an appropriate environment, and in the presence of or through an especially prepared specialist.

199. The Dardedze Centre deems that, in general, services provided and intended for children in accordance with the law and planning documents are not based on client needs, and the State ensures a range of general services, rather than those necessary for specific needs, thus the country does not ensure the observance of the principle of the best interests of the child and the general availability of services.

200. Emphasising the need to ensure a safe environment for children, the Dardedze Centre expresses its view that the State should develop a set of comprehensive measures which would promote a safe and children-friendly environment (kindergarten or school surroundings, a street or a yard), at the same time actively involving children in solving this issue.

201. The Latvian Save the Children Association takes the view in its comments that the State should take positive measures, inter alia, for protecting children from violence in schools and institutions, as well as to create a children-friendly environment and effectively settle conflicts between teaching staff and children.

202. The Union of Latvian Large Family Associations expresses its concern that the principle of non-discrimination is not fully observed in Latvia with regard to children living

in rural areas, in particular, with regard to their access to adequate health and education facilities. The Union also notes that the receipt of free of charge health-care services for children depends on the quotas allocated by the State to medical institutions. Inter alia, the Union deems that the State should take more measures for supporting families.

203. The SOS Children's Villages Latvia Association notes in its comments that the State should allocate a reasonable amount of resources for preventive work with families and children and promote the provision of support services for families and children exposed to violence, devoting special attention to the necessity of ensuring sufficient municipal resources for social workers and psychologists that work with families and children.

IV. Civil rights and freedoms

A. Right to a name and a nationality (art. 7)

Upon the Committee's recommendations 26 and 27:

26. The Committee welcomes the various steps taken by the State party to expedite the naturalisation process of non-citizen and stateless children. The Committee remains concerned, however, that despite the amendments made to the Citizenship Law in 1998, which entitles children of stateless persons or non-citizens born after 21 August 1991 to 2005 to citizenship that is granted upon application, a considerable number of children in Latvia still do not yet have Latvian citizenship or are stateless.

27. The Committee recommends that the State party strengthen its efforts to accelerate the naturalisation process for those who wish to gain citizenship, with the aim of eliminating the transitional legal status of non-citizens. The Committee encourages the State party to provide more information and support to the parents of non-citizen and stateless children to ensure that all children in Latvia can easily acquire citizenship.

204. Since submitting and considering the second periodic report in 2006 Latvia has made amendments to the existing law and adopted new laws regulating the naturalisation process. Latvian policy is currently aimed at promoting the naturalisation process through different public or direct campaigns and legislative initiatives, and stimulating and inviting non-citizens to become naturalised themselves and also have their children naturalised.

205. In April 2006, Rolf Ekeus, High Commissioner on National Minorities at the Organisation for Security and Cooperation in Europe (hereinafter the "OSCE"), admitted that Latvian experience in public integration may serve as an example to other countries. Latvian experts have already successfully engaged in OSCE projects in certain countries. The High Commissioner on National Minorities at the OSCE has indicated that Latvia has implemented all OSCE recommendations concerning citizenship.

206. Latvia would like to emphasise that it has made considerable progress in promoting the naturalisation process. According to OCMA data, the number of non-citizens has declined from 29% (730,000) in 1995 to 14.7% (329,493) in October 2010. Over 83% (1,840,386) of the Latvian population are citizens of Latvia (for more statistical data, refer to annex No. VII).

207. When analysing statistical data about the proportion of non-citizens in detail, it should be noted that, as a result of the citizenship policy implemented by Latvia, the share of citizens of Latvia has increased from 77.8% in 2004 to 83.2%, while the share of non-citizens of Latvia has diminished from 20.8% in 2008 to 13.8% in the first half of 2012. As at 30 June 2012, non-citizens of Latvia accounted for 13.8% or 304,805.

208. From 2002 to 2005, when Latvia was preparing for accession to the EU and immediately after its accession to the EU, the speed of naturalisation increased substantially, showing the high interest of non-citizens to acquire citizenship. Over the next three years, namely from 2006 to 2008, the speed of naturalisation decreased. This tendency is based on both internal and external factors. Internal factors include but are not limited to social and political passiveness and the disinterest of a large number of senior people, and a whole set of rights given to non-citizens which ensure active participation of these persons in public processes. Over the last five years, the number of applications for naturalisation has remained the same, namely, in 2010, a total of 2,336 persons became naturalised, in 2011, it was 2,467 persons, while in the first six months of 2012 it was 1,205 persons.

209. The naturalisation process, its speed and motivation of persons are indirectly affected by external factors out of Latvia's control. One of such is Council Regulation (EC) No. 1932/2006 of 21 December 2006 amending Regulation (EC) No. 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from this requirement, as a result of which starting from 19 January 2007 non-citizens of Latvia may travel to almost all EU member states without a visa. In general, non-citizens may go to more than 30 countries without visas. In addition, on 17 June 2008, the President of the Russian Federation issued a decree on repealing the visa regime for non-citizens living in Latvia. It should be noted that citizens of the Republic of Latvia in turn must be in possession of visas when arriving in the Russian Federation.

210. It should be emphasised that the number of non-citizen children has been constantly declining since 21 August 1991. As at 1 January 2012, the number of non-citizens of Latvia under the age of 18 was 12,007.

211. In comparison with 2010, the registration process of the status of a Latvian citizen became more intense in 2011. The status of a Latvian citizen is registered for persons who have acquired complete primary or general secondary education at a general or vocational educational establishment in the Latvian language.

212. The process of acquiring citizenship currently takes place at the optimum rate and is actually shorter than the period specified by law. Pursuant to the Citizenship Law, the naturalisation process may take one year. In actual fact, persons pass tests the first time, and the process is 4 months long on average.

National legal acts

213. Since the submission of the second periodic report, regulation of the Citizenship Law has remained the same; a number of amendments have, however, been made to other laws governing the implementation of the naturalisation process.

214. It should be noted that pursuant to paragraph 3, article 3¹ of the Citizenship Law, children of stateless persons or non-citizens born after 21 August 1991 that have reached the age of 15 and whose parents that are non-citizens or stateless persons had not submitted an application for recognising the child as a citizen of Latvia, gained the right to register the citizenship of Latvia on his or her own initiative. In accordance with these provisions for the requirement to reach the age of 15, persons aged 15 and above have started submitting such applications since 21 August 2006 (for statistical data, refer to annex No. VII). As the child reaches the age of 15, he or she has the right to submit an application for the acquisition of citizenship on his or her own initiative, irrespective of the manner in which citizenship is acquired. The current situation clearly shows that children that have reached the age of 15 are more active than their parents in exercising their right to submit an

application for acquiring citizenship of Latvia. This may be explained by the fact that a large number of parents let their children make the citizenship choice themselves.

215. In order to reduce the number of non-citizen children born after 21 August 1991, a new CM Regulation³⁷ was adopted on 5 July 2011 which establishes a procedure for submitting and considering an application for recognising a child as a citizen of Latvia, and thus reduces the number of documents to be submitted to a minimum; namely parents must only write a submission and present an identity document. This Regulation also stipulates that parents may already submit an application for recognising a child as a citizen of Latvia in a Civil Registry office when registering the birth of the child, which means that parents are not required to appear at the OCMA for the submission of an application.

216. In order to facilitate a procedure for taking the naturalisation examination, a new CM Regulation³⁸ was adopted on 5 July 2011 with regard to testing fluency in the Latvian language, knowledge of the basic principles of the Constitution, the text of the national anthem, and the basics of the history of Latvia, as provided by the Citizenship Law. This CM Regulation stipulates that persons who have confirmed fluency in the Latvian language in the centralised examination in the Latvian language (year 9) or in the centralised examination in the Latvian language and literature (year 12) according to the levels A, B, C or D, shall be released from having fluency in the Latvian language tested in the naturalisation process, without any restrictions as to the expiry date of this document. Prior to adopting this Regulation, the expiry date of this certificate was two years, and the requested level was only A, B or C (for statistical data about persons released from having fluency in the Latvian language tested, refer to annex No. VII).

217. These regulations have also extended the range of persons with disabilities who are released from having fluency in the Latvian language and specific knowledge tested, as provided by the Citizenship Law. Namely, the persons that shall be released from having fluency in the official language and specific knowledge tested are persons with a disability of group I, persons with a disability of group II which was determined due to a developing mental disease, persons with a disability of group II or group III which was determined due to deaf-mutism or bilateral deafness, and persons with a vision disability.

218. In order to encourage parents that have become naturalised to have their children admitted to citizenship and reduce the number of cases when parents becoming naturalised do not require citizenship for their children, the CM Regulation³⁹ regarding the procedure for accepting and considering applications for naturalisation specifies that by filling out a special application form a person who has already acquired citizenship of Latvia through naturalisation may request their children under 15 to be admitted to citizenship.

219. No State fees apply to the acquisition of citizenship in the manner of recognition and registration of status. If a child becomes naturalised together with one of his parents, no additional State fee for the minor shall be paid. If a minor submits documents for naturalisation on his or her own initiative and is a student of a general educational establishment he or she pays a reduced State fee (LVL 3, approximately EUR 4.27). The

³⁷ CM Regulation No. 520 of 5 July 2011 *Procedure for Submitting and Considering an Application for Recognising a Child as a citizen of Latvia*, Official Journal *Latvijas Vēstnesis*, 105 (4503), 8 July 2011.

³⁸ CM Regulation No. 522 of 5 July 2011 *Regulations on Testing Fluency in the Latvian Language, Knowledge of the Basic Principles of the Constitution, the Text of the National Anthem, and the Basics of the History of Latvia*, Official Journal *Latvijas Vēstnesis*, 105 (4503), 8 July 2011.

³⁹ CM Regulation No. 521 of 5 July 2011 *Procedure for Accepting and Considering an Application for Naturalisation*, Official Journal *Latvijas Vēstnesis*, 105 (4503), 8 July 2011.

reduced State fee for considering an application for naturalisation also applies to members of poor families, as well as to members of families with three and more minors.

National administrative measures for naturalisation

220. In order to encourage non-citizen parents to register their children born after 1991 as citizens of Latvia, after incorporating the NB into the OCMA on 1 March 2010, parents may submit an application for recognising a child as a citizen of Latvia to 30 territorial divisions of the OCMA, instead of the former 7 regional divisions of the NB. Thus the naturalisation process has become more available in the entire area of Latvia. If non-citizen parents approach the OCMA in order, for instance, to receive an identity document or request a statement from the Population Register and it is discovered that there is a non-citizen child in the family, parents are immediately informed of the right to register citizenship for the child.

221. In order to increase public awareness of the significance of and procedure for acquiring citizenship, during the reporting period the OCMA has regularly organised and will keep organising Information Days for all the interested parties, informing people about the naturalisation examination and the acquisition of Latvian citizenship (six information days per month, on average). Information Days gather young people who would like to acquire citizenship of Latvia. These events are organised in Rīga, Daugavpils, and Liepāja, as well as other Latvian cities if necessary. Until 1 March 2010 information about issues within the competence of the NB was provided by the NB regional divisions, their offices, as well as the International Cooperation and Integration Department, but after taking over the naturalisation functions – by the OCMA. The informative work is carried out in close cooperation with the mass media, municipalities, educational establishments, and NGOs.

222. Information about the procedure for recognising non-citizen children as citizens of Latvia is available on the OCMA website at (<http://www.pmlp.gov.lv>); the OCMA also informs the public of any changes in the law. Information about the naturalisation process is regularly updated on the OCMA website in line with the most recent changes in the law. In 2012, the Section “Acquisition and Loss of Citizenship” – “Examination” on the OCMA website was supplemented with criteria for testing fluency in the Latvian language. The OCMA website also includes information about the Information Days organised by the OCMA and intended for all those interested in the naturalisation examination.

223. During the reporting period the NB, in collaboration with the Secretariat of Special Assignments Minister for Social Integration (hereinafter the “SSAMSI”) (after the reorganisation functions of the SSAMSI were taken over by the Ministry of Culture), continued implementing a number of informative and educational measures. The informative work is carried out in close cooperation with the mass media, municipalities, educational establishments, and NGOs.

224. At the end of 2007, the NB prepared and issued a fact sheet under the name *Recognition of the Children of Non-Citizens or Stateless Persons Born after 21 August 1991 in Latvia as Citizens of Latvia*. Informative materials are available in the regional units of the NB, libraries, educational establishments, and municipalities, as well as in Civil Registry offices and other public institutions. At the beginning of 2012, the OCMA published a booklet under the name *Procedure for Acquiring Citizenship of Latvia through Naturalisation*.

225. In 2008, the NB started implementing the project *Citizenship – My Responsibility, Rights and Possibilities* supported by the Society Integration Foundation (hereinafter the “SIF”). The project was carried out within the framework of a transitional programme *Promotion of Social Integration in Latvia* supported by the EU and the State. The total costs of the project were EUR 32,252, out of which EUR 3,264 was co-financing of the

NB. The aim of the project was to enhance the prestige of Latvian citizenship and to promote the process for acquiring citizenship by increasing the public awareness of and understanding about issues related to citizenship.

226. A number of activities undertaken within the project were specifically focused on the citizenship of children. A cycle of seminars was organised in all Latvian regions discussing issues related to the citizenship of children with representatives of Civil Registry offices, orphan's courts, municipal centres for the protection of children's rights, as well as public organisations competent in children's rights. The Leader School was organised for young people, in which year 10 students acquired knowledge of citizenship, migration, and integration. As a result of this action, 42 young people – leaders were trained as multipliers for further activities in local municipalities mainly focused on their peers in order to clarify issues concerning civil society and social integration. An informative sheet under the name *Latvian Citizenship for Children* was published within the framework of the project and included information about all types of the manner in which minors may acquire citizenship. In addition, two children drawing posters on the theme of patriotism were prepared, published and distributed; an essay contest for young people *My Citizen of Latvia* was organised, in which 249 creative works were received from participants regarding the persons students considered their role models for civic responsibility.

227. From 2007 to 2008, the SSAMSI implemented the *Quantitative and Qualitative Study on the Current Aspects of Social Integration and Citizenship* which also focused on non-citizens' attitude to and views about issues related to the acquisition of Latvian citizenship. According to data obtained from this study, most non-citizens with children (86%) who participated in this study would like their children to become citizens of Latvia. In comparison with the study carried out in 2000, the number of non-citizens willing to acquire citizenship has increased, while the number of non-citizens having a negative attitude towards the acquisition of citizenship has declined considerably. Moreover, non-citizens have become more positive about their status and citizens have learnt higher tolerance towards non-citizens. No disagreements exist among individuals of different nationalities on a social level and, in general, people in Latvia are positive about other nationalities.

228. In 2010, the OCMA conducted a study *Attitude of Latvian Non-Citizens to the Acquisition of Latvian Citizenship* and, in 2012 – a study *Contributing and Limiting Factors in the Acquisition of Latvian Citizenship*. The study covered a total of more than 4,000 Latvian non-citizens, including young people aged 15 to 18. A conclusion has been drawn that young people are the most active and motivated applicants for citizenship. The OCMA also carries out a survey for non-citizen parents (regarding their children under the age of 15) and young non-citizens above 15 in order to clarify why they do not take the opportunity for registration of Latvian citizenship, as provided by the Citizenship Law. Survey results are now being analysed.

229. As to the surveys involving children and young people as target groups, the NB also regularly studies its target group, specifically focusing on separate groups, including children.

230. In the second half of 2005 and the first half of 2006, the NB conducted a survey at the national level for students of educational establishments (in total 957 questionnaires were received). The survey covered young people going through the naturalisation process and still receiving education (primary, secondary, or higher education) with the aim of ascertaining whether the knowledge obtained in educational establishments is sufficient and good enough for passing the naturalisation examination. According to survey results, educational establishments prepare young people in line with the naturalisation requirements. Out of all the young people applying for citizenship of Latvia through naturalisation, almost half of them (48.7%) submit a certificate of centralised examination.

11.9% of the applicants for citizenship have failed some part of the test in fluency in the Latvian language the first time. In general, the examination in knowledge of the basic principles of the Constitution and the text of the national anthem is passed by young people, scoring maximum or almost maximum points (by at least half of all young people that have passed the examination). 10.4% of the young people have failed some part of this examination.

231. In 2007 and 2008, the NB conducted an in-depth study of the results of the examination provided by the Citizenship Law which were produced by young people aged 15 to 18, as well as the views of minority students from the specific region and their attitude towards the acquisition of citizenship.⁴⁰

232. In 2005 and 2006, people could visit a travelling exhibition *Citizenship in Latvia and the EU* which was arranged by the NB. Until the end of 2006, it was displayed in municipalities, libraries, and educational establishments all over the country. In 2008, in turn, a new travelling exhibition *Citizenship. Law Sections and Personalities* which was also housed in municipalities, libraries, and educational establishments.

233. In addition to the above-mentioned events, in 2008, libraries of minority schools were presented with sets of study and methodological aids, thus allowing young people to prepare for the examination for the acquisition of citizenship free of charge. Information about the possibilities of acquiring citizenship is distributed to pre-school educational establishments, orphanages, educational establishments etc.

234. As collaboration partners, the NB and its regional divisions regularly participated in projects implemented by municipalities and NGOs which were focused on promoting the acquisition of citizenship and the integration process. Meetings were organised with heads of educational establishments, deputy heads in the organisation of after-school activities, and persons organising methodological work regarding history in order to inform them about the ways students may acquire citizenship.

235. The NB regularly organises contests (erudition, photo, creative work) for comprehensive school students in order to encourage their civic confidence and develop understanding and a positive attitude towards the significance of the concept of citizenship. For instance, in 2007 and 2008, a total of 17 contests were organised. In honour of the current anniversary of the State proclamation, the Citizenship Days were organised in educational establishments all over the country, within the framework of which the NB officials organised meetings and discussions with young people and teaching staff on patriotism and the possibilities of civil involvement.

236. In 2002, the NB started operating an information line which was free of charge in order to provide consultations about the possibilities of acquiring citizenship of Latvia. Due to reduced State funding, the operation of the NB information line was ceased in May 2009. From 2002 to 30 April 2009, this service was used by 44,742 people. Currently clients may receive information in person in the territorial units of the OCMA, by calling the OCMA on the toll-free phone number 8,300 and electronically by e-mail and on the website.

237. The website of the NB was created in 2000 and soon became a widely used source of information. It was available in Latvian, Russian, and English. This website had on average 188,000 visitors a year, which is an average of 520 visitors per day. Currently information about the citizenship of Latvia is available on the website of the OCMA. Interested parties may also ask their questions electronically on the website, and on average the OCMA receives 50 to 60 such e-mails per month. Moreover, people may take an

⁴⁰ Some publications are available in English on the official website of the OCMA at www.pmlp.gov.lv.

interactive test to ascertain whether their knowledge and skills comply with the examination requirements provided by the Citizenship Law.

238. During the reporting period the NB regularly prepared and published informative materials about issues related to citizenship intended for both applicants and the wider public. Since 2004 the NB, both on its own initiative and in collaboration with the NGOs, has published 18 different informative materials about citizenship and social integration. Materials are widely available in the regional divisions and information centres of the NB, other public institutions, as well as municipalities, libraries, cultural minority associations, and educational establishments.

239. In order to ensure a direct link with applicants for citizenship, the NB has organised Information Days in educational establishments, municipalities, and large enterprises located in the biggest cities and regions of Latvia. Regional divisions have also undertaken informative activities in minority organisations. 200 to 250 such activities have been organised every year. Since 1 March 2010, the Information Days have been organised by the OCMA.

Possibilities of learning the Latvian language and testing knowledge of Latvian

240. Latvia would like to repeatedly direct the Committee's attention to the fact that the methodology of testing fluency in the Latvian language, related study materials, as well as the legal regulation of language examination, has been approved in consultation with CE experts. The Association of Language Testers in Europe (hereinafter the "ALTE") has positively evaluated the methodology of testing fluency in the Latvian language and related study materials intended for persons willing to acquire citizenship of Latvia. In 2007, the ALTE conducted an inspection of compliance of testing fluency in the Latvian language with the minimum standards for effective language testing, as a result of which experts have admitted that the requirements imposed for applicants for citizenship are not overly demanding, namely the examination is not too difficult.

241. Despite the fact that the requirements laid down for applicants for citizenship with regard to fluency in the Latvian language have not changed, the number of persons passing the examination keeps declining every year. This is due to the reason that most applicants do not take the examination in the Latvian language, for students that have learnt Latvian at school take a centralised examination which is also valid for naturalisation or they are released from testing due to other reasons provided by the Citizenship Law (for statistical data about the number of persons released from having fluency in the Latvian language tested, and the number of applicants taking the examination in the Latvian language, refer to annex No. VII).

242. In 2012, new methodological recommendations were published for applicants for citizenship of Latvia: *Testing Fluency in the Latvian Language* and *Methodological Recommendations to Applicants for Citizenship of Latvia when Preparing for the Examination in the Knowledge of the Basic Principles of the Constitution, the Text of the National Anthem, and the Basics of the History of Latvia* which can be purchased in all territorial divisions of the OCMA.

Right to a name

243. Pursuant to articles 22 and 23 of the Civil Status Documents Law of 17 March 2005, the birth of a child shall be notified within a period of one month to the Civil Registry office in the district of operation of which the child has been born, or according to the place of residence of one or both parents. In notifying regarding the birth of a child, a medical certificate issued by a medical treatment institution or a doctor that confirms the fact of birth shall be submitted. The father and mother of the child have a duty to notify regarding

the birth of the child. If the parents fail to do so, a midwife, doctor or other person who was present at the childbirth has a duty to notify regarding the birth of the child.

244. A number of Latvian laws and regulations⁴¹ permit providing the original form of a foreign personal name on page 3 of the passport if a person so wishes.

B. Preservation of identity (art. 8)

245. Pursuant to paragraph 2, article 8 of the Law on the Protection of the Rights of the Child, a child has the right to retain his or her identity.

C. Freedom of expression (art. 13)

246. Pursuant to paragraph 1, article 13 of the Law on the Protection of the Rights of the Child, a child has the right to freely express his or her opinions, and for this purpose, to receive and impart any kind of information, and has the right to be heard (for more information, refer to Section III (D) of the Report).

D. Freedom of thought, conscience and religion (art. 14)

247. Pursuant to paragraph 1, article 13 of the Law on the Protection of the Rights of the Child, a child has the right to freedom of conscience and belief. The religious affiliation of the child is determined by his or her parents.

E. Freedom of association and peaceful assembly (art. 15)

248. Pursuant to paragraph 2, article 13 of the Law on the Protection of the Rights of the Child, a child has a right of association, insofar as it does not threaten his or her health and life.

249. Amendments made to the Law on Meetings, Processions and Pickets on 18 March 2004 included a provision stipulating that a leader of a meeting, procession or picket shall ensure the protection of children's rights under the Law on the Protection of the Rights of the Child if children participate in such an event.

F. Protection of privacy (art. 16)

250. The right of a person to the inviolability of privacy, place of residence, and correspondence, as well as to the protection of honour and dignity have been provided in both articles 95 and 96 of the Constitution and other laws regulating public relations in specific areas. For instance, a person violating these provisions may be held criminally liable in accordance with article 143 *Transgression of the Inviolability of the Apartment of a Person* and article 144 *Violating the Confidentiality of Correspondence, Information in the Form of Transmissions over a Telecommunications Network and Other Information* of the Criminal Law.

⁴¹ CM Regulation No. 114 of 2 March 2004 *Regulations Regarding Spelling and the Use of Personal Names in the Latvian Language, as well as the Identification Thereof*; Law on Identity Documents; CM Regulation No. 755 of 13 November 2007 *Regulations Regarding Passports*.

251. Pursuant to article 1 of the Personal Data Protection Law, the purpose of this Law is to protect the fundamental human rights and freedoms, in particular the inviolability of private life, with respect to the processing of personal data. Article 6 of the Personal Data Protection Law stipulates that every individual has the right to the protection of his or her personal data. Article 32 in turn specifies that if, in violating this Law, pecuniary or non-pecuniary damage have been caused to a person, he or she has the right to receive adequate compensation.

G. Right to information (art. 17)

Upon the Committee's recommendations 28 and 29:

28. The Committee appreciates the measures taken by the State party to encourage reading among children, in particular, through educational and library programmes. The Committee also notes the steps that have been taken by the State party to consider issues related to the access to media and information technology, including the protection of children from harmful Internet sites. However, the Committee is concerned that certain harmful materials published in the media and available through the Internet are easily accessible to children, including websites that present violent and pornographic material, incite racial hatred and promote drug abuse.

29. The Committee recommends that, through cooperation with radio and television broadcasters, mechanisms be established to monitor and to improve the quality and suitability of media programming produced primarily for children. The Committee also recommends, in light of article 17 of the Convention, that the State party take all necessary legal, educational and other measures, including advisory campaigns directed to parents, guardians and teachers, and cooperation with Internet service providers, to protect children from being exposed to harmful material, such as violence and pornography, transmitted through the media and the Internet.

National legal acts

252. On 1 June 2007, the Saeima adopted the Law on Pornography Restrictions and, pursuant to article 4 of this Law, child pornography, as well as the circulation of material of such pornographic nature, in which sexual activities of people with animals, necrophilia or sexual acts of gratification in a violent way are described or depicted is prohibited. It is prohibited to involve a child in the circulation of such material; as well, it is prohibited to ensure the access to such material to a child, and to allow the specified material to be accessible to a child. The circulation of the afore-said material which has been acquired against the will of a person is prohibited. The Law also imposes restrictions on distribution and advertising. If doubts exist to the effect that any material (film, publication, image, software programme etc.) is to be considered of a pornographic nature or child pornography, as well as regarding the compliance of the circulation of such material with the requirements of law, a special expert commission shall perform an examination and provide a relevant opinion.

253. On 26 October 2005, the Law on the Press and Other Mass Media was supplemented with a prohibition to publish child pornography material and material demonstrating violence against a child. It is also prohibited to publish material of a pornographic nature if this violates a procedure established in the law regulating the circulation of material of a pornographic nature.

254. Paragraphs 1 and 2, article 166 of the Criminal Law envisages criminal liability for, inter alia, the purchase, production, public demonstration or other distribution of material describing or depicting the sexual abuse of children, as well as for the storage of such

material. A person involving a minor or juvenile in the production of material of a pornographic nature is also held criminally liable (for statistical data about criminal cases considered, pursuant to article 166 of the Criminal Law, refer to annex No. VIII).

255. The Radio and Television Law stipulates that a radio and television programme shall not include pornography. It also specifies that broadcasting organisations shall not distribute programmes and broadcasts with such content that may be harmful to the normal physical, mental, and moral development of children and adolescents, except in cases when a specific broadcasting time is designated for such broadcasts (between the hours of 22.00 and 7.00) or technical blocking devices are used (coding of broadcasts). Such programmes and broadcasts shall be specially noted both when distributing them and when publishing broadcast schedule listings (in a programme of broadcasts). Pursuant to the Law, commercials addressed to or involving children shall not harm the interests of children, and their production shall have regard to the special susceptibilities and psyche of children. Inter alia, children's programmes may not include commercials if their length does not exceed 30 minutes. The Radio and Television Law stipulates that a package of programmes and broadcasts approved by the National Radio and Television Council shall ensure the needs of society for children's broadcasts (also translated into sign language) (for statistical data about radio and television programmes for children and young people, refer to annex No. VIII).

256. The CM Regulation on the distribution of computer games⁴² came into force on 10 June 2006, establishing a procedure for distributing computer games and classifying them according to the age of a person.

257. Amendments made to the Electronic Communications Law came into force on 29 July 2009, stipulating that an electronic communications merchant has the duty to inform a user about the possibility of installing a content filter, which restricts access of such material, in which cruel behaviour, violence, erotica and pornography are propagandised and which creates a threat to the mental development of children, as well as to ensure the free of charge installation of content filters if the subscriber demands it.

258. Moreover, in order to help in the investigation of criminal offences related to the distribution of illegal material on the Internet, pursuant to the Electronic Communications Law, the electronic communications merchant is obliged to ensure the storage of the specific data for 18 months, as well as the transfer of these data to pre-trial investigation institutions, bodies performing investigatory operations, State security institutions, the Prosecutor Office, and the court if these institutions request such data (for statistical data about computers and the Internet in comprehensive schools, refer to annex No. VIII).

National administrative measures

259. In 2008, a group of officers was formed under Division No. 2 of the Drug Combating Office, Department for Fighting Organised Crime, Central Criminal Police Department of the State Police which specialises, with the help of international collaboration, in detecting and investigating crimes related to the distribution of child pornography.

260. The protection of people against online crimes is provided by 16 officers working in Division No. 4 of the Economic Police Department, Central Criminal Police Department of the State Police, which investigates cybercrime and protects intellectual property rights.

⁴² CM Regulation No. 452 *Regulations Regarding the Distribution of Computer Games* came into force on 10 June 2006, Official Journal *Latvijas Vēstnesis*, 90 (3458), 9 June 2006.

261. In 2010, the State Police, in collaboration with other organisations, participated in a campaign under the name *Don't Be Indifferent, Report Illegal Content!* Within the framework of this campaign, the State Police informed about different risk factors, threats to children on the Internet, the basic types of these threats and their criminal legal characterisation, and possible behaviour when finding illegal content on the Internet, as well as the success of the State Police in reducing threats to children on the Internet.

262. In 2008, the CM established a working group⁴³ for preventing the circulation of legally inadmissible information in online environment. The working group has been assigned a task to prevent the circulation of the afore-said material and assess the existing regulation, as well as to prepare relevant draft laws and regulations. In 2009, the working group drafted an informative report providing an assessment of the current situation in the circulation of information in online environment, as well as produced recommendations for amendments to the relevant law.

263. In 2006, the Secretariat of the Special Assignments Minister for Electronic Government Affairs, in collaboration with the Latvian Internet Association, started implementing the Net-Safe project within the framework of the EC Safer Internet Plus programme and, in 2007 – the Hotline project (starting from 2009, these projects have been combined under the Net-Safe Latvia name). This project included the establishment of the Latvia Safer Internet Centre which undertakes informing and educating the public. Currently the Latvia Safer Internet Centre functions as the central coordinating mechanism in Latvia, which encourages inter-institutional cooperation in reaching the goals of the Safer Internet programme.

264. The Latvia Safer Internet Centre has set up the Advisory Council of National Partners which advises and supports the Centre in implementing its activities and reaching its goals, as well as the Youth Council which unites 11 young people in order to develop informational and educational material and plan appropriate activities. During the reporting period the Centre has organised seminars for representatives of the educational sector, developed a package of materials, as well as, in collaboration with the National Centre for Education, made proposals concerning changes in the curricula, recommending to include issues related to online safety. The Centre is co-financed (25%) by the Latvian Internet Association and modern technology companies.

265. In 2007, a hotline for reporting illegal and harmful content on the Internet was established in Latvia (<http://www.drossinternets.lv>) which works in close collaboration with the State Police. Net-Safe Latvia provides a possibility of electronically (on the said website) reporting online violations (from January 2010 to June 2012, the number of unique website visitors was 192,393). This information is then processed and sent to the Division for Combating Cyber Crime of the State Police, for consideration if necessary. The project includes a number of educational activities for teachers, parents, and children. In 2008, officers of the Division for Combating Cyber Crime participated in the Safe Internet campaign, within the framework of which they visited several Latvian schools. As a result of this, in 2008, a total of 180 reports were received, out of which the State Police initiated criminal proceedings in five cases.

266. During the Net-Safe Latvia project from 2010 to June 2012, several measures were taken; for instance, extensive studies in order to ascertain what children and young people do on the Internet and what they know about the possible threats, Internet safety competitions for children, teaching materials intended for working with children – Online

⁴³ Prime Minister's Order No. 260 of 11 June 2008 *On the Working Group, Latvijas Vēstnesis*, 2008, No. 91; for more information, refer to: <http://polsis.mk.gov.lv/LoadAtt/file47442.doc>. (Last visited on 15 January 2013).

Safety Manual, an interactive computer game, lesson plans, video instructions etc. In addition, over 300 seminars, lectures, and cycles of training have been organised for students, teachers, parents, and librarians (more than 9,000 participants), and social campaigns were conducted in the mass media. A number of conferences have been organised for librarians, teachers and students in different Latvian cities. A contest has been held for librarians who involve visitors of their libraries in activities regarding online safety. Every year Latvia marks Safer Internet Day in order to turn public attention towards current events on the Internet. Net-Safe Latvia is a member of the INHOPE Association. It allows people to report violations on the Internet electronically. From 2010 to June 2012, a total of 1,578 reports have been received and more than 200 reports have been forwarded to the State Police for investigation.

267. As a result of the implementation of the Net-Safe Latvia project a hotline has been established. The SIPCR's free of charge Helpline has been involved in the project activities enabling threats on the Internet to be reported (for more information, refer to Section I (C) and Section V (J) of the Report). The SIPCR's Helpline consultants provided consultations on issues related to online safety (for statistical data about support given by Helpline consultants with regard to online safety, refer to annex No. I).

268. In addition to the Helpline, from 2010 to 2012, the SIPCR has taken several other educational measures within the framework of the Net-Safe Latvia project. Namely, in 2010, classes on Internet safety were given in 12 educational establishments during which children were informed of risks in the Internet environment, and SIPCR employees have participated in several conferences and training related to online safety and virtual violence. In order to provide society with comprehensive and useful information about receiving assistance in issues related to online safety, the SIPCR has organised the Safer Internet Day campaign, thus informing and educating the public about online risks and the possibilities of reporting different violations by calling the Helpline.

269. In 2011, the SIPCR continued active collaboration with educational establishments, organising creative workshops for students and teachers (involving 618 children and 27 teachers), contests, and different conferences and international events concerning online safety and participating in meetings with children's parents. The SIPCR specialists also held regional seminars for library employees, educating 213 persons.

270. In the first half of 2012, a total of 332 children and 17 teachers participated in the creative workshops organised by the SIPCR. SIPCR activities also included a number of meetings with specialists from other institutions, interviews with the mass media, as well as the development of Hotline services, namely improvements have been made to the call registration regarding the topics of online safety and distribution materials have been prepared about the Hotline and its support for online safety.

Measures for encouraging children to read

271. For the purpose of encouraging children to read, the National Library of Latvia implements different measures. In general, the aim of the National Library is to facilitate the stable and sustainable spiritual and intellectual development of Latvian society by creating collections of information resources, providing national programmes with information and coordinating the library system in the entire country. The Children's Literature Centre works under the National Library offering an extensive collection of children's and youth literature published in Latvia, as well as children's books in foreign languages, children's magazines and newspapers in Latvian and Russian, as well as children's literature periodicals, and reading and teaching periodicals in Latvian, English, and German. One of the major tasks of the Children's Literature Centre is the administration of the national target programme *Encouraging Reading and Developing*

Library Services for Children (for statistical data about publishing children's, youth and study literature, refer to annex No. VIII).

272. Since 2001, the National Library has been implementing the Children's Jury programme for encouraging reading which ensures that Latvian libraries select the best children's books and every year, motivates thousands of children to read books and nominate the most popular books. Every year the project involves approximately 400 libraries and 15,000 children on average that read and evaluate the most recent children's and youth literature selected by experts, thus increasing children's motivation for reading, and developing thinking and creativity.

273. It should be emphasised that Latvian experience in promoting such a programme has been referred to in the list of the most significant and successful European projects for encouraging reading, as well as has been adopted as an efficient model for encouraging reading in Russia, Ukraine, and Germany. In 2010, the programme involved 380 public and school libraries and 10,000 children and young people. In 2011, a total of 450 libraries and 13,000 children and young people participated in the programme. In 2012, the Parents' Jury was established. The project also involved 35 Latvian diaspora centres and 41 national minority schools in Latvia. In 2012, a total of 576 libraries and 17,000 children and young people who have joined the Children's Jury participated in the project.

274. In 2011, units of the National Archives of Latvia organised 110 events concerning the dissemination of documents (exhibitions of documents, excursions, meetings, film shows, seminars) with the aim of educating and acquainting the public, in particular, schools and students, with national documentary heritage. A total of 3,434 people participated in these events, and, in comparison with 2010, this number has increased by 32%.

H. Prohibition of torture, and cruel and humiliating behaviour (art. 37 (a))

Upon the Committee's recommendations 30 and 31:

30. The Committee welcomes the explicit prohibition of corporal punishment in the Law on the Protection of the Rights of the Child, but remains concerned that corporal punishment and other degrading practices continue to be practised within schools and in other institutions. The Committee is also concerned that while regional inspectors are mandated to investigate cases of corporal punishment, the sanctions they impose may not always be adequate, and that it is difficult to suspend or dismiss the offenders.

31. The Committee reiterates its previous recommendation to ban from practice corporal punishment and other degrading practices in all settings, and to encourage the State party to strengthen measures to promote alternative forms of discipline in schools and other institutions for children, inter alia, by strengthening sanctions and bringing offenders to justice, including through the suspension of offenders from schools and institutions.

275. Article 174 of the Criminal Law provides for criminal liability for cruel or violent treatment of a minor or a juvenile, if physical or mental suffering has been inflicted upon him or her and if such has been inflicted by persons upon whom the victim is financially or otherwise dependent (for more information, refer to Section III (B) of the Report).

276. In 2009, the Law on the Procedure for the Enactment and Application of the Criminal Law⁴⁴ was supplemented with article 24¹ which includes the definition of torture. This article stipulates that torture is deemed to be the intentional recurrent or constant activity or inactivity of a person causing strong physical pain or mental suffering to another person, or the intentional single activity or inactivity of a person causing strong physical or mental suffering to another person in order to affect his or her conscience or will.

277. Acts related to torture are also considered to be a constituent element of a number of criminal offences specified in the Criminal Law. Torture is a constituent element of the following criminal offences: intentional serious bodily injury (art. 125), intentional medium bodily injury (art. 126), intentional light bodily injury (art. 130), compelling to produce false explanations, opinions or translations to a parliamentary investigation commission (art. 272¹), compelling to testify (art. 294), compelling to produce false testimony, explanations, opinions, and translations (art. 301) and exceeding official authority (art. 317). Article 172² of the Latvian Administrative Violations Code also prohibits physical or emotional abuse against a child (for statistical data, refer to annexes No. I and No. VI).

278. The prohibition of torture or other cruel, inhumane or degrading treatment has been stipulated in article 13 of the Criminal Law, pursuant to which, inter alia, debasement, blackmail, torture, threatening of a person with torture or violence, or the use of violence shall not be allowed in criminal proceedings.

279. Amendments made to the Medical Treatment Law came into force on 1 January 2011 governing the action of a medical treatment institution if, in providing assistance to a patient, the medical treatment institution has suspicions that the patient has suffered violence. In this event the medical treatment institution shall immediately, but not later than within 12 hours, notify the State Police of its suspicions. The medical treatment institution also has a duty to notify the State Police if, in providing assistance to a minor patient, it has suspicions that the patient has suffered a lack of due care or other violation of the rights of the child.

280. Article 13 of the Law on Police of 4 June 1991 strictly regulates the use of physical force, namely it is only acceptable in order to repel an attack (on persons, buildings), to release hostages, prevent mass riots, to apprehend and transfer persons violating the law to a police institution, as well as to restrain persons who resist police officers or may escape or do harm to other persons nearby or themselves. The use of physical force shall not cause unnecessary suffering or degrade a person concerned. Emergency aid shall be provided to a victim if it is necessary. This Law also prohibits the use of special means (except handcuffs and means of tying), special fighting techniques and special vehicles, as well as the use of service dogs and horses, against, inter alia, minors, except during mass riots or violations of public order in a group, as well as in cases when the lives or health of other persons are endangered or when armed resistance is made or an armed attack is committed (for statistical data, refer to annex No. IX).

281. All officials of the State Police have become acquainted with the existing Code of Professional Ethics and Conduct of the State Police which was adopted on 31 May 2005 and stipulates that a police officer shall not support, permit or promote any acts of torture or cruel, degrading treatment against any person. The Code of Ethics of the Prison Administration which was approved on 2 December 2008 includes the basic principles of professional ethics and general behaviour patterns of LPA officers with special service

⁴⁴ Law on Amendments Made to the *Law on the Procedure for the Enforcement and Application of the Criminal Law*, dated 19 November 2009, Official Journal *Latvijas Vēstnesis*, 193 (4179), 9 December 2009.

ranks and officials, stipulating, inter alia, the prohibition of torture or cruel and degrading treatment.

282. In order to combat impunity of criminal offenders who have committed crimes related to torture and facilitate the efficient investigation of such criminal offences, the acts of violence committed by State Police officers are investigated by the Internal Security Office of the State Police. The Internal Security Office is directly subordinated to the Head of State Police and is independent in its decision-making from any other State Police authority. Criminal proceedings initiated by the Internal Security Office are supervised by the Prosecutor Office. The investigation of criminal offences committed by LPA officers is carried out by responsible officials of the LPA. In accordance with paragraph 6.7 of the Government's Action Plan to the Declaration of the Latvian Government⁴⁵, and in light of the recommendations made by the Committee and the European Committee for the Prevention of Torture, the issue related to the further subordination of the Internal Security Office to the MI rather than the State Police was raised in 2010. This proposal is aimed at strengthening the institutional independence of the Internal Security Office.

283. The Law on Disciplinary Responsibility of the Rank Officials of the Institutions of the Ministry of the Interior and the Prison Administration which establishes a procedure for holding an official who allegedly committed a crime disciplinarily liable (imposing a disciplinary sanction) (for statistical data, refer to annex No. IX).

284. Pursuant to article 4 of the Latvian Code on Enforcement of Sentences of 23 December 1970, one of the fundamental principles of enforcement of a criminal sentence is the fulfilment of guarantees prescribed by law against torture, and against the inhumane or degrading punishment of to a convicted person. The objective of the enforcement of sentence execution is not to cause physical suffering or to lower the self-esteem of a person, or to subject a person to social exclusion.

National administrative measures

285. In 2007, the Ombudsman, responding to the information circulating in the mass media that whipping is an acceptable method of disciplining a child, emphasised that child whipping is considered to be violence against a child and a violation of the rights of the child in accordance with national and international documents. This case provoked considerable discussions in the public revealing that many people, although being aware that child whipping is a violation of the rights of the child and has negative effects on child development, support corporal punishment as a method of discipline. A lack of knowledge and skills concerning alternative methods of upbringing has been presented as the major argument for using whipping as a method of discipline. In 2007, the Ombudsman's Office distributed *NO to Violence!* posters in educational establishments, once again bringing up this issue in the mass media.

286. In 2008, the MCFIA, in collaboration with the NGO Dardedze Centre, participated in the implementation of the programme *Emotional Upbringing of a Child* with the aim of reducing violence against children and corporal punishment. The programme is intended for parents with children under 7 but, in particular, for those who are dealing with difficult behaviour in children (for more information, also refer to the Committee's recommendation 25 directing attention to the measures, the implementation of which has been presented in Section III (D) of the Report).

⁴⁵ Government's Action Plan for the Declaration on the Implementation of Activities Intended by the CM under the Guidance of Valdis Dombrovskis, approved by CM Order No. 67 of 23 February 2011, p. 51. http://www.mk.gov.lv/file/files/ministru_kabinets/vrp.pdf (Last visited: 22 August 2011).

287. A DVD under the name *Emotional Upbringing of a Child* has been created in collaboration with the Mummy Club which in an attractive and clear way tells new parents about a child's development stages and specific features – character, body control, safe attachment, play, discipline, and concentration problems, thus trying to prevent parents from making mistakes due to a lack of knowledge and experience. This video material is actively distributed to the target audience in different events.

288. In 2009, the Minister for Children, Family and Integration Affairs, SIPCR, NGO Dardedze Centre, and others participated in a campaign *Put Your Belt Down!* in order to increase public awareness. The major goal of this campaign is to bring up the issue of corporal punishment in the family, generate discussion and provide practical advice about “not raising a hand” against a child. The campaign video is demonstrated on television, at the cinema and on public transport. Informative distribution materials about the campaign were distributed by the MW, NGO Dardedze Centre, Helpline, and on the website <http://www.noliecsiksnu.lv>.

289. In 2008 and 2009, the SIPCR actively informed society about the methods of positively disciplining a child. A total of 569 meetings, 34 seminars, and 3 conferences have been organised for specialists working in educational establishments, out-of-family care institutions, and public and municipal institutions. These events gathered 12,996 children, 4,549 specialists, and 2,342 parents. The SIPCR has also participated in 202 seminars, 332 meetings and 34 conferences preparing reports and informing different target audiences about the Inspectorate's activities and their results, as well as current issues and problems related to the protection of children's rights and the solutions to these problems.

290. From 2010 to the first half of 2012, the SIPCR continued implementing measures in order to inform the public and specialists working in child care institutions and educational establishments about the prohibition of corporal punishment. Namely, from 2010 to 2012, the SIPCR held 47 creative workshops which were focused on practical information about positive discipline and intended for 928 participants, and 37 educational seminars on positive discipline, child abuse in real life and on the Internet and other topics which attracted 822 participants.

Comments of representatives of the non-governmental sector on issues referred to in Section IV

291. The Union of Latvian Large Family Associations expresses its view that, although Latvian law permits providing the original form of a foreign personal name if a person wishes so, the reproduction of foreign personal names, as a result of which personal names in the Latvian language are spelled differently than in a foreign language, poses practical problems for families.

V. Family environment and alternative care

A. Parent education (art. 5)

292. In 2008, family support centres provided instructor training in non-violent upbringing in the context of the programme *Emotional Upbringing of a Child* within the framework of the annual *National Programme for Improving the Condition of Children and*

the Family.⁴⁶ A total of 26 training group leaders in all Latvian regions, as well as 168 parents received training in the emotional upbringing of a child. Training was also given to specialists working in Ilģuciems Women Prison, and parent groups were organised for mothers in prison.

293. In 2005, different measures were taken within the framework of the project *The Child and the Family as a Value* in order to enhance the value of the child and the family in society (like educational and informative activities for families with children, events for supporting children and the family, activities for strengthening the solidarity of generations). In order to help parents gain necessary knowledge of and understanding about the development and upbringing of a child, as well as a safe and healthy environment for a child, 23 parent support groups have been created. In 2006, a total of 15 educational and training events regarding the development and safety of children were organised for families and specialists.

294. In 2007, Papardes Zieds, Latvia's Association for Family Planning and Sexual Health, developed a training programme for building family relationships under the name *Get to Know Your Anger – Don't Let Violence Succeed!* which included a training video, methodological material, and booklets; the Association also organised training for staff of family support centres. In order to promote the development of language and the social-emotional skills of children under 5 and improve communication between a child and an adult, this Association has prepared and distributed a manual (5,000 copies), as well as provided training in the use of the manual to 60 specialists. Recommendations offered by the programme for active reading facilities may be used for regular mutual communication by teachers of preschool educational establishments, parents, and other interested parties who take care of small children.

B. Parental responsibility (art. 18, paras. 1 and 2)

295. During the reporting period no changes have occurred in the issue concerning parental responsibility described in paragraph 179 of the former periodic report.

296. On 3 September 2009, amendments were made to article 173 of the Latvian Administrative Violations Code imposing more severe sanctions for the failure of parents or persons substituting for them to fulfil the duty of care of a child (for statistical data about administrative violation reports drawn up, refer to annex No. VI).

C. Cases when a child is separated from his or her parents (art. 9)

297. The Constitutional Court, in its judgement of 11 October 2004 given in case No. 2004-02-0106⁴⁷, has noted that the narrow definition of the family specified in article 214 of the Civil Law ("in the narrow sense of its definition, a family consists of the spouses and their children while they are still part of a common household") may be interpreted more broadly emphasising that compliance of the specific relationship with "family life" may be considerably impacted upon by many factors, such as, whether a couple lives together, the duration of the relationship, whether both parties are faithful to each other, whether they have common children. Family concept is not restricted only to a

⁴⁶ Supra 14.

⁴⁷ Text of the judgement is available at: <http://www.likumi.lv/doc.php?id=94831> (Last visited: 31 January 2013).

relationship based on marriage, for it may also include other de facto family ties in cases when parties cohabit without being married. Therefore the State must protect all families.

298. In EU law the concept of family or family members appears in the free movement of labour and persons. Currently Council Regulation (EEC) No. 1612/68 of 15 October 1968 on the freedom of movement for workers within the Community stipulates that a national of an EU member state has the right to be joined by his or her family when moving to work in another member state. For the purpose of this Regulation, the family means a spouse and their children, as well as the parents of the worker and his or her spouse and any other person who has so far been a part of a common household.

299. In order to protect the interests of a minor when dissolving a marriage, article 238 of the Civil Procedure Law stipulates that in a matter regarding the dissolution or annulment of marriage the following claims shall be adjudged concurrently: disputes regarding the determining of custody; the exercising of access rights; means of support for children; means for the provision of the previous welfare level or support of the spouse; the joint family home and household or personal articles; the division of the property of spouses (also if it affects third persons) (for more information, refer to Section III (B) of the Report).

300. Pursuant to article 76 of the Civil Law, a marriage shall not be dissolved even though it has broken down, if and insofar as the preservation of the marriage as an exception due to special reasons is necessary in the interests of the common minor of the spouses. Article 77 of the Civil Law in turn stipulates that a marriage shall not be dissolved if and insofar as the custody of the common minor of spouses, access rights, maintenance for the minor, the division of common property have not been resolved. As long as the spouses have not agreed on the above-mentioned issues, a public notary shall not dissolve the marriage as well.

301. The parent with whom the child is located in separate custody has all the rights and duties which arise from custody. The other parent has access rights. Disputes between parents regarding custody rights shall be decided taking into account the interests of the child and ascertaining the views of the child only if he or she is able to formulate such.

302. Pursuant to article 179 of the Civil Law, parents, commensurate to their financial state, have a duty to maintain the child. This duty lies upon the father and the mother until the time the child is able to provide for himself or herself. Parents living together shall exercise custody jointly.

303. Article 181 of the Civil Law stipulates that a child has the right to maintain personal relations and direct contact with any of his or her parents (access rights). The parent who does not live with the child has the right to receive information regarding him or her, especially information regarding his or her development, health, educational progress, interests, and domestic circumstances. Pursuant to article 186 of the Civil Law, parents shall jointly represent a child in his or her personal and property relations (joint representation). At the same time, article 190 of the Civil Law governs that the property of minor children shall be under parental administration.

304. The Maintenance Guarantee Fund Law was adopted on 17 June 2004, and its aim is to ensure the implementation of the right of a child to social security by establishing the Maintenance Guarantee Fund for the disbursement of minimum child support. The Maintenance Guarantee Fund is the amount of resources under the MJ and provided for in the State budget for ensuring a child with child support, if the enforcement of a court judgment regarding the recovery of child support under the procedures established by the law is impossible, or a debtor carries out duties imposed by court judgment regarding the recovery of child support, but does not ensure such a minimum amount of child support which has been determined by the CM.

305. As to the duty of parents to provide their children with the support, legal regulation has not changed. Pursuant to paragraph 5, article 179 of the Civil Law, parents still have a duty to provide for the maintenance of a child which may not be less than the minimal amount specified by the CM. The CM Regulation regarding the minimal amount of means of maintenance of the child⁴⁸ stipulates that each parent has a duty to provide for the following minimal child support:

- LVL 50 (approximately EUR 71) (25% of the minimal monthly salary specified by the CM) for each child from his or her birth to the age of 7;
- LVL 60 (approximately EUR 85) (30% of the minimal monthly salary specified by the CM) for each child from the age of 7 to the age of 18.

From 1 January 2013 to 2016, the amount of child support paid from the Fund's resources will be gradually increased.

306. For statistical data about the number of children who have received child support and the amount of child support paid; for criminal cases adjudicated by courts of first instances regarding child support evasion; for income of court proceedings with regard to child support evasion, as well as for data about civil claims for the recovery of child support for the maintenance of the child adjudicated by courts of first instance, refer to annex No. X.

307. Pursuant to article 27 of the Law on the Protection of the Rights of the Child, a child may be separated from his or her family, if the life, health or development of the child is seriously threatened due to a lack of care or due to the circumstances of his or her home (social environment); the child is seriously threatening his or her health or development by using alcohol, narcotic or toxic substances; the child has committed a criminal offence. In the above-mentioned cases a child shall be separated from the family if it is not possible to allay the circumstances unfavourable to the development of the child if he or she remains in the family.

308. When separating a child from his or her family, he or she shall be provided with out-of-family care with a guardian, a foster family or in a child care institution, as well as free of charge emergency care in medical treatment institutions or assistance in rehabilitation institutions. If out-of-family care is determined due to a lack of care or social environment, the children from one family shall not be separated, except in cases when it is in the best interests of the children; when selecting the form of out-of-family care, the views of the child shall also be taken into account.

309. After taking a decision to separate a child from his or her family, an orphan's court immediately informs the social service office of the municipality of this decision. In such cases the above-said social service office, together with other institutions, the parents of the child and institutions for the protection of the rights of the child shall formulate a programme for family support and assistance.

310. Article 33 of the Law on the Protection of the Rights of the Child stipulates that a child who has been placed under guardianship, with a foster family or in a child care institution, has the right to visit his or her parents and close relatives, except in cases when such visits are harmful to the health, development and safety of the child or pose a threat to the guardians, foster families, employees of child care institutions or other children.

⁴⁸ CM Regulation No. 348 of 1 July 2003 *Regulations Regarding the Minimal Amount of Means of Maintenance of the Child*, Official Journal *Latvijas Vēstnesis*, 100 (2865), 4 July 2007.

311. Pursuant to article 22 of the Law on Orphan's Courts, an orphan's court shall take a decision to remove the child care rights from a parent if there are factual impediments which deny the possibility to take care of a child; a child lives in conditions which are dangerous to health or life due to the fault of the parent; the parent misuses his or her rights and does not ensure care and supervision of the child; the parent has agreed to the adoption of the child; child abuse on the part of the parent has been detected or there are justified suspicions regarding child abuse. If the reasons for the removal of child care rights no longer apply, an orphan's court shall take a decision regarding the renewal of child care rights.

312. The orphan's court shall take a decision on lodging an application with the court for the removal of custody rights in a court if the parent treats the child very badly (child abuse has been detected); the parent does not ensure the care and supervision of the child and it may endanger the physical, mental or moral development of the child or the parent has agreed to the adoption of the child.

313. When preparing a case regarding the renewal of child care rights or regarding the lodging an application with the court for the removal of custody rights of a parent in a court, an orphan's court ascertains whether the reasons, due to which the child care rights have been removed from the parents, no longer apply. It requests an opinion from the social service office of the place of residence of the parent regarding the possibilities for the child to return to the care of the parent, and information about the communication between the child and the parent, mental and material support in the upbringing of the child during out-of-family care, as well as other necessary information.

314. Pursuant to paragraph 1, article 23 of the Law on Orphan's Courts, if it is detected that a child lives in conditions that are dangerous to his or her health or life, or if the subsequent living of the child in the family may endanger his or her development, the orphan's court shall take a decision on: (1) removal of the child care rights from the parents; (2) removal of the child from the family of the guardian and suspension of the guardian from the fulfilment of duties; (3) removal of the child from the foster family. In such cases the child is taken to a foster family, an institution of long-term social care and social rehabilitation, a hospital or other safe conditions. Only a chairperson of an orphan's court, a vice-chairperson of an orphan's court or a member of an orphan's court has the right to remove the child from the above-mentioned places. Within not more than 15 days after taking an individual decision an orphan's court meets in order to take a decision regarding: (1) renewal of the parents' child care rights; (2) return of a child to the family of the guardian or dismissal of the guardian from the fulfilment of duties; (3) return of a child to the foster family or termination of the residence in such a family. If it is not possible to renew the parents' child care rights, and the return of the child to the family of the guardian or foster family is not possible as well, the orphan's court shall take a decision regarding the provision of out-of-family care to the child in another family or at an institution of long-term social care and social rehabilitation.

315. Article 23 of the Law on Orphan's Courts also stipulates that, if during the forced enforcement of the court decision regarding the return of a child to the country of his or her place of residence the child is transferred to an orphan's court and if it is not possible to immediately return the child to the country of his or her place of residence, the orphan's court takes a decision to: (1) separate the child from the family and deliver to a crisis centre or other safe conditions and prohibit to the person who has unlawfully removed or retained the child, or to the relatives of the child to remove the child from these safe conditions; (2) refuse to notify the person who has unlawfully removed or retained the child, or relatives of the child regarding the location of the child or prohibit to meet with the child, if these persons may threaten the subsequent forced enforcement of the court decision and the prepare the child for his or her return back to the country of his or her place of residence.

Only a chairperson of an orphan's court, a vice-chairperson of an orphan's court, a member of an orphan's court or the person requesting the return of the child has the right to remove the child from the above-mentioned places. An individual decision is adopted in oral form and prepared in writing within 24 hours, and the parents, guardian or foster family of the child are notified of such decision as well. This decision is enforced without delay and the submission of an application to a court regarding the cancellation, declaration of repeal or invalidity of such decision does not suspend the operation of the decision. The decision is in effect until the moment the child is taken back to the country of his or her place of residence, but not longer than 15 days. If during this time the child is not taken back to the country of his or her place of residence, the child shall be returned to the person who has unlawfully removed or retained the child and the bailiff shall be notified of this. If it is necessary in the interests of the child to continue preparing him or her for being returned to the country of his or her place of residence, or if due to the health or psychological state of the child or for another reason the child is not returned to that country, the duration of operation of this decision may be extended, but not more than for 15 days.

316. For statistical data about decisions adopted by an orphan's court with regard to removed and renewed child care rights and custody rights, refer to annex No. XI.

D. Family reunification (art. 10)

317. On 15 June 2009, the Saeima adopted a new Asylum Law which came into force on 14 July 2009. Pursuant to article 1 of this Law, a family member is the spouse of an asylum seeker, refugee or such person who has been granted alternative status or temporary protection, as well as the minor children of an asylum seeker, refugee, or a person who has been granted alternative status or temporary protection, and of the spouse of the asylum seeker, who are not married and are dependants of both or one of the spouses or are adopted, if such family has already existed in the country of origin.

318. Article 38 of the Asylum Law stipulates that a refugee or a person who has acquired alternative status has the right to reunite with family members who are located in foreign countries. A person who has acquired alternative status has such a right if he or she has resided in the Republic of Latvia for at least two years after the acquisition of such status. A minor unaccompanied refugee who is not married has the right to take in his or her mother and father who have arrived from a foreign country. A family member of the refugee shall be issued a permanent residence permit. A family member of the person who has acquired alternative status shall be issued a temporary residence permit for the same period of time. (for more information, refer to Section VIII (A)(i), Refugee children, and annex No. XIX).

E. Return of a child to his or her habitual residence (art. 11)

319. Latvia is one of the parties to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (for more information, refer to Section III (B) of the Report), and in Latvia the Hague Convention has been in force since 1 February 2002. From the moment the Convention came into force, a total of 72 cases have involved Latvia:

- 56 cases in which one parent of a child has removed the child from Latvia to a foreign country or retained the child in a foreign country without the consent of the other parent (18 cases with Ireland, 17 with the United Kingdom, six with Germany, three with Spain, two with Sweden, two with the United States, and one case with Turkey, Finland, China, France, Ukraine, Poland, Italy and Cyprus);

- 16 cases (including eight initiated in 2008) in which one parent of a child has removed the child from a foreign country to Latvia or retained the child in Latvia without the consent of the other parent.

320. Article 644⁷ of the Civil Procedure Law stipulates that in order to ensure the return to Latvia of a child whose place of residence is Latvia and who has been unlawfully removed to another state or retained therein, the person whose right to implement custody or guardianship has been violated, as well as an orphan's court or a public prosecutor may submit an application to a regional (city) court regarding the issuance of a request to a foreign country regarding the return of the child to Latvia. Pursuant to article 644¹⁵ of the Civil Procedure Law, in order to ensure the return of a child, the person whose right to implement custody or guardianship has been violated or competent institutions may submit an application to a court regarding the return of the child to the State, which is his or her place of residence if the relevant state is a party to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction or the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

321. In addition to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, since 1 March 2005 Latvia has also been applying Council Regulation (EC) No. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility. The purpose of this Regulation is to ensure the even more efficient immediate return of a child to the child's country of origin if the child has been abducted – unlawfully removed or retained.

322. From 1 January 2004 to 30 June 2009, the State Border Guard has initiated two criminal proceedings regarding the unlawful movement of a child across State borders. From 2010 to the first half of 2012, two criminal proceedings have been initiated with regard to the unlawful movement of minor foreign citizens across State borders.

F. Child maintenance, right to an adequate standard of living (art. 27)

323. Article 10 of the Law on the Protection of the Rights of the Child governs the rights of a child to wholesome living conditions, namely, first of all, a child has the right to such living conditions and a benevolent social environment that will ensure his or her full physical and intellectual development. Every child shall receive adequate nourishment, clothing and housing. Secondly, a child with physical or mental disabilities also has the right to everything that is necessary for the satisfaction of his or her special needs. Thirdly, a child has a right to a permanent place of residence.

324. Article 12 of the Law on the Protection of the Rights of the Child specifies the social rights of a child, namely:

- A child has the right to acquire a profession and choose employment relevant to it; professional training shall be provided by educational establishments, but for children above 15 who have registered as unemployed, through the national employment service;
- A child has the right to health care free of charge, as provided by the national programme;
- A child, who is not receiving adequate parental care, has the right to State and municipal social assistance and social services;

- Each orphan and a child without parental care have the right to social guarantees provided by the State and municipality, as specified by the CM.

325. Since 18 June 2011, Latvia has been applying Council Regulation (EC) No. 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations. Regulation No. 4/2009 is the EU answer to the increasing migration of persons and the development of “international” family relationships which lead to an increasing number of cases regarding cross-border recovery of child support.

G. Children placed in institutional care and deprived of a family environment (art. 20)

326. Refer to Section V (H) of the Report below.

H. Periodic monitoring of children under guardianship (art. 21)

Upon the Committee’s recommendations 32 and 33:

32. The Committee notes with appreciation the increased emphasis the State party placed on the alternatives to institutional childcare, including foster families and adoption. The Committee is concerned that the temporary or permanent suspension of parental rights has become a frequently applied measure, and that most of the children are sent to institutions. While recognising that steps have been taken to increase the number of children in family-type care, the Committee is concerned that large numbers of children continue to remain in long-term residential care, including children who have been left behind by parents seeking employment outside the country. The Committee is concerned about the limited number of foster families and that the foster-care system is insufficiently regulated and resourced. It is further concerned that the necessity and appropriateness of institutional care is not subject to regular, periodic review, so that children who could return to their families remain in institutions.

33. In light of articles 20 and 25 of the Convention, the Committee recommends that the State party:

(a) Ensure that care for children separated from their parents is provided with priority given to a family or a family-type setting, i.e. foster families, adoptive families or extended families;

(b) Undertake a study on the consequences for children of parents leaving Latvia for reasons of employment abroad or for other reasons and, based on the outcome of the study, develops adequate mechanisms of support for children, where appropriate;

(c) Ensure that the institutionalization of a child is a measure of last resort and only occurs when family-type measures are considered inadequate for a specific child, and that institutionalization is subject to regular review with a view to reassessing the possibility for reunification; and

(d) Undertake an examination of the different laws applied to children without parental care in order to ensure that procedures are in conformity with the principles and provisions of the Convention, emphasizing the best interests of the child, and taking into account the recommendations of the Committee at its day of general discussion regarding children without parental care (2005).

327. On 29 June 2008, the Law on the Protection of the Rights of the Child was supplemented with articles 45¹ and 45² improving legal regulation on the placement of a

child under parental care or out-of-family care into the care of another person in Latvia, thus reducing the possible risk of violation of the rights of the child.

328. Article 45¹ of the Law on the Protection of the Rights of the Child stipulates that parents may place the child into the care of another person in Latvia for a period of time exceeding three months, if prior to placement an orphan's court has recognised that such placement conforms to the interests of the child and the person will be able to provide appropriate care for the child. If after placement of the child into the care of another person it is found that this person does not provide appropriate care for the child, the child shall be returned to the care of the parents. If the return of the child under parental care is impossible, the orphan's court, in collaboration with the social service office of the municipality, shall decide on out-of-family care of the child. In order to ensure the implementation of the rights of the child the orphan's court cooperates with orphans courts of other regions and social service offices of the municipality.

329. Article 45² of the Law on the Protection of the Rights of the Child in turn stipulates that a guardian and a foster family may, for a period of time from one month to three months, place the child into the care of another person in Latvia, if prior to placement an orphan's court has recognised that such placement conforms to the interests of the child and the person will be able to provide appropriate care for the child. The guardian and foster family shall agree with the person on the procedures for covering a person's expenditure related to the feeding of the child. A child care institution may allow the child to visit the person or to place the child in the care of this person for a short-term period, if the person has been granted the status of the guest family and will be able to provide appropriate care and supervision of the child. The child care institution, upon agreement with the guest family, determines the length of stay for the child in the guest family, as well as disburses the child allowance or maintenance benefit granted by this institution. During this period the orphan's court shall ensure regular checks of the living conditions of the child placed in the guest family. If it is found that the person does not provide appropriate care for the child, the orphan's court shall return the child to the out-of-family care. For another person, who has admitted a child under out-of-family care, to be able to adopt the child or to take the child under guardianship, an opinion of the orphan's court is necessary, stating that it complies with the best interests of the child.

330. In order to promote the development of children in conditions which resemble a family environment as much as possible, the Law on State Social Allowances governs special State social allowances for guardians (remuneration for the fulfilment of a guardian's duties is LVL 38 (approximately EUR 54) per month, but the guardian's allowance for a dependent child is LVL 32 (approximately EUR 46) per month) and for adopters (remuneration for the care of an adopted child is LVL 35 (approximately EUR 50) per month, but remuneration for adoption, which is granted to an adopter after the court decision on the approval of adoption comes into force, is LVL 1,000 (approximately EUR 1,420)).

331. In order to encourage the development of the movement of foster families, the following support is provided:

- Remuneration for the fulfilment of a foster family's duties – LVL 80 (approximately EUR 114) a month which are paid from the State's budgetary resources;
- The amount of the child maintenance allowance is determined by a municipality: 25% of the minimal monthly salary specified by the CM for each child from his or her birth to the age of 7, which is currently LVL 50 (approximately EUR 71); 30% of the minimal monthly salary specified by the CM for each child from the age of 7 to the age of 18, which is currently LVL 60 (approximately EUR 85);

- In addition to the monthly allowance, municipalities have also budgeted an extraordinary or annual allowance amounting to LVL 20 to 200 (approximately EUR 28 to 280) for the feeding, clothing, and soft furnishings of a child placed in a foster family.

332. According to data from competent institutions, in 2007, just as in the former reporting years, the number of foster families kept increasing from 260 foster families at the beginning of the year to 304 foster families at the end of the year. According to the SIPCR data, in 2011, the number of foster families increased from 496 at the beginning of the year to 510 at the end of the year. The number of foster families also kept growing in 2012. Foster family training groups for potential foster families are organised in all Latvian regions with SIPCR support. Foster families are provided with free psychologist consultations, and support groups within the framework of the annual *National Programme for Improving the Condition of Children and the Family*. Every year a foster family get-together is organised, during which foster families are offered educational and consulting services. Moreover, training is given to foster families explaining issues the family should be aware of when assuming the duties of a foster family (for statistical data about foster families, refer to annex No. XI).

333. One of the administrative measures for preparing orphans and children without parental care for independent life has been the *Action Plan for Promoting the Family-Type Care of Orphans and Children without Parental Care and Improving the Situation in Out-of-Family Care Institutions for Children*⁴⁹ which was approved in 2004. A decrease in the number of children placed in out-of-family care institutions was achieved within the framework of steps specified in the action plan by promoting the development of alternatives to institutional childcare (including foster families and guest families). Through informing and educating the public the quality of childcare in out-of-family care institutions has been improved and the protection of the rights of the children placed in out-of-family care has been ensured. Conducting regular checks the SIPCR inspectors ensure that children do not stay in the institutions for unreasonably long periods of time and possibilities are intensively explored to find a suitable family environment for a child, as well as to resolve crisis in the child's biological family.

334. In 2012, the *Action Plan for the Implementation of Guidelines of the National Family Policy 2011-2017 for the period 2012-2014*⁵⁰ was approved, replacing the action plan referred to in paragraph 317. A number of measures are implemented within the framework of the new action plan in order to facilitate the preparedness of young people for life after out-of-family care, educate persons who in their daily work communicate with children in out-of-family care, provide training to potential foster families, and promote a family environment in out-of-family care institutions by optimising the size of institutions and groups of children.

335. In accordance with the *National Programme for Improving the Condition of Children and the Family 2008*, Liepāja City Municipality has established the Youth House where young people aged from 16 to 18 from orphanages may acquire independent life skills. So far a total of nine "youth houses" (apartment-type facilities where children above

⁴⁹ CM Order No. 432 of 16 June 2004 *On the Action Plan for Promoting Family-Type Care of Orphans and Children without Parental Care and Improving the Situation in Out-of-Family Care Institutions for Children*, Official Journal *Latvijas Vēstnesis*, 98 (3046), 18 June 2004.

⁵⁰ CM Order No. 584 of 7 December 2012 *On the Action Plan for the Implementation of Guidelines of the National Family Policy 2011-2017 for the period 2012-2014*, Official Journal *Latvijas Vēstnesis*, 195 (4798), 12 December 2012.

15 who live in out-of-family care institutions may learn the skills necessary for independent life) have been created in different Latvian cities with co-financing from the State budget.

336. As to the Committee's recommendation 33, the Republic of Latvia would like to note that during the reporting period no studies have been conducted on the consequences for children of parents leaving Latvia for reasons of employment abroad or for other reasons. It should, however, be emphasised that the situation is constantly reviewed at both a national and municipal level. The MW currently continues drawing up guidelines for the development of social work, as well as guidelines for the development of social services, within the framework of which steps will be taken in order to provide the necessary support to persons exposed to social exclusion, including children whose parents have left Latvia for reasons of employment abroad.

Care regime and procedure concerning minors in boarding schools and out-of-family care institutions

337. As boarding schools are not regarded as out-of-family care institutions, enforcement of the rights of the child is considerably complicated by poor collaboration among boarding schools and specific parents/guardians who, due to financial difficulties or a lack of responsibility, hardly ever visit their children and are not interested in their educational progress and behaviour (for statistical data about financial resources allocated to boarding schools, refer to annex No. XI).

338. Results of the SIPCR inspection show that, in general, the rights and interests of children in out-of-family care institutions are enforced. Children are provided with good living conditions, and meals four times a day; they may also receive medical care and psychological assistance, as well as participate in the institution's government. Children also have a possibility to attend educational establishments according to their capabilities, and correctional classes, as well as a special curricula are also offered if necessary (for statistical data about the number of checks conducted by the SIPCR on the enforcement of children's rights and personal files of children, refer to annex No. I; for additional data about complaints regarding ill-treatment in social care centres for children, refer to annex No. XI).

339. In 2008, the SIPCR, in collaboration with the NGO Dardedze Centre, conducted an in-depth psychological examination in three out-of-family care institutions for children, assessing the risks of violence. Current information suggest that children no longer have to live in orphanages from early childhood to the age of 18; instead they are transferred to a safe environment as soon as possible and are given an opportunity for growing up in another family (for statistical data about reasons for children staying in social care institutions and reasons for children leaving social care institutions, refer to annex No. XI).

340. From 2010 to 2011, the SIPCR inspected the implementation of children's rights in out-of-family care institutions for children. During these inspections it was concluded that children lack skills in resolving conflict situations; non-pedagogical working methods are applied in communication with children and a lack of positive discipline has been observed; social work with dysfunctional families is poorly developed in municipalities; there is a lack of an individual approach to the personality and needs of each child; poor cooperation among out-of-family care institutions for children and parents, and other national and municipal institutions. The SIPCR also ascertained that staff of out-of-family care institutions for children, do not have knowledge of the social area and pedagogy, as well as lack skills in working with children.

341. In order to solve these problems the SIPCR provided methodological assistance and made recommendations for eliminating the identified violations; held a number of seminars for 137 specialists on the peculiarities of working with children; organised discussions with

285 children on conflict resolution and life skills, regional seminars – creative workshops for 134 social workers, 114 creative workshops for 2,574 students, and 9 seminars for 186 children and teachers on mediation methods for resolving conflict situations in educational establishments. The SIPCR specialists held seminars for municipal specialists and organised meetings for heads of crisis centres, as well as for representatives of social service offices of the largest municipalities in order to discuss issues related to the protection of children's rights. In 2010, the SIPCR inspectors identified deficiencies in addressing the personal and material interests of children and informed the relevant out-of-family care institutions for children about recommendations concerning the elimination of violations.

342. In 2011, the SIPCR conducted an in-depth examination in 11 out-of-family care institutions for children, assessing the risks of violence, as a result of which the following problems have been identified: some institutions lack social work specialists, institutional staff do not have enough knowledge, a formal approach to the development of individual social recovery plan for children, flaws in the system for disciplining children, institutional students demonstrate poor knowledge and life skills. In order to eliminate the identified deficiencies, similarly as in 2010 and in 2011, the SIPCR organised a number of seminars for specialists working in out-of-family care institutions and children. In addition to this, in 2011, the SIPCR conducted repeated inspections in three out-of-family care institutions for children in order to verify how the recommendations made in 2010 have been followed.

343. The SOS Children's Villages Latvia Association (hereinafter the "SOS CVA") is a subsidiary of the international social charity organisation SOS-Kinderdorf International which ensures long-term family-type care to children without parental care, and implements family strengthening projects. The SOS CVA is managed on the basis of foreign and national donors' support. Approximately one third of the resources that the Association needs for the maintenance and care of children is received in the manner of subsidies from municipalities where children have been born.

344. The SOS CVA has two units, namely the Īslīce SOS Children's Village and the Valmiera SOS Children's Village which ensure long-term family-type care to children. The Īslīce Village consists of 12 family homes which house 65 children, and the Valmiera Village has 12 family homes housing 68 children. Since its establishment in 1997, the Īslīce Village has provided care to 152 children, while the Valmiera Village has been a home for 77 children. A total of 22 children have been returned to their biological parents, 21 children have been adopted, 11 children have been placed under guardianship, and 16 young people have started independent life.

345. Every SOS family has at least one constant carer – an SOS mother or SOS parents. Brothers and sisters are not separated in Village families, and children are provided with individual care according to a development plan prepared for each child individually. If necessary, other specialists, like a speech therapist or a psychologist are invited. Special focus is given to the development of the individual capabilities of each child, including children with special needs. The SOS CVA has introduced a violence prevention system.

346. Until 1 July 2011, the Īslīce SOS Children's Village housed the Īslīce SOS preschool educational establishment which was attended by both Village children and children in the vicinity of the Village aged 3 to 7. Since 2008 a total of 68 children have been studying at the Īslīce SOS preschool educational establishment which implements 6 licensed programmes in order to ensure inclusive education. From 2009 to 2012, the SOS CVA has taken additional support measures for the learning process in order to ensure inclusive education which complies with the individual needs of children. Thus the children who are not able to adapt to the standardised national school system are provided with sufficient support.

347. The SOS Children's Villages Latvia Association is one of the rare organisations also supporting young people in its care after reaching the legal age. After living in the SOS Children's Village young people may live in the SOS Youth Home (in Iecava and Jelgava) and receive support for their further studies and finding a job. This also includes a partially independent life programme, namely young people, although being away from the Youth Home physically, may receive financial and psychological support on a regular basis.

348. The other task of the SOS Children's Villages is to strengthen families and provide family support. Activities are conducted in order to prevent children from being removed from families at social risk and help parents to learn how to assume responsibility for their children. Families are offered help and support from specialists, namely they may consult a social worker, psychologist, psychotherapist, medical practitioner or a lawyer free of charge. Since 2006 SOS family strengthening projects have been implemented in five municipalities providing support to 700 children from 350 families on average. Experience suggests that families are in need of psychosocial support and this trend is expected to continue.

Procedure for providing mental treatment

349. Mental inpatient treatment in Latvia is provided by six psychiatric hospitals and three psychiatric departments in other hospitals. There are also five mental health outpatient centres in Latvia. Outpatient mental health services in the State are provided by psychiatrists and child psychiatrists working in outpatient psychiatric departments of psychiatric hospitals and general hospitals, and outpatient medical treatment institutions, as well as by psychiatrist and child psychiatrist practices, general practitioners, and private medical practitioners. Children may receive mental treatment in Daugavpils Psychiatric Hospital, Ģintermuiža Hospital, Ainaži Children's Psychiatric Hospital, Children's Clinical University Hospital and Piejūra Hospital (for more statistical data about the level of children's mental development in social care institutions, refer to annex No. XI).

350. The SIPCR conducts scheduled and extraordinary inspections on medical treatment institutions where children are placed in order to inspect the living conditions in these institutions and ascertain whether they promote the recovery process for children. In some cases inspections results show that medical treatment institutions fail to provide adequate living conditions, and children stay in psychiatric hospitals for an unreasonably long period of time (up to 10 years). It should, however, be noted that most of the medical treatment institutions are already solving the said issues.

351. From 2008 to 2012, the Health Inspectorate, an institution under the Ministry of Health which ensures public monitoring in the health sector, conducted scheduled inspections in children's psychiatric departments of medical treatment institutions, as a result of which non-compliance with legal requirements has not been found. In 2010, the SIPCR inspected the implementation of children's rights in five public medical treatment institutions. During these inspections the SIPCR had conversations with hospital staff and children, concluding that hospitals have implemented, as far as possible, the SIPCR recommendations made in 2009. According to the information collected in 2010, no violations of children's rights have been found in psychiatric hospitals.

352. In 2009, 2011 and the first half of 2012, employees of the Ombudsman's Office conducted inspections in psychiatric hospitals for children. Namely, in 2009, conducting an inspection in psychiatric hospitals, the Ombudsman ascertained that five hospitals fail to fully ensure children's rights to education and addressed the administration of the relevant municipality inviting the study process to be resumed. The Ombudsman's recommendations were implemented and the study process was resumed in four of the five hospitals. The Ombudsman has informed the management of hospitals about violations found during inspections (such as no internal regulations for patients, legal regulation on

the restriction of the movement of children has been elaborated, conditions for meetings between children and other persons have not been ensured), as well as made recommendations for improving the enforcement of children's rights and eliminating deficiencies.⁵¹

353. In light of the Ombudsman's report on children's rights prepared in 2011, which indicated the identified deficiencies and made recommendations regarding the implementation of children's rights in psychiatric hospitals, the Ministry of Health has invited medical treatment institutions to plan measures in order to improve the situation. For instance, within the framework of the EU project on the improvement of infrastructure, Ainaži Children's Psychiatric Hospital has started the construction of a new hospital building which will comply with EU recommendations in respect of infrastructure of health-care service providers and hospital's mandatory requirements (the first stage of construction has already been completed).

I. Adoption (art. 21)

354. Pursuant to article 31 of the Law on the Protection of the Rights of the Child, in order to ensure a family environment for the development of a child, adoption shall be supported. Article 35 of the Law on Orphan's Courts stipulates that an orphan's court shall take a decision regarding the placement of an orphan or a child without parental care in an institution of long-term social care and social recovery if it is not possible to provide the child with out-of-family care in a foster family or by a guardian.

355. In order to protect from disclosure of confidential adoption information as well as the interests of the persons, in particular, of the child involved in the proceedings, article 450 of the Criminal Procedure Law stipulates that the specific criminal case is adjudicated in a closed court hearing. A similar provision is included in article 11 of the Civil Procedure Law (for additional information, refer to Section III (B) of the Report).

J. Violence against a child, child neglect (art. 19), social and psychological recovery (art. 39)

Upon the Committee's recommendations 36, 37 and 38:

36. The Committee notes with appreciation the steps taken by the State party to address violence against children, including the development of an information campaign and the training of specialists working with children in crisis situations, as well as the establishment of a toll-free hotline service for children. The Committee is, however, concerned at multiple reports, including from children themselves, that violence against children remains a widespread problem in Latvia. While police investigations are reportedly carried out for the most serious cases of physical and sexual abuse of children, the Committee is concerned that there is a general belief that domestic violence should be considered as a private matter. The Committee is also concerned about the lack of systematically collected data on the extent of violence against children, and about the absence of appropriate measures and mechanisms to address the problem.

37. The Committee encourages the State party:

⁵¹ For additional information about conducted inspections, refer to the website of the Ombudsman's Office at: <http://www.tiesibsargs.lv>.

(a) To strengthen existing legislation on the protection of children from all forms of violence and to ensure the systematic collection of data on violence against children;

(b) To continue and to strengthen its awareness-raising and education campaigns with the involvement of children and to develop strategies and interventions to prevent and to combat all forms of child abuse, including through school-based education programmes aimed at raising awareness and skills among children to address different forms of violence;

(c) To establish an effective reporting system for cases of child abuse and neglect to be used by professionals, children and the public at large, and to ensure that, in particular, children in institutions and other forms of alternative care have easy and safe access to this system and bring the perpetrators to justice;

(d) To provide care, full physical and psychological recovery and social reintegration for child victims of violence; and

(e) To ensure accessibility of the toll-free national helpline, including by increasing its hours of operation to 24 hours daily, creating an easy-to-remember 3-digit toll-free number that is equally accessible from mobile phones and from rural and remote areas, and to cooperate with NGO hotlines and services for children in emergency situations.

38. In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the Regional Consultation for Europe and Central Asia held in Ljubljana from 5 to 7 July 2005. The Committee recommends that the State party uses the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

356. For more information about legal regulation, national policy initiatives and administrative measures for reducing and preventing violence, refer to Section III (B), Violence against a child, and Section IV (H), Prohibition of torture, and cruel and humiliating behaviour.

357. Pursuant to the CM Regulation on the procedure for monitoring persons released from criminal liability on a condition⁵², since 2008 the SPS has been informing social service offices and orphan's courts about the living conditions of probation clients if it has been ascertained that these conditions may impede the full development of a minor and the implementation of the rights of a child.

358. As to the national administrative measures, it should be indicated that the LPA has produced recommendations for staff of imprisonment facilities regarding work with minor prisoners who have suffered violence. Implementing these recommendations in practice, the number of minor prisoners who have suffered violence has declined. Namely, in 2012, after conducting a study in Iļguciems Prison, the SIPCR noted that according to study results minor prisoners have not experienced any forms of violence while staying in the prison. Moreover, in the context of Cēsis CIJ, the SIPCR has informed that after carrying

⁵² CM Regulation No. 804 of 27 November 2007 *Procedure for Monitoring Convicted Persons upon whom a Suspended Sentence has been Imposed, Persons Released from Serving the Sentence on a Condition before the End of the Term, and Persons Released from Criminal Liability, on a Condition*, Official Journal Latvijas Vēstnesis, 193 (3769).

out a survey of minor prisoners only one prisoner out of 58 prisoners staying in Cēsis CIJ gave an affirmative answer to the question “Have you ever been abused or ridiculed or has anyone ever taken your things away while you have been staying in this institution?” and admitted that he has received threats from his peers.

359. In order to improve the professional qualification of staff of imprisonment facilities, in particular, their skills in working with minors, the Training Centre of the LPA implements the professional continuing education programme *Security of Imprisonment Facilities*. In 2009, a training programme *Education Programme for the Professional Development of Inspectors* was developed within the framework of the SPS project *Increasing the Capacity of Staff Working in the Latvian Probation and Imprisonment Facility System*. One of the major components of these professional education programmes is training in job-related aspects provided to those working with minors in imprisonment facilities, as well as training in the rights and obligations of minor prisoners in the context of the enforcement of detention on remand and the sentence of deprivation of liberty.

360. The following measures have been taken in order to provide training to staff of imprisonment facilities in working with children who have suffered illegal activities:

- In 2007, a seminar *Inter-Institutional Cooperation among Staff Members Working with Minors in Conflict with Law* was organised for prison officers; training monitoring was conducted in Cēsis CIJ to provide training to 29 prison officers; a professional training course under the name *Issues related to Children’s Rights and Ways of Resolving Family Conflicts* was offered to 12 prison officers working with minors; five seminars and six experience exchange seminars were organised for 15 psychologists working in prisons;
- In 2008, seven experience exchange seminars and two 20-hour seminars were organised;
- Experience exchange seminars (supervisions) were organised for psychologists working with minor prisoners in imprisonment facilities: seven supervisions in 2008, two supervisions in 2009, two supervisions in 2010, 10 supervisions in 2011 and 13 supervisions until 30 June 2012.

361. Moreover, in order to improve the professional qualification of staff, prison officers regularly participate in training seminars on job-specific factors related to working with minors. For instance, in 2010, a total of 106 officers of the LPA and its units (Rīga Central Prison, Iļģuciems Prison, Daugavgrīva Prison, Jēkabpils Prison) received training in recognising the signs of violence (including physical, psychological, and sexual abuse) within the framework of the Action Plan for the Programme for Protecting Minors from Criminal Offences against Morality and Sexual Inviolability 2010-2013 (for more information, refer to Section III (B) of the Report).

362. In 2011, a training seminar was organised for staff of Cēsis CIJ instructing 76 Cēsis CIJ officers in job-related aspects with regard to working with adolescents, including recognition of the signs of violence and the possible course of action in case a child has suffered violence.

363. In August 2008, a survey of minor prisoners was conducted involving 138 respondents. This survey was carried out in imprisonment facilities for minors in order to ascertain minors’ views about living conditions, health care, psycho-emotional climate (mutual communication, threats of violence), the punishment system and possibilities of receiving support. Survey results suggest that a number of imprisonment facilities have inadequate living conditions, limited possibilities of spending free time, insufficient equipment, threats of violence (both from prison officers and minors), a shortage of specialists, and officers often lack education. Information about survey results has been

provided to the MJ and LPA, as well as each institution individually making proposals and setting tasks in order to eliminate the identified violations and deficiencies.

364. From 2010 to the first half of 2012, the LPA has taken the following measures in order to eliminate the identified deficiencies:

- Living conditions of Cēsis CIJ were improved for minor prisoners which included renovation works, restoration of the residential building and heating system, construction of a boiler house, repair of ventilation systems and school floors, as well as the purchase of new furniture;
- From 2009 to the first half of 2012, through implementation of the EU project on the modernisation of educational infrastructure in imprisonment facilities, the educational infrastructure was improved in eight imprisonment facilities, including Cēsis CIJ, thus making improvements to the conditions for minor prisoners to acquire education. The total budget of the project accounted for LVL 2,315,330 (approximately EUR 3,294,418);
- In 2009, a total of LVL 2,828 (approximately EUR 4,024) were spent on repairs in cells of Rīga Central Prison where minor prisoners are placed. In 2009, a sports ground was created and provided with the necessary sports equipment for minor prisoners in Daugavgrīva Prison;
- In 2009, a total of LVL 800 (EUR 1,138) were spent on floor repair in the Correctional Department for Female Minors of Iļģuciems Prison. In 2010, a total of LVL 1,800 (approximately EUR 2,561) were spent on cosmetic repair and replacing plumbing in the above-said prison. A cosmetic repair and removal of window safety constructions were conducted in Liepāja Prison within the allocated budget;
- In 2009, in order to help minor prisoners acquire psychological knowledge and skills which would motivate them to lead a socially accepted lifestyle and assist in more successful adaptation after imprisonment, as well as to reduce the number of conflicts among minor prisoners and between prison officers and minors, the SIPCR, in collaboration with Cēsis CIJ, organised creative workshops on the social and psychological development of minor prisoners.

365. In March 2012, the Cēsis CIJ administration carried out a new survey in order to ascertain the needs and requirements of minor prisoners within the framework of the resocialisation process. Survey results have been taken into consideration when organising the work of prison officers (including an improved shift plan for prison officers, new specialists in charge of resocialisation and interest-related education programmes) and free time activities for prisoners in the specific imprisonment facility – sports competitions like football and tennis tournaments, meetings with representatives of sports associations, as well as an opportunity for minor prisoners to attend hockey games.

366. In 2010, the Ombudsman devoted special attention towards issues related to the efficiency of investigation in imprisonment facilities. During monitoring visits in imprisonment facilities, employees of the Ombudsman's Office inspected materials of institutional examinations and decisions on refusing to initiate criminal proceedings. For instance, during the monitoring visit in 2010, the Ombudsman identified deficiencies in the mechanism of the internal investigation of complaints with regard to violence cases and made respective recommendations to Cēsis CIJ. The Ombudsman indicated the necessity for educating institutional staff about investigation methods and not to refuse to initiate criminal proceedings if a minor victim indicates that he has, for instance, incurred bodily injuries from a fall if there are suspicions that he has suffered violence. After reviewing the implementation of the recommendation the Ombudsman concluded that Cēsis CIJ has

conducted all the necessary activities in order to improve the efficiency of investigation in cases of violence.

367. In June 2012, following the Ombudsman's recommendations, the LPA ensured that all minor prisoners were transferred to Cēsis CIJ for the enforcement of security measures, thus preventing minor prisoners from contacts and negative experience sharing with adult prisoners. During the said period professional development activities were organised for prisoner officers working with minors in imprisonment facilities. Moreover, a reasonable proportion of resocialisation specialists to minor prisoners was reached (for more information, refer to Section VIII (B), Social correction of minors.

368. Amendments made to the Latvian Code on Enforcement of Sentences came into force in 2011 stipulating that imprisonment facilities shall ensure assessment of the risks and needs of each minor prisoner which is necessary for planning further resocialisation activities and using appropriate means of resocialisation. Following the Ombudsman's recommendations, from 2010 to the first half of 2012, three professional development seminars were organised for investigators working in imprisonment facilities.

369. In 2010, The NGO Caritas-Latvija (<http://www.caritaslatvija.lv>) financed the purchase of furniture in the form of donations for female minors in Iļģuciems Prison. Thanks to donations from physical and legal persons, the necessary sports equipment and televisions for communal rooms were purchased for Cēsis CIJ.

370. As to subparagraph (e) of the Committee's recommendation 37, the Republic of Latvia would like to inform about the accessibility of the SIPCR's toll-free Helpline to children. Latvia also uses the European common emergency telephone number 112 which may be dialled free of charge from any telephone, mobile phone or payphone in order to reach emergency services (police, fire, ambulance). Information about the 112 telephone number is available in a child-friendly and appropriate form in the Kids' Corner section on the website of the Europe's Digital Agenda in all official EU languages (<http://ec.europa.eu>).

Comments of representatives of the non-governmental sector on issues referred to in Section V

371. The SOS Children's Villages Latvia Association express its opinion that there is a risk of violating children's rights in the case of international adoption and indicates that it is necessary to ensure appropriate alternative care in the child's country of origin, as well as to direct special attention to attachment in children which is established as a result of long-term foster care. The Association also emphasises problematic issues related to the consent of parents to the adoption of a child and the necessity to ensure addressing the best interests of a child.

372. The SOS Children's Villages Latvia Association is also concerned in its comments about the number of children in child care institutions and emphasises that the State should implement focused measures in order to decrease the total number of children in institutional care. Special attention should be devoted to providing a family environment for children under 3 and children with special needs. The Association also deems it necessary to increase the amount of resources available for ensuring a support system for guardians, foster families and adopters.

373. At the same time, the SOS Children's Villages Latvia Association expresses its view that the State and municipalities, in particular, should provide better and more complex support to young people over 18 who are starting independent life after out-of-family care.

In this case the Association believes that special attention should be directed towards the education and employment facilities available to young people.

VI. Health and well-being

A. Children with special needs (art. 23)

Upon the Committee's recommendations 39, 40 and 41:

39. The Committee is concerned that there is currently no legislation in place that specifically addresses the rights of persons with physical or mental disabilities. The Committee notes that despite increased financial assistance for day-care centres and home care for children with physical or mental disabilities, it is concerned that children with mild to moderate disabilities are frequently institutionalised due to a lack of capacity to care for the child, and that families with children with disabilities often face discriminatory attitudes from professionals and the local community. The Committee is also concerned that in spite of the declared inclusive policy of the State party, the majority of children with disabilities attend special schools, and that an unknown but allegedly high number of children do not attend school at all.

40. The Committee recommends that the State party:

(a) Adopt legislation to protect the rights of children with disabilities in conformity with internationally accepted standards;

(b) Provide early childhood education and care and primary and secondary education for children with disabilities in a way that corresponds to the needs of these children, preferably in mainstream educational facilities, and is conducive to the child's achievement of the fullest possible social integration and individual development, and that it provides adequate support, supervision and training to persons working with children with disabilities, including teachers in mainstream schools, and pays special attention to children not attending school;

(c) Undertake efforts to establish and to implement alternatives to the institutionalisation of children with disabilities, including community-based rehabilitation programmes and home-based care;

(d) Undertake awareness-raising campaigns that focus on prevention, inclusive education, family care and promotion of the rights of children with disabilities, as well as combating negative societal attitudes towards children with disabilities; and

(e) Remove physical barriers to enable effective access of children with disabilities to schools and other institutions and services.

41. The Committee also urges the State party to review existing policies and practice in relation to children with disabilities, giving due attention to the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (General Assembly Resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69).

374. Pursuant to article 53 of the Law on the Protection of the Rights of the Child a child with special needs is a child who, due to his or her illness, trauma or functional impairment of an organ system caused by an innate defect, needs additional medical, pedagogical and social assistance irrespective of whether he or she is regarded as disabled in accordance

with the procedures set out by law (for statistical data about children with special needs, refer to annex No. XIII).

Accessibility of education

375. During the reporting period the State Agency Social Integration Centre continued implementing vocational primary education and vocational secondary education programmes with the aim of helping people with disabilities return into society as productive members.

376. As at 2009, three general educational establishments are equipped with full facilities and five general educational establishments are equipped with partial facilities for children with movement difficulties. In addition, the premises of the National Pedagogic Medical Commission are also fully equipped for children with disabilities. Having received municipal support, six educational establishments are fully equipped and 14 special educational establishments have been partially equipped with the.

377. In 2007, the Ombudsman held a conference discussing, inter alia, inclusive education. The conference was attended by leading Latvian specialists in the specific area who shared their experience, as well as made recommendations to the present representatives of institutions for the development of inclusive education in Latvia. A broadcast on the content of inclusive education was prepared in 2007.

378. In 2008, Jūrmala Vocational Secondary School implemented 12 education programmes within the framework of which 119 persons with disabilities received an education. In 2007, seven day-care centres for children with disabilities provided services to approximately 180 children. The same year, home-based care was provided by 391 municipalities to 10,851 persons, including 108 children with disabilities. In 2007 and 2008, a possibility of acquiring music education (with professional orientation) was offered to 20 students in five education programmes in Pāvuls Jurjāns Music School and 20 students in eight education programmes in Jugla Music School in Rīga.

Accessible environment

379. In the context of public transport, the CM Regulation of 4 August 2009 on passenger categories that are granted fare reductions⁵³ stipulates that children with disabilities presenting a disability certificate have the right to use public transport free of charge and persons with a disability of group II and persons accompanying a person with a disability of group I or a child with a disability have the right to use public transport with a 50% discount. Orphans and children without parental care who stay in foster families, under guardianship, children care institutions or who study in general or vocational educational establishments also have the right to use public transport free of charge, presenting a certificate for the provision of social guarantees.

380. On 25 June 2008, an audit of accessibility of environment to passengers with disabilities was conducted in Rīga Airport. A number of implemented measures have improved the accessibility of the airport to people with special needs (like the signs in the airport terminal, parking facilities, information about airport services in an easy to read language, the purchase of special wheelchairs for getting on and off a plane, equipped airport buses, trained airport staff).

⁵³ CM Regulation No. 872 of 4 August 2009 *Regulations Regarding Passenger Categories Who Have the Right to Fare Reductions in Routes of the Route Network*, Official Journal *Latvijas Vēstnesis*, 126 (4112).

381. In order to ensure the accessibility of public buildings to people with special needs, special construction requirements have also been incorporated into Latvian Building Standards.

382. To promote the accessibility of public buildings to people with special needs, in collaboration with the APEIRONS Association of People with Disabilities and Their Friends, the annual accessible environment competition Golden Crutch 2007 and Golden Crutch 2008 has been organised for the most humane building in Latvia. Experts in accessibility of the environment reviewed buildings constructed and renovated in 2007 and 2008. Sites with all kinds of functions, including schools, hospitals, shops, and sports halls, are entered into the competition.

B. Health and health-care services (art. 24)

383. In 2004, the health-care sector in Latvia received a total of LVL 245.17 m (approximately EUR 348.85 m), in 2005, its budget was LVL 296.82 m (approximately EUR 422.34 m), in 2006 – LVL 414.29 m (approximately EUR 589.48 m), in 2007 – LVL 518.11 m (approximately EUR 737.21 m), in 2008 – LVL 576.59 m (approximately EUR 820.42 m), in 2009 – LVL 503.73 m (approximately EUR 716.74 m), in 2010 – LVL 496.05 m (approximately EUR 705.82 m), in 2011 – LVL 503.50 m (approximately EUR 716.42 m), in 2012 – LVL 524.39 m (approximately EUR 746.14 m) (for statistical data about health-care resources, refer to annex No. XII).

384. Pursuant to amendments made to the Medical Treatment Law on 8 May 2008, priority shall be given to the health care of children and pregnant women, and spouses of Latvian citizens and non-citizens who have a temporary residence permit in Latvia also have the right to receive free of charge care for pregnant women and birth assistance paid from the State's budget (for more information, refer to Section III (B) of the Report).

385. In accordance with the CM Regulation⁵⁴ of 19 December 2006, public health-care services for children under 18 are paid from the State's budgetary resources. Children under 18 are released from patient payments and have the right to receive health care provided by a general practitioner or a specialist from the State's budgetary resources, under a procedure and within the scope determined by laws, as well as a preventive check-up once a year, laboratory tests, day inpatient care, home-based care, emergency care, health care in hospitals, health care in hospitals after medical treatment in a hospital, recovery after medical treatment, reimbursable medicinal products and medicinal devices.

386. One of the sub-targets of the *Public Health Guidelines 2011-2017*⁵⁵ which were adopted in 2011 is to improve maternal and child health and reduce the infant mortality rate. The following measures are to be implemented within the framework of these guidelines: to improve health care for pregnant women and infants, increase the knowledge of pregnant women concerning the negative impact of addictive substance use on foetal development, promote breastfeeding and appropriate supplementation. It is also planned to increase public awareness of avoiding household injuries, provide information about the correct course of action in the case of injuries and encourage creating a safe environment.

⁵⁴ CM Regulation No. 1046 of 19 December 2006 *Procedure for Organising and Financing Health Care*, Official Journal *Latvijas Vēstnesis*, 3 (3579), 4 January 2007.

⁵⁵ CM Order No. 504 of 5 October 2011 *On Public Health Guidelines 2011-2017*, Official Journal *Latvijas Vēstnesis*, 158 (4556), 6 October 2011.

387. In 2012, the *Plan for Improving Maternal and Child Health 2012-2014*⁵⁶ was developed with the aim of promoting maternal and child health, including reducing the perinatal mortality rate and maternal mortality rate, and ensuring the planned, situated and coordinated implementation of measures. The plan also contains steps to prevent unintended pregnancy like educating adolescents and young people about sexual and reproductive health, to provide training to parents-to-be during the prenatal care period and to integrate issues related to health, sports education and human safety into subject curricula in preschool, primary and secondary education. In addition, funding amounting to LVL 1,112,855 (EUR 1,583,450) was allocated for the implementation of this plan in 2012.

388. During the reporting period Latvia has provided birth assistance free of charge which includes a set of health-care measures for women during pregnancy, birth and the post-natal period (42 calendar days after birth), as well as the clinical observation of an unborn child, examination, medical treatment measures until birth, during birth and infant care during the post-natal period (for statistical data about birth indicators, abortions, and pregnant women, refer to annex No. XII).

389. In 2012, amendments were made to the CM Regulation⁵⁷ providing for additional methods of examination for pregnant women in order to reduce the risk of inherited pathology and improve the accessibility of health-care services to pregnant women, and giving training to parents-to-be in infant care and healthy conditions for infants. In 2012, amendments were also made to the CM Regulation⁵⁸ allowing private gynaecologists and other specialists to conclude separate contracts with the National Health Service on the care of pregnant women since 1 September 2012. Amendments made to the CM Regulation in 2011⁵⁹ in turn supplemented the regulations with the requirement for general practitioners to make an evaluation of the health condition of a child in order to ensure the quality evaluation of the physical and mental development of children aged from 1 week to 5 years.

390. From 1 September 2012, expenditures for the acquisition of prescription medicinal products for a child under 24 months are reimbursed 50%, unless another amount of reimbursement applies to the established diagnosis.⁶⁰

391. A number of measures have been taken within the framework of the *Action Programme for Implementation of the Public Health Strategy 2004-2010* in order to improve child and youth health. For instance, the aim called for 60% of infants to be exclusively breastfed for the first six months in order to reduce perinatal and child morbidity and mortality, and infectious disease morbidity. Data suggest an improvement in breastfeeding indicators year by year, namely children who have been breastfed for the first six months accounted for 50.8% (including 15.1% of children who have been exclusively breastfed for the first six months) in 2009, which is 1.9% more than in 2008. The share of

⁵⁶ CM Order No. 269 of 19 June 2012 *On the Plan for Improving Maternal and Child Health 2012-2014*, Official Journal *Latvijas Vēstnesis*, 97 (4700), 21 June 2012.

⁵⁷ CM Regulation No. 574 of 21 August 2012 *Amendments to CM Regulation No. 611 of 25 July 2006 Procedure for Providing Birth Assistance*, Official Journal *Latvijas Vēstnesis*, 134 (4737), 24 August 2012.

⁵⁸ CM Regulation No. 573 of 21 August 2012 *Amendments to CM Regulation No. 1046 of 19 December 2006 Procedure for Organising and Financing Health Care*.

⁵⁹ CM Regulation No. 713 of 20 September 2011 *Amendments to CM Regulation No. 265 of 4 April 2006 Procedure for Managing Medicinal and Accounting Documentation of Medical Treatment Institutions*, Official Journal *Latvijas Vēstnesis*, 151 (4549), 23 September 2011.

⁶⁰ CM Regulation No. 520 of 24 July 2012 *Amendments to CM Regulation No. 899 of 31 October 2006 Procedure for the Reimbursement of Expenditures for the Acquisition of Medicinal Products and Medicinal Devices Intended for Out-Patient Medical Treatment*, Official Journal *Latvijas Vēstnesis*, 120 (4723), 1 August 2012.

children breastfed until one year of age also increases – in 2009, it was 20.8% which is 1.9% more than in 2008. Perinatal mortality decreases year after year, and, in 2010, the national figure was 8.3 per 1,000 live and stillbirths (in 2004, it was 10.5). As to immunisation, a vaccination schedule has been expanded and improved (for instance, adolescent (from the age of 14) vaccination against hepatitis B, child vaccination against tick-borne encephalitis in highly endemic areas) (for statistical data, refer to annexes No. XII and XIII).

392. In order to prevent child trauma, in 2012, educational measures were taken with financial support from the Ministry of Health, within the framework of which preschool and junior school (year 1 to 4) students were informed about safety and trauma prevention through the development of children's behavioural and social skills in protecting themselves against trauma, acting reasonably in dangerous situations by applying the skills learnt during training, as well as avoiding trauma-provoking situations. In 2012, a total of 5,000 preschool and junior school (year 1 to 4) students participated in 100 activities carried out in different Latvian regions (for statistical data about accidents, refer to annex No. XII).

393. In addition to the above-mentioned activities, in 2012, the Ministry of Health, in collaboration with the organisation Mummy Club, started a public awareness campaign for avoiding child trauma and preventing sudden infant death syndrome with the aim of informing new parents and the public in general about the causes and risks of traumas suffered by children aged 0 to 4 and their prevention, as well as informing the public and parents about the risk factors of sudden infant death syndrome and the possibilities of preventing it. Within the framework of this campaign audio and video materials about risk factors and trauma were developed and later broadcasted on radio and television, and published on the website, as well as an e-book was published in both Latvian and Russian containing useful advice for parents (for statistical data, refer to annex No. XII).

394. In order to solve the issues related to child diet, the guidelines for *Healthy Diet 2003-2013* were implemented from 2003 to 2012. According to one of the objectives identified in the guidelines, i.e. to encourage exclusive breastfeeding (an infant receives only breast milk) for the first six months and breastfeeding until the age of 2, a number of measures were implemented from 2005 to 2011 with regard to publishing informative and educational material (in Latvian and Russian) for new mothers about breastfeeding benefits and how to solve breastfeeding problems (for statistical data about breastfeeding, refer to annex No. XII). Measures for achieving the objectives set in the guidelines have been identified in the relevant implementation plan.

395. On 22 August 2006, the CM Regulation⁶¹ was adopted stipulating that drinks, sugar confectionery and chewing gum containing certain food additives – colours, sweeteners, preservatives, and other substances, as well as products with too much salt – shall not be distributed in general primary and secondary educational establishments, as well as vocational educational establishments and kindergartens. The Regulation was developed in order to restrict the availability of unhealthy products in educational establishments.

396. In 2007, the Ministry of Health developed a manual under the name *Creating Balanced Menus for Year 1 to 4 Students*, while the Centre for Disease Prevention and Control organised 15 regional seminars for school and municipal specialists involved in providing catering to schools (like school chefs). The project was aimed at informing the

⁶¹ CM Regulation No. 693 of 22 August 2006 *Amendments to CM Regulation No. 610 of 27 December 2002 Hygiene Requirements for General Primary Education Establishments, General Secondary Educational Establishments and Vocational Education Establishments*, Official Journal *Latvijas Vēstnesis*, 141 (3509), 5 September 2006.

target audience about problems associated with children's diet and producing recommendations for solving them.

397. In order to educate children and young people about the basic principles of healthy eating, during the reporting period the Centre for Disease Prevention and Control has prepared and published a number of informative materials for children and adolescents about a healthy diet, i.e. a booklet *What to Eat?* for children informing them about developing healthy eating habits, a booklet *Choose Healthy Food* for adolescents that was distributed in regional educational establishments, and a constructible healthy eating pyramid. In 2008, at the beginning of the new school year, all year 1 students in Latvia, which is approximately 20,000 children in total, received lunch boxes for taking healthy food to school.

398. During the reporting period, every year the Centre for Disease Prevention and Control organised *Healthy Weekends*, an informative and attractive event for the entire family which focused on the possibilities of spending free time. The programme included interesting and informative physical activities for each family member and the entire family, as well as activities for children. In 2011, in order to disseminate a healthy lifestyle and educate families about issues related to health promotion, educational measures were implemented for the promotion of physical activities and healthy eating, as well as maternal and child health with the aim of informing and educating both children and their parents. Regional health promotion coordinators have organised 441 activities for approximately 9,290 people in different Latvian municipalities in order to promote maternal and child health.

399. In order to educate children and the youth about infectious disease prevention and the importance of washing hands, in 2012, the Ministry of Health created a poster *Washed Your Hands?* which, in collaboration with municipalities, was displayed in kindergartens, schools, and medical treatment institutions.

400. On 22 May 2012, the CM approved the *Immunisation Plan 2012-2014*⁶² (funding of LVL 5,126,122 has been allocated for the implementation of this plan with regard to the children group in 2012) which has been developed in order to decrease infectious disease morbidity. The State currently pays for vaccination against 13 infectious diseases. Moreover, orphans and children without parental care have been provided with a vaccination against tick-borne encephalitis in highly endemic areas for several years already. Starting from 1 September 2010, girls aged 12 have been offered the human papillomavirus vaccination in Latvia (for statistical data, refer to annex No. XIII).

401. The aim is to reach at least 95% immunisation coverage for children against infectious diseases identified in the vaccination schedule, decrease child morbidity with tick-borne encephalitis in highly endemic areas, continue the vaccination started in 2009 against tick-borne encephalitis provided to children in child care institutions and boarding schools, as well as the child vaccination started in 2008 against chickenpox at the age of 15 months and the vaccination started in 2010 against papillomavirus infection, but starting from 1 January 2012 to start child vaccinations against rotavirus infection (for statistical data about immunisation coverage in children, refer to annex No. XIII).

402. In 2008, the CM approved the guidelines *Mental Health Improvement 2009-2014*. The guidelines have been developed in order to identify mental health priorities and continue the development of rational, efficient and quality mental health care. A number of objectives have been set in order to achieve goals in the guidelines, namely to create

⁶² CM Order No. 232 of 22 May 2012 *On the Immunisation Plan 2012-2014*, Official Journal *Latvijas Vēstnesis*, 81 (4684), 81 (4684), 24 May 2012.

24 offices of the mental health-care service; to develop necessary methodological guidelines for general practitioners, municipalities, psychologists and social pedagogues working in educational establishments with persons who have mental health problems; to involve NGOs in problem solving, as well as to raise public awareness of mental health issues.

403. The *Programme for Oncologic Disease Control 2009-2015*⁶³ was approved in 2009 with the aim of reducing the risk of oncologic disease morbidity, extending life expectancy and improving the quality of life of oncologic patients. Objectives identified within the framework of the Programme include reducing unhealthy habits, in particular, among students of educational establishments, disseminating healthy habits, reducing the negative effects of tobacco on an individual and society in general. It is also planned to reduce the spread of infectious diseases encouraging oncologic diseases and the harmful effects of ultraviolet radiation, and ensure the timely diagnosis and medical treatment of patients.

404. The *Guidelines for Health Promotion in Municipalities*⁶⁴ were approved in 2011 with the aim of providing municipalities with methodological support in order to implement health promotion activities for municipal residents. Guidelines include measures and activities (both educational and of a practical nature etc.) that municipalities should implement in their areas in order to deal with health promotion issues in four major groups of residents, including children and adolescents.

(i) Adolescent health

Upon the Committee's recommendations 44 and 45:

44. The Committee is concerned about rates of adolescent pregnancy and the reliance on abortion as a contraceptive method, particularly among young women aged 15-17. The Committee is concerned that mental illness is inadequately treated and that individuals committed to institutional care for mental illness suffer arbitrary restrictions on their freedoms. The Committee is also concerned at the rate of suicide among youth, particularly boys aged 14-17.

45. The Committee recommends that the State party, taking account of general comment No. 4 (2003) on adolescent health and development:

(a) Strengthen its reproductive health education programme(s) for adolescents in order to prevent adolescent pregnancy and the spread of sexually transmitted infections (STIs). Such programmes should provide access to sexual and reproductive health services, including family planning;

(b) Ensure the full protection of the rights of children committed to institutional care for mental illness, including access to family members and the establishment of an independent complaints process; and

(c) Intensify its measures to raise awareness about and prevent suicide among adolescents, including by providing adequate resources for the implementation of the programme, and by strengthening its mental health care and outreach services.

⁶³ CM Order No. 48 of 29 January 2009 *On the Programme for Oncologic Disease Control 2009-2015*, Official Journal *Latvijas Vēstnesis*, 29 (4015), 20 February 2009.

⁶⁴ Order No. 243 adopted by the Ministry of Health on 29 December 2011 *On the Guidelines for Health Promotion in Municipalities*.

Reproductive health education programmes

405. In accordance with the CM Regulation regarding general education curricula, an optional subject such as Health Studies which is offered within the framework of general secondary education includes the following mandatory topics: reproductive health, unintended pregnancy, STIs prevention, sexuality, and sexual relationships. In order to fulfil the basic requirements for the acquisition of this subject an adolescent finishing general secondary education (completing year 12) should know how to avoid unintended pregnancy, to make choices which help to protect himself or herself against STIs, to participate in discussions on repressive, liberal and “happy medium” (abstinence, mutual respect, safe sexual relationships) views on sexual relationships, as well as to be able to decide what measures help to protect himself or herself against STIs and HIV.

406. In the context of reproductive health issues, the Ministry of Health collaborates with the NGO, for instance, Papardes Zieds, Latvia’s Association for Family Planning and Sexual Health, which informs Latvian youth about issues related to sexual and reproductive health and provides information about family planning services; as well, the Ministry of Health collaborates with the public benefit organisation Crisis Pregnancy Centre, which offers schools and youth organisations a programme of classes discussing different topics that are of interest to young people and provides free confidential assistance in the case of unintended pregnancy and other situations (for statistical data about pregnancy and the number of abortions, refer to annex No. XII).

407. In order to ensure that adolescents are informed about issues concerning reproductive health and the spread of STIs, in 2008, the Ministry of Health organised a discussion with youth NGOs on youth reproductive health and associated problems. The Centre for Disease Prevention and Control has in turn published different informative materials for adolescents about issues related to reproductive health education.

408. A total of 47 and 207 activities were organised in 2009 and 2010 respectively, within the framework of which different groups of people were informed about reproductive health issues, maternal and child health, trauma prevention, HIV/AIDS and addiction prevention. In 2010, informative campaigns about the vaccination of girls aged 12 against cervical cancer were organised, within the framework of which informative materials were distributed in educational establishments, and information about the vaccination programme was provided in conferences at the beginning of the academic year.

409. In 2012, the Ministry of Health, in collaboration with the Latvian Red Cross, implemented a training programme on sexual and reproductive health issues for year 10-12 secondary school students and year 1-2 vocational educational establishment students. Since 2012, a total of 128 activities have been carried out in different Latvian regions involving 2,663 young people and informative educational materials have been published for youth.

410. The Ministry of Health, in collaboration with the NGOs and regional Oral Health Centres, participated in the EU Garden Festival on 8 May 2011 in Rīga. During the Garden Festival children, young people, and their parents were informed about oral health, sexual and reproductive health, first aid techniques and health volunteering jobs.

Institutional care of children with mental disorders

411. Considerable progress has been achieved in the enforcement of the basic rights of persons with mental disorders in Latvia. Pursuant to the amendments made to the Medical Treatment Law which came into force on 29 March 2007, a decision on providing psychiatric assistance to a patient (child) without his or her consent is no longer taken only by the doctors’ council of psychiatrists but rather the court on the basis of the decision of the doctors’ council of psychiatrists. According to these amendments a patient (child) also

has the right to contact his or her parents, family members, closest relatives, as well as receive legal assistance.

412. Article 65 of the Medical Treatment Law stipulates that persons with mental disorders and mental illness shall be ensured all the civil, political, economic and social rights provided for by law. Mental disorders or mental illness may not be a basis for the discrimination of an individual. Moreover, the Law governs that persons with mental disorders and mental illness have the right to receive medical assistance and care of a quality that conforms with the accepted standards of general medicine.

413. Articles 68 and 68¹ of the Medical Treatment Law specify the circumstances of and procedure for providing psychiatric assistance without the consent of the patient. The current legal regulation complies with the human rights protections provided by the general principles of EU law stipulating strict admission criteria, the arrival of a judge in a medical treatment institution, legal representation of a patient, and hearing the relatives. The rights of the patients have been strictly regulated in hospitals, including the right to correspondence, submission of complaints and the right to meet freely with relatives.

414. The quality of care of chronically and severely ill children with mental disorders has significantly improved in Ainaži Children's Psychiatric Hospital. This hospital admits children with chronic and severe mental illness from the entire of Latvia. The hospital has been completely rebuilt, including a new care concept which focuses on recovery, maximum activities, and learning facilities for patients. This has resulted in respect for human rights, patient privacy, and medical treatment involving fewer medications.

415. The quality of the medical treatment provided to children with mental disorders in the Children's Clinical University Hospital in Rīga has also improved. These improvements refer both to the repair of the facilities, including hospital expansion, and to the involvement of other specialists like psychologists and pedagogues in the medical treatment process, in addition to a sufficient number of doctors. In general, this has reduced the share of drug-induced treatment (for more information about scheduled inspections conducted by the Health Inspectorate and recommendations made by the Ombudsman, refer to Section V (H) of the Report).

Measures for preventing suicide among adolescents

416. During the reporting period a number of measures have been implemented in order to reduce suicide risk. At the end of 2007, the Centre for Disease Control and Prevention organised a campaign with the aim of raising public awareness about the issue of suicide, inviting through its videos to pay attention to the dejection of family members, and relatives, recognise depression symptoms and ask for help. In 2008 and 2009, an informative campaign was conducted on the Internet informing about the signs of suicide and depression symptoms and providing contact information for help, as well as answering questions electronically (for statistical data about the number of suicides, refer to annex No. XIV).

417. In 2009, the Centre for Disease Control and Prevention, in collaboration with the World Health Organisation, prepared a report *Suicides in Latvia – Situation, Prospects, Solutions* taking into account the possible negative effects of the national economic situation on the number of suicides. This report also identified the issue of suicide among young people and students, in particular with regard to humiliation at school. In order to reduce this problem, separate municipalities like Rīga Municipality have a mobile crisis intervention team which visits schools in case of suicide risk.

418. In 2009, the Centre for Disease Control and Prevention prepared and published the WHO material for general practitioners *Suicide Prevention*, as well as additional material containing help information. The aim of the material was to provide information about the

most significant disorders and other factors associated with suicides, as well as to improve the in-depth knowledge of the timely recognition of patients orientated towards suicide and of establishing communication with such patients.

419. In 2012, the Centre for Disease Control and Prevention published different informative materials (an analytical article) about suicide among children and youth in Latvia, analysing national and international practice in this issue, informing people about the signs of suicide among adolescents in order to raise awareness about this problem and educate the public, as well as representatives of the mass media about responsible reporting on suicides, thus reducing the risk of suicide contagion.

420. In 2011, the National Health Service, in collaboration with the Emergency Medical Aid Service, improved the monitoring system for suicides, including an additional indicator in the analysis to be conducted with regard to unique patients and calls for patients (including children) in the case of attempted suicide.

(ii) HIV/AIDS

Upon the Committee's recommendations 46 and 47:

46. The Committee notes that while the total number of newly reported cases of HIV is decreasing, the proportion of heterosexual transmissions, particularly among female adolescents, has increased in recent years. The Committee welcomes the strategic initiatives undertaken by the State party, including the Programme of the Ministry of Health on Elimination of the Dissemination of Human Immunodeficiency Virus (HIV) and AIDS 2003-2007. The Committee is nevertheless concerned at the apparent discrepancies in the reported rates of HIV infection.

47. The Committee recommends that the State party, taking into account its general comment No. 3 on HIV/AIDS and the rights of the child (CRC/GC/2003/3) and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37):

(a) Pay greater attention to strengthening its reproductive health education programme(s) for children and adolescents in order to prevent the spread of HIV/AIDS;

(b) Take steps to increase awareness among adolescents, particularly among those belonging to vulnerable and high-risk groups, including drug users, adolescent sex workers and street children about the risks of HIV/AIDS; and

(c) Fully respect the rights of children to privacy and non-discrimination in offering HIV-related information, voluntary counselling and testing, knowledge of their HIV status, confidential sexual and reproductive health services, and free or low-cost contraceptive methods and services, as well as HIV-related care and treatment if and when needed, including for the prevention and treatment of health problems related to HIV/AIDS, such as tuberculosis and opportunistic infections.

421. Pursuant to article 1 of the Law on Sexual and Reproductive Health adopted on 31 January 2002, the purpose of this Law is to define legal relations within the field of sexual and reproductive health with the aim of protecting, inter alia, the sexual and reproductive health of every person. The Law stipulates that the State shall implement the principles of sexual and reproductive health by providing the possibility to obtain a basic knowledge of sexual and reproductive health promotion and care in medical treatment and educational establishments.

422. In accordance with the CM Regulation⁶⁵ regarding general education curricula, the optional subject Health Studies offered to year 12 students within the framework of general secondary education includes the following requirements: a student is aware of the nature of drug addiction and its effects, and the possibilities of becoming infected with HIV and other infectious diseases (including STIs) and knows how to protect himself or herself against them, is aware of the spread of HIV, as well as HIV testing.

423. The CM Regulation of 2006 regarding the procedure for providing birth assistance⁶⁶ stipulates HIV testing (laboratory screening) during the first care of pregnant women.

424. The *Programme for Restricting the Spread of Human Immunodeficiency Virus (HIV) 2009-2013*⁶⁷ approved by the CM in 2009 specifies that one of the groups which are at high risk of HIV infection is minors who might engage in risky behaviour. One of the objectives within the framework of the programme is to conduct public awareness campaigns, including for youth reproductive health and a healthy lifestyle.

425. The Ministry of Health has developed *Guidelines for Health Promotion in Municipalities* (see paragraph 385 of the Report) collecting recommendations for sexual and reproductive health promotion, including the prevention of HIV infection in schools.

426. One of the sub-targets of the *Public Health Guidelines 2011-2017* (see paragraph 367 of the Report) is to, inter alia, educate the public (in particular, young people) about reproductive health issues and the prevention of STIs, thus reducing the unintended pregnancy rates and the number of cases of these diseases. It is also necessary to decrease the infectious disease morbidity (including HIV), maintaining and improving the system for the prevention and control of infectious diseases and educating the public about the most efficient preventive measures for infectious diseases.

427. In accordance with the SPS strategy 2007-2009, within the framework of the probation programme *Life School 2*, probation clients and minor prisoners receive information about issues related to reproductive health.

428. In 2007, a total of 106 adolescents received services provided in HIV prevention venues in the entire of Latvia, while, in 2008, this number was 141. According to the data acquired from the Centre for Disease Control and Prevention, in the first half of 2012, services were offered to 124 young people (aged under 18) in HIV prevention venues.

429. In 2009-2011, the number of registered HIV cases among children aged 0-17 has decreased in comparison with the period from 2006 to 2008 (for additional statistics, refer to annex No. XIII).

Awareness of HIV/AIDS risk factors among adolescents

430. In accordance with the *Programme for Restricting the Spread of Human Immunodeficiency Virus (HIV) and AIDS 2009-2013*⁶⁸ the following measures have been continued to be implemented:

⁶⁵ CM Regulation No. 715 of 2 September 2008 *Regulations Regarding the National Standard of General Secondary Education and Standards of General Secondary Education Subjects*, Official Journal *Latvijas Vēstnesis*, 145 (3929), 18 September 2008.

⁶⁶ CM Regulation No. 611 of 25 July 2006 *Procedure for Providing Birth Assistance*, Official Journal *Latvijas Vēstnesis*, 118 (3486), 27 July 2006.

⁶⁷ CM Order No. 437 of 30.06.2009 *On the Programme for Restricting the Spread of Human Immunodeficiency Virus (HIV) 2009-2013*, Official Journal *Latvijas Vēstnesis*, 105 (4091), 7 July 2009.

⁶⁸ CM Order No. 437 of 30 June 2009 *On the Programme for Restricting the Spread of Human*

- Confidential HIV diagnostics are available to all residents in the entire area of Latvia;
- Post-exposure prophylaxis is provided to children;
- A single network of HIV prevention venues operates in 15 cities providing HIV prevention services (free of charge HIV testing and consulting, information, syringe exchange, and psychological support) to the population, including adolescents – injection drug users, persons engaged in prostitution and other high-risk groups for HIV infection;
- Informative materials (in Latvian and Russian) have been prepared and distributed to adolescents as the target audience, informing about the prevention of HIV, other infectious diseases transmitted through blood and STIs;
- The 24 hour AIDS Helpline is maintained.

431. In order to raise public awareness, the Centre for Disease Control and Prevention has published different informative materials for young people about reproductive health education for the purpose of preventing the spread of HIV/AIDS (like educational videos, cartoons, thematic booklets, brochures, posters). These materials increase the awareness of HIV/AIDS risks, ways of becoming infected, and protection methods among adolescents.

432. From 2010 to 2012, the Infectology Centre of Latvia has published recent information in Russian and Latvian about HIV/AIDS and its preventive measures, STIs, tuberculosis, hepatitis A, B and C, as well as information about what to do if pricked with a needle.

433. In 2012, World AIDS Day events were organised in nine Latvian cities, in collaboration with NGOs and municipalities. Information was published about the locations of HIV prevention venues, their services, as well as about HIV/AIDS prophylaxis. People were offered free of charge HIV testing in eight HIV prevention venues within the framework of the AIDS Day events. Competitions, movie evenings and educational campaigns for HIV were organised in municipalities with the aim of raising awareness among young people. At the same time employees of HIV prevention venues also undertake preventive and educational activities involving students (discussions, lectures, as well as consultations and discussions on reproductive health (contraception, safe sex)).

434. The MES has implemented a cooperation project within the framework of the UN Development Programme under the name *Strengthening Youth NGOs: Coordinated Support to Youth Health and Development* developing and encouraging the capacity of youth NGOs for providing information about HIV preventive measures for young people.

435. In 2010, regional health promotion coordinators of the Health Inspectorate organised 89 activities for different age groups involving approximately 3,700 people. Students were offered to take part in informative and educational lectures, interactive discussions, and classes on the link between risky behaviour and the use of addictive substances and associated health risks (becoming infected with HIV, STIs). In 2011, a total of 46 events were organised in different Latvian municipalities with regard to preventing drug addiction, sexual and reproductive health, and HIV/AIDS prophylaxis involving 9,290 people.

436. In addition, different activities have been carried out in 2010, namely topics of HIV infection have been included in informative programme sections of creative summer camps for children; general educational establishments have been informed of the World AIDS

Immunodeficiency Virus (HIV) 2009-2013, Official Journal *Latvijas Vēstnesis*, 105 (4091), 7 July 2009.

Day events and HIV prevention issues have been updated in school curricula. In 2010, approximately 1,800 young people attended training courses organised by the Latvian Red Cross Youth (<http://www.redcross.lv>) and received information about the HIV/AIDS problem and safe sexual relationships.

Rights of children to privacy and non-discrimination in offering HIV-related information

437. The CM Regulation of 2003 regarding the procedure for restricting the spread of HIV and AIDS and providing medical treatment to infected persons⁶⁹ stipulates that a minor shall be tested for HIV infection upon his or her personal request, a request from his or her parents, a guardian or an orphan's court or upon a written request from law enforcement institutions. A medical practitioner maintains confidentiality and may only disclose this information, provided a patient has given written consent to the disclosure of such information.

438. HIV prevention venues conduct HIV testing free of charge, maintaining confidentiality and providing appropriate pre- and post-consultation (for statistical data about HIV testing for adolescents, refer to annex No. XIII).

(iii) Addiction to alcohol, narcotic drugs, and psychotropic substances

439. During the reporting period the procedure for conducting retail trade in alcoholic beverages referred to in paragraph 291 of the former report has remained in force.

440. Latvia would like to emphasise that special attention is directed to combating the illegal turnover of alcoholic beverages and their production, as well as to fighting against the smuggling of alcohol. Quality and safety control of alcoholic beverages is conducted on a regular basis. Amendments have been made to laws stipulating that a person shall be held criminally liable for repeated trade in alcoholic beverages, alcohol and tobacco products in restricted places. A social marketing campaign is conducted for the dangers of driving under the influence of alcohol (for statistical data about the addiction, refer to annex No. XIV).

441. Amendments made to the Law on Restrictions Regarding the Sale, Advertising and Use of Tobacco Products⁷⁰ in 2008 introduced more pervasive restrictions on smoking in public places. It is strictly prohibited to smoke in children's recreation areas and playgrounds; cafés, restaurants and other public catering locations; educational and correctional institutions; public buildings, structures and premises; stairwells, hallways, and other shared-use facilities of multi-apartment residential buildings. It is only allowed to smoke in specially designated smoking areas in parks, squares, swimming places, summer (open air) cafés; long-distance trains and ships may have separate railway carriages or cabins designated for smoking. In 2010, amendments made to this Law imposed restrictions on the trade and sale of herbal smoking products which are intended for smoking but do not contain tobacco (like herbal mixtures and herbal cigarettes). It is prohibited to sell such products to minors.

442. Amendments made to the Law on the Protection of the Rights of the Child in 2008 stipulate that a child to whom mental or behavioural problems have been caused as a result

⁶⁹ CM Regulation No. 628 of 4 November 2003 *Organisational Procedure for Restricting the Spread of Human Immunodeficiency Virus Infection (HIV) and AIDS and Providing Medical Treatment to Persons Infected with HIV and AIDS Patients*, Official Journal *Latvijas Vēstnesis*, 157 (2922).

⁷⁰ *Law Amendments to the Law on Restrictions Regarding the Sale, Advertising and Use of Tobacco Products* adopted on 3 April 2008, Official Journal *Latvijas Vēstnesis*, 62 (3846), 22 April 2008.

of the use of alcoholic beverages, narcotic drugs, psychotropic, toxic or other intoxicating substances shall be provided with mandatory medical treatment and social recovery. In case a child or his or her parents do not agree to mandatory medical treatment, it shall be performed if consent from the orphan's court of the child's place of residence has been received. Pursuant to the amendments made to the CM Regulation⁷¹ in 2008, the State shall reimburse for medicinal products necessary for a child under 18 who has mental or behavioural problems caused as a result of the use of alcoholic beverages, narcotic drugs, or psychotropic substances (for more information, see paragraphs 441 and 442 of the Report; for statistical data about social recovery, refer to annex No. XIV).

443. The CM Regulation⁷² stipulating a procedure for providing addiction treatment to adolescents and ensuring consecutive medical and social recovery was adopted in 2012.

444. Amendments made to the Latvian Administrative Violations Code on 22 June 2010 provide for liability for smoking and the use of alcoholic beverages or other intoxicating substances or being under the influence of alcoholic beverages or other intoxicating substances if a violation has been committed by a minor. In the case of such a violation a warning is issued or a fine amounting up to LVL 25 (approximately EUR 35) is imposed (if the violation has been recommitted within a year, the fine shall be from LVL 25 to 50 (approximately from EUR 35 to 71)). This Law has also been supplemented with a new article, pursuant to which a warning may be issued or a fine amounting up to LVL 10 (approximately EUR 14) may be imposed on a minor engaged in smoking. If a minor does not have an independent income, the fine shall be collected from his or her parents or representatives. The Law also specifies fines imposed on shop owners for the sale of alcoholic beverages and tobacco products to minors, namely persons under 18.

445. In 2010, amendments have been made to the Law on the Procedure for the Enforcement and Application of the Criminal Law⁷³ supplementing the Law with a new list of narcotic drugs and psychotropic substances whose illegal turnover and use may endanger health.

446. The CM Regulation⁷⁴ adopted in 2009 stipulates that school internal regulations shall include the prohibition of the use, storage, and sale of alcohol, cigarettes, narcotic drugs, toxic or psychotropic substances, as well as specify the course of action a child, a head or a teacher should follow in the case of discovering physical or emotional child abuse.

447. The *Programme for Reducing Alcohol Consumption and Combating Alcoholism 2005-2008*⁷⁵ adopted by the CM in 2005 identified a number of objectives like educating students and young people, finding alternatives for students and young people at different

⁷¹ CM Regulation No. 899 of 31 October 2006 *Procedure for the Reimbursement of Expenditures for the Acquisition of Medicinal Products and Medicinal Devices Intended for Out-Patient Medical Treatment*, Official Journal *Latvijas Vēstnesis*, 180 (3548), 9 November 2006.

⁷² CM Regulation No. 70 of 24 January 2012 *Procedure for Providing Medical Treatment to Persons Addicted to Alcohol, Narcotic Drugs, Psychotropic or Toxic Substances, Gambling or Computer Games*, Official Journal *Latvijas Vēstnesis*, 15 (4618), 27 January 2012.

⁷³ Law on Amendments Made to *Law on the Procedure for the Enforcement and Application of the Criminal Law*, dated 13 October 2011, Official Journal *Latvijas Vēstnesis*, 167 (4565), 21 October 2011.

⁷⁴ CM Regulation No. 1338 of 24 November 2009 *Procedure for Ensuring the Safety of Students in Educational Establishments and During Events Organised by Educational Establishments*, Official Journal *Latvijas Vēstnesis*, 187 (4173), 27 November 2009.

⁷⁵ CM Order No. 40 of 19 January 2005 *On the Programme for Reducing Alcohol Consumption and Combating Alcoholism 2005-2008*, Official Journal *Latvijas Vēstnesis*, 12 (3170), 21 January 2005.

ages for spending their free time. Parents-to-be were educated about alcohol addiction, informatively educational material was prepared for year 9–12 students about the prevention of alcohol use, and during class meeting lessons at school students were informed about substances causing addiction, as well as other activities were undertaken within the framework of this programme.

448. The *Action Plan for Reducing the Consumption of Alcoholic Beverages and Combating Alcoholism 2012-2014*⁷⁶ was developed in 2012 in order to ensure the planned, coordinated, and situated implementation of measures aimed at reducing alcohol-related harm in the State.

449. In 2005, the CM approved the *National Tobacco Monitoring Programme 2006-2010*.⁷⁷ The aim of the programme is to improve the health of the Latvian population by reducing tobacco use and protecting against the harmful effects of second hand smoke. Taking into account that people start smoking at an early age, one of the major target groups of the programme is children and youth. The programme includes measures for restricting the availability of tobacco products to young people, as well as for informing and educating the public, including children, young people, and parents. From 2009 to 2010, educational campaigns were organised within the framework of this programme informing the public about the adverse health effects from smoking tobacco which included a total of 34 events (seminars, round-table discussions, lectures in educational establishments on health-related issues, including addiction prevention; a street campaign *Exchange Your Cigarette for...*, distribution of the informative material *All about Smoking*).

450. Implementing this programme, laws provide for the liability of persons purchasing and giving tobacco products to minors, as well as other amendments have been made in order to restrict the trade and advertising of tobacco products. Public awareness campaigns for tobacco harm, such as an interactive film *Your Choice*, have been conducted within the framework of the *National Tobacco Monitoring Programme 2006-2010*. From 2007 to 2008, the State Police went to schools giving a presentation *Tobacco's Word against Yours*. From 2009 to 2012, the State Police officials also actively carried out preventive activities in order to raise awareness of the negative health effects of smoking and other intoxicating substances among children and young people.

451. Starting from 1 April 2009, tobacco products may only be advertised in special publications intended for merchants engaged in the trade of tobacco products, as well as in publications issued and printed in countries other than EU Member States and not intended for the EU market. In addition to the above-mentioned provision, starting from 1 March 2010, coloured photos or other illustrations (combined warning) shall be glued onto the packaging units of tobacco products. Changes in tax rates at the end of 2008 should also be noted as an additional factor, namely the rate of both excise duty and VAT was increased. As a result of this, at the beginning of 2009, cigarette prices increased by approximately 20-40%.

452. In 2007, the Ministry of Health raised the issue of smoking on the theatre stage, as a result of which starting from 1 January 2008, a warning has been included in the informative materials of national theatres informing the audiences of performances where smoking is necessary due to artistic reasons.

⁷⁶ CM Order No. 614 of 19 December 2012 *On the Action Plan for Reducing the Consumption of Alcoholic Beverages and Combating Alcoholism 2012-2014*, Official Journal *Latvijas Vēstnesis*, 201 (4804), 21 December 2012.

⁷⁷ CM Order No. 852 of 28 December 2005 *On the National Tobacco Monitoring Programme 2006-2010*, Official Journal *Latvijas Vēstnesis*, 210 (3368), 30 December 2005.

453. The *Guidelines for the Restriction and Control of the Spread of Narcotic Drugs and Psychotropic Substances and Addiction Thereof 2011-2017*⁷⁸ were approved in 2011 identifying the following objectives: to introduce a coordinated course of action which is binding upon educational establishments when implementing preventive measures for drug addiction; to respond to drug abuse cases; and to educate students about the risks of drug abuse and drug addiction in social correctional institutions and boarding schools.

454. Pursuant to the CM Regulation⁷⁹ regarding the health care of students in educational establishments adopted in 2010, educational establishments have been offered a sample action plan in case an educational establishment discovers or suspects that students use, store or distribute addictive substances. The action plan specifies a set of immediate or preventive measures to be implemented by educational establishments and competent staff in order to prevent the use of addictive substances (for more information, refer to paragraph 424 of the Report).

455. A project *Non-Smoking Class 2010/2011* involving 266 classes (year 7-8 students) with approximately 4,376 students (full participation of 85 classes with approximately 1,320 students) was implemented from 1 September 2010 to 31 May 2011 within the framework of the *National Youth Policy Programme 2009-2013*.

456. In order to reduce drug addiction in youth, in 2007, the MCFIA supported a project for raising awareness of the harm of addictive substances and reproductive and mental health issues among young people. Several educational activities regarding these issues were carried out in 21 youth initiative centres within the framework of this project.

457. During the reporting period an interactive discussion was organised on the website of the Centre for Disease Control and Prevention, within the framework of which students, together with specialists in addictive diseases, discussed current issues concerning alcohol abuse and the use of other addictive substances. The discussion involved 170 students from Brocēni Secondary School (year 6-12 students).

458. In 2008, the Centre for Disease Control and Prevention provided training in alcohol, tobacco and drug prevention to teachers working in vocational and general schools. A total of 875 teachers acquired knowledge and skills in 15 regional seminars learning how to promote students' understanding and knowledge of the negative health effects of alcohol, tobacco and drugs.

459. In 2010, 2011 and 2012, a number of informative and educational activities were carried out for youth concerning addiction issues. In 2010, regional health promotion coordinators of the Health Inspectorate organised a number of thematic activities in educational establishments with regard to addictive disease prevention and the awareness of addiction among youth.

460. In 2010, the State Police, in collaboration with the Latvian Association of Addiction Psychology, implemented a project *Youth against Drugs*, within the framework of which social campaigns were conducted in the mass media developing informative materials, organising simulation games and distributing informative materials to Latvian youth. Interactive discussions and classes were held for the staff of educational establishments and the parents of students on addiction prevention and associated health risks, early detection

⁷⁸ CM Order No. 98 of 14 March 2011 *On the Guidelines for the Restriction and Control of the Spread of Narcotic Drugs and Psychotropic Substances and Addiction Thereof 2011-2017*, Official Journal *Latvijas Vēstnesis*, 42 (4440), 16 March 2011.

⁷⁹ CM Regulation No. 277 of 23 March 2010 *Procedure for Providing Preventive Health Care to Students and the Availability of First Aid in Educational Establishments*, Official Journal *Latvijas Vēstnesis*, 49 (4241), 26 March 2010.

of the use of addictive substances among adolescents and restricting measures in schools. Rīga City Council implemented a project under the name *Access Strategies for Youth Smoking Cessation* conducting studies, publishing informative materials, as well as organising seminars for teachers and classes for students.

461. In 2011, lectures were held in schools with the participation of medical practitioners, police officers, representatives of NGOs and health promoters. Rīga City Council provided youth training in issues related to addiction prevention, including lectures for parents on different topics pertaining to addictions. A number of municipalities also organised discussions for students on alcohol and tobacco addiction which included the demonstration of videos, the provision of information on school websites, drawing contests, quizzes, and other activities. The SIF, in collaboration with NGOs, has developed innovative methodological material for educating junior school students about issues related to addiction. The Centre for Public Policy Providus has implemented a project with the aim of creating a sustainable support system for minors after their release from imprisonment facilities or social correctional institutions.

462. Two institutions provide State-funded social recovery services to children who have become addicted to narcotic drugs, toxic or other intoxicating substances, namely the Saulrīti Adolescent Association of the Straupe Narcological Hospital, and Life Energy Recovery Centre. Medical treatment courses in the specific social recovery institutions may be 6, 12 or 18 months long. The most common are a 12-month course and an 18-month course. From 2008 to 2009, this service was provided to all children who had such a necessity (no waiting lists).

463. In 2011, a total of 75 children received State-funded medicinal products for treating health problems which were caused by the use of addictive substances, out of which 38 children had mental or behavioural problems as a result of alcohol abuse and 37 children had mental and behavioural problems due to the use of narcotic drugs, psychotropic and toxic substances. In 2010, State-funded medicinal products were given to 68 children, but, in 2009 – to 57 children. Medicinal products reimbursable from the State's budgetary resources for children with mental or behavioural problems as a result of the use of alcohol, narcotic drugs, psychotropic and toxic substances accounted for LVL 470 (approximately EUR 669) in 2009, LVL 662 (approximately EUR 941) in 2010, and LVL 1,041 (approximately EUR 1,481) in 2011.

464. In 2011, an amount of LVL 297.450 (approximately EUR 423.233) was allocated from the State's budgetary resources to provide social recovery services to a total of 56 children with psychoactive drug addiction problems, while in 2010, this amount was LVL 257,157 (approximately EUR 365.901).

C. Social protection and services for children (arts. 16 and 18)

465. During the reporting period different changes and improvements have been made to the allowances intended for families. In general, separate allowances intended for families in the State have been increased, as well as new types of allowances have been introduced until 2008, thus improving social security guarantees for families that have decided to give birth to children and raise them. In light of the national economic situation in 2009 and taking into account the aim of reducing the State budget deficit and creating a balanced budget, separate State allowances intended for families have been temporarily reduced. From 2011 to 2012 however, a number of measures were conducted and planned in order to improve the social protection of families with children (for statistical data about State allowances, refer to annex No. XV).

466. In 2007, significant amendments were made to the Law on Maternity and Sickness Insurance and the Law on State Social Allowances, as well as the CM Regulation⁸⁰ on the procedure for granting and paying State social insurance benefits, introducing a new State social insurance benefit – a parental benefit which is paid to one of the child's parents, one of the child's adopters, a member of a foster family, guardian or other person who, under the decision taken by an orphan's court, actually takes care of the child and raises him or her up to one year of age. The parental benefit is paid at 70% of the average social insurance payment remuneration of the benefit receiver. Until 31 December 2012 the minimum amount of parental benefit for socially insured persons was LVL 63 (approximately EUR 90).

467. Pursuant to article 6 of the Law on State Social Allowances, State family allowance shall be granted to each child aged from one year to 19 years old acquiring an education in a general educational establishment or vocational educational establishment and not entered into marriage. From 1 July 2009 to 31 December 2012, the amount of State family allowance was LVL 8 (approximately EUR 11) per month, irrespective of the number of children in a family. In addition to the above-mentioned information, amendments made to the Law on State Social Allowances on 16 June 2009 govern the payment of State family allowance for a child up to the age of 19 if he or she studies in a general or vocational educational establishment. In turn, for children born after 2 May 2010 the State family allowance will be granted only after the child has attained the age of one year. From 1 July 2009 to 31 December 2014 the amount of State family allowance for each child in a family was LVL 8 per month. Until 30 June 2009 the amount of State family allowance for the first child in a family was LVL 8 per month, for the second child – LVL 9.60 (approximately EUR 13.66) per month, for the third child – LVL 12.80 (approximately EUR 18.21) per month and for the fourth and each subsequent child – LVL 14.40 (approximately EUR 20.50) per month.

468. The amount of childbirth allowance is LVL 296 (approximately EUR 421) for each child born. Starting from 5 April 2010, payment of a supplement to the childbirth allowance has been suspended. Until 4 April 2010 the supplement to the childbirth allowance for the birth of the first child was LVL 100 (approximately EUR 142), for the birth of the second child – LVL 150 (approximately EUR 213), and for the birth of the third and each subsequent child – LVL 200 (approximately EUR 285).

469. However, in light of the measures conducted for families with children in 2011 and 2012, in order to ensure the social protection of these families, a number of improvements have been made and are intended to be made, namely, inter alia, discounts on vehicle exploitation tax for large families; increase in personal income tax allowance; social insurance mandatory payments from the State's general budget amounting to 20% of LVL 100 (approximately EUR 142) for persons taking care of children under the age of 1.5 years; real property tax allowances for large families (in force from 1 January 2013).

470. In 2012, the CM adopted amendments⁸¹ which provide for an increase in childcare benefit and supplements for the birth of twins or multiple births until children have attained

⁸⁰ CM Regulation No. 910 of 18 December 2007 *Amendments made to CM Regulation No. 270 of 28 July 1998 Procedure for Calculating Average Insurance Payment Remuneration and Granting, Calculating and Paying State Social Insurance Allowances*, Official Journal *Latvijas Vēstnesis*, 206 (3782), 22 December 2007.

⁸¹ CM Regulation No. 1609 of 22 December 2009 *Regulations Regarding the Amount of Childcare Benefit and the Supplement to Childcare Benefit and Parental Benefit for Twins and Children from Multiple Births, Review of the Procedure Thereof, and the Procedure for Granting and Paying the Benefit and the Supplement*, Official Journal *Latvijas Vēstnesis*, 204 (4190), 29 December 2009.

the age of 1.5 years old. Supplements double from LVL 50 to 100 (from approximately EUR 71 to 142) per month for caring for each child up to the age of one, while the supplement for caring for children aged one to 1.5 years old increased from LVL 30 to LVL 100 (from approximately EUR 43 to 142).

471. Pursuant to article 7 of the Law on State Social Allowances, childcare benefit amounting to LVL 50 (approximately EUR 71) shall be granted to a person caring for a child up to one year of age if this person has not been employed, as well as childcare benefit amounting to LVL 30 (approximately EUR 43) per month shall be granted to a person caring for a child from the age of one to the age of two. The amount of the supplement paid to a person caring for twins or children from multiple births up to one year of age is LVL 50 (approximately EUR 71) per month, but a person caring for twins or children from multiple births from the age of one to the age of two receives LVL 30 (approximately EUR 43) per month.

472. Pursuant to the amendments made to the Law on Maternity and Sickness Insurance on 15 December 2011, maternity benefit and paternity benefit shall be paid at 80% of the average social insurance payment remuneration of the benefit receiver. In addition to this, from 3 November 2010 to 31 December 2012, maternity benefit and paternity benefit were paid as follows: if the benefit granted is up to LVL 11.51 (approximately EUR 16.36) per one calendar day, the benefit is paid within the granted amount; if the benefit granted exceeds LVL 11.51, an amount of LVL 11.51 is paid per one calendar day plus 50% of the amount of the granted benefit exceeding LVL 11.51 per one calendar day. A similar calculation applies to the parental benefit paid to a person on childcare leave, a person on leave without maintaining remuneration for work due to caring for a child, or a person not gaining income as a self-employed person due to caring for a child, for caring for a child born after 2 November 2010.

473. Pursuant to the amendments made to the Law on Maternity and Sickness Insurance on 16 June 2009 and the simultaneously adopted Law on Payment of State Allowances during the Time Period from 2009 to 2012, a person on childcare leave and also working received parental benefit amounting to 50% of the amount of the granted benefit for children born before 3 May 2010 until a child attained the age of one. For children born starting from 3 May 2010 working parents do not receive parental benefit.

474. Pursuant to CM Regulation No. 928 of 2004 *Regulations Regarding State Support to Children Suffering from Celiac Disease Without a Determined Disability*⁸², children having celiac disease have the right to receive State support amounting to LVL 75 (approximately EUR 106).

475. An orphan and a child without parental care who is in out-of-family care, as well as an orphan and a child without parental care after reaching the legal age are provided with certain social guarantees.⁸³ After the termination of the provision of out-of-family care services a child who has reached the legal age is given clothes and shoes that have been at his or her disposal, as well as paid monetary resources for the commencement of independent life (currently LVL 90 (approximately EUR 128)). The relevant municipality provides this child with assistance in solving apartment matters, and until the allocation of

⁸² CM Regulation No. 928 of 16 November 2004 *Regulations Regarding State Support to Children Suffering from Celiac Disease Without a Determined Disability*, Official Journal *Latvijas Vēstnesis*, 186 (3134), 24 November 2004.

⁸³ CM Regulation No. 857 of 15 November 2005 *Regulations Regarding Social Guarantees for an Orphan and Child Left without Parental Care who is in Out-of-Family Care, as well as After the Termination of Out-of-Family Care*, Official Journal *Latvijas Vēstnesis*, 184 (3342), 17 November 2005.

living quarters also covers the monthly expenses related to the rental of residential space, as well as grants an extraordinary allowance to obtain household objects and soft furnishings (not less than LVL 175 (approximately EUR 249)). If a child who has reached the legal age continues his or her studies in a general or vocational educational establishment, higher educational institution or college, the municipality shall pay him or her benefit for monthly expenses (not less than LVL 45 (approximately EUR 64)). A person preserves the right to the unused social guarantees until he or she attains the age of 24.

D. Standard of living (art. 27)

Upon the Committee's recommendations 48 and 49:

48. The Committee recognizes that children and their families are severely impacted by the economic and social transformation process that was initiated after Latvia regained independence. It is concerned that, in spite of remarkable growth rates, a large number of families live in economic hardship, near or below the level of subsistence, especially families headed by single parents, families with three or more children and families in remote areas. The Committee is also concerned by the regional disparities between rural and urban areas, and marked social inequalities within the population. The Committee welcomes the adoption of measures, including financial benefits and additional care facilities to assist families in extreme adversity and with children at risk. The Committee is, however, particularly concerned that assistance to families is not sufficient to prevent the circumstances related to evictions of families with children from their places of residence by court order, which often further deteriorates the living conditions of children and their families. The Committee also takes account of the numbers of job-seeking adolescents, and is concerned at the difficult transition from school to the labour market experienced, in particular, by children who drop out before graduation.

49. The Committee recommends that the State party ensure that:

(a) Its budgetary allocations to key areas for children, particularly support for disadvantaged families, health and education, keep pace with increases in economic growth;

(b) The financial support system provided to families living under difficult economic conditions is expanded, and that day-care centres and schools assist disadvantaged families with regard to childcare and education;

(c) Disadvantaged families are provided with adequate and affordable housing, and that adequate alternative housing arrangements are available in the event of their evictions; and that

(d) Adolescents are assisted in their efforts to find employment.

476. Latvian legal acts and State support protect vulnerable groups against the risk of losing their housing (for statistical data, refer to annex No. XVI).

Availability of housing

477. Providing assistance to residents in solving apartment matters is one of the autonomously performed functions of municipalities, pursuant to the Law on Assistance in Solving Apartment Matters of 22 December 2001. This Law stipulates that municipalities, first of all, rent the residential space to low-income persons who live with and in whose care there is at least one minor child.

478. Pursuant to the Law on Social Apartments and Social Residential Houses of 16 July 1997, municipalities shall rent social apartments at a rent which is at least three times lower than the rent for other municipal apartments, and municipalities may also partially cover fees for public utilities. Municipalities shall rent social apartments to low-income (poor) persons and persons who are orphans without residential space. Municipalities may determine preferential conditions for recognising a person (family) as entitled to rent a social apartment.

479. In order to ensure the fulfilment of municipal functions, namely the provision of assistance to residents in solving apartment matters, pursuant to the relevant CM Regulation⁸⁴, the State allocates earmarked subsidies to municipalities for the construction/reconstruction of social residential houses, renting houses or the purchase of separate apartment property.

480. Paragraph 1, article 36¹ of the Law on Residential Tenancy stipulates that municipalities shall provide assistance to a poor-income tenant who lives with and in whose care there is at least one minor child in the event of eviction due to the failure to pay the rent on residential space or a fee for general services, demolition of the residential house or capital repairs conducted on a house denationalised or returned to its lawful owner.

481. If the low-income tenant is evicted due to the failure to pay the rent on a residential space or a fee for general services and if the tenant lives with and in his or her care there is at least one minor child, the execution of the court order regarding eviction from the residential space is suspended until the municipality provides the tenant with another residential space fit for living. If the tenant is evicted as a result of the demolition of the residential house, a renter (owner) of the house has the duty to provide the tenant and his or her family members with another equivalent residential space. The duty to provide the tenant with another residential space also applies in the event of conducting repairs of a house denationalised or returned to its lawful owner or in the event of transforming the residential house into a non-residential house.

482. Paragraph 1, article 14 of the Law on Assistance in Solving Apartment Matters in turn stipulates that the municipality, first of all, provides residential space to low-income persons who live with and in whose care there is at least one minor in the event of these persons being evicted from the apartment which the municipality owns if the apartment property is burdened with debt as a result of payments for services (related to residential space use, building maintenance, exploitation, and repairs).

483. A municipality also has a duty to provide residential space to orphans and children without parental care and brought up in a child care and correctional institution, foster family or by a guardian after the child's stay has come to an end, if it is not possible for them to settle into the previously occupied residential space.

484. Pursuant to article 26¹ of the Law on Assistance in Solving Apartment Matters, a municipality has the right to grant an extraordinary allowance for vacating the residential space in order to purchase another residential space or to cover the rent for the other residential space entering into a long-term rent agreement.

485. In order to provide the possibility for families with children and tenants of houses denationalised or returned to lawful owners to purchase or construct housing for improving their housing situation, in accordance with the CM Regulation of 3 November 2009

⁸⁴ CM Regulation No. 237 of 5 April 2005 *Procedure for Allocating Earmarked Subsidies to Municipalities for Solving Apartment Matters*, Official Journal *Latvijas Vēstnesis*, 59 (3217), 14 April 2005.

regarding State assistance in purchasing and constructing residential space⁸⁵, the State joint stock company Mortgage and Land Bank of Latvia issues a guarantee, including to a person in whose care there is at least one minor child, to secure a loan.

486. In order to increase heat energy efficiency in multi-apartment residential houses, assistance is provided to apartment owners for renovation of multi-apartment residential houses. As a result of insulation of multi-apartment residential houses, residents of these houses, including families with children, have lower expenditure on thermal energy services, housing conditions improve, while the housing value increases. According to the evaluation provided by the Ministry of Economics, approximately 5,000 families with children will receive assistance within the framework of the planned measures for the insulation of 500 multi-apartment residential houses.

487. In order to support poor families day-care centres provide services in Latvia. Pursuant to the Law on Social Services and Social Assistance, during the day a day-care centre provides social care and social recovery services, development of social skills, education and possibilities of spending free time for persons with mental health problems, persons with special needs, children from poor families and dysfunctional families, as well as for persons who have reached the retirement age. In 2007, children from poor families received services from 28 day-care centres, but, in 2008, this number was 29. In 2011, services were provided by 96 day-care centres, out of which 8 worked with children with disabilities, 18 – with children from poor families and 29 were other day-care centres combining several functions.

Employment

488. In order to promote the integration of youth into the labour market, the State Employment Agency (hereinafter the “SEA”) provides individual and group consultations on education and profession selection, informative consultations, psychological consultations, seminars for job-seekers, career planning seminars for young people, consultations in preparing CVs and cover letters, as well as visiting consultations for residents of remote Latvian districts, both the unemployed and students in rural areas.

489. The Service Department of the SEA employs highly-qualified specialists – psychologists, consultants on profession selection, and medical practitioners offering free of charge consultations to young people on profession selection, career planning and job seeking, and providing information about educational establishments or content of professions. Starting from 2007, consultations have also been provided in electronic form.

490. The Latvian employment policy has identified young unemployed people as one of its main target groups of the active labour market policy. During the reporting period the SEA has actively involved young unemployed people in active employment activities (for statistical data about employment measures, refer to annex No. XVII).

491. In order to promote youth involvement in the development of skills and returning to the labour market, the SEA implements a number of measures for young unemployed people aged 15–24, namely the SEA offers different services to job seekers: short-term training programmes, career counselling, training programmes for acquiring a new profession or improving the existing one, employer-provided training, initial support for starting a new business, subsidised employment measures.

⁸⁵ CM Regulation of 3 November 2009 *On State Assistance in Purchasing or Constructing Residential Space*, Official Journal *Latvijas Vēstnesis*, 177 (4163), 6 November 2009.

492. In 2007 and 2008, active employment activities were organised for young people as a risk group of social exclusion, including career services provided by the SEA to young unemployed people in 2008 to consult them on profession selection and educate them about issues related to employment. In the summers of 2007 and 2008, students could engage in summer employment activities which are organised every year and funded from the State's budget and employer's resources. The SEA career consultants also come to educational establishments by invitation of schools providing consultations on issues of interest to young people.

493. In order to promote independent integration of young unemployed people into the labour market, during the reporting period activities promoting the employment of young people were improved and, in 2010, young unemployed people were encouraged to participate in new competitiveness activities, namely *Job for a Young Person*, *Support to Youth Volunteering*, *Workshops for Young People* (becoming acquainted with different professional areas) and *Training and Practical Work of SEA Assistant Inspectors*. Within the framework of the *Job for a Young Person* activity, a job is found for a young person for a period of 9 months and the relevant employer may receive a grant for employing the young unemployed person. Within the framework of the *Support to Youth Volunteering* activity, a young person is given a possibility of working in associations and foundations in the public interest for a period up to 6 months, receiving a monthly grant of LVL 60 (approximately EUR 85). *Workshops for Young People* allow young people to try three professional areas, working in each of these areas for three weeks in order to become acquainted with their specific nature and gain the first experience, receiving a grant of LVL 40 (approximately EUR 57) per month (for young person with a disability – LVL 60).

494. In 2008, a total of 8,886 young unemployed people (aged 15–24) have found jobs. In 2008, activities for specific groups of persons (including subsidised employment of the unemployed) involved 154 young persons, two young persons after imprisonment. In 2011, in turn 18,326 young people found permanent jobs, but, in the first half of 2012, this number was 8,228.

495. In June 2012, a total of 11,923 young unemployed people aged 15–24 were registered with the SEA which accounted for 10.1% of the total number of the registered unemployed (in 2009, this share was larger, namely 14.8%). In 2012, the average duration of unemployment among the registered young unemployed people was 4.7 months but among people with a higher education – 3.5 months.

496. On 29 July 2010, the *Concept for the Employment of Persons Deprived of Liberty* was approved with the aim of solving employment problems among convicted persons, establishing a modern, complex and systematic legal regulation, within the framework of which it is possible to organise such employment of convicted persons which promotes the successful integration of persons into society after serving the term. A solution to the problems of employment provides for determining the status of a convicted person during his or her employment, employment-related aspects, remuneration and support system for merchants employing convicted persons in imprisonment facilities.

497. In accordance with the CM Regulation of 2007 regarding the monitoring of convicted persons upon whom a suspended sentence has been imposed, persons released from serving the sentence on a condition before the end of the term, and persons released from criminal liability on a condition⁸⁶, the SPS provides support and consultations to

⁸⁶ CM Regulation No. 804 of 27 November 2007 *Procedure for Monitoring Convicted Persons upon whom a Suspended Sentence has been Imposed, Persons Released from Serving the Sentence on a Condition before the End of the Term, and Persons Released from Criminal Liability on a Condition*, Official Journal *Latvijas Vēstnesis*, 193 (3769), 30 November 2007.

probation clients on solving issues of a social nature, including employment, within the framework of this monitoring.

Comments of representatives of the non-governmental sector on issues referred to in Section VI

498. The Latvian Save the Children Association takes the view in its comments about the scope of health care provided to children that the State should pay special attention to such issues as infant and child mortality rates, the provision of health-care services to children at the right time and quality (like diagnostics, stomatology), solving specific disease problems (like attention deficit disorder, sudden infant death syndrome, depression, iodine and selenium deficiencies, natural feeding of infants).

499. The Union of Latvian Large Family Associations is concerned that the reduction of the State's budget deficit in 2009 has also resulted in a decrease in benefits intended for large families, as well as draws attention to the fact that, along with the expected support for young families in future periods, it is also necessary to ensure national-level support to large families. The Union also deems that the State should focus more on tax allowances, and increase the availability of housing and the standard of living. The Union draws attention in its comments to the problem of caring for children whose parents have left Latvia for reasons of employment abroad.

VII. Education and culture

A. Education, vocational education (art. 28)

Upon the Committee's recommendations 50 and 51:

50. The Committee welcomes the fact that education is one of the priorities of the National Development Plan 2007-2013 and notes with appreciation an increase in the enrolment rates of children in education. It is, however, concerned at reported rates of non-attendance from primary, secondary and vocational schools as a result of, inter alia, hidden costs, poverty, inadequate transportation, closure of schools in sparsely populated areas, voluntary truancy, the lack of parental interest in education, and bullying in school. The Committee also expresses concern regarding unsatisfactory conditions of State boarding schools for children with special needs or who are deprived of parental care.

51. The Committee recommends that the State party take immediate steps to allocate appropriate financial and human resources:

(a) To ensure that all children from all areas of the country, without distinction, including children in pre-trial custody and detention, have equal access to quality education, including human rights education;

(b) To strengthen measures aimed at decreasing drop-out and repetition rates in primary and secondary education in all regions, and to ensure that all children have equal opportunities to complete their education;

(c) To expand measures to prevent bullying among children at school;

(d) To take measures to inform parents of the importance of education, and where appropriate, to provide incentives to families to encourage children to attend school, including financial assistance for educational supplies and the provision of school lunches; and

(e) *To improve the standard of living, the disciplinary treatment, and the quality of education for children attending residential boarding schools and schools in rural and remote areas, and to reduce disparities in allocated resources and facilities.*

National legal acts

500. Article 56 of the Education Law stipulates that an orphan and a child without parental care have the right to acquire education at any State or municipal educational establishment. This article also specifies that orphans and children without parental care who are minors and members of the same family shall be educated at the same general educational establishment and shall not be separated, except in cases when one of them is placed in a special educational establishment, class or a social correction educational establishment or class.

501. Amendments made to the Education Law came into force on 26 March 2010 stipulating that a minor third-country national or stateless person who has no legal basis to reside in the Republic of Latvia, has the right to acquire a basic education during the time period specified for voluntary exit or during the time period for which the expulsion is suspended, as well as during his or her detention.

502. Amendments made to the CM Regulation regarding social guarantees for orphans and children without parental care⁸⁷ in 2007 stipulate that starting from 20 October 2007 the relevant municipality shall on a monthly basis pay financial resources for personal expenses to a child who has been placed in a boarding school and to whom a guardian has not been appointed. The amount of resources paid is not less than 15% of the amount of the State social security benefit.⁸⁸ If the parents or one of the parents of a child without parental care die during the out-of-family care, the matters regarding the granting of the survivor's pension or social security benefit shall be settled. The relevant municipality, after the termination of the out-of-family care of the child who has reached the legal age in a foster family, at a guardian or in a boarding school shall pay monetary resources for the commencement of independent life to the child, the amount of which is not less than twice the amount of the social security benefit. Amendments made to this Regulation in 2008 specify that if a child who has reached the legal age continues studying in a general or vocational educational institution and is a successful student, the municipality shall pay benefit for monthly expenses to such a child which is not less than the amount of the State social security benefit. This benefit is also paid if the child who has reached the legal age continues studying in a higher educational institution or college.

503. In 2010, the CM Regulation regarding the procedure for financing special educational establishments, special education classes (groups), and boarding schools⁸⁹ was adopted, specifying the aim of the national and municipal budget funding, the procedure for maintenance expenditures of educational establishments, as well as regulation of annual

⁸⁷ CM Regulation No. 857 of 15 November 2005 *Regulations Regarding Social Guarantees for an Orphan and Child Left without Parental Care who is in Out-of-Family Care, as well as After the Termination of Out-of-Family Care*, Official Journal *Latvijas Vēstnesis*, 184 (3342), 17 November 2005.

⁸⁸ Pursuant to Paragraph 2 of the CM Regulation No. 1605 of 22 December 2009 *Regulations Regarding the Amount of State Social Security Benefit and Death Benefit, Review Procedure Thereof and Procedure for Granting and Paying Benefits*, the amount of benefit is LVL 45 (approximately EUR 64) per month, and LVL 75 (approximately EUR 106) per month for persons with special needs since childhood.

⁸⁹ CM Regulation No. 825 of 31 August 2010 *Procedure for Financing Special Educational Establishments, Special Education Classes (Groups) in General Educational Establishments, and Boarding Schools*, Official Journal *Latvijas Vēstnesis*, 142 (4334), 8 September 2010.

maintenance expenditures per each student of a boarding school who receives boarding school services. In 2010, the CM Regulation regarding the procedure for the enrolment of students in and discharge from boarding schools and special educational establishments⁹⁰ was adopted specifying the number of students with the respective health problems per one group.

504. The CM Regulation regarding the procedure for an educational establishment to inform parents or public institutions of a student not attending an educational establishment⁹¹ was adopted on 1 February 2011; the said regulation stipulates that if a student does not appear in an educational establishment at the beginning of the academic year or does not attend some following lesson and the educational establishment has no information about the reasons for his or her absence, the educational establishment shall contact the child's parents. If the student has not attended school for a certain period of time, the educational establishment shall inform an education board institution of the municipality.

505. In order to provide support to people in economic crisis situations, in 2009 the CM approved the *Social Security Network Strategy*⁹², within the framework of which, starting from 1 October 2009, the implementation of emergency security measures began in the welfare, education, health care and transport sectors. From 2009 to 2011, the State implemented a measure *Ensuring Student Transport for Carrying Students to Schools from Populated Areas where Schools Have Been Closed as a Result of Education Reform*, i.e. reimbursed expenditures of student transport and the co-funded purchase of buses for student transport. The Social Security Network Strategy was implemented from 1 October 2009 to the end of 2011.

506. On 23 April 2008, the Ombudsman on his own initiative instituted control proceedings in order to examine the issue of whether the purchase of school books using the resources of students' families contradicts the rights of a person to education incorporated into article 112 of the Constitution. An opinion was prepared within the framework of the control proceedings according to which the Ombudsman ascertained that situations when parents have to purchase schools books using personal resources violate children's right to free of charge education, and the State has a duty to provide students with educational supplies, including school literature. In May 2012, the Ombudsman delivered a report to the Education, Culture and Science Committee of the Saeima about the implementation of the right to acquire a primary and general secondary education free of charge in educational establishments formed by municipalities, concluding that the right to acquire education free of charge is not implemented fully, as parents themselves have to purchase educational supplies. The report was also submitted to the Prime Minister and Minister of Education and Science, at the same time inviting to solve the issues identified in the report with regard to the implementation of the right to acquire education free of charge.

507. In January 2009, the SIPCR, with support from municipal specialists in the protection of children's rights, sent survey forms to comprehensive schools on the current

⁹⁰ CM Regulation No. 820 of 31 August 2010 *Procedure for the Enrolment of a Student in a Boarding School, Special Educational Establishment, Special Preschool Education Group, as well as for Discharge from a Special Educational Establishment and Special Preschool Education Group*, Official Journal *Latvijas Vēstnesis*, 3 September 2010.

⁹¹ CM Regulation No. 89 of 1 February 2011 *Procedure for an Educational Establishment to Inform the Parents of Students, or Municipal or Public Institutions if the Student Does Not Attend the Educational Establishment Without Valid Reason*, Official Journal *Latvijas Vēstnesis*, 19 (4417), 3 February 2011.

⁹² Extract from the CM meeting minutes No. 5 of 8 September 2009 *On the Social Security Network Strategy*, 200 (4186), 21 December 2009.

situation and problems with the aim of assessing the risks which could deteriorate the condition of children in light of the socioeconomic situation in the State. Answers were received from 18 district educational establishments and 4 city educational establishments in total; schools involved in the survey provide education to a total of 106,695 students. Survey data show that 11,465 students do not eat hot lunches at school. Several reasons have been indicated like the deterioration of the financial situation in the State which in turn affects the family budget. At the same time it has been pointed out that debts incurred by parents with regard to catering at school increase, as well the prices of school lunches, and the School Milk programme has been suspended. Survey data suggest that municipalities do not provide free lunches to 940 children, including cases when schools have addressed the respective municipalities with the request to provide free lunches to these children. The most common reasons indicated are, for instance, the deterioration of the financial situation in municipalities and the unwillingness of parents to ask the municipal social service for assistance. The SIPCR has informed ministers of the competent sectors, Government, and the Saeima of the survey results. In general, to deal with these problems the SIPCR engages in solving the situation if necessary, for instance, requiring necessary information from the public or municipal institutions and involving other public and municipal institutions in solving this situation.

508. For statistical data about education, refer to annex No. XVIII.

Minor prisoners' education

509. The education process in imprisonment facilities complies with the existing laws of the Republic of Latvia governing the education process.

510. Article 50⁷ of the Latvian Code on Enforcement of Sentences governs the organisation of the acquisition of a general education for minor prisoners, pursuant to which the education process in correctional institutions for minors is approximated to the requirements for general educational establishments and regulated by an instruction approved by the Minister of Justice which has been harmonised with the Minister of Education and Science. Article 24 of the Law on the Detention Procedure stipulates that the administration of an investigation prison ensures as far as possible that detainees on remand may acquire a general, vocational, and interest-related education.

511. Minor prisoners in imprisonment facilities are provided with education services on the basis of licensed and certified general education programmes. Moreover, minor prisoners spend approximately 1.5 hours a week participating in some resocialisation programme, 17.5 hours a week are devoted to free time activities and leisure, and minors spend 21 hours a week playing sports and taking part in activities of a correctional nature (like individual discussions) (for statistical data about the collaboration of imprisonment facilities with educational establishments, refer to annex No. XX).

512. *Guidelines for the Imprisoned Education Policy 2006-2010*⁹³ were approved on 15 June 2006. Guidelines have been developed in order to achieve the integration of the imprisoned education into the national education system, ensure the rights of prisoners to education and promote the inclusion of prisoners into society after serving the term. The relevant programme for the implementation of these guidelines was approved in 2009.

513. During the implementation of the programme regarding the *Guidelines for the Imprisoned Education Policy 2006-2012* from 2009 to 30 June 2012, the educational infrastructure of Cēsis Evening (Shift) Secondary School No. 2 was renovated within the

⁹³ CM Order No. 443 of 15 June 2006 *On Guidelines for the Imprisoned Education Policy 2006-2010*, Official Journal *Latvijas Vēstnesis*, 94 (3462), 16 June 2006.

framework of the EU project for educational infrastructure and educational equipment in imprisonment facilities.

514. From 2007 to the first half of 2012, minors were provided with a possibility to acquire education in all imprisonment facilities. Minor prisoners are educated in municipal institutions at the expense of the respective municipalities, as well as in Cēsis Evening (Shift) Secondary School No. 2 which is a unit of the Cēsis CIJ. In general, six general education programmes (out of which four are primary education and two are secondary education programmes) and four vocational education programmes are provided to minor prisoners (for statistical data, refer to annex No. XVIII).

515. According to data as at June 2012, in order to continue the education process of minor prisoners, a cooperation agreement was concluded with Rīga Evening (Shift) Secondary School No. 14 on the implementation of a general education programme for women prisoners in Iļģuciems Prison, including minor girls. In addition, two cooperation agreements with vocational educational establishments (Rīga Style and Fashion Vocational Secondary School and Jelgava Technical College) were concluded on the implementation of vocational education programmes in Iļģuciems Prison.

516. From 2010 to the first half of 2012, minor prisoners were involved in the following interest-related education programmes:

- Social Sciences and Visual Art programmes and Latvian language courses in Liepāja Prison organised by the Liepāja Education Board;
- English language courses, an art therapy programme, dance classes for addiction prevention and floristics classes organised in Iļģuciems Prison by the Iļģuciems Women Association;
- Three Chords guitar club run by a social worker in Daugavgrīva Prison;
- Vocational skill programmes (Mechanical Metalworking, Construction Basics, an Applied Arts Programme, Woodwork) implemented by the Vocational Training Centre, Cēsis CIJ.

In 2010, a total of 111 minor prisoners participated in nine interest-related programmes, in 2011 – 103 minor prisoners, but in the first half of 2012 – 67 minor prisoners.

Education for children with special needs

517. In April 2007, the National Centre for Special Education was established in order to develop a support system for students with special needs and ensure advisory and methodological work. Since 1 July 2009 these functions have been performed by the National Centre for Education (for statistical data about educating students with special needs and educational establishments for children with special needs, refer to annex No. XVII).

518. Amendments made to the General Education Law on 8 November 2007 stipulate that achievements which a student with special needs has attained during his or her studies shall be evaluated in conformity with the requirements of a special education programme and taking into account the state of the health, skills and development of the student. The acquisition of a special education programme shall be evaluated in the form of a description for students with medium serious and serious mental developmental disorders.

519. In 2008, methodological recommendations were made to teachers concerning the development of an individual education plan for a student with special needs and other methodological recommendations were offered for ensuring a school support team. In 2009, a total of nine new special education programmes were developed.

520. In 2011, the SIPCR conducted three but in 2012, four in-depth examinations in State social care centres with the aim of assessing the implementation of the rights of the children with special needs, including their rights to an education. In 2012, the SIPCR conducted three repeated inspections in State social care centres in order to ascertain whether its previous recommendations have been followed. After conducting examinations and repeated inspections it was concluded that all children with physical and mental developmental disorders are provided with education according to their capabilities. In the first half of 2012 the SIPCR informed municipal social service offices of 42 children not registered with any educational establishment, asking to immediately solve the issue of the acquisition of mandatory education for ailing children. As a result of this activity, it has been achieved that most of the 42 children acquire education according to their capabilities.

B. Aims of education (art. 29)

521. The NDP has set a strategic aim, namely education and knowledge for the growth of the national economy and technological excellence identifying an educated and creative individual as one of its priorities. The State should ensure a quality preschool, primary and secondary education, competitive higher education, preparing the labour force in line with the labour market requirements, and lifelong learning opportunities for the development of the creative potential and life quality of an individual.

522. According to the above-mentioned information, as well as taking into account the guidelines for the development of society and education laid down in European and Latvian policy planning documents, *Guidelines for Education Development 2007-2013*⁹⁴ were developed defining the aims of development of the education system for the next seven years and the objectives for their implementation, as well as work results, policy results and indicators for achieving them. Guidelines provide for improving the general knowledge of a student, and increasing the quality of value education and acquisition of life skills; providing education which complies with the requirements of the development of the national economy; extending education possibilities for different groups of people and ensuring the strengthening of education quality and management capacity.

523. Taking into account an increase in the significance of lifelong learning and the Latvian situation, the *Guidelines for Lifelong Learning Policy 2007-2013*⁹⁵ were developed whereas a programme for the implementation of these guidelines was approved in 2008. The long-term aim of the *Guidelines for Lifelong Learning Policy 2007-2013* is to ensure lifelong learning according to the interests and capabilities of people, as well as in line with the requirements for the socioeconomic development of regions.

C. After-school activities, cultural life, right to engage in play and right to leisure (art. 31)

524. Children and young people are provided with possibilities of spending free time in a qualitative manner, improving the knowledge acquired within the framework of a formal education and obtaining new social or life skills through participation in interest-related education programmes in cultural education, environmental education, research activities and technical creative activities. Every academic year approximately 200,000 children and

⁹⁴ CM Order No. 742 of 27 September 2006 *On Guidelines for Education Development 2007-2013*, Official Journal *Latvijas Vēstnesis*, 156 (3524), 29 September 2006.

⁹⁵ CM Order No. 111 of 23 February 2007 *On Guidelines for Lifelong Learning Policy 2007-2013*, Official Journal *Latvijas Vēstnesis*, 34 (3610), 27 February 2007.

young people (many of them engage in several programmes) participate in interest-related education programmes. Interest-related education programmes are implemented after school in general and vocational educational establishments, as well as in educational establishments with a professional orientation.

525. In order to reduce the threats of social exclusion and deviant behaviour in children and young people, interest-related educational establishments of municipalities have social / free time / play rooms visited by children and young people without becoming involved in any of programmes. The implementation of interest-related education programmes is ensured with State support, namely an earmarked subsidy to municipalities for partial remuneration and State social insurance mandatory payments of teachers involved in interest-related education programmes, and municipal funding for the maintenance of the material and technical resources of programmes and remuneration of teachers.

526. The involvement of children and young people in interest-related education programmes and activities is not restricted by any criteria. Important focus is given to children and young people with special needs both organising separate projects for these groups and ensuring their involvement in general projects together with other children and young people.

527. There are 48 interest-related educational establishments in Latvia (like children and youth centres, creative activity centres, studios).

528. The MES regularly organises more than 50 events of national importance in order to ensure the intellectual, aesthetic and patriotic education of children and young people. The 10th Latvian School Youth Song and Dance Festival took place in 2010, involving approximately 100,000 children and young people who were preparing for this event, but 30,975 participants from 1,305 groups, including 302 children with special needs from 14 groups, participated in the Festival itself in Rīga.

529. In 2007, the Children and Youth Health and Education Centre was established in Cēsis as a pilot project within the framework of youth policy, identifying the three following objectives: (1) education; (2) individual consultations provided by a youth consultant, psychologist, medical practitioner, specialist in preparing reports and project papers also through anonymous e-mail; (3) informatively entertaining area. Cēsis Children and Youth Education and Health Centre is a support institution of the Cēsis City Municipal Education Division established in collaboration among Cēsis City Council, Cēsis District Council, and the Ministry of Children and Family Affairs. Within the framework of the National Youth Policy 2005-2009, a total of 17 municipal projects were supported regarding environmental adjustments to providing physical activity at sports grounds and in places for outdoor activities which significantly contributes to the development of possibilities for young people to spend their free time in a qualitative manner.

530. In 2007, the MCFIA, in collaboration with the Latvian Youth Council, organised Youth Culture Day within the framework of International Youth Day and the campaign *All Different – All Equal*. The event gathered approximately 2,000 young people from the entire of Latvia, including 600 young people with disabilities.

531. The SEA has organised active employment activities during the summer holidays for persons aged above 13 who acquire education in general, special or vocational educational establishments, as well as for persons with special needs if their place of employment requires special adjustments (for more information, refer to Section VI (D) of the Report, Employment, and annex No. XVII).

Cultural education

532. The aim of the cultural education and creative industries education is to offer cultural education in order to strengthen national identity and develop the creative economy. It ensures and supports the promotion of excellence in Latvian and international cultural space, and raises awareness of national cultural values and identity. It also supports talent and skill cultivation and inclusion into the labour market in line with the national development requirements.

533. From 2010 to 2012, Latvia had 149 music and art schools with a professional orientation and 17 secondary vocational cultural educational establishments: nine music secondary schools; six art secondary schools and one choreography secondary school. Cultural education is also provided by three higher educational establishments – Jāzeps Vītols Latvian Academy of Music, Art Academy of Latvia, Latvian Academy of Culture and its unit Latvian Culture College (for statistical data about cultural education, refer to annex No. XVIII).

534. When imposing entrance fees, national and municipal museums follow the principle of ensuring the availability of culture which has been identified in the *Guidelines for National Cultural Policy 2006-2015 "National State"*.⁹⁶ Children and youth audiences are offered special programmes of professional arts (theatre, concerts, concert lectures, opera, ballet, museum pedagogical education programmes) both in Rīga City and the regions. Fees for national and municipal museum entrance for students have been imposed within the range LVL 0.10 to 1.00 (approximately EUR 0.014 to 1.42) (in exceptional cases discounts are offered to families and large families). Students may currently visit exhibitions in 13 municipal museums and two national museums free of charge.

535. Continuing the implementation of the concept *On the Possibilities of Reducing National and Municipal Museum Entrance Fees for Preschool Age Children and Students*⁹⁷ approved by the CM in 2008, preschool age children may visit all national museums and most of the municipal museums free of charge. Some municipal museums ensure free of charge museum visits for students from all schools, boarding schools, orphanages, and special educational establishments located in the area of the relevant municipality.

536. From 2009 to 2011, the number of museum-pedagogy programmes and classes offered by national and municipal museums of Latvia has increased: in 2009, museums offered their visitors 4,011 museum-pedagogy programme classes, but, in 2011, this number was already 5,975. A large part of these programmes is targeted to children and young people.

537. In order to increase the awareness of sustainable development, environmental education and environmental protection among children and young people, in 2007, Latvia started implementing the Eco-Schools programme involving 53 educational establishments with 12,000 students. The programme is implemented in Latvia with financial support from the Latvian Environmental Protection Fund Administration amounting to LVL 6,000 (approximately EUR 8,357). Within the framework of the programme, in 2007 and 2008, camps were organised for children with special needs and high-risk children, as well as

⁹⁶ CM Order No. 264 of 18 April 2006 *On Long-Term Policy Guidelines: Guidelines for National Cultural Policy 2006-2015. National State*, Official Journal *Latvijas Vēstnesis*, 63 (3431), 20 April 2006.

⁹⁷ CM Order No. 493 of 19 August 2008 *On the Concept: On the Possibilities of Reducing National and Municipal Museum Entrance Fees for Preschool Age Children and Students*, Official Journal *Latvijas Vēstnesis*, 129 (3913), 21 August 2008.

informal environmental education activities were carried out in the form of seminars, working groups, camps for children, and interactive classes.

Comments of representatives of the non-governmental sector on issues referred to in Section VII

538. The Save the Children Association takes the view in its comments about the possibilities for children to spend their free time that the State should pay attention to ensuring the availability of sports activities necessary for the physical development of children, availability of information about entertainment possibilities, as well as the children's rights to being informed and educated.

539. The Union of Latvian Large Family Associations indicates in its comments that the State should pay more attention to organising after-school activities, cultural events, and free time activities for children, in particular, ensuring the greater availability of such activities to children from low-income families, as well as directs attention to statistical data which suggest that the number of families with children is declining in Latvia.

VIII. Special protection measures

A. Children in emergency situations

(i) Refugee children

Upon the Committee's recommendations 52 and 53:

52. The Committee welcomes the entry into force of the new law on asylum, yet is concerned that asylum-seekers and their children may be held at the border at inadequate detention facilities without access to medical care, and deported without access to legal counsel. The Committee is concerned that children born to parents who are asylum-seekers cannot be issued formal birth certificates. It is also concerned that the definition of "family" found in article 29 of the Asylum Law limits opportunities for family reunification, particularly in the case of separated or unaccompanied children whose parents are deceased or whose whereabouts are unknown.

53. The Committee recommends that the State party:

(a) Undertake measures to ensure the availability of adequate facilities for refugee children in Latvia, including access to legal counsel and medical care, as well as the availability of education, irrespective of the status of the refugee child;

(b) Ensure that asylum-seeking children, including separated children, are only detained when it is necessary to protect their best interests and for the shortest time possible, and takes into account article 37 of the Convention and general comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin;

(c) Ensure that the births of children born to asylum-seekers are immediately registered in accordance with article 7 of the Convention;

(d) Take steps to broaden the definition of "family" in the Asylum Law to promote family reunification; and

(e) Create training programmes related to the principles and provisions of the Convention for border guards, police and judiciary.

540. The main purpose of the Asylum Law of 15 June 2009 (for more information, refer to paragraph 20 of the Report) is to ensure the rights of persons to receive asylum in Latvia, acquire refugee or alternative status, as well as receive temporary protection. The new Law, in addition to a number of procedural improvements and the transposition of the mandatory provisions of EU directives, introduces a more detailed legal regulation in line with the mandatory international standards. From 2009 to 2010, other significant legal changes have been made regulating, inter alia, the rights of minor asylum seekers⁹⁸ (for statistical data about asylum seekers, refer to annex No. XIX).

541. Article 3 of the Law on State Ensured Legal Aid stipulates that among persons who have the right to legal aid are foreigners (including refugees and persons who have been granted alternative status in the Republic of Latvia) who are not citizens of an EU member state, if they legally reside in the Republic of Latvia and have received a permanent residence permit, as well as asylum seekers. Pursuant to article 10 of the Asylum Law, if an asylum seeker does not have sufficient funds, he or she has the right to legal aid ensured by the State in the amount and under the procedures specified in the Law on State Ensured Legal Aid.

542. Asylum seekers are not deported until the final decision is taken. Pursuant to article 5 of the Law on State Ensured Legal Aid, the State shall ensure legal aid for an asylum seeker in the appeals procedures during the process of granting asylum. An institution which is responsible for the examination of an application for asylum shall ensure the evaluation of the need for legal aid and the communication of the applicant for legal aid with the provider of legal aid. The expenses related to the ensuring of legal aid are covered from the State's budget resources provided for such a purpose.

543. In contrast to the previous legal wording, the legal grounds for apprehension of an asylum seeker have been changed in the new Asylum Law, namely, the new law no longer provides for apprehending a person if "there are grounds to deem that an asylum seeker, pursuant to this Law, will not have legal grounds for staying in the Republic of Latvia". In practice, asylum seekers are mostly apprehended in cases when the identity of a person has not been determined or when an asylum seeker tries to abuse the asylum procedure.

544. A foreigner, including an asylum seeker, may only be apprehended, if he or she has reached the age of 14. The apprehended foreigner is accommodated together with a parent or a legal representative in order to enforce a general deportation procedure. The State Border Guard immediately informs the Ministry of Foreign Affairs, the State Police and an orphan's court of the detention of a minor foreigner aged 14–18 who is not accompanied by his or her parents or legal representative, and accommodates this person in a unit of the State Police or in a child care institution. The deportation procedure is enforced by the State Border Guard in collaboration with the Ministry of Foreign Affairs ensuring that a minor is delivered to his or her family or a care institution in the relevant state. The orphan's court is also involved in the procedure to ensure addressing the best interests of children. A similar accommodation and further deportation procedure has also been established with regard to a minor person who is not apprehended. The new Asylum Law stipulates that an asylum seeker may be apprehended for a period of up to seven days and nights, instead of the previous ten.

545. Pursuant to paragraph 5, article 6, of the Asylum Law, if a minor is not accompanied by his or her parents and is willing to submit an application for acquiring refugee or alternative status himself or herself, during the asylum procedure the personal and property

⁹⁸ For instance, CM Regulation No. 74 of 26 January 2010 *Procedure for Family Reunification of a Person Who Has Acquired the Alternative Status of a Refugee or Temporary Protection in the Republic of Latvia*, Official Journal *Latvijas Vēstnesis*, 16 (4208), 29 January 2010.

relations of this minor is represented by the orphan's court, its appointed guardian, or the head of a child care institution. Interviews with a minor are conducted by an official who has the necessary knowledge regarding the special needs of minors.

546. Article 8 of the Asylum Law stipulates that an unaccompanied minor shall be accommodated at an accommodation centre for asylum seekers, with a guardian appointed by the orphan's court or at a child care institution. A decision regarding the accommodation of an unaccompanied minor at an accommodation centre for asylum seekers, with a guardian or in a child care institution, shall be taken by the orphan's court, upon clarifying the opinion of the OCMA, taking into account the interests and opinion of the minor in accordance with his or her age and maturity and observing the following conditions:

- An unaccompanied minor shall be accommodated together with adult relatives;
- Children from one family shall not be separated, except in cases where it is done in the best interests of the children; and
- The place of accommodation of an unaccompanied minor shall only be changed if it conforms with the interests of this person.

547. In the new Asylum Law the examination of the application for acquiring refugee or alternative status under the accelerated procedure has been prolonged from five to ten working days, while the appeal of a decision has been prolonged from two to five working days. Thus asylum seekers have a longer period of time for preparing for efficient advocacy in the appeals procedure within the framework of the accelerated procedure.

548. Pursuant to article 8 of the Asylum Law, during the asylum procedure asylum seekers are provided with necessary living conditions at an accommodation centre for asylum seekers, as well as monetary resources for the purchase of food, hygienic and basic necessities. At the same time article 37 of this Law stipulates that refugees and persons who have acquired alternative status receive an allowance which covers the subsistence costs, as well as an allowance for refugees to acquire the national language when commencing life in Latvia.

549. In order to ensure the living conditions of an apprehended asylum seekers in line with the international standards, from 1 July 2010 to 30 June 2011 the State Border Guard equipped State Border Guard facilities in Daugavpils and Liepāja where apprehended asylum seekers are held with household and office equipment, furniture, exercise and medical equipment within the framework of the project of the European Refugee Fund *Improving Living Conditions at Accommodation Facilities for Asylum Seekers of the State Border Guard*. The Daugavpils Accommodation Centre for Apprehended Foreigners has improved premises and ensures a medical practitioner on duty.

550. Every year during the reporting period the staff of the Ombudsman's Office has made a monitoring visit to the Olaine Accommodation Centre for Apprehended Foreigners, assessing the living conditions therein. Visits included an inspection of shared-use and living facilities which were recognised as improved. The availability of medical aid, food quality and living conditions were examined in the Centre. According to the Ombudsman's opinion, persons living in the Centre may freely meet with visitors (relatives and other persons), representatives of religious organisations and NGOs, as well as communicate on the telephone and in writing with other persons. No violations of ensuring living conditions in the Centre have been discovered during the visits made from 2008 to 2010.⁹⁹

⁹⁹ See, for instance, paragraph 52 of the Ombudsman's Report 2010 at http://www.tiesibsargs.lv/lat/publikacijas/gada_zinojumi/ (Last visited: 22 August 2011).

551. Asylum seekers who are not apprehended are accommodated in the OCMA's Mucenieki Accommodation Centre for Asylum Seekers which is a centre practicing a relaxed regime. In practice, the persons accommodated in the Centre often leave the Centre arbitrary to emigrate to other European countries. In order to inspect the living conditions for asylum seekers, from 2008 to 2010, staff of the Ombudsman's Office made five visits to the Mucenieki Accommodation Centre for Asylum Seekers. After the visits the Ombudsman has concluded that the shared-use and living facilities of the Accommodation Centre are improved. Facilities are clean and available to people with special needs; training rooms, leisure facilities and a children's playroom have been arranged, and sports equipment have been provided. No violations of ensuring living conditions in the Centre have been discovered and these conditions comply with the international standards.¹⁰⁰

552. The definition of "family" included in the new Asylum Law is broader than in the previous legal wording, namely, pursuant to article 1 of this Law, a "family member" is the spouse of an asylum seeker or such a person who has been granted alternative status or temporary protection, as well as the minor children of an asylum seeker, refugee, person who has been granted alternative status or temporary protection and of the spouse of the asylum seeker, who are not married and are dependants of both or one of the spouses or are adopted, if such a family has already existed in the country of origin. Therefore it should be emphasised that the proposals included in paragraphs (a), (b) and (d) of the Committee's recommendation 53 have been successfully implemented in Latvia (for information about the rights to family reunification of an asylum seeker, refer to Section V (D) of the Report).

553. Pursuant to articles 3 and 13 of the Law on Social Services and Social Assistance, refugee children are provided with the same social assistance and social recovery services as residents of Latvia. Children that have been granted alternative status are provided with social assistance and social care and recovery services.

554. Article 17 of the Medical Treatment Law stipulates that refugees are provided with medical treatment services paid from the State's basic budget and from the funds of the recipient of the services under the procedure established by the law.

555. As to providing asylum seekers with education, it should be noted that the CM Regulation of 2010 regarding the provision of minor asylum seekers with the possibilities of acquiring education¹⁰¹ establishes a procedure for a minor asylum seeker to acquire a general education. An asylum seeker with special needs is offered to engage in an education process in a special educational establishment. The asylum seeker is provided with a possibility of becoming engaged in the education process within three months from the day a submission for acquiring refugee or alternative status has been made. Education is provided for the period the minor asylum seeker has the right to receive asylum in the Republic of Latvia, to acquire refugee or alternative status.

556. General education is currently acquired in Rāmuļi Primary School of Cēsis District by three asylum seekers from Somalia who have been granted the status of a stateless person, an identity certificate and residence permit in Latvia. In 2008, agreements have been concluded with general educational establishments on providing education to four minor refugees. In 2008, a total of four children of asylum seekers from Georgia studied in general educational establishments and preschool educational establishments. During the academic year 2009/2010 a total of eight minors of asylum seekers from Georgia,

¹⁰⁰ See, for instance, the Ombudsman's Report 2010 at http://www.tiesibsargs.lv/lat/publikacijas/gada_zinojumi/ (Last visited: 22 August 2012).

¹⁰¹ CM Regulation No. 174 of 23 November 2010 *Procedure for Providing Minor Asylum Seekers with the Possibilities of Acquiring Education*, Official Journal *Latvijas Vēstnesis*, 33 (4225), 26 February 2010.

Uzbekistan, Afghanistan, Russia, and other states acquired education in Latvia. During the academic year 2010/2011 a total of nine minors of asylum seekers studied in general educational establishments. Students acquired education in vocational educational establishments within the framework of education programmes in the Latvian language and minority languages. The MES has provided the said asylum seekers with the study materials necessary for the acquisition of education, ensured remuneration of teachers, and visual and technical resources in compliance with the requirements laid down in the laws.

557. In 2008, the MES prepared a project under the name *Development of Adaptation Programmes and Materials for Children Aged from 6 to 12 Years of Nationals of Third Countries*. It is also planned to develop adaptation programmes for students, guidelines for teachers, and informative materials about education possibilities in Latvia.

558. According to decree No. 432 of 27 May 2008, the MES has established a working group for the development of an action plan regarding the provision of children of persons who have acquired the status of an asylum seeker and guest workers (nationals of third countries) with possibilities of acquiring a general education allocating LVL 3,728 (approximately EUR 5,304) in 2008 and LVL 4,320 (approximately EUR 6,147) in 2009 for this purpose.

559. In 2008, Latvian judges have participated in a number of training seminars both in Latvia and abroad. For instance, the Latvian Judicial Training Centre held a seminar *Legal Defence of Refugees and Asylum Seekers* involving 52 judges. Judges of national courts also participated in international seminars devoted to issues concerning refugees and immigration (in Estonia, Belgium).

560. Staff of the OCMA's Asylum Affairs Division and Legal and European Affairs Division regularly engages in the European Asylum Curriculum organised by the European Asylum Support Office which also includes training in the rights of refugee children.

561. The OCMA develops and maintains an information system for the registration of asylum seekers for the purpose of controlling migration processes (for more information, refer to paragraph 58 of the Report).

562. On 12 January 2011, a memorandum of understanding was signed between the State Border Guard and the UNHCR's Regional Office on the mutual collaboration and exchange of information about issues related to the implementation of the rights of asylum seekers. In the future parties undertake to ensure that the UNHCR monitors how the State Border Guard deals with persons who are in need of international protection, the entry of such persons into the Republic of Latvia, the implementation of their rights with regard to accessibility of the national asylum procedure, the accommodation conditions of asylum seekers, the voluntary return, as well as the deportation of persons found not to be in need of international protection.

563. From 2010 to the first half of 2012, within the framework of the project of the European Refugee Fund *Training of State Border Guard Staff*, officials of the State Border Guard participated in experience exchange seminars *Methods for Identifying and Interviewing Refugee Seekers* during which issues related to the protection of the interests of children were examined. Seminars resulted in the improved qualification of 30 officials of the State Border Guard working with asylum seekers.

564. Issues related to the protection of children's rights and the implementation of children's interests, have been incorporated into education programmes and qualification improvement programmes of the State Border Guard College. From 2010 to the first half of 2012, training was provided to 106 border guards within the framework of the first level vocational higher education programme; 248 border guards were trained within the framework of the vocational continuing education programme; 35 – within the framework

of the professional development programme for officials of the State Border Guard involved in immigration control; and 339 – within the framework of the qualification improvement programme.

(ii) Children in armed conflict areas

565. During the reporting period no changes have occurred in the information provided in the former report with regard to articles 38 and 39 of the Convention.

B. Children in conflict with the law (arts. 37 and 40)

Upon the Committee's recommendations 61 and 62:

61. The Committee welcomes the reduction in drug-related offences, yet remains concerned at the reported increase in alcohol-related offences. The Committee is also concerned that juveniles are often held in pre-trial detention for long periods without judicial oversight as well as about allegations of mistreatment in detention.

62. The Committee recommends that the State party ensures the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, in light of the recommendations adopted by the Committee on its day of general discussion on juvenile justice (CRC/C/46, Paras. 203-238) and other relevant international standards in this area, such as the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the UN Rules for the Protection of Juveniles Deprived of Their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System. The Committee also recommends that the State party undertakes more specific measures in order to:

(a) Ensure that juveniles in detention and pre-trial detention have access to legal aid and independent and effective complaints mechanisms, and have the opportunity to remain in regular contact with their families;

(b) Provide educational instruction for juveniles in detention and pre-trial detention, and significantly improve the living conditions in these facilities;

(c) Ensure that deprivation of liberty, including pre-trial detention, is used as a measure of last resort, and for the shortest time possible, as authorised by the court through the strengthening of procedures to facilitate expedited processing in accordance with internationally accepted guarantees for the right to a fair trial; and

(d) Develop and implement alternatives to deprivation of liberty, including probation, mediation, community service or suspended sentences, and measures to effectively prevent and address drug- and/or alcohol-related delinquency.

National legal acts

566. During the reporting period the existing legal acts have been amended and a new regulation has been adopted with regard to the procedure and regime for minors and adults (of both genders) serving the sentence of deprivation of liberty:

- The CM Regulation of 2006 regarding the internal order of imprisonment facilities¹⁰² introduces amendments to the enforcement of the sentence of deprivation

¹⁰² CM Regulation No. 423 of 30 May 2006 *Internal Regulations of Imprisonment Facilities*, Official Journal *Latvijas Vēstnesis*, 86 (3454), 2 June 2006.

of liberty, as well as takes into account the judgement adopted by the Constitution Court on 12 June 2002 on incompatibility of the prohibition of restrictions on sending and taking food parcels with the Constitution.¹⁰³ At the same time this Regulation has included recommendations made by the European Committee for the Prevention of Torture¹⁰⁴;

- The CM Regulation of 2006 regarding the provision of food and living necessities of imprisoned persons¹⁰⁵ stipulates the norms of nutrition, washing and personal hygienic necessities, clothing, footwear and bedding for detained on remand and convicted persons serving the sentence of deprivation of liberty;
- The CM Regulation of 2007 regarding the provision for a child of an detained on remand or convicted person at an imprisonment facility¹⁰⁶ specifies the norms of nutrition, hygienic necessities, clothing and equipment necessary for care for a child who is staying together with his or her mother detained on remand in an investigation prison or together with his or her convicted mother at an imprisonment facility;
- The CM Regulation of 2007 regarding the health care of detained on remand and convicted persons¹⁰⁷ stipulates a range of health-care services provided to the said persons and establishes a procedure for providing such services in an investigation prison or at an imprisonment facility;
- The CM Regulation of 2007 regarding the conclusion of a contractor agreement with an detainee on remand stipulates¹⁰⁸ the content of the contractor agreement and a procedure for its conclusion if the said person is employed in an investigation prison or a section of an investigation prison established at an imprisonment facility;
- The CM Regulation of 2007 regarding the internal order of an investigation prison¹⁰⁹ stipulates the internal order of an investigation prison, health examinations and the procedure of sanitary inspection, as well as a procedure for allowing an detainee on remand to participate in educational activities;
- The CM Regulation of 2008 regarding the organisation of the employment of convicted persons¹¹⁰ establishes a procedure for involving merchants in the

¹⁰³ Text of the judgement is available at: <http://www.satv.tiesa.gov.lv/upload/2001-15-03.rtf> (Last visited: 22 January 2012).

¹⁰⁴ Information about reports of the European Committee for the Prevention of Torture regarding the Latvian situation is available at: <http://www.cpt.coe.int/en/> (Last visited: 22 January 2013).

¹⁰⁵ CM Regulation No. 1022 of 19 December 2006 *Regulations Regarding the Standards of the Provision of Food and Living Necessities of Imprisoned Persons*, Official Journal *Latvijas Vēstnesis*, 204 (3572), 22 December 2006.

¹⁰⁶ CM Regulation No. 115 of 13 February 2007 *Regulations Regarding the Provision for a Child of a Detained on Remand or Convicted Female at an Imprisonment Facility*, Official Journal *Latvijas Vēstnesis*, 28 (3604), 16 February 2007.

¹⁰⁷ CM Regulation No. 199 of 20 March 2007 *Regulations Regarding the Health Care of Detained on Remand and Convicted Persons in Investigation Prisons and Imprisonment Facilities*, Official Journal *Latvijas Vēstnesis*, 51 (3627), 27 March 2007.

¹⁰⁸ CM Regulation No. 387 of 12 June 2007 *Regulations Regarding the Content and Conclusion Procedure of a Contractor Agreement in the Event of Employing an Person Detained on Remand*, Official Journal *Latvijas Vēstnesis*, 96 (3672), 16 June 2007.

¹⁰⁹ CM Regulation No. 800 of 27 November 2007 *Internal Regulations of an Investigation Prison*, Official Journal *Latvijas Vēstnesis*, 193 (3769), 1 December 2007.

¹¹⁰ CM Regulation No. 292 of 21 April 2008 *Procedure for Involving Merchants in the Organisation of the Employment of Persons Deprived of Liberty and the Procedure for Concluding Agreements in Order to Organise the Employment of Convicted Persons*, Official Journal *Latvijas Vēstnesis*,

organisation of the employment of persons deprived of liberty and a procedure for concluding agreements in order to organise the employment of convicted persons.

567. The Criminal Law provides for the specific features attributed to the criminal liability of minors and special provisions for imposing punishment. Amendments made to the Criminal Law on 16 June 2009 reduced the maximum periods of the sentence of deprivation of liberty imposed on minors as specified in paragraph 2, article 65 thereof. Pursuant to these amendments, for criminal violations or for less serious crimes the punishment of deprivation of liberty may not be applied to minors, for especially serious crimes the period of deprivation of liberty may not exceed ten years, for serious crimes associated with violence or the threat of violence, or that have given rise to serious consequences – five years, but for other serious crimes – two years (for statistical data, refer to annex No. XX).

568. Article 65 of the Criminal Law has also been supplemented with paragraph 21 stipulating that if a person has committed a criminal offence before reaching the age of 18, regarding which the minimum limit of the applicable punishment of deprivation of liberty has been provided for in the sanction of the relevant article, a court may also impose a punishment which is lower than this minimum limit in cases when a court has recognised that a criminal offence has been committed under aggravating circumstances.

569. Article 273 of the Criminal Procedure Law also provides for special provisions regarding legal grounds for the detention on remand of minors, stipulating that it may not be applied if the minor is held suspect or accused of committing a crime through negligence or of committing a criminal violation, except in the case when the minor has performed actions under the influence of intoxicating substances as a result of which the death of another person has occurred; in criminal proceedings detention on remand may only be applied to minors for committing an intentional less serious crime if the minor has violated the provision of another security measure or a security measure of a correctional nature – placement in a social correctional educational establishment – or committed a crime as a suspect or an accused in the committing of an especially serious crime.

570. Paragraph 1, article 278, of the Criminal Procedure Law stipulates in turn that the term of detention on remand for minors may not exceed half of the maximum term possible for persons of legal age. The term of detention on remand for a person of legal age committing a criminal violation may not exceed three months, of which the person may be permitted to be held in detention on remand during pre-trial proceedings for not longer than two months; for a person committing a less serious crime – nine months, of which the person may be permitted to be held in detention on remand during pre-trial proceedings for not longer than four months; for a person committing a serious crime – 12 months, of which the person may be permitted to be held in detention on remand during pre-trial proceedings for not longer than six months; and for a person committing an especially serious crime – 24 months, of which the person may be permitted to be held in detention on remand during pre-trial proceedings for not longer than 15 months.

571. Paragraph 2, article 278 of the Criminal Procedure Law also stipulates that the term of detention on remand for a minor who is held on suspicion of, or accused of the committing of a serious crime may not be extended. The term of detention on remand for a minor who is held on suspicion of, or accused of the committing of an especially serious crime may only be extended by a higher-level court judge by three months, if the relevant crime has resulted in a death, or such crime was committed using firearms or explosives.

63 (3847), 23 April 2008.

572. Article 285 of the Criminal Procedure Law provides for the placement of a minor in a social correctional educational establishment which is the deprivation of liberty of a person that may be applied with a decision of an investigating judge, or a court decision, before the entering into force of a final judgment in specific criminal proceedings, if the detention on remand of a minor suspect or an accused minor is not necessary, yet there is no sufficient certainty that the minor will fulfil his or her procedural duties and will not commit new criminal offences while at liberty.

573. The Law on the Application of Compulsory Measures of a Correctional Nature to Children of 31 October 2002 introduced compulsory measures of a correctional nature and the regulation of their application in Latvia. The aim of these measures is to form and reinforce a value orientation of a child which complies with the public interests, to orient a child towards refraining from illegal activities, as well as to reintegrate a child with social behaviour disorders into society. Pursuant to this Law, compulsory measures of a correctional nature are applied to, inter alia, children who have committed a criminal offence and who a court has released from the imposed sentence. When applying the compulsory measures of a correctional nature, factors such as the nature and danger of a criminal offence, data characterising a child (like age, living conditions, the degree of his or her participation, behaviour in an educational establishment or a place of employment and in domestic activities) and liability aggravating or mitigating circumstances are taken into account.

574. Pursuant to the Law on the Application of Compulsory Measures of a Correctional Nature to Children, the following compulsory measures of a correctional nature may be applied to children:

- To issue a warning;
- To impose a duty to apologise to the victims if they agree to meet with the guilty party;
- To place a child in the custody of parents or guardians, as well as other persons, authorities or organisations for a period of time from six months up to one year, but not longer than until reaching the age of 18;
- To impose a duty to eliminate by his or her work, the consequences of the harm caused, if a child has reached the age of 15 and if the work does not involve an increased risk to his or her security, health, morals and development;
- To impose a duty to reimburse the harm caused if a child has reached the age of 15 and has income;
- To specify behaviour restrictions for a period of time from 30 days up to one year;
- To impose a duty to perform community services which means the involvement of a child in services necessary for the public, which the child performs free of charge in the area of his or her residence during time free from regular employment or studies for a period of time from 10 to 40 hours;
- To place a child in a social correctional educational establishment for a period of time from one year up to three years, but not longer than until reaching the age of 18, but if a child has reached the age of 18, not longer than until reaching the age of 19;
- In addition to these compulsory measures, a duty to undergo treatment for alcohol addiction, narcotic, psychotropic or toxic substances or other addictions may be imposed on a child (for statistical data, refer to annex No. XX).

575. In order to promote a settlement within the framework of criminal proceedings involving a minor who has committed a criminal offence, a new method of restoring fairness – conferencing – was put into practice in 2009. Family members and supports of a minor, as well as professionals involved in solving the problems of the minor participate in the conferencing. Voluntary mediators are also invited and are trained to participate in the settlement process. Due to this, in 2010, amendments were made to the Law on the Application of Compulsory Measures of a Correctional Nature to Children and a judge is now provided with a possibility of suggesting the SPS concerning the implementation of settlement through a mediator. In such cases the SPS also monitors the fulfilment of settlement conditions. Pursuant to amendments which were made to the Criminal Procedure Law on 20 December 2012 and came into force on 1 April 2013, a person directing proceedings informs the SPS of the necessity to organise a settlement if a criminal offence has been committed by a minor and it has not been settled yet.

576. When using the settlement procedure as an alternative to punishment the Law on the Application of Compulsory Measures of a Correctional Nature to Children stipulates that if a child has committed a criminal offence or a violation, settled and fulfilled settlement conditions, compulsory measures of a correctional nature may be excluded. A mediator who has received special training provided by the SPS may also participate in the settlement procedure between a child who has committed a criminal offence and the victim.

577. In addition to the primary punishment which is the deprivation of liberty, alternative punishments such as a fine and community service, as provided by the Criminal Law, are increasingly applied. Compulsory measures of a correctional nature applied to minors are an alternative to punishment permitted by the law.

578. Pursuant to the State Probation Service Law, the SPS, upon a request from the relevant officials (public prosecutor, court, administration of an imprisonment facility), prepares a pre-sentence report about an accused/convicted person, including a minor. The purpose of the pre-sentence report is to provide comprehensive, objective information which allows a decision to be made on a punishment imposed on a probation client or his or her duties within the framework of monitoring, taking into account his or her behaviour, attitude, the committed criminal offence, and other circumstances. The CM Regulation regarding the peculiarities of the pre-sentence report¹¹¹ which was adopted on 5 April 2011 provides for compulsory participation of a representative of a child in this process to address the interests of the child, as well as specifies the action of an official if he or she discovers that family conditions of a minor probation client or conditions of a child care institution adversely affect the minor.

Latvian policy initiatives

579. One of the aims of the *Programme for Preventing Juvenile Delinquency and Protecting Children against Criminal Offences 2006-2008*¹¹² is to reduce juvenile delinquency, remove factors contributing to criminal behaviour, as well as to improve child safety and protect children from any type of violence.

¹¹¹ CM Regulation No. 271 of 5 April 2011 *Regulations Regarding the Scope of Information to Be Included in the Pre-Sentence Report, and the Procedure for Preparing and Presenting Thereof*, Official Journal *Latvijas Vēstnesis*, 62 (4460), 20 April 2011.

¹¹² CM Order No. 605 of 3 August 2009 *On the Programme for Preventing Juvenile Delinquency and Protecting Children against Criminal Offences 2009-2011*, Official Journal *Latvijas Vēstnesis*, 141 (4127) 4 September 2009.

580. In 2007, the CM approved the *Guidelines for the Enforcement of the Sentence of Deprivation of Liberty and Detention on Remand of Minors 2007-2013*.¹¹³ This national policy initiative for the enforcement of deprivation of liberty and detention on remand of minors is necessary for correcting the behaviour of minors in the future, and achieving that after serving the term they do not commit new criminal offences, while also achieving that after their release from imprisonment they have sufficient skills to live in society and not to violate the law.

581. In order to solve the problems identified in the enforcement of the imprisonment of minors (protection of children's rights during imprisonment, minor care-related aspects in light of the age and special needs of minors), the following objectives have been set in the *Guidelines for the Enforcement of the Sentence of Deprivation of Liberty and Detention on Remand of Minors 2007-2013*:

- To ensure the care of imprisoned minors in line with the needs of a child and in accordance with the international standards binding upon Latvia;
- To ensure the proper resocialisation of imprisoned minors (correction of social behaviour and social recovery) conducted by specialists who have received appropriate training;
- To ensure the involvement of all care institutions for imprisoned minors (MCFIA, MF, MES and municipalities) according to their competence, as well as the involvement of the non-governmental sector.

582. In order to promote the introduction of the method for the restoration of fairness with regard to minors who have committed criminal offences, in 2009, in collaboration with the Norwegian Mediation National Service, training was provided to heads of conferencing. In 2010, the new method of settlement was put into practice. Family members and supports of a minor who has committed a violation of the law, victims, as well as professionals involved in solving the problems of the minor participate in the conferencing. Five conferencing meetings were organised in 2010, but 22 conferencing meetings already took place in 2011.

583. In order to broadly educate the public about the principles of the restoration of fairness and conferencing, the SPS has organised the Conferencing Week since 2010. This event includes different creative activities: specialised discussions with persons directing proceedings to encourage more successful cooperation, discussions with school teachers and other professions working in the field of the protection of children's rights, as well as preventive activities carried out for students to acquire skills in resolving conflicts.

584. For more information about providing convicted minors with education, refer to Section VIII (B), Social correction of minors.

Procedure and regime for minors serving the sentence of deprivation of liberty

585. The Criminal Law provides for the specific features attributed to criminal liability of minors by stipulating special provisions for imposing punishment on minors. For instance, pursuant to article 66 of the Criminal Law, taking into account the particular circumstances of the committing of a criminal offence and information received regarding the personality of the offender, which mitigate his or her liability, a court may release a minor from the

¹¹³ CM Order No. 109 of 21 February 2007 *On the Guidelines for the Enforcement of the Sentence of Deprivation of Liberty and Detention on Remand of Minors 2007-2013*, Official Journal *Latvijas Vēstnesis*, 33 (3609), 23 February 2007.

imposed punishment by applying compulsory measures of a correctional nature specified by law.

586. The Criminal Procedure Law provides for special provisions with regard to:

- Interrogation of a minor: the length of interrogation of a minor may not exceed six hours without the consent of this minor; any minor is interrogated in the presence of a pedagogue or a specialist who has received psychological training in working with children in criminal proceedings;
- Representation of a minor in criminal proceedings: the participation of a defence counsel is mandatory in criminal proceedings;
- Application of security measures: security measures such as placement under the supervision of parents or guardians, placement in a social correctional educational establishment, imprisonment may also be applied to a minor;
- Application of compulsory measures: compulsory measures of a correctional nature may also be applied to a minor (for more information, refer to paragraph 549).

587. Criminal proceedings against a minor have preference, in comparison with similar criminal proceedings against a person of legal age, in the ensuring of a reasonable term (for statistical data about the term for the examination of criminal cases, refer to annex No. XX).

588. The international requirements regarding minors who have committed criminal offences – 1988 *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* – have been incorporated into the Latvian Code on Enforcement of Sentences and the Law on the Procedure of Detention on Remand. The principle of housing minor prisoners separately (separating the detained on remand from the convicted, boys from girls) is followed at imprisonment facilities. Moreover, the apprehended persons are housed separately from those detained on remand and convicted persons, as well as the administratively apprehended and the arrested are housed away from the apprehended, detained on remand and convicted.

589. A system for the enforcement of the punishment of minor prisoners is more flexible than that of prisoners of legal age (including communication with the outside world, meetings, calls, sending and taking parcels etc.). Pursuant to article 50⁷ of the Latvian Code on Enforcement of Sentences, minor prisoners are permitted:

- To utilise 12 long duration visits from 36 to 48 hours with close relatives per year;
- To utilise 12 short duration visits from one and half hours to two hours per year;
- To shop at the institutional store without limits on the amount of money;
- To utilise six telephone calls per month at the expense of the caller or call receiver;
- With the permission of the head of the juvenile correctional institution, to go out of the area of the institution for up to 10 twenty-four hour periods per year, as well as go out of the institution for up to five twenty-four hour periods due to the death or a life-threatening serious illness of a close relative. The time spent outside the institution is included in the time of the sentence served.

590. Pursuant to the Law on Procedures for the Examination of Submissions, Complaints and Proposals in State and Municipal Institutions (was in force until 1 January 2008 when the Law on Submission came into force), the LPA shall examine submissions and complaints regarding the protection of children's rights immediately but not later than within three days. In 2007, The LPA examined five complaints of minors to which written replies were provided. Pursuant to paragraph 2, article 20 of the Law on the Protection of

the Rights of the Child, currently submissions and complaints that are related to the protection of the rights of the child shall be examined without delay (for statistical data about received complaints, submissions and reports of possible violence cases on the part of the State Police officers, refer to annex No. IX).

591. Convicted minors serve their sentence of deprivation of liberty at five imprisonment facilities in Latvia, namely Cēsis CIJ (boys), Iļģuciems Prison (girls), Matīss Prison, Daugavpils Prison, and Liepāja Prison.

592. Minor prisoners are placed in correctional institutions for persons under 18. Convicted minors who have reached the age of 18, according to the decision taken by the Administrative Commission of an imprisonment facility, may be transferred to imprisonment facilities for convicted persons of legal age or left at a correctional institution for minors but not longer than until reaching the age of 21.

593. Article 77 of the Latvian Code on Enforcement of Sentences and article 19 of the Law on the Procedure of Detention on Remand stipulate that the living space in prisons for one convicted person may not be smaller than 2.5 square metres for men and 3 square metres for minors and women (for statistical data about minors at imprisonment facilities, as well as the number of women and pregnant women at imprisonment facilities, refer to annex No. XX).

594. Pursuant to paragraph 3, article 7, of the Law on the Procedure of Detention on Remand, the cell size in short-term detention facilities of the State Police may not be less than: 4 square metres – one-man cell; 7 square metres – two-man cell; 10 square metres – three-man cell; 12 square metres – four-man cell; 15 square metres – five-man cell.

595. Although on 18 December 2008 the Saeima adopted an amendment to the Law on the Procedure of Detention on Remand which stipulates that the requirements for the arrangement, cell size and cell equipment of a short-term detention facility should be met by 31 December 2013, the cell size in practically all short-term detention facilities already complies with these requirements. As at 1 July 2008, Latvia had 28 short-term detention facilities with a total capacity of 815 places (in 2004, this number was 822).

596. Prior to placing a person in a short-term detention facility, he or she is informed about the internal procedure as provided by the law, and the list of items that may be kept in the cell in a language he or she understands (inviting an interpreter if necessary). A person placed in the cell is provided with a possibility of becoming acquainted with the internal procedure of the short-term detention facility at any time.

597. Prior to being placed in the cell the person is searched by a police official of the same gender, inspecting the items retained by the person and visually examining the person in order to detect visible bodily injuries. The items that were handed over and removed are stored at the short-term detention facilities. Prior to being placed in the cell the person is asked about his or her state of health and requested to inform about the presence of such diseases, as a result of which the life of the person may be threatened or which could be dangerous to other persons, or as a result of which special measures have to be put in place for the person. The person is guaranteed emergency medical care, assistance in cases of trauma, acute illness or exacerbation of chronic diseases and the products necessary for their treatment, as well as counter-epidemic measures from the State's budgetary resources.

598. The CM Regulation of 2006 regarding the provision of food and living necessities of imprisoned persons¹¹⁴ stipulates the nutritional norm for a minor per day, as well as increased nutritional norms for ill minors per day. This Regulation also provides for the

¹¹⁴ Supra 104.

standards of washing and personal hygienic necessities, clothing, footwear and bedding for minors. The detained persons receive a hot meal three times a day and drinking water at any time. In addition, a minor detained on remand receives food which ensures his or her full physical development (an increased norm of bread, sugar, meat, powdered milk, less fat and potatoes, extra fruit).

599. Pursuant to the CM Regulation of 2007 regarding the health care of persons detained on remand and convicted persons¹¹⁵, each minor is guaranteed health care as provided by the law, i.e. minors may receive the following in prison:

- Primary health care, except planned dental assistance;
- Emergency dental assistance, secondary health care which is provided in emergency situations;
- Secondary health care provided by prison doctors according to their speciality;
- The most efficient and cost-effective medicinal products prescribed by a medical practitioner.

600. Accomplishing the objectives identified in the *Programme for the Implementation of Guidelines for the Enforcement of the Sentence of Deprivation of Liberty and Detention on Remand of Minors 2007-2013* (namely harmonization of legal acts with the existing law regulating the rights of the child, improving the living conditions of minor prisoners, as well as providing material and technical resources for imprisonment facilities) allows the implementation of the rights of the minors to wholesome living conditions at imprisonment facilities to be achieved. Moreover, the infrastructure of imprisonment facilities improved in compliance with the legal acts contributes to organising and efficiently implementing the resocialisation process.

601. In order to improve the living conditions of prisoners, from 2008 to 2010, large financial resources were invested (see paragraph 348 of the Report) in order to achieve the objectives identified in the *Programme for the Implementation of Guidelines for the Enforcement of the Sentence of Deprivation of Liberty and Detention on Remand of Minors 2007-2013*, namely:

- A building has been constructed for the enforcement of detention on remand in Cēsis CIJ which complies with the needs of minors and the specific nature of an imprisonment facility. This objective has been fulfilled in accordance with the rights of the child stipulated by the **Law on the Protection of the Rights of the Child** and the recommendations made by the European Committee for the Prevention of Torture;
- Parts of the Cēsis CIJ building for the enforcement of detention on remand (the new building) have been equipped with the necessary facilities;
- The Cēsis CIJ residential building has been renovated and equipped with the necessary facilities which now complies with the needs of minors and the specific nature of the enforcement of imprisonment;
- The Cēsis CIJ administrative buildings have been renovated as part of the residential building;
- Security measures have been strengthened in the Cēsis CIJ residential building.

¹¹⁵ Supra 106.

602. Taking into account that short-term detention facilities in Latvia require reconstruction and modern equipment, in 2008, designing activities have been launched with regard to the construction or reconstruction of administrative buildings, including short-term detention facilities, of territorial units of the State Police in Daugavpils, Jēkabpils, Krāslava, Kuldīga, Ventspils, Rīga, the Zemgale Region, and Vidzeme Region.

603. In 2008 and 2009 the SIPRC conducted inspections of the implementation of children's rights at imprisonment facilities for minors, discovering a number of problems related to limited possibilities of spending free time; insufficient equipment in prisons; insufficient resocialisation measures for minors orientated towards individual needs; inadequate living conditions; threats of violence; a shortage of necessary specialists at imprisonment facilities, staff education (prison officers lack knowledge of working with minors) etc. As a result of the inspections conducted in 2010, the SIPCR noticed improvements; for instance, following the SIPCR's recommendations different activities were carried out in some prisons in order to ensure the implementation of children's rights. According to the SIPCR's opinion however, some imprisonment facilities like Cēsis CIJ require improvements, namely arranging a system of disciplinary sanctions, developing a strategy for the resocialisation of minors, and improving collaboration between officers and the administration. Conducting a repeated inspection in 2011 in Cēsis CIJ and Iļģuciems Prison the SIPCR acknowledged that the living conditions at these facilities have improved, yet emotional and physical abuse is common among minors. Examining the situation in Cēsis CIJ in 2011, after the SIPCR's opinion the LPA discharged the head of Cēsis CIJ and appointed new administration.

604. The results of the inspections conducted by the SIPCR from 2008 to 2011 were communicated to all imprisonment facilities and the LPA, which were also offered recommendations for eliminating the discovered deficiencies. At the same time the SIPCR organised meetings with representatives of all imprisonment facilities, the LPA, MJ and MES about the possibilities of eliminating identified violations and deficiencies and further collaboration.

605. Since 2005, staff of the Ombudsman's office, have regularly made inspection visits to imprisonment facilities for minors. During the visits made in the course of the reporting period a number of violations have been found related both to the insufficient material and technical provision of premises and to the availability of education and medical services. The Ombudsman has provided information in its report of 2007 about the visits made to imprisonment facilities for minors in order to inspect the fulfilment of international basic requirements. During the visits it was noted that a number of problems related to the living conditions of minors which had attracted the Government's attention in 2005 have been solved, and additional measures to be taken for the protection of children's rights were emphasised.

606. The fact that after the completion of renovation work all minor boys detained on remand and convicted will be placed in Cēsis CIJ has been recognised by the Ombudsman as a significant improvement in 2010 which will ensure the implementation of former recommendations; for instance, compliance with sanitary norms at facilities, an ensured right to education and minors will be completely isolated from persons of legal age. Continuing the analysis of violations discovered during inspection visits the Ombudsman regularly informs the competent State administration and judicial institutions about the improvements necessary for ensuring the implementation of children's rights at imprisonment facilities.

607. In 2008, staff of the Ombudsman's Office also visited the Juvenile Division of Iļģuciems Prison for minor girls detained on remand and convicted. In 2010, after conducting inspection visits the Ombudsman acknowledged that Iļģuciems Prison is a positive example of implementing the rights of minors (for additional statistical data about

the visits made by the Ombudsman's Office to closed-type institutions, refer to annex No. III).

608. During the reporting period the European Committee for the Prevention of Torture has visited Latvia a number of times.¹¹⁶ The evaluation of imprisonment facilities for minors and the respective recommendations for improving the working of closed-type institutions have been included in the closing report of the European Committee for the Prevention of Torture regarding its visit to Latvia in December 2007.¹¹⁷

609. In 2005, an extensive study under the name *The Status of Minor Prisoners. Recommendations for Achieving International Standards* was conducted in collaboration with the NGO Providus, within the framework of which the living conditions of minor persons at imprisonment facilities were evaluated. During the study it has been ascertained that imprisonment facilities for minors comply with the basic requirements established by the international standards.¹¹⁸

610. On 24 December 2006 the NGO Latvian Centre for Human Rights published the Monitoring Report on Closed-Type Institutions of Latvia, within the framework of which the living conditions of minors in closed-type institutions were evaluated, making a number of recommendations to public institutions of the relevant profile in order to improve the situation.¹¹⁹

Social correction of minors

611. Emphasising the changes in the legal regulation during the reporting period it should be noted that in 2011 the CM Regulation regarding the internal regulations of social correctional educational establishments¹²⁰ was adopted. This Regulation, inter alia, stipulates how the behaviour of a child is evaluated in a social correctional establishment under a procedure of different incentives and prohibitions. If a child follows the rules of behaviour, he or she may for instance be allowed to leave the territory of the establishment together with his or her family member of legal age, he or she may be granted leave, as well as a proposal may be submitted to the court for reducing the length of stay of the child in this establishment. But for especially serious violations of the rules of behaviour (like flight from the establishment, physical abuse of other persons, emotional abuse, taking things from others etc.) punishments, such as special (stricter) monitoring in separate rooms (the educational process and classes are conducted according to an individual study plan; a child is prohibited from leaving the relevant rooms without the employee's permission), prohibition to participate in entertainment activities outside the territory of the establishment or be granted leave during student holidays, are imposed.

612. As to national policy initiatives, the *Concept for the Resocialisation of Persons Deprived of Liberty*¹²¹ which was approved in 2009 has been recognised as the most

¹¹⁶ Information about the course of visits and prepared reports is available in English at: <http://cpt.coe.int/en/states/lva.htm> (Last visited: 21 January 2013).

¹¹⁷ Report about the visit of the European Committee for the Prevention of Torture to Latvia from 27 November to 7 December 2007 is available in English at: <http://www.cpt.coe.int/documents/lva/2009-35-inf-eng.pdf> (Last visited: 21 January 2013).

¹¹⁸ The text of the study is available in Latvian at: <http://www.providus.lv/public/26758.html> (Last visited: 22 January 2012).

¹¹⁹ The text of the study is available in English at: <http://www.humanrights.org.lv/> (Last visited: 22 January 2012).

¹²⁰ CM Regulation No. 88 of 1 February 2011 *Internal Regulations of Social Correctional Educational Establishments*, Official Journal *Latvijas Vēstnesis*, 19 (4417), 3 February 2011.

¹²¹ CM Order of 9 January 2009 *Concept for the Resocialisation of Persons Deprived of Liberty*, Official

important policy planning document regarding the resocialisation of prisoners. According to this concept, the policy for the enforcement of deprivation of liberty and detention on remand of minors should be developed, inter alia, following the principle of resocialisation. In accordance with this principle, each minor should be provided with appropriate resocialisation at an imprisonment facility, taking into account risk assessment (resocialisation activities should be in line with the risk level of the criminal behaviour of a minor) and the needs of a minor. This principle has also been incorporated in the relevant legal acts in 2011.

613. According to the *Programme for the Implementation of Guidelines for the Enforcement of the Sentence of Deprivation of Liberty and Detention on Remand of Minors 2007-2013*, one of its basic objectives is to implement resocialisation activities for minors. During the fulfilment of this objective work was started on the development of an efficient resocialisation system in line with the peculiarities of minors and the involvement of minors in the resocialisation process, thus reducing the risk of threat to society and the risk of the relapse into criminal offences. In the course of the implementation of the guidelines the share of minors deprived of liberty repeatedly has reduced by 9% at imprisonment facilities (for statistical data about the dynamics of the number of minors deprived of liberty repeatedly, refer to annex No. XX).

614. During the reporting period from 2008 to 2010, a number of resocialisation programmes have been implemented at imprisonment facilities, including both social behaviour and social recovery programmes. In 2010, seven new resocialisation programmes were introduced for working with minor prisoners: *Motivation for Changes* (Cēsis CIJ); *Protect Yourself and Others* (Cēsis CIJ); *Communication among Adolescents through Art* (Iļģuciems Prison); *Yoga for Mums* in which children under 4 living at an imprisonment facility participate together with their imprisoned mothers and imprisoned minor girls (Iļģuciems Prison); *Minnesota 12 Step Programme* (Cēsis CIJ); *Knowledge as a Basis for Restricting HIV Infection* (Iļģuciems Prison); *A Healthy Mind in a Healthy Body* (Iļģuciems Prison). In 2011, the implementation of the above-mentioned resocialisation programmes was continued for minors at imprisonment facilities. In total, 10 resocialisation programmes were implemented at imprisonment facilities, out of which three programmes were run by the SPS (social behaviour correctional programme for persons convicted of especially serious crimes, the social behaviour correctional programme *Making the Difficult Simple* and the social behaviour correctional programme *Emotion Management*). In the first half of 2012, minor prisoners were involved in six resocialisation programmes at imprisonment facilities. Statistical data show that during the reporting period minors at imprisonment facilities were simultaneously involved in several resocialisation programmes.

615. A social recovery programme *Life School* is expected to be implemented in Cēsis CIJ and Iļģuciems Prison within the framework of the basic objective identified in the *Programme for the Implementation of Guidelines for the Enforcement of the Sentence of Deprivation of Liberty and Detention on Remand of Minors 2007-2013*. This programme is usually implemented once a year. In 2008, a total of three imprisoned girls participated in this programme; in 2009, this number was eight, but in 2010, a total of five imprisoned girls from Iļģuciems Prison participated in the programme, while in 2011, this number was five, and in the first half of 2012, the programme involved 13 imprisoned girls.

616. Emphasising the efficiency of the resocialisation programmes it should be noted that, for instance, the major aim of the *Motivation for Changes* programme is to promote the generation of motivation of imprisoned persons and to become aware of their inner motives and resources. In 2010, the programme involved a total of 11 imprisoned minor

girls who completed the said programme successfully. 11 more minor girls participated in the programme in 2011. After completing the programme all participants expressed their will to enrol at the Rīga Style and Fashion Vocational Secondary School in order to acquire the professional qualification of a tailor, assistant chef or hairdresser. Thus it may be concluded that this programme is highly efficient.

617. A resocialisation programme for minor prisoners implemented at imprisonment facilities in order to reduce the risk of the relapse into criminal offences within the framework of the EQUIP international project was adopted from the Netherlands. The EQUIP programme was developed in the United States and is currently adjusted to the penitentiary system needs of different European states, including Latvia. Taking into account that the resocialisation programmes are adopted from states with several years' experience in resocialisation, they can be acknowledged as successful. In general, it is expected that the participation of prisoners in resocialisation programmes will contribute to a reduction in the relapse into criminal offences (for statistical data about participation in the EQUIP programme, refer to annex No. XX).

618. In 2007, the MES, in collaboration with the SIPCR and social correctional educational establishments, developed a social correctional education programme which is currently being implemented. The social correctional education programme is particularly orientated towards individual social correction where a social pedagogue, psychologist and teacher develop an individual plan for social correction for each child and then follow the course of its implementation according to an established system. The social correctional education programme includes three stages: value education and preparation for life in society, acquisition of work skills and technologies and career education, as well as reintegration of students. It should be noted that the implementation of the current social correctional programme has been successful and has given the expected results.

619. Within the framework of monitoring and post-penitentiary assistance, the SPS has provided adolescents with a possibility of receiving the services of the company Akrona 12 which is a certified medical treatment institution independent from the State. Adolescents could also participate in the probation programme Management of Drug Abuse. Both these activities are aimed at solving drug and / or alcohol abuse problems. The SPS has not provided post-penitentiary assistance since 1 July 2009 (for more detailed statistical data about the SPS activities, refer to annex No. XX).

620. During the reporting period Latvia had two social correctional educational establishments for children aged from 11 to 18 who have committed criminal offences and upon whom no criminal punishment has been imposed, namely Naukšēni for girls and Strautiņi for boys. In 2006, the SIPCR inspectors conducted eight inspections of the implementation of children's rights in the said establishments; in 2007 – ten, in 2008 – six, in 2009 – five. The SIPCR has found no significant violations during its inspection of the implementation of children's rights conducted in the Naukšēni Social Correctional Educational Establishment. The staff of this establishment is motivated and well-prepared for working with children with deviant behaviour. Children are provided with adequate living conditions and possibilities of spending their free time. Socialisation of children is promoted in this establishment under a triangular agreement concluded in collaboration with a representative of the social service office in the child's place of residence, the child's parents (guardians), and the social correctional educational establishment.

621. Conducting inspections of the implementation of children's rights in the Strautiņi Social Correctional Educational Establishment the SIPCR has regularly found significant violations of children's rights. Frequent cases of violence among peers and the administration's failure to act, including prevention of violence, have been identified. The SIPCR has informed the MES, the State Police and other competent institutions of the discovered violations. At the end of 2009, the Strautiņi Social Correctional Educational

Establishment was closed. After closing the Strautiņi Social Correctional Educational Establishment there is only one social correctional establishment in Latvia – Naukšēni. In 2010, the SIPCR conducted a total of four scheduled inspections of the implementation of children’s rights in the Naukšēni establishment but in 2011 – three inspections.

622. In 2010, staff of the Ombudsman’s Office visited all imprisonment facilities where minors are placed (Cēsis CIJ, Iļģuciems Prison, Daugavpils Prison, Liepāja Prison, Rīga Central Prison, and Naukšēni Social Correctional Educational Establishment). Except for the Naukšēni Social Correctional Educational Establishment and partly Iļģuciems Prison, a number of deficiencies have been found in the rest of the establishments with regard to general living conditions, social conditions (possibilities of spending free time, activities), fully ensuring rights to education, the scope of medical aid. The Ombudsman has however concluded that the extensive renovation works carried out in Cēsis CIJ have caused positive changes in the living conditions of the establishment.

(i) Street children

Upon the Committee’s recommendations 56 and 57:

56. The Committee notes that support for street children falls within the framework of the Improvement of the Status of the Child and Family programme, and regrets that little information is provided regarding street children in Latvia. It is concerned that in light of the economic difficulties faced in Latvia, there is no systematic, comprehensive strategy to provide these children with adequate assistance.

57. The Committee recommends that the State party:

(a) Undertake a study on the causes and scope of the situation of street children, and develops and implements a comprehensive strategy with the aim of preventing and reducing this situation and protecting children;

(b) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, to support their full development; and

(c) Ensure that these children are provided with recovery and reintegration services, including psychosocial assistance for physical, sexual and substance abuse, and where possible, when in the best interests of the child, services for reconciliation with a view to reintegrating these children with their families.

623. A study Street Children in Latvia: Situation and Improvement Proposals was conducted in 2007 with financial support from the MCFIA. The study provides information about the causes of children roaming, health condition and learning problems of street children. The characterisation of the situation is supplemented by interviews with children themselves, as well as recommendations for improving the situation. During the study it has been ascertained that it is impossible to precisely specify the number of street children in the entire of Latvia; it is however possible to identify the risk groups and determine their approximate size. The study has concluded that in order to solve the problems the policy implementation should be organised in two directions simultaneously: prevention of risk factors or causes in order to prevent children from becoming problem children and then street children and the focused implementation of recovery measures for street children in order to reduce the consequences. Prevention of causes has been identified as the most significant aspect in the study in order to prevent both a short-term and long-term increase in the number of street children.

624. A street child who is a victim of any illegal activity – criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts – is provided with the

necessary assistance from the State's budgetary resources in order that the child may regain physical and mental health and reintegrate into society (for more information, refer to Section VIII (C) of the Report).

C. Child exploitation

(i) Economic exploitation of children, including child labour

Upon the Committee's recommendations 54 and 55:

54. The Committee welcomes information that the Saeima has approved the ratification of International Labour Organisation (ILO) Convention No. 138 (1973) concerning the Minimum Age for Admission to Employment and ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

55. The Committee encourages the State party to complete the ratification process by depositing an instrument of ratification with the Secretary-General as soon as possible.

625. On 2 February 2006, Latvia ratified ILO Convention No. 138 (1973) concerning the Minimum Age for Admission to Employment and ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

626. The Labour Law provides for the prohibition of employing children in permanent work. For the purpose of this Law, a child is a person who is under 15 and who until reaching the age of 18 continues to acquire a basic education. The same Law stipulates that in exceptional cases children from the age of 13, if one of the parents or a guardian has given written consent, may be employed outside of school hours doing light work not harmful to the safety, health, morals and development of the child. Pursuant to the Labour Law, it is also prohibited to employ adolescents, namely persons aged 15–18 who are not deemed to be children, in jobs in special conditions which are associated with increased risk to their safety, health, morals and development. Work in which children may be employed from the age of 13 is determined by the relevant CM Regulation¹²² (for statistical data about youth economic activity, refer to annex No. XVII).

(ii) Narcotic drug and psychotropic substance addiction in children

627. For information about addiction in children, refer to Section VI (B) of the Report, Addiction to alcohol, narcotic drugs, and psychotropic substances.

(iii) Sexual exploitation and trafficking in children

Upon the Committee's recommendations 58, 59 and 60:

58. While the Committee recognises the existence of legislative measures to address the sexual exploitation and trafficking of children, including the national programme on the Prevention of Trafficking in Human Beings 2004-2008, as well as the training of law-enforcement personnel, the Committee is concerned that a general lack of awareness among young people in Latvia, combined with the economic hardships they face, increases their vulnerability.

¹²² CM Regulation No. 10 of 8 January 2002 *Regulations Regarding the Work in Which Children May Be Employed from the Age of 13*, Official Journal *Latvijas Vēstnesis*, 6 (2518).

59. *In order to prevent and combat trafficking in children for sexual and other exploitative purposes, the Committee recommends that the State party:*

(a) *Develop adequate systems for the early-prevention of sexual exploitation and trafficking and strengthens its efforts to identify and investigate cases of trafficking;*

(b) *Review and revises the 2002 National Action Plan to Combat Trafficking in Persons and strengthen legislative and other measures to prevent and combat sexual exploitation and trafficking in children and to ensure that perpetrators are prosecuted and that strong penalties are applied;*

(c) *Conduct nationwide awareness-raising campaigns to improve understanding of the issues of trafficking and recognises the root causes and factors that place children at risk of such exploitation;*

(d) *Provide adequate programmes of assistance, recovery and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against the Commercial Sexual Exploitation of Children; and*

(e) *Conduct training for law-enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking and other forms of exploitation, to enable them to identify and support children at risk of becoming victims of trafficking or commercial sexual exploitation.*

60. *The Committee also reiterates the 2004 recommendation of the Committee on the Elimination of Discrimination against Women (A/59/38) that the State party furthers its efforts through increased international, regional and bilateral cooperation.*

National legal acts

628. Latvia has agreed to be bound by international obligations to combat human trafficking, ratifying the following international conventions:

- The United Nations Convention against Transnational Organized Crime, 15 November 2000 (the Palermo Convention);
- The United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 21 March 1950;
- Amendment of article 43, paragraph 2 of the United Nations Convention on the Rights of the Child, 20 November 1989;
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children to the United Nations Convention against Transnational Organized Crime, 15 November 2000;
- The Council of Europe Convention on Action against Trafficking in Human Beings, 16 May 2005.

629. Article 154¹ of the Criminal Law provides for criminal liability for human trafficking, pursuant to the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 2 December 1949, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children to the UN Convention against Transnational Organized Crime, 13 December 2000. According to the Latvian criminal procedure, human trafficking is a serious or especially serious criminal offence infringing upon the basic rights and basic freedoms of a person.

630. Pursuant to article 154² of the Criminal Law, human trafficking is the recruitment, conveyance, transfer, concealment or reception of persons for the purpose of exploitation,

committed by using violence or threats or by means of fraud, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such a person, upon which the victim is dependent. The recruitment, conveyance, transfer, concealment or reception of minors for the purpose of exploitation shall also be recognised as human trafficking in such cases, if it is not connected with the utilisation of any of the means referred to in paragraph 1 of this article (for statistical data about the number of minors who have been human trafficking victims, refer to annex No. VI).

631. Within the purpose of the above-mentioned article 154² of the Criminal Law, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform activities or to provide services, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or the compulsory transfer of a person into dependence upon another person), and the holding of a person in servitude or also the unlawful removal of a person's tissues or organs.

632. Pursuant to amendments made to the Criminal Law on 16 December 2004, human trafficking is not only human trafficking to a foreign state but also within the State's borders. Article 165¹ provides for criminal liability for sending a person with his or her consent for sexual exploitation, that is, for any act which facilitates the legal or illegal movement, transit or residence of a person for such a purpose within the territory of one country or several countries, and stipulates that for a person who has committed this criminal offence the applicable sentence is deprivation of liberty for a term not exceeding five years, deprivation of liberty for a shorter period of time, community service or a fine.

633. Pursuant to amendments made to article 165¹ of the Criminal Law which came into force on 1 April 2013, for sending a person for sexual exploitation the applicable sentence is deprivation of liberty for a term of five years, thus recognising it as a serious crime which allows to ensure the rights of victims, witnesses, suspects, defendants, and convicts to special procedural protection.

634. Article 154¹ of the Criminal Law provides for liability for human trafficking and stipulates that for a person who commits human trafficking against a minor, the applicable sentence is deprivation of liberty for a term from three to 12 years, with or without confiscation of property, and with or without probation monitoring for a term not exceeding three years. But for a person who commits human trafficking against a juvenile, the applicable sentence is deprivation of liberty for a term from five to 15 years, with or without confiscation of property, and with or without police control for a term not exceeding three years.

635. In contrast to other European countries, Latvia also allows for the holding of persons criminally liable for committing or supporting the sending of a person for sexual exploitation (human trafficking) even with the willing consent of the human trafficking victim himself or herself, and this legislation has changed the character of human trafficking, namely preventing a crime in its initial phase. Thus for committing criminal offences related to human trafficking a person may be held criminally liable in Latvia, pursuant to two different articles of the Criminal Law: Article 154¹ (Human trafficking) and article 165¹ (Sending a person for sexual exploitation).

636. On 21 May 2009, amendments were also made to paragraph 3, article 164, of the Criminal Law which provides for criminal liability for inducing or compelling a minor to engage in prostitution, and pursuant to these amendments, the sentence of deprivation of liberty has become more severe, namely for committing such activities the applicable sentence is deprivation of liberty for a term from three to eight years, with or without

confiscation of property, and with or without probation monitoring for a term not exceeding three years.

637. As to the protection of the rights of victims, article 22 of the Criminal Procedure Law stipulates that any person upon whom harm has been inflicted by a criminal offence shall, taking into account the moral injury, physical suffering, and financial loss thereof, be guaranteed with the right to claim and receive compensation for moral harm and financial damages. Chapter 26 of this Law regulates compensation for harm caused by a criminal offence. The right of a human trafficking victim to receive State compensation has also been provided for in the Law on State Compensation to Victims of 18 May 2006 (for statistical data about State ensured compensation to victims, refer to annex No. VI).

638. In order to transpose the requirements of Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, a number of legal acts have been developed. The said laws establish a procedure for a foreigner who has been recognised as a human trafficking victim to be entitled to reside in Latvia without a visa or a residence permit during the reflection period, as well as establish a procedure and scope of social recovery services to be received by a human trafficking victim.

639. The Law on the Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia was adopted on 25 January 2007 with the aim of promoting the fight against trafficking in human beings, providing the conditions for the granting of the reflection period and termination of such period to the victim of trafficking in human beings, as well as the conditions in relation to his or her residence in the Republic of Latvia.

640. Pursuant to amendments made to the Immigration Law on 25 January 2007, a foreigner who is not an EU citizen and has been recognised as a human trafficking victim under a procedure established by laws, as well as a minor accompanied by this person, have the right to reside in Latvia without a visa or a residence permit until the end or suspension of the reflection period or until the decision on issuing temporary residence has come into force. A person directing proceedings has the right to request a temporary residence permit for a foreigner who is not an EU citizen and has been recognised as a human trafficking victim, as well as a minor accompanied by this person for a period of at least six months.

641. Any person who has possibly become a human trafficking victim always receives information about the rights to receive recovery. Prior to and during the procedural actions in the State Police, human trafficking victims, pursuant to the Law on Social Services and Social Assistance and the relevant CM Regulation¹²³ of 2006, are offered to receive State funded recovery services. Starting from 1 January 2008 the NGO Shelter Safe House also provides social recovery services to human trafficking victims from the State's resources.

642. The purpose of the Law on the Special Protection of Persons which came into force on 1 October 2005 is to ensure the protection of the life, health and other legal interests of such persons who are testifying in criminal proceedings or who participate in the uncovering, investigation or adjudication of a serious or especially serious crime. Pursuant to this Law, a minor who testifies in criminal proceedings regarding crimes provided for in article 161 (Sexual intercourse, pederasty and lesbianism with a person who has not reached the age of sixteen years), article 162 (Immoral acts with a minor) and article 174

¹²³ CM Regulation No. 889 of 31 October 2006 *Regulations on the Procedure for Human Trafficking Victims to Receive Social Recovery Services and the Criteria for Recognising a Person as a Human Trafficking Victim*, Official Journal *Latvijas Vēstnesis*, 176 (3544), 3 November 2006.

(Cruelty towards and violence against a minor) of the Criminal Law has the right to special protection.

643. In order to improve efficiency in combating human trafficking, which is a cross-border problem, Latvia has concluded collaboration agreements with a number of states.¹²⁴ These agreements cover information and data exchange, the implementation of mutual operational activities, experience exchange, including with regard to staff training, as well as the provision of consultations on the development of legal acts.

Latvian policy initiatives

644. The *National Programme on the Prevention of Trafficking in Human Beings 2004-2008*¹²⁵ was approved in 2004. The aim of the programme is to reduce the risk of human trafficking, take preventive measures, ensure the adequate reaction of law enforcement institutions in cases of human trafficking and provide quality social recovery services to human trafficking victims. The said programme is also aimed at promoting the examination of cases related to the protection of children's rights by specialists who have appropriate knowledge of children's rights and who have received special training in working with children. It should be emphasised that in cases when children are involved in human trafficking, priority is given to the protection of their interests (for statistical data about the funding allocated for the implementation of the programme, refer to annex No. VI).

645. The implementation of the *National Programme on the Prevention of Trafficking in Human Beings 2004-2008* and achieving its objectives have ranked Latvia among the states that have fulfilled all international requirements by becoming party to the most significant international documents and achieving the compliance of their national legal acts with the necessary international requirements. National legal acts define the most important aspects related to the prevention of human trafficking.

646. In order to continue improving the implemented measures and develop new initiatives against human trafficking as a serious violation of human rights following the requirements established in international documents such as the Council of Europe Convention on Action against Trafficking in Human Beings, in 2009, the CM approved a policy document for the next period; the *Programme for the Prevention of Trafficking in Human Beings 2009-2013*.¹²⁶ The major aim of this programme is to plan and implement measures in order to promote the prevention of human trafficking. The programme has the following objectives: to raise public awareness of human trafficking; to provide support services to human trafficking victims; to encourage collaboration between public institutions and NGOs; to prevent human trafficking through the improved working of law enforcement institutions.

647. In order to coordinate the activities of the State administration institutions, municipalities and NGOs for the implementation of the *Programme for the Prevention of Trafficking in Human Beings 2009-2013*, as well as to ensure operative information exchange and coordinated action on preventing and combating human trafficking, as well as on providing support and social services to human trafficking victims, an inter-

¹²⁴ With Uzbekistan, Moldova, Azerbaijan, Belarus, Armenia, Kazakhstan, Georgia, Israel, Croatia, the United States, the Czech Republic, Cyprus, Lithuania, Slovakia, Slovenia, Finland, Spain, Turkey, Hungary, Germany.

¹²⁵ CM Order No. 132 of 3 March 2004 *On the National Programme on the Prevention of Trafficking in Human Beings 2004-2008*, Official Journal *Latvijas Vēstnesis*, 36 (2984), 5 March 2004.

¹²⁶ CM Order No. 590 of 27 August 2009 *On the National Programme on the Prevention of Trafficking in Human Beings 2009-2013*, Official Journal *Latvijas Vēstnesis*, 138 (4124), 1 September 2009.

institutional working group was established and work tasks were approved in 2010. In 2011, the MI organised a number of working group meetings during which information and opinions were exchanged and current issues were discussed.

National administrative measures

648. In order to identify and prevent human trafficking, as well as combat child pornography online at the national level, a specialised unit of the State Police has been established for 19 officers in Latvia, i.e. Division No. 2 of the Drug Combating Office, the Department for Fighting Organised Crime, the Central Criminal Police Department. In addition to this, in 2008, a separate division was established under the Rīga Regional Board of the State Police for police officers that have received special training and investigate sex crimes against children.

649. In 2008, the State Police took a number of organisational measures in order to improve their search of persons, including minors. The *Regulations on the Search of Persons*, which are an internal legal act of the State Police, came into force on 1 April 2008 establishing a procedure for State Police officials to conduct the search of persons, the search of persons who are not capable of providing information about themselves, and the identification of unidentified dead bodies, as well as specifying the action for ascertaining the location of the person to be searched. The State Police territorial offices were provided with practical and methodological assistance in the organisation of investigations and operational actions for the search of persons, and received a number of circulars containing instructions and training in issues related to the *Regulations on the Search of Persons* and their application in practice. Information was also prepared about using DNA in the search of persons, as well as a number of activities were carried out with regard to current organisational issues in order to develop a national DNA database.

650. In 2010, the State Police developed methodological materials about the identification of human trafficking victims and action in cases when the possible human trafficking victim has been identified, namely the *Methodological Instructions on the Identification of Persons Involved in Prostitution, Soutenerism, Human Trafficking and Methodological Recommendations to Police Officers for Investigating Human Trafficking/Soutenerism Cases*.

651. In 2011, representatives of the State Police participated in a number of activities such as a seminar on the *Development of the Multidisciplinary Support System for Victims of Violence* within the framework of the international programme. During the reporting period the State Police officers met with representatives of foreign law enforcement institutions (the US, the Netherlands, Sweden), as well as participated in different international meetings. Current issues related to combating and preventing human trafficking and illegal immigration, as well as collaboration possibilities and information exchange were discussed during these meetings.

652. In 2011, the State Police and the MI, in collaboration with the State Labour Inspectorate and the NGO Shelter Safe House, developed guidelines for the identification of human trafficking for the purpose of labour exploitation which provide support for identifying and investigating possible cases of human trafficking for the purpose of forced labour.

653. In order to promote collaboration among public institutions, representatives of the State Police participate in the annual training provided to staff of the Consular Department of the Ministry of Foreign Affairs which has contributed to the identification of human trafficking cases and timely cooperation.

654. The State Police regularly inform people, including minors and their parents, through the mass media about their rights and how to avoid becoming a victim of human

trafficking and prostitution, what to do when finding themselves in such a situation, as well as about the possibilities of receiving aid in Latvia and abroad.

655. In 2011, the State Police organised a number of meetings with representatives of the mass media (from Ireland, Germany, Russia) in order to discuss issues related to combating human trafficking, including the prevention of sham marriages.

656. In order to strengthen the fight against human trafficking and inform the public about this problem, an informative campaign under the name *Sham Marriage – a Trap!* was conducted in 2009-2010 on the initiative of the NGO Shelter Safe House in collaboration with the State Police and the Ministry of Foreign Affairs. The aim of the campaign was to inform and warn the public of the risks of sham marriage, which is one of the types of human trafficking. Continuing to inform the public and educate specialists about the phenomenon of sham marriage the NGO Shelter Safe House has implemented the project *Open Your Eyes* since September 2011. Within the framework of the project a conference-seminar *Preventive Measures for Reducing Human Trafficking* was organised for heads of libraries with support from the MI.

657. During the reporting period the MI has created and now maintains an online resource which offers the most significant and recent information in the Latvian, Russian and English languages about the national measures taken in order to combat human trafficking – <http://www.cilvektirdznieciba.lv>. This portal provides advice on what to do in order to avoid becoming a human trafficking victim and how to escape from human trafficking networks; it is also possible to contact the State Police or a social worker online and ask for help.

658. Representatives of the mass media are regularly provided with information about cases from practical police experience. At the end of 2007, the State Police, in collaboration with the NGOs Dardedze Centre and Marta, has developed a website *Protect Yourself* (<http://www.sargi-sevi.lv>), updating information about issues of human trafficking on a regular basis.

659. Continuing the training of officials in the combat against human trafficking, in 2010, the State Police College developed a professional development education programme *Investigating Cases of Human Trafficking/Soutenerism*. The aim of the programme is to provide police officers with an insight into the correct action when receiving information about possible organised prostitution, soutenerism, human trafficking (in all their forms) with the purpose of promoting the understanding of police officers about the forms of such criminal offences. The implementation of the training programme is expected to enhance efficiency in the investigation of such criminal offences. According to the professional development training plan 2011 developed by the State Police College, the State Police officers have received training in how to act when encountering cases of human trafficking during their routine duties.

660. In order to promote international collaboration in the combat against human trafficking, from 2010 to 2012 the State Border Guard officials participated in a number of seminars, international conferences and working groups in Latvia and abroad devoted to issues of human trafficking. In 2011, the State Board Guard participated in the campaign *Stop Sex Trafficking!* organised by the NGO Marta Resource Centre for Women with the aim of raising public awareness about issues related to human trafficking and providing information to human trafficking victims (including potential ones) about the possibilities of receiving the necessary aid in Latvia.

661. Other State administration institutions have also become involved in the fight against human trafficking together with the State Police and the State Border Guard. For instance, from 2005 to 2007, the National Centre for Education under the MES and the MW organised a number of seminars and a continuing education course for teachers on the fight

against human trafficking. In 2006, the MW financed several educational activities, namely seminars for the training of specialists in working with human trafficking victims, providing training to a total of 60 specialists; theoretical training to more than 100 specialists; publishing of booklets for specialists about providing support services to human trafficking victims etc. In 2007, the MW provided training to 271 social workers.

662. In 2008, a total of 120 social workers received training in human trafficking in four Latvian regions. Inter-professional team specialists of the NGO Shelter Safe House and representatives of the State Police participated in these seminars as lecturers.

663. Within the framework of the *National Programme for Improving the Condition of Children and the Family 2007*, a training programme has been developed for building family relationships which includes methodological materials, a training video, and informative booklets. Staff of family support centres has been provided with training within the framework of the training programme. Within the framework of this programme, a total of 500 teachers of preschool and general educational establishments have also received training in recognising children who have suffered violence.

664. Topics such as sexual abuse and human trafficking have been included in health studies subject curricula of vocational education. In general primary education and secondary education these issues are examined within the framework of subjects like Social Studies, and Politics and Rights.

665. In 2010, the MI and the NGO Shelter Safe House, with the support of the US Embassy in Rīga, organised training (conference) in the following issues: political and legal framework of the prevention of human trafficking in Latvia; combat against human trafficking in Latvia; criminal law aspect of human trafficking cases; problems in the implementation of the rights of the victims in criminal proceedings; role of the Ministry of Foreign Affairs in providing support to Latvian citizens abroad; labour exploitation; providing aid to persons who have suffered human trafficking in Latvia; collaboration among the public and municipal institutions and NGOs in combating human trafficking and identifying victims; and psychological evaluation of human trafficking victims.

666. In 2012, the MI, with financial support from the Nordic Council of Ministers, organised regional seminars on the investigation of human trafficking cases, prosecution and the conviction of criminals.

667. From 2006, a separate social recovery service has been provided from the State's budgetary resources to human trafficking victims, including minors. In 2008, a total of six minors received social recovery, out of which two minors started receiving the service in 2007.

668. In light of the efficient legal regulation of Latvia, the successful work of law enforcement institutions and preventive measures, as well as the collaboration between the public and non-governmental sectors, human trafficking keeps decreasing every year and child trafficking has almost been completely eradicated. This may also be explained by the increased self-confidence of potential human trafficking victims and them becoming more aware of their rights. There have been a couple of episodic cases when girls aged 16–17 have become human trafficking victims. According to State Police data, during the course of five years from 2004 to 2008 a total of 13 minor human trafficking victims have been identified.

D. Children belonging to minorities or of indigenous origin (art. 30)

(i) Education

Upon the Committee's recommendations 63 and 64:

63. The Committee notes that bilingual education for minorities will be provided until year nine only (end of primary education), and that general and professional secondary education, as well as vocational education will be provided in the Latvian language only, with the exception of subjects related to the language, identity, and culture of minorities, which can be taught in the minority language. While the State party declares that it is carefully monitoring this process, the Committee remains concerned that those children required to learn in a new language may experience difficulties in following instructions.

64. The Committee recommends that the State party:

(a) Continue to provide information to children and their parents about the shift to the Latvian language in secondary education;

(b) Assist children who have language deficits;

(c) Train teachers to ensure that children are not disadvantaged by the new medium of instruction; and

(d) Continue to monitor and to include information on the implementation of the language policy in the educational system in the next State party report.

669. Latvia would like emphasise that the formulation of the shift to the Latvian language in secondary education which has been used in the Committee's recommendations is not precise. Pursuant to the Education Law, the content of studies is acquired as follows: 60% in the official language and 40% in the minority language. The MES ensures that the materials of State examinations are prepared in the official language and provides a teacher course on ensuring the bilingual method and the acquisition of the Latvian language. The State Agency for the Acquisition of the Latvian Language has provided support amounting to LVL 7,993 (approximately EUR 11,372) within the framework of the National Programme for the Acquisition of the Latvian Language.

670. The development of the Latvian education reform¹²⁷ has been a focus of attention of international organisations for several years. On 20–21 April 2006, Rolf Ekeus, High Commissioner on National Minorities at the OSCE, arrived in Latvia, met with representatives of different institutions, and heard the views on minority issues. He positively evaluated the course of education reform and pointed to the need of engaging in closer dialogue with the public. On 20-21 March 2006, Adrian Severin, Member of the Committee on Legal Affairs and Human Rights in the Parliamentary Assembly of the Council of Europe, made a visit to Latvia and met with the MES, expressing a positive view on the Latvian education process. Knut Vollebaek, High Commissioner on National Minorities at the OSCE, who arrived in Latvia in 2011, emphasised that the Latvian accomplishment in minority education is a success story which should be replicated by other States.

671. The division of the instructional languages implemented by the education reform complies with the Constitution and international documents, as declared by the

¹²⁷ For general information about the reform, refer to Paragraphs 453-456 of the former Report.

Constitutional Court in its judgement of 13 May 2005 adopted in case No. 2004-18-0106.¹²⁸ The Constitutional Court has recognised the provision of the Education Law as compatible with the Constitution, pursuant to which in State and municipal general secondary educational establishments which implement minority education programmes, starting from year ten studies take place in the official language in conformity with the State general secondary education standard; in State and municipal vocational educational establishments, starting from year one studies take place in the official language in conformity with the State professional education standard or the State vocational secondary education standard. The State general secondary education standard, the State professional standard and the State vocational secondary education standard specify that the acquisition of the content of studies in the official language is ensured for not less than three-fifths of the total teaching hour load in the academic year, including foreign languages, and ensure the acquisition of the content of studies associated with the minority language, identity and culture in the minority language.

672. The Constitutional Court, in its judgement adopted in case No. 2004-18-0106, ascertained that the disputed provision is a gradual step towards eliminating the separation of schools established during the Soviet period and strengthening the use of the official language. The Constitutional Court concluded that the disputed provision providing for one of the bilingual methods neither affects a person's rights to education nor infringes the rights of minority representatives to preserve their identity and culture. On the contrary, it promotes and forms the basis for the acquisition of quality knowledge which may be used further, as well as for integration. The official language should not only be learnt as a separate subject but also applied in the acquisition of the content of studies. At the same time the Constitutional Court pointed to the need for a mechanism which could help in detecting any changes in the quality of the instructional process. The State is obliged to ensure such a collection of data whose analysis could contribute to making informed decisions, as well as to providing information to the public, students and their parents about changes in the quality of education and the course of the instructional process (for statistical data about the implementation of the education reform, refer to annex No. XXI).

673. On 14 September 2005, the Constitutional Court adopted a judgement in case No. 2005-02-0106 declaring that the provision of the Education Law, pursuant to which a private educational establishment may only receive State funding provided it implements an education programme in the official language, is incompatible with the Constitution and international legal acts. As a result of this judgement, certified private schools which implement minority education programmes have the right to receive State grants like other private educational establishments. In 2008, State funding to private schools amounted to LVL 1,732.056 (approximately EUR 2,464,494).

674. It is important to emphasise that the education reform affects State, municipal and private educational establishments. Educational establishments follow the requirement regarding the certification and licensing of education programmes under a procedure established by legal acts. Educational establishments are licensed according to an education programme developed by the MES offering schools four models of minority education programmes which specify different proportions of the acquisition of subjects: in the Latvian language, minority language and bilingually. An educational establishment may implement its own education programme after it has been properly licensed by the State. Private educational establishments may implement education programmes in other languages. In 2009, Latvia had 39 private schools. If a private educational establishment

¹²⁸ Text of the judgement is available at: <http://www.satv.tiesa.gov.lv/upload/2005-15-03.rtf> (Last visited: 13 October 2012).

has been certified it may even apply for and receive a grant from the State's budget. During the academic year 2011/2012 a total of 12 private schools out of 34 private educational establishments implemented an education programme in the minority language and three educational establishments were bilingual schools. In 2010, minority private schools received total funding of LVL 505,440 (approximately EUR 719,176) from the State's budget, but in 2011 – LVL 501,420 (approximately EUR 713,456). In State-funded universities lectures take place in the Latvian language, while some private educational establishments also offer studies in other languages.

675. During the academic year 2008/2009 educational establishments implementing minority education programmes provided education to 62,511 students out of 236,223 students in the State in total. 2,651 minority educational establishments employ 5,400 teachers who implement both the minority education programme and the education programme in the Latvian language (bilingual school). The total number of teachers in the State is 25,751 (for statistical data, refer to annex No. XXI).

676. On 26 January 2007, the MES Advisory Council on Minority Education established a working group of five experts for monitoring quality in the course of the implementation of minority education programmes. A scientific study has been undertaken on the quality of the implementation of minority education programmes in collaboration with the University of Latvia. The Advisory Council cooperates with heads of educational establishments, publishing houses, representatives of parents, NGOs, associations and foundations organising Council meetings and meetings of bilingual education coordinators and heads of Bilingual Education Centres. In 2012, a representative of the Roma Association was delegated to participate in the Advisory Council.

677. The level of acquisition of the official language in minority education programmes is also a significant precondition for successfully continuing studies in higher educational establishments where studies mainly take place in the Latvian language. One-third of students who currently study in secondary schools is engaged in minority education programmes and two-thirds – in education programmes in the Latvian language. According to the data provided by the University of Latvia, in 2007, a proportionally similar number of students took up studies in higher educational establishments. This proves that changes in the Education Law do not eliminate the possibilities of minority students to study in higher educational establishments. Starting from 2007 students who acquire general secondary education in the minority education programme may select the language in which to take State examinations in year 12, either in Latvian or Russian. Data show that the number of students who select Latvian as the language for taking centralised examinations is increasing. In 2007, students taking centralised examinations in the Latvian language accounted for 60%, while in the academic year 2011/2012 the students who selected Latvian as the language for taking centralised examinations in year 12 accounted for 75% (for statistical data about the comparison of the results of the centralised examinations, refer to annex No. XXI). Additional data about achievements in minority education (content and results of the State examinations) are available on the website of the National Centre for Education (www.visc.gov.lv).

678. In 2008, the issues related to multicultural aspects, tolerance, respect for differences, civic education, and value education were incorporated into each subject standard in collaboration with the MES Advisory Council.

679. Starting from 2009, the multicultural aspect and issues related to democracy and civic education have been included in the mandatory section of the continuing education course for teachers of social studies and the mandatory content of the course for homeroom teachers. The multicultural aspect, tolerance, respect for differences, civic education, and value education are topics that should definitely be included in the content of educational materials.

680. From December 2007 to February 2008, a study *Promotion of Ethnic Identity in Year 3, 6, 9 and 12 in General Secondary Educational Establishments Implementing Minority Education Programmes* was conducted in collaboration with regional bilingual centres in Rīga, Liepāja and Daugavpils. The study involved 2,000 students from Latvian cities, a survey of parents and teachers, as well as diagnostic testing in languages, natural sciences, social studies and art. Study results show that educational establishments allow students to acquire and broaden their knowledge of the minority culture, language, and history; that students accept these possibilities and parents support activities carried out by educational establishments to promote national identity.

681. In 2011, the Centre for Education Initiatives conducted a study *Rights of Roma to Education: Implementation in Latvia*. The study concludes that it is necessary to conduct monitoring of the inclusion of Roma students in the general education process ensuring the acquisition of the mandatory primary education and to develop positive results of the activity of Roma assistant teachers.

682. According to the changes in the secondary education standard and subject standards, starting from 2012, common requirements are applied to the centralised examination in the Latvian language for year 12 students. In order to ascertain whether students are prepared for these requirements, in 2009, the MES conducted a study *Analysis of the Last Three Years' Results of Centralised Examinations and an Investigation of the Readiness for the Shift to a Single Examination in the Latvian Language in 2012*. Study results show that the common requirements for the examination in the Latvian language have been introduced gradually over the course of three years. The study concludes that the results of minority students acquiring subjects bilingually are higher than the average results in the State, especially in subjects of natural sciences (Maths, Physics, Chemistry and Biology).

683. In order to evaluate the changes as provided by the Education Law in 2004, pursuant to which in minority educational establishments the acquisition of the subjects in the Latvian language is ensured for three-fifths (60%) of the total content of studies, in 2010, the MES ordered a study *Civic and Linguistic Approaches of Secondary School Students Acquiring Minority Education Programmes* which was carried out by the Baltic Institute of Social Sciences.

684. Study results show that the attitude towards minority education reform has become more positive. The study concludes that, in 2004, the share of students claiming to speak Latvian was 39%, while in 2010, students who indicated that they are using the Latvian language outside of school accounted for 61%. The number of students who are willing to learn bilingually has increased from 41% in 2004 to 58% in 2010. It has been concluded that the motivation of students for acquiring the Latvian language has increased, for instance, 63% of students have admitted that a good knowledge of Latvian is necessary for studying in higher educational establishments. This result has been achieved through the successful model of introduction of bilingual education into primary schools, according to which subjects are also acquired in the Latvian language, as well as accepting the acquisition of subjects bilingually and in minority languages.

National administrative measures for promoting the minority education programme

685. The education reform is strongly promoted by a number of centres for the support of bilingual education which are funded by municipalities. They monitor the process ensuring the dissemination of a positive experience. Teachers involved in minority education discuss problematic issues in their seminars, inviting experienced professionals and education specialists from Latvian higher educational establishments and other educational establishments to participate in their discussions for promoting creativity.

686. In 2005, the MES participated in the organisation of six regional seminars and two conferences (on issues related to minority education and language policy in Latvia and other states). In the academic year 2006/2008 the MES Advisory Council organised eight round-table discussions during which students, teachers, parents, representatives of NGOs and staff of higher educational establishments were introduced to the planned changes in legal acts.

687. The MES Advisory Council has organised a meeting with the heads of schools and regional centres for the support of bilingual education in order to discuss the minority education process and promote positive experience exchange. The problems indicated by heads of schools are related to the need for new educational materials rather than the use of instructional languages. Participants of the meeting welcomed the possibilities offered by the MES for the promotion of ethnic identity, incorporating intercultural issues into the content of each subject standard, as well as increasing the number of optional classes devoted to the acquisition of a minority language and culture. In 2008, the MES Advisory Council organised four Council meetings and two round-table discussions.

688. School books and supplementary aid for students of years 1 to 12 have been published both in Latvian and Russian as the language of the largest minority group in Latvia. From 2005 to 2007, the Latvian Language Agency published a total of 130 instructional sets, methodological materials, thematic plans, guidelines and other publications intended for students and teachers of minority schools. School books (also for deaf-mute people), dictionaries, educational materials in audio-visual form (CDs, DVDs) have been published with support from the Latvian Language Agency. Moreover, the methodological study materials, which have been developed with the help of the European Social Fund, are granted free of charge to those schools implementing minority education programmes.

689. Every academic year, approximately 300 Latvian language and literature teachers and 340 teachers who are involved in bilingual education and implement minority education programmes receive the most recent information about instructional methodology by taking a continuing education course on methodology organised by the Latvian Language Agency. In order to support the methodological activities of teachers, thematic plans, methodological recommendations, and instructional DVDs have been developed for the integrated acquisition of content and language in seven subjects which, together with individual consultations provided and offered to schools on issues related to methodological and practical acquisition of the language, form the basis for high-quality provision in the instructional process.

(ii) Right to enjoy his or her own culture

690. Preservation of minority language and culture through the means of education is ensured by the Education Law. Article 41 of this Law stipulates that minority education programmes are developed by an educational establishment selecting one of the sample education programmes included in the national standard of primary education.

691. In accordance with the Council of Europe Framework Convention for the Protection of National Minorities which was ratified by Latvia on 6 June 2005, every minority living in Latvia has the right to preserve its ethnic identity and develop its culture.

692. In order to promote the inclusion of the Roma community in society by eradicating discrimination and efficiently providing the Roma community with equal opportunities for education, employment and human rights, the national programme *Roma in Latvia 2007-2009* was approved in 2006. A programme for the professional training of Roma assistant teachers has been developed within the framework of this national programme in order to encourage the introduction of the position of assistant teacher in preschool

educational establishments. Up to 2009 a total of 20 Roma assistant teachers were trained. The total 2007-2009 budget for the implementation of the national programme was LVL 124,251 (approximately EUR 176,795). In 2010, an additional amount of LVL 10,265 (approximately EUR 14,664) was allocated for the integration objective (see annex No. XXI).

693. Statistical data show a fluctuation in the number of Roma students during the reporting period, but after a significant decrease in the academic year 2004/2005 the last two years indicate changes in the form of a gradual increase in the number of Roma students in comprehensive day schools. Data provided by schools reflect an increase in the number of Roma students (for statistical data, refer to annex No. XXI).

694. In 2004, the CM approved the *National Programme for the Promotion of Tolerance 2005-2009*. The aim of this programme is to promote tolerance in Latvian society, eradicate intolerance and develop the multicultural society of Latvia in the context of European integration and globalisation. The programme has identified several objectives such as reducing intolerance, reducing the number of violations of human rights, and taking preventive measures to combat discrimination following various signs. Different activities have been carried out within the framework of the action plan of the programme: online activities (<http://www.dialogi.lv>, <http://www.politika.lv>); conducting studies; running informative campaigns for wide audiences; publishing brochures; organising discussions and exhibitions. In 2008, the total funding allocated by the State for activities for promoting tolerance was LVL 291,810 (approximately EUR 416,871), but in 2009 – LVL 404,611 (approximately EUR 578,015).

695. In order to raise public awareness of issues related to the eradication of intolerance, a number of NGO projects were funded within the framework of this programme, receiving grants from the State's budget. Latvia also implemented several projects funded by the European Commission like *Latvia – Equal in Diversity* which was aimed at the activities of the State administration institutions and NGO partnership networks for reducing discrimination, promoting tolerance and informing the public about anti-discrimination policy. The total funding allocated for the *Latvia – Equal in Diversity* projects from 2005 to 2009 amounted to EUR 719,894.

696. The MES has developed a job description of an assistant teacher, emphasising the possibilities of providing assistant teachers to different target groups: Roma students, representatives of minority education, and children of asylum seekers.

697. During the reporting period the SIF has introduced a number of grant programmes aimed at solving important integration issues and the development of civil society. Several of these programmes have been directly related to children as the target audience. In 2004, the SIF implemented a programme *Support to School Collaboration* which aimed at encouraging the interaction and collaboration of Latvian students and minority students living in Latvia in the organisation of common activities, as well as at promoting the collaboration of students in solving current issues related to minority education. A total of 15 different school collaboration projects were supported within the framework of the programme, receiving funding of LVL 39,257 (approximately EUR 55,858).

698. From 2005 to 2008, the SIF implemented a project *Promotion of Society Integration in Latvia* within the framework of the EU Transition Facility Programme which supported the implementation of 50 projects for promoting the ethnic integration of society and eradicating discrimination. The introduction of the programme was funded by the EU and Latvia, allocating funding of LVL 2,883,580 (approximately EUR 4,102,965) for project implementation. Young people, students and children were the direct target group of more than 50% of the implemented projects. As a result of the projects, 5,894 children, adolescents, young people and students, including minority representatives, were addressed

as a direct target audience but 53,200 representatives of this target group were addressed indirectly. Project activities included camps, seminars, informative campaigns, the development of training programmes, training of multipliers, and discussions. The project resulted in the promotion of mutual understanding and collaboration among representatives of different social groups and nationalities living in Latvia.

699. From 2005 to 2008, the SSAMSI supported almost 1,000 NGO projects for minorities from the State's budget grants with the aim of providing support to the integration of minorities into Latvian culture through strengthening their belonging to Latvia. In general, almost 200 NGOs have received financial support from the State (for statistical data about the amount of grants allocated by the SSAMSI for implementation of the NGO projects, refer to annex No. XXI, but for statistical data about the grants allocated by the SSAMSI for the acquisition of the Latvian language and the organisation of naturalisation courses, refer to annex No. VII).

700. The SSAMSI has supported the initiative of the NGOs to explore culture and history, as well as historical and modern intercultural links, funded the publishing of a number of research books, the production of films, and the organisation of significant conferences and seminars. From 2003 to 2008, the SSAMSI supported 161 projects with the aim of preserving ethnic identity and developing culture, as well as promoting intercultural dialogue.

701. Educational and informative activities (seminars, master classes, meetings, discussions) are organised on a regular basis for leaders and representatives of minority NGOs, and heads of creative minority groups with the aim of increasing the capacity of minority NGOs, promoting the preservation and development of ethnic identity and culture, and reducing the ethnic gap between Latvians and minority representatives. In order to promote the sustainable development of minority NGOs and increase their capacity, these NGOs are provided with administrative and technical assistance and offered a possibility of using the facilities for the organisation of activities. As a result of these efforts, up to 50 representatives of minority NGOs and up to 10 creative groups are provided with assistance each month.

702. Many minority educational establishments in Latvia collaborate with governments and educational establishments of their ethnic homelands and receive different literature and educational materials for improving the education process. Latvia provides funding to the acquisition of minority education programmes in the Russian, Belarusian, Ukrainian, Lithuanian, Romani, Estonian, Polish and Hebrew languages. The National Centre for Education also prepares the State examinations for students of year 3, 6 and 9 in the Polish and Russian languages. The Republic of Poland closely collaborates with Latvia and supports Polish schools in Latvia promoting the professional development of teachers working in Polish schools, providing Latvia with teachers from Poland, participating in the renovation of Polish school facilities and the provision of educational supplies. In 2012, Latvia concluded an agreement with Poland on collaboration in culture and education from 2012 to 2015.

703. Latvian libraries have always strived to include books and publications in different languages in library collections. Along with the literature and newspapers and magazines published in the Latvian language, publications in the Russian language take the dominant position, accounting for 40–45% of the total library collections. Books in other languages (English, German, French, Swedish, Danish etc.) account for approximately 10% of the total library collections. Libraries located in frontier districts offer more books in the language of the bordering state. Publications in different languages are available to Rīga residents in a specialised public library – the Foreign Literature Library.

704. Different minority communities living in Latvia publish their own newspapers, newsletters, and magazines. The Ukrainian diaspora has published its newspaper *Вісник* in the Ukrainian language since 2004 (1,000 copies, 4–6 times a year). The Belarusian community publishes its newspaper *Прамень* with support from sponsors (1,000 copies, 8-9 times a year). The newspaper *Апарат* of the Armenian community (2,500 copies, 7-9 times a year), the Old Believers' newspaper *Меч духовный* and the magazine *Поморский вестник* in the Russian language are also published in Rīga. The Polish community publishes its newspaper *Polak na Łotwie* in Rīga (650 copies, 6 times a year) and its monthly newspaper *Ślowo polskie* in Daugavpils (approximately 1,000 copies). In 2005, the Roma Association started publishing its newspaper *Nēvo Drom* (in the Latvian language) which is the first common newspaper of the Roma community in Latvia. From 2006 to 2007, the SSAMSI provided financial support to minority newspapers and magazines amounting to LVL 6,400 (approximately EUR 9,106). Part of the minority publications are supported from the State's budgetary resources.

705. A wide range of newspapers and magazines which are not deemed newspapers and magazines of minority communities in their formal sense is available to the Latvian population. These are publications in foreign languages (Russian and English) which are published in Latvia on a regular basis. This allows the multiethnic Latvian audience to obtain information about the recent events taking place in the State and the local region in the language a person uses most in daily life.

706. Latvia also has a number of online news resources providing information in both the Latvian and Russian languages. In addition, several radio and television broadcasting programmes are offered in foreign languages, including the Russian language. As to the newspapers, magazines, and radio and television broadcasts in general, it should be emphasised that the range of the said services in foreign languages, including the Russian language offered to the Latvian population exceeds the range of the same services available in the Latvian language (for statistical data about the division of published books and brochures by languages, refer to annex No. XXI).

707. The Rīga Russian Theatre of Mikhail Chekhov, Daugavpils Theatre, and the performances of the Latvian Puppet Theatre in the Russian language are constantly supported by the State. Approximately 25% of the total State grants from general revenues intended for theatres are allocated annually for this purpose. Along with the theatres which receive constant support from the State's budgetary resources, there are independent private theatres and theatre companies in Latvia such as the Russian Youth Theatre which give performances in the Russian language. Such theatres and theatre companies have the right and possibilities to receive funding from State funds. For instance, drama groups in minority schools and the Russian Classics School Theatre Festival which takes place every year, are supported financially by the State Culture Capital Foundation.

708. Article 53 of the Radio and Television Law stipulates that the national remit is the totality of broadcasts and programmes approved by the National Radio and Television Council, in which the requirements of this Law are complied with and which has the necessary funding. Pursuant to paragraph 5, article 54, of this Law, the national remit promotes the production of broadcasts concerning the life and culture of minorities living in Latvia.

709. Paragraph 3, article 62, of the Radio and Television Law stipulates that the public television broadcasting organisation Latvian Television may allocate 20% of annual broadcasting time to broadcasts in the languages of State minorities, also including films and theatrical performances sub-titled in the official language in such broadcasting time.

710. Latvia currently has 48 commercial radio broadcasting organisations, out of which six broadcast entirely in foreign languages (five in the Russian language and one in the English language), and 27 commercial television broadcasting organisations, out of which

three prepare broadcasts for national minorities as their target audience: *TV 5*, *First Baltic Channel* and *TV Million*. In addition, there are 40 cable television broadcasting organisations, the major broadcasts of which are offered in the Russian language (for information about broadcasts intended for children, refer to annex No. VIII).

(iii) Right to freedom of religion

711. Both article 99 of the Constitution and other legal acts guarantee that an individual has the right to freedom of religion. Thus public institutions and private sector organisations, as well as individuals, may not ignore or infringe upon the right to freedom of religion through their activities. The State protects this individual right both allowing a person to freely practice his or her religion and imposing sanctions on persons who illegally restrict or infringe upon the right to freedom of religion.

712. In 2006, there were 14 Sunday schools in Latvia. Azerbaijani, Jews, Ukrainians and Livs have their own Sunday schools. New schools have been established by Roma, Belarusians, Old Believers and Russians – Orthodox Christians. The national language, history, culture and geography are taught at Sunday schools. A number of schools also offer to learn the basics of religion, take music classes and engage in the celebration of national festivals.

713. The SSAMSI has supported separate applications for grants from minority NGOs exactly for the needs of Sunday schools. Thus regular financial support is provided for the maintenance of the Roma Sunday School organised by the Nēvo Drom Association of Latvian Roma, Rumanian Sunday School (DOINA Romanian-Moldavian Association), Belarusian Sunday School (Uzdim Cultural and Educational Association of Belarusians) and the Liepāja Ukrainian Sunday School (Rodīna Association). In 2005, the SSAMSI funded the development of the methodology for the Sunday School of the Jelgava Jewish Community. In 2008, no minority NGO requested any resources from the SSAMSI for the support of Sunday schools.
