

Questionnaire concerning the Practical Operation of the 1980 Child Abduction Convention

Wherever responses to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1980 Convention, **please provide a copy of the referenced documentation** in (a) the original language and, (b) wherever possible, accompanied by a translation into English and / or French.

| | |
|---|--------|
| Name of State or territorial unit:¹ | Latvia |
| <i>For follow-up purposes</i> | |
| Name of contact person: | |
| Name of Authority / Office: | |
| Telephone number: | |
| E-mail address: | |
| Date: | |

PART I – PRACTICAL OPERATION OF THE 1980 CONVENTION

Recent developments in your State²

1. Since the 2017 SC, have there been any significant developments in your State regarding the **legislation or procedural rules** applicable in cases of international child abduction? Where possible, please state the reason for the development and the results achieved in practice.

- No
 Yes

Please specify:

From 1 August 2022 within the EU in international child protection matters the Brussels IIb Regulation has become applicable (see EU response to the questionnaire). In order to ensure appropriate application of the Brussels IIb Regulation, several amendments were made also to the Chapter 77.2 "Cases Regarding the Wrongful Removal of Children across Borders to Latvia or Detention in Latvia" of the Civil Procedure Law. Worth mentioning is that the procedure for provisional decision on access rights to ensure contact between the child and the person seeking the return of the child has been introduced (Article 644.18A of the Civil Procedure Law) and the court's obligation to strive to reconcile the parties, and also offer to settle a dispute through mediation (where the court considers that it is possible) has been highlighted more clearly also in the child abduction cases (Article 644.19(8) of the Civil Procedure Law).

Another significant development are amendments made in 2022 in the Civil Procedure Law concerning international child abduction cases that allows the Court, that has concentrated jurisdiction since 2015, to take provisional decision in order to prohibit to take the child out of the State. Please see the Article 644.18A of the Civil Procedure Law.

2. Following the Covid-19 pandemic,³ have there been any **improvements** that have remained in your State in the following areas, in particular in relation to the **use of information technology**, as a result

¹ The term "State" in this Questionnaire includes a territorial unit, where relevant.

² This Part of the Questionnaire is intended to deal primarily with the developments in law and practice relating to international child abduction which have occurred in your State since the Seventh Meeting of the Special Commission (SC) to review the operation of the 1980 Abduction Convention and the 1996 Child Protection Convention (held from 10 to 17 October 2017) ("2017 SC").

³ This question aims to gather information about good practices that were developed in those exceptional circumstances and that will continue to be applied regardless of the pandemic.

of newly adopted procedures or practices applicable to child abduction cases? In each case, please describe the tools, guidelines or protocols put in place.

- a) Methods for accepting and processing return and access applications and their accompanying documentation;
The Central Authorities mostly allows for the applications and further correspondence to be sent only via e-mail.
- b) Participation of the parties and the child (e.g., appearance in court proceedings, mediation);
The Courts are provided with technical means to arrange a hearing through the video link.
- c) Promoting mediation and other forms of amicable resolution;
Mediators provide their services also through the video link
- d) Making arrangements for organising or securing the effective exercise of rights of access, including while pending return proceedings;
Please insert text here
- e) Obtaining evidence by electronic means;
Please insert text here
- f) Ensuring the safe return of the child;
Please insert text here
- g) Cooperation between Central Authorities and other authorities;
The Central Authorities mostly allows for the applications and further correspondence to be sent only via e-mail.
- h) Providing information and guidance for parties involved in child abduction cases;
Information and guidance is being provided via emails or phone calls.
- i) Other, please specify.
Please insert text here

3. Please provide the three most **significant decisions concerning the interpretation and application of the 1980 Convention** rendered since the 2017 SC by the relevant authorities⁴ in your State.

| Case Name | Court Name | Court Level | Brief summary of the ruling |
|-------------------------|-------------------------|-------------------------|-----------------------------|
| Please insert text here | Please insert text here | Please insert text here | Please insert text here |
| Please insert text here | Please insert text here | Please insert text here | Please insert text here |
| Please insert text here | Please insert text here | Please insert text here | Please insert text here |

4. Please provide a brief summary of **any other significant developments** in your State since the 2017 SC.

In 2022 (officially presented on 1 June 2022) The Ministry of Justice in cooperation with the Latvian Council of Bailiffs, Ministry of Welfare, State

⁴ The term “relevant authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1980 Convention. Whilst in the majority of Contracting Parties such “authorities” will be courts (i.e., judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

Children's Rights Protection Inspectorate, Ombudsman, Association of Latvian Orphan's and Custody Courts Employees, Psychologist Certification Council and Council of Certified Mediators, has developed guidelines (so called good practice recommendations) on enforcement in cases involving the return of children to the country of permanent residence.

The guidelines provide information on the nature, importance and necessity of enforcement procedure. In addition, the guidelines make a significant contribution to ensuring the successful execution of court rulings in accordance with the interests of children

Guidelines available (only in Latvian) at: <https://www.tm.gov.lv/lv/piespiedu-izpilde-lietas-kas-skar-bernu-atgriesanos-pastavigas-dzivesvietas-valsti>

Additional official explanation on developed guidelines is available (only in Latvian) at:

<https://lvportals.lv/skaidrojumi/341649-izstradatas-ricibas-vadlinijas-gadijumiem-ja-berns-prettiesiski-aizvests-uz-citu-valsti-2022>

Issues of compliance

5. Has your State faced any particular **challenges with other Contracting Parties** to the 1980 Convention in achieving successful cooperation? Please specify the challenges that were encountered and, in particular, whether the problems appear to be systemic.

- No
 Yes

Please specify the challenges encountered:

Cooperation with the Central Authority of Russian Federation. None of the submitted application has been processed to the Court, either no information was available on child's place of residence, or it was difficult to initiate the proceedings due to lack of any assistance with the legal aid.

6. Are you aware of situations or circumstances in which there has been **avoidance or improper application** of the 1980 Convention as a whole or any of its provisions in particular?

- No
 Yes

Please specify:

[Please insert text here](#)

Addressing delays and ensuring expeditious procedures

7. The 2017 SC encouraged States to review their procedures (including, where applicable, at the Central Authority, judicial, enforcement and mediation / other alternative dispute resolution - "ADR" phases)⁵ in order to identify possible sources of delay and implement the adjustments needed to secure shorter time frames consistent with Articles 2 and 11 of the Convention. Please indicate any identified sources of delay at the following phases:

Central Authority

- No
 Yes
 Procedure not yet revised

⁵ See C&R No 4 of the 2017 SC, "The Special Commission acknowledges that some States have made progress in reducing delays and encourages States to review their procedures (including, where applicable, at the Central Authority, judicial, enforcement and mediation / ADR phases) in order to identify possible sources of delay and implement the adjustments needed to secure shorter time frames consistent with Articles 2 and 11 of the Convention."

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please insert text here

Judicial proceedings

- No
 Yes
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please insert text here

Enforcement

- No
 Yes
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

In two cases there have been delays with the enforcement as the Respondent failed to cooperate despite all available judicial means. Nonetheless, the matter was eventually resolved following the return of the Respondent herself/himself with the child.

Mediation / ADR

- No
 Yes
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please insert text here

Court proceedings and promptness

8. Does your State have mechanisms in place to deal with return decisions within six weeks (e.g., production of summary evidence, limitation of appeals, swift enforcement)?

- No
 Yes

Please specify:

The Civil Procedure Law provides for swift procedure and limitation of appeal (only one). In fact, the whole process to review the matter, including one level of appeal, takes exactly six weeks.

The official and original text of the relevant chapter, namely, the Chapter 77.2 “Cases Regarding the Wrongful Removal of Children across Borders to Latvia or Detention in Latvia” is available at: <https://likumi.lv/doc.php?id=50500> .

9. If the response to question 8 above is “No”, does your State contemplate implementing mechanisms to meet the requirement of prompt return under the 1980 Convention (e.g., procedures, bench-books, guidelines, protocols)?

- No
Please specify:
Please insert text here
- Yes
Please specify:
Please insert text here

10. Do the courts in your State make use of direct judicial communications⁶ to ensure prompt proceedings?

- No
 Yes
Please specify:
Please insert text here

11. If your State has not designated a judge to the International Hague Network of Judges (IHNJ) does your State intend to do so in the near future?

- No
 Yes
Please specify:
Please insert text here

12. Please comment upon any cases (where your State was the requested State) in which the judge (or decision-maker) has, before determining an application for return, communicated with a judge or other authority in the requesting State regarding the issue of the child’s safe return. What was the specific purpose of the communication? What was the outcome?

Please insert text here

The role and functions of Central Authorities designated under the 1980 Convention

In general

13. Have any of the duties of Central Authorities, as set out in **Article 7** of the 1980 Convention, raised any particular problems in practice either in your State, or in Contracting Parties with which your State has cooperated?

- No
 Yes
Please specify:
Please insert text here

14. Has your Central Authority encountered any challenges with the application of **any of the 1980 Convention provisions**? If so, please specify.

- No
 Yes
Please specify:
On one occasion it was unclear to what extent the Hague 1980 Convention applies in matters involving refugees from Ukraine. The matter was clarified during HCCH roundtable "Return and access applications concerning temporarily relocated children

⁶ For reference, see “Direct Judicial Communications - Emerging Guidance regarding the development of the International Hague Network of Judges and General Principles for Judicial Communications, including commonly accepted safeguards for Direct Judicial Communications in specific cases, within the context of the International Hague Network of Judges”.

outside Ukraine with an accompanying parent" which took place remotely on 18 January 2023.

Legal aid and representation

15. Do the measures your Central Authority takes to provide or facilitate the provision of legal aid, legal advice and representation in return proceedings under the 1980 Convention (**Art. 7(2)(g)**) result in delays in proceedings either in your own State, or, where cases originate in your State, in any of the requested States that were dealt with?

No

Yes

Please specify:

[Please insert text here](#)

16. Are you aware of any other challenges in your State, or, where cases originate in your State, in any of the requested States your Central Authority has dealt with, regarding the **obtaining of legal aid, advice and / or representation for either left-behind parents or taking parents?**⁷

No

Yes

Please specify:

[In view of applicants there are certain challenges in obtaining legal aid in the Netherlands, the United States of America.](#)

Locating the child

17. Has your Central Authority encountered any **challenges with locating children** in cases involving the 1980 Convention, either as a requesting or requested State?

No

Yes

Please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:

[In one particular case it was challenging to locate the children as the Respondent was travelling between neighboring countries in order to avoid and delay the proceedings. Police search was also dead end.](#)

Voluntary agreements and bringing about an amicable resolution of the issues

18. How does your Central Authority (either directly or through any intermediary) take, or is considering taking, appropriate steps under **Article 7(c)** to bring about an amicable resolution of the issues? Please explain:

[The Central Authority promotes amicable resolution through the intermediary, namely, with the assistance of the competent authority \(Orphan's and Custody Court\). The relevant Custody Court is contacted with the request, firstly, to locate the child and alleged abducting party. Secondly, to clarify the opinion of the alleged abducting party. Thirdly, to advise mediation options.](#)

⁷ See paras 1.1.4 to 1.1.6 of the C&R of the Fifth Meeting of the SC to review the operation of the 1980 Child Abduction and the practical implementation of the 1996 Child Protection Convention (30 October – 9 November 2006) (2006 SC C&R) and paras 32 to 34 of the C&R of the Sixth Meeting of the SC to review the operation of 1980 and 1996 Conventions (1-10 June 2011 and 25-31 January 2012) (2012 SC C&R), available on the HCCH website at www.hcch.net under "Child Abduction Section" then "Special Commission meetings".

19. In the case that your Central Authority offers mediation services, or other alternative dispute resolution methods to bring about an amicable resolution of the issues, has your Central Authority reviewed these procedures in the light of the framework of international child abduction cases (e.g., by providing trained, specialised mediators, including with cross-cultural competence and necessary language skills⁸)?

Please specify:

Mediators who are specialized in the family matters are also trained and advised of the international child abduction.

The Ministry of Justice in collaboration with the Council of Certified Mediators, has implemented project "State co-financed family mediation". It allows to provide support for families to solve their disputes affecting children. Within the project each family could receive up to 5 hours of State paid sessions (for 60 minutes each), provided by certified mediators. Since 2022 family could receive up to 7 hours of State paid mediation session if the party to the conflict is recognized as poor or low-income in accordance with the law. Parents, guardians or children's caretakers could apply even if the proceedings had already been initiated in court and there were a wide range of disputes that could be solved by means of mediation (e.g. parents' rights of access, children's maintenance, education, place of residence).

Mediation Law is available at: <https://likumi.lv/ta/en/en/id/266615-mediation-law>.

Additional information on project (only in Latvian) available at: <https://sertificetimediatori.lv/mediacijas-pakalpojumi-gimenes-stridu-risinasana/>

20. Should the services mentioned in the question above not yet be provided, does your Central Authority intend to provide them in the future?

Please provide comments:

Please insert text here

21. Has your State considered, or is it in the process of considering, the establishment of a central service for international family mediation to facilitate access to information on available mediation services and related issues for cross-border family disputes involving children?⁹

No

Please explain:

Please insert text here

Yes

Please explain:

The mediation services are already centralized and coordinated by the Council of Certified Mediators.

Ensuring the safe return of children¹⁰

⁸ For reference, please see the recommendation in the Guide to Good Practice on Mediation, item 3.2, paras 98-105, "Specific training for mediation in international child abduction cases", available on the HCCH website at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".

⁹ As it has been encouraged in the Guide to Good Practice on Mediation, Chapter 4, on "Access to Mediation". paras 114-117. See also 2011 / 2012 SC C&R at para. 61.

¹⁰ See Art. 7(2)(h) of the 1980 Convention.

22. How does the competent authority in your State obtain information about the protective measures available in the requesting State when necessary to ensure the safe return of the child?

Please explain:

Through the prompt assistance of the Central Authority.

23. If requested as a safe return measure (e.g., in accordance with the 1996 Convention), would your Central Authority be in a position to provide, either directly or through intermediaries, a report on the situation of the child after a certain period of time after the return?

- No
 Yes

Please specify:

Through intermediaries, namely, competent authority (Orphan's and Custody Court).

Information exchange, training and networking of Central Authorities

24. Has your Central Authority shared experiences with other Central Authority(ies), for example by organising or participating in any networking initiatives such as regional meetings of Central Authorities, either in person or online?¹¹

- No
 Yes

Please specify:

By attending and participating in meetings organized by the EJM-civil that once per year are dedicated to discussing the application of the Brussels IIa and IIb Regulations and the 1980 Convention.

Also by attending HCCH roundtable "Return and access applications concerning temporarily relocated children outside Ukraine with an accompanying parent" which took place remotely on 18 January 2023.

Case management and collection of statistical data on applications made under the Convention

25. Has your Central Authority developed any protocols or internal guidelines for the processing of incoming and outgoing cases?

- No
 Yes

Please specify and share the relevant instruments whenever possible:

Internal case management system operates to process incoming and outgoing requests

26. Does your Central Authority operate a case management system for processing and tracking incoming and outgoing cases?

- No
 Yes

Please specify:

Please see 25.

¹¹ See, in particular, Chapter 6.5, on twinning arrangements, of the Guide to Good Practice – Part I – Central Authority Practice, available on the HCCH website at www.hcch.net (see path indicated in note 8).

27. Does your State collect statistical data on the number of applications made per year under the 1980 Convention (e.g., number of incoming and / or outgoing cases)?¹²
- No
 Yes
- In case this information is publicly made available, please share the links to the statistical reports:
 Available (only in Latvian) at: <https://www.tm.gov.lv/lv/statistika>;
 Also at: <https://www.tm.gov.lv/lv/media/10409/download?attachment>.

Transfrontier access / contact¹³

28. Since the 2017 SC, have there been any significant developments in your State regarding Central Authority practices, legislation, procedural rules or case law applicable in cases of transfrontier access / contact?
- No
 Yes
- Please specify:
 Since 2022 the Civil Procedure Law allows the court, that has concentrated jurisdiction since 2015, to take provisional decision in order to prohibit to take the child out of the State. Please see the Article 644.18A of the Civil Procedure Law.
29. Has your Central Authority encountered any problems as regards cooperation with other States in making arrangements for organising or securing the effective exercise of rights of access / contact?
- No
 Yes
- Please specify:
 In view of Applicant it is challenging to obtain legal aid, also procedures itself are lengthy.
30. Has your State had any challenges, or have questions arisen, in making arrangements for organising or securing the effective exercise of rights of access / contact under **Article 21** when the application was *not* linked to an international child abduction situation?¹⁴
- No
 Yes
- Please specify:
 Please insert text here
31. In the case of access / contact applications under **Article 21**, which of the following **services** are **provided by your Central Authority**?

| Position | Services provided |
|----------|-------------------|
|----------|-------------------|

¹² In the Country Profile for the 1980 Child Abduction Convention, question No 23(e), States are asked to inform whether statistics related to applications under the Convention are publicly available. Please note that, at its meeting of 2021, according to Conclusion & Decision (C&D) No 19, the Council on General Affairs and Policy (CGAP) mandated the discontinuance of INCASTAT.

¹³ See C&R Nos 18-20 of the 2017 SC.

¹⁴ According to C&R No 18 of the 2017 SC, “The Special Commission agrees that an application to make arrangements for organising or securing the effective exercise of rights of access / contact under Article 21 can be presented to Central Authorities, independently of being linked or not, to an international child abduction situation.”

| | |
|---|---|
| <p>A request of assistance to organise or secure effective exercise of rights of access in another Contracting Party (as requesting State)</p> | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. Assistance in obtaining information on the operation of the 1980 Convention <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" type="checkbox"/> 3. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide <input checked="" type="checkbox"/> 4. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 5. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input type="checkbox"/> 6. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 7. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State <input type="checkbox"/> 8. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 9. Provision of regular updates on the progress of the application <input type="checkbox"/> 10. Other, please specify: Please insert text here |
| <p>A request of assistance to organise or secure effective exercise of rights of access in your State (as requested State)</p> | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. Providing information on the operation of the 1980 Convention and / or the relevant laws and procedures in your State <input checked="" type="checkbox"/> 2. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input checked="" type="checkbox"/> 3. Assistance in providing or facilitating the provision of legal aid and advice <input checked="" type="checkbox"/> 4. Assistance in obtaining private legal counsel or mediation services available in your State <input checked="" type="checkbox"/> 5. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 6. Regular updates on the progress of the application <input type="checkbox"/> 7. Other, please specify: Please insert text here |

32. Should your State also be a Contracting Party to the 1996 Convention, are you aware of any use being made of **provisions of the 1996 Convention**, including those under Chapter V, **in lieu of or in connection with an application under Article 21** of the 1980 Convention?

- No
 - Yes
- Please specify:
Please insert text here

Special topics

Obtaining the views of a child in a child abduction case

33. When obtaining the views of a child in a child abduction proceeding in your State’s jurisdiction, what are the elements normally observed and reported by the person hearing the child (e.g., expert, judge, guardian *ad litem*? (E.g., the views of the child on the procedures, the views of the child on the subject of return, the maturity of the child, any perceived parental influence on the child’s statements)?

- Please explain:
Normally it is observed and reported about:
- 1) living conditions prior and after abduction;
 - 2) child's view on relationships with both parents;

- 3) the maturity of the child;
- 4) perceived parental influence on the child's statements.

34. Are there any procedures, guidelines or principles available in your State to guide the person (e.g. expert, judge, guardian *ad litem*) in seeking the views of the child in a child abduction case?

- No
 Yes

Please specify:

General guideles are available that are also applicable for the child abduction cases.

For judges: Law on the Protection of the Children's Rights provides that judges, among many other specialists dealing with the field of protection of the rights of children, shall acquire special knowledge in the field of the protection of the rights of the child, the content and extent of such knowledge is be determined by the Cabinet.

For experts - in Latvia implemented by the competent authorities (Orphan's and Custody Court), also specific guidelines have been developed. Guidelines (Hand-book/ Manual) for the Custody Court, Volume 1, Section 1.24). Available (only in Latvian) at: <https://www.bti.gov.lv/lv/media/1776/download?attachment>

Article 15

35. As requesting State (outgoing applications), how often have judicial or administrative authorities in your State received requests for Article 15 decisions or determinations?

- Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

36. As requested State (incoming applications), how often have judicial or administrative authorities in your State requested Article 15 decisions or determinations?

- Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

37. Please indicate any good practices your State has developed to provide as complete as possible information in the return applications as required under Article 8 with a view to speed up proceedings?

Please indicate:

Samples of the applications are available at the webpage of the Central Authority. Also consultation prior submission of the application.

38. Considering C&R No 7 of the 2017 SC,¹⁵ what information do you suggest adding to the Country Profile for the 1980 Convention, either as requested State or requesting State in relation to Article 15?

Please insert your suggestions:
Please insert text here

Relationship with other International Instruments on human rights

39. Has your State faced any challenges, or have questions arisen, in processing international child abduction cases where there was a **parallel refugee claim** lodged by the taking parent?

- No
 Yes

If possible, please share any relevant case law or materials that are relevant to this type of situation in your State or, alternatively, a summary of the situation in your State:
Please insert text here

- Do not know

40. Has the concept of the **best interest of the child** generated discussions in your State in relation to child abduction proceedings? If it is the case, please comment on any relevant challenges in relation to such discussions.

- No
 Yes

Please provide comments:

In 2021, there has been a general discussion about the concept of best interests. This concept is enshrined in our national legislation as a universal principle that must be considered in all activities which directly or indirectly affect or may affect the child. In 2021, amendments were made to the Law on the Protection of the Children's Rights, listing these activities more precisely and defining universal aspects that must be taken into account when determining the best interests of the child (see Article 6, paragraphs 2 and 2prim of the Law on the Protection of the Children's Rights).

The Law on the Protection of the Children's Rights) is available at: <https://likumi.lv/ta/en/en/id/49096-law-on-the-protection-of-the-childrens-rights>

Use of the 1996 Convention¹⁶

41. If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention (please comment where applicable below):

(a) providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**)

Please insert text here

(b) providing for the recognition of urgent protective measures by operation of law (**Art. 23**)

Please insert text here

(c) providing for the advance recognition of urgent protective measures (**Art. 24**)

Please insert text here

¹⁵ See C&R No 7: "The Special Commission recommends amending the Country Profile for the 1980 Convention to include more detailed information on the Article 15 procedure. It is further recommended that an Information Document on the use of Article 15 be considered with, if necessary, the assistance of a small Working Group."

¹⁶ For this part of the Questionnaire, the [Practical Handbook on the Operation of the 1996 Child Protection Convention](#) can provide helpful guidance, available on the HCCH website at [under "Child Protection Section"](#).

(d) communicating information relevant to the protection of the child (**Art. 34**)

Please insert text here

(e) making use of other relevant cooperation provisions (e.g., **Art. 32**)

Please insert text here

42. If your State is a Party to the 1996 Convention, does your State make use of the relevant cooperation provisions (e.g., Art. 32) to provide, if requested, either directly or through intermediaries, a report on the situation of the child after a certain period of time after the return?¹⁷

No

Yes

Please specify:

Only if requested, it would be arranged through intermediaries (Orphan's and Custody Court).

Primary carer and protective measures

43. Are you aware of any cases in your State where a primary carer taking parent, for reasons of personal security (e.g., domestic or family violence, intimidation, coercive control, harassment, etc.) or others, has refused or has not been in a position to return with the child to the requesting State? How are such cases dealt with in your State?

Please explain and provide case examples where possible:

In 90% of cases personal security has been applied by the taking parent, however, each case and situation is being scrutinously assessed. If the same is confirmed, protective measures and social assistance is being examined. If no protective measures are available, the Court may deny return in accordance with the Article 13b. If no personal security reasons are confirmed, the case might end up with coercive enforcement.

44. Would the authorities of your State consider putting in place measures to protect the primary carer upon return in the requesting State if they were requested as a means to secure the safe return of the child?

Please explain and provide case examples where possible:

Please insert text here

45. In cases where the return order was issued together with a protective measure to be implemented upon return, are you aware of any issues encountered by your State in relation to the enforcement of such protective measures?

No

Yes

Please explain and distinguish between such measures being recognised and enforced under the 1996 Convention:

Please insert text here

46. In cases where the return order was issued together with an undertaking given by either party to the competent authority of the requested State, are you aware of any issues encountered by your State in relation to the enforcement of such undertakings?

¹⁷ See C&R No 40 of the 2017 SC: "The Special Commission notes that many Central Authorities may provide certain degrees of assistance (both when the 1980 Convention and / or the 1996 Convention apply), both to individuals within their own State and to foreign Central Authorities on behalf of an individual residing abroad. Requests for assistance may encompass such matters as: securing rights of access; the return of children (both when the 1980 Convention and / or the 1996 Convention apply); the protection of runaway children; reporting on the situation of a child residing abroad; post-return reports for children returned to their habitual residence; the recognition or non-recognition of a measure taken abroad (advanced recognition); and, the enforceability of a foreign measure of protection." (Emphasis added.)

- No
 Yes

Please specify:

Party responsible for the enforcement of such undertakings was not fully aware of further procedure.

47. If your State is a Contracting Party to the 1996 Convention, is Article 23 of that Convention being used or considered for the recognition and enforcement of undertakings given by either party while returning a child under the 1980 Convention?

- No
 Yes

Please specify:

[Please insert text here](#)

- N/A

48. In cases where measures are ordered in your State to ensure the safety of a child upon return, does your State (through the Central Authority, competent Court or otherwise) attempt to monitor the effectiveness of those measures upon the child's return?

- No
 Yes

Please specify:

[Please insert text here](#)

International family relocation¹⁸

49. Has your State adopted specific procedures for international family relocation?

- Yes

Please describe such procedures, if possible:

[Please insert text here](#)

- No

Please describe how the authorities deal with international family relocation cases, if possible:

[Please insert text here](#)

Publicity and debate concerning the 1980 Convention

50. Considering any potential impact on its practical operation, has your State had any recent publicity (positive or negative) or has there been any debate or discussion in your national parliament or its equivalent about the 1980 Convention?

- No
 Yes

Please indicate the outcome of this debate or discussion, if any:

[Please insert text here](#)

¹⁸ See the C&R of the 2006 SC at paras 1.7.4-1.7.5, C&R No 84 of the 2012 SC, and C&R No 21 of the 2017 SC, the latter of which says: "The Special Commission recalls the importance of securing effective access to procedures to the parties in international family relocation cases. In this regard, the Special Commission notes that: i) mediation services may assist the parties to solve these cases or prepare for outcomes; ii) the Washington Declaration of 25 March 2010 on Cross-border Family Relocation may be of interest to competent authorities, in particular in the absence of domestic rules on this matter. The Special Commission recommends joining the 1996 Convention."

51. By what methods does your State disseminate information to the public and raise awareness about the 1980 Convention?

Please explain:

Through website and social media of the Central Authority:
<https://www.tm.gov.lv/lv/bernu-prettiesiska-aizvesanaaizturesana>.

Special section topic "International Child Abduction" in official legislative explanations of the official publisher portal "Latvijas Vēstnesis" (<https://lvportals.lv/skaidrojumi>).

PART II – TRAINING, EDUCATION AND POST-CONVENTION SERVICES

Training and education

52. Please provide below details of any training sessions / conferences organised in your State to support the effective functioning of the 1980 Convention, and the influence that such sessions / conferences have had:

Please provide details:

Once a year a meeting for the judges of concentrated jurisdiction and separate meeting for pro bono sworn lawyers, also separate meeting for competent authorities, dealing with the international child abduction has been organized dedicated to discussing the application of the Brussels IIa and IIb Regulations and the 1980 Convention.

Thus the judges, pro bono lawyers and specialists are advised of new developments, also challenges are being discussed.

The tools, services and support provided by the PB

53. Please comment or state your reflections on the specific tools, services and support provided by the PB to assist with the practical operation of the 1980 (and 1996) Conventions, including:

- a. The Country Profile available under the Child Abduction Section, including the addition and / or revision of its questions.

Is being used upon cooperation with new or first time partners.

- b. INCADAT (the international child abduction database, available at www.incadat.com).

Not used frequently.

- c. *The Judges' Newsletter* on International Child Protection - the HCCH publication which is available online for free;²⁰

Not used frequently.

- d. The specialised "Child Abduction Section" of the HCCH website (www.hcch.net);

Not used frequently.

- e. Providing technical assistance and training to Contracting Parties regarding the practical operation of the 1980 (and 1996) Conventions. Such technical assistance and training may involve persons visiting the PB or, alternatively, may involve the PB (including through its Regional Offices) organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;

Participation in Special Commissions.

- f. Encouraging wider ratification of, or accession to, the 1980 (and 1996) Conventions, including educating those unfamiliar with the Convention(s);²¹

Latvia is of supporting opinion.

²⁰ Available on the HCCH website at under "Child Abduction Section" and "Judges' Newsletter on International Child Protection". For some volumes of *The Judges' Newsletter*, it is possible to download individual articles as required.

²¹ Which again may involve State delegates and others visiting the PB or, alternatively, may involve the PB organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the 1980 (and 1996) Conventions and participating in such conferences.

- g. Supporting communications between Central Authorities, including maintaining updated contact details on the HCCH website or intervening to facilitate contact in cases where obstacles arise.

Latvia is of supporting opinion.

- h. Supporting communications among Hague Network Judges and between Hague Network Judges and Central Authorities, including maintaining a confidential database of up-to-date contact details of Hague Network Judges or intervening to facilitate contact in cases where obstacles arise.

Latvia is of supporting opinion.

- i. Responding to specific questions raised by Central Authorities, Hague Network Judges or other operators regarding the practical operation or interpretation of the 1980 (and 1996) Conventions.

Latvia is of supporting opinion.

Guides to Good Practice under the 1980 Convention

- 54. For any of the Guides to Good Practice²² which you may have used to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State please provide comments below:

- a. Part I on Central Authority Practice.

Is being frequently used by the Latvian Central Authority.

- b. Part II on Implementing Measures.

Was very helpful developing national legislation.

- c. Part III on Preventive Measures.

Is very helpful for the judges of concentrated jurisdiction and helpful to develop domestic legislation.

- d. Part IV on Enforcement.

Was very helpful developing national legislation and guidelines.

- e. Part V on Mediation

Is being frequently use by the Latvian Central Authority.

- f. Part VI on Article 13(1)(b)

Is very helpful for the judges of concentrated jurisdiction and practitioners (lawyers).

- g. Transfrontier Contact Concerning Children – General Principles and Guide to Good Practice

Not used very frequently.

- 55. How has your Central Authority ensured that the relevant authorities in your State have been made aware of, and have had access to the Guides to Good Practice?

²² All Parts of the Guide to Good Practice under the 1980 Convention are available on the HCCH website at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".

Through website and social media of the Central Authority:
<https://www.tm.gov.lv/lv/bernu-prettiesiska-aizvesanaaizturesana>.

56. Do you have any other comments about any Part of the Guide to Good Practice?

Keep up with the good work!

57. In what ways have you used the *Practitioner's Tool: Cross-Border Recognition and Enforcement of Agreements Reached in the Course of Family Matters Involving Children*²³ to assist in improving the practical operation of the 1980 Convention in your State?

Please insert text here

Other

58. What other measures or mechanisms would you recommend:

a. to improve the monitoring of the operation of the 1980 Convention;

Please insert text here

b. to assist States in meeting their Convention obligations; and

Please insert text here

c. to evaluate whether serious violations of Convention obligations have occurred?

Please insert text here

²³ The *Practitioner's Tool* is available at the HCCH website at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".

PART III – NON-CONVENTION STATES

59. Are there any States that you would particularly like to see become a Contracting Party to the 1980 Convention? If so, what steps would you suggest could be taken to promote the Convention and encourage ratification of, or accession to, the Convention in those States?

Please explain:

[Please insert text here](#)

60. Are there any States which are not Party to the 1980 Convention or not Members of the HCCH that you would like to see invited to the SC meeting in 2023?

Please indicate:

[Please insert text here](#)

The “Malta Process”²⁴

61. Do you have any suggestions of activities and projects that could be discussed in the context of the “Malta Process” and, in particular, in the event of a possible Fifth Malta Conference?

Please explain:

[Please insert text here](#)

²⁴ The “Malta Process” is a dialogue between certain Contracting Parties to the 1980 and 1996 Conventions and certain States which are not Parties to either Convention, with a view to securing better protection for cross-border rights of contact of parents and their children and addressing the problems posed by international abduction between the States concerned. For further information see the HCCH website at www.hcch.net under “Child Abduction Section” then “Judicial Seminars on the International Protection of Children”.

PART IV – PRIORITIES AND RECOMMENDATIONS FOR THE 2023 SC AND ANY OTHER MATTERS

Views on priorities and recommendations for the SC

62. Are there any particular issues that your State would like the SC meeting to discuss in relation to the 1980 Convention?

Please specify and list in order of priority if possible:
Please insert text here

63. Are there any proposals your State would like to make concerning any particular recommendation to be made by the SC?

Please specify:
Please insert text here

Bilateral meetings

64. Should your State be interested in having bilateral meetings during the SC meeting, please indicate, for the PB's planning purposes, an estimate of how many States with which it intends to meet:

Please insert number:
In general Latvia would be interested but currently there is no need for bilateral meetings.

Any other matters

65. States are invited to comment on any other matters which they may wish to raise at the 2023 SC meeting concerning the practical operation of the 1980 Convention.

Please provide comments:
Please insert text here