

# Questionnaire concerning the Practical Operation of the 1996 Child Protection Convention

Wherever your replies to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1996 Child Protection 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: <sup>2</sup>	Latvia
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## PART I – FOR CONTRACTING PARTIES

### 1. Recent developments in your State

1. Have there been any significant developments in your State regarding the **legislation** or **procedural rules** applicable in cases of international child protection? 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 regarding the legislation in Latvia concerning international child protection issue are the amendments that were made in the Civil Procedure Law concerning international child abduction cases. Namely, the Law now prescribes for the Court, that has concentrated jurisdiction since 2015, to decide whether any interim / temporary decisions shall be taken, for instance, as regards the issues of access rights or prohibit to take the child out of the State. Please see the Article 644.18A of the Civil Procedure Law (The Civil Procedure Law available at: <https://likumi.lv/ta/id/50500-civilprocesa-likums> (not all amendments are yet translated).

At the moment it is also being discussed that amendments shall be made to the law, governing the work of the competent authorities (Orphans and Custody Courts) in Latvia, namely, the Law on Orphan's and Custody Courts of the Republic of Latvia,

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<sup>2</sup> The term "State" in this Questionnaire includes a territorial unit, where relevant.

authorizing authorities to request and receive information, that, on the one hand, is necessary to ensure the protection of children rights and interests concerning international issues, particularly, care proceedings and, on the other hand, that would complement the data protection issues.

(Law on Orphan's and Custody Courts available at: <https://likumi.lv/ta/en/en/id/139369-law-on-orphans-and-custody-courts>).

2. Please provide the three most **significant decisions concerning the interpretation and application of the 1996 Convention** recently rendered by the relevant authorities<sup>3</sup> in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
N/A			

3. Please provide a brief summary of **any other significant developments** in your State relating to international child protection, including any regional instruments or bilateral agreements that have been negotiated or which your State has signed and ratified or acceded to (e.g., Memorandum of Understanding on the placement of children abroad):

National instrument has been developed by signing inter-institutional cooperation document on 14 December 2017 (so called Memorandum of Understanding) on the protection of the rights of minor Latvian nationals abroad. The document was concluded between the Ministry of Justice (Central Authority for 1996 Convention), the Ministry of Foreign Affairs, the Ministry of Welfare, the Ombudsman, the State Inspectorate for the Protection of Children's Rights and the Latvian Orphan's and Custody Court Employees' Association. The document (only in Latvian) is available at: <https://www.tm.gov.lv/lv/media/2401/download?attachment>

The document was developed due to lack of common understanding on the role of each involved partner/ institution that had eventually led to the unfavourable practice that has developed so far when institutions provided uncoordinated assistance to individuals. The document, therefore, foresees and determines the competence/ role and intervention possibilities of each Latvian institution participating in protecting the rights of children of Latvian nationals abroad. In fact, on 14 December 2022, having reviewed the cooperation of Latvian authorities, it has been concluded that it has significantly improved, further necessary steps have been also identified.

Furthermore, considering that protection of the rights of minor Latvian nationals abroad has been a topical issue since 2014, the relevant actions has been taken periodically to improve the insurance of Latvian children abroad. That also includes development of guidelines for Latvian parents taking care/ raising children abroad. At the moment guidelines have been developed for the United Kingdom, Ireland, Germany, Norway, Sweden, Iceland and Denmark. These are countries where a significant part of Latvian diaspora has relocated. The competent authorities have also consulted and communicated with the named countries to produce the guidelines in best possible manner. The guidelines (only in Latvian) are available at: <https://www.tm.gov.lv/lv/informacija-par-bernu-tiesibu-aizsardzibu-arvalstis>

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<sup>3</sup> The term “relevant authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1996 Convention. Whilst in the majority of Contracting Parties such “authorities” will be courts (i.e., judicial), in some Contracting Parties administrative authorities remain responsible for decision-making in Convention cases.

## 2. Scope of application (Arts 2, 3 and 4, and C&R No 29 of 2017 SC)

4. Have competent authorities in your State experienced any challenges, or have questions arisen, in determining the scope of the 1996 Convention (e.g., which measures of protection fall within the scope of the 1996 Convention)?

- No  
 Yes

Please specify:

Please insert text here

## 3. Jurisdiction to take measures of protection

### Habitual residence (Art. 5 and C&R No 31 of 2017 SC)

5. Have competent authorities in your State experienced any challenges when determining the habitual residence of the child in cases falling within the scope of the 1996 Convention?

- No  
 Yes

Please specify:

At first it was challenging to determine how the rules of the 1996 Convention applies in relation to refugee children from Ukraine. However, later the situation was confirmed with the Central Authority of Ukraine. Also, the assistance of European Judicial Network and HCCH PB was very useful to resolve issues.

### International child abduction (Arts 7 and 50)

6. Have competent authorities in your State experienced any challenges, or have questions arisen, in **making a determination whether to exercise jurisdiction** in cases of wrongful removal or retention of the child?

- No  
 Yes

Please specify:

### Pending divorce or legal separation of the child's parents (Art. 10)

7. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise **jurisdiction** in cases where there is a pending divorce or legal separation of the child's parents (**Art. 10**)?

- No  
 Yes

Please specify:

Please insert text here

### Transfer of jurisdiction (Arts 8 and 9)

8. How often have competent authorities in your State experienced cases of transfer of jurisdiction under **Articles 8 and / or 9** of the 1996 Convention?

- Do not know
- Never
- Rarely
- Sometimes
- Very often
- Always

If possible, please provide supplementary information:

It shall be noted that as stated before, the protection of the rights of minor Latvian nationals abroad has been a topical issue since 2014 and therefore on few occasions in order to promote the placement of the Latvian child into Latvian out-of-family care, the tool of requesting to transfer the jurisdiction had been used to achieve the goal.

9. Has your State developed any **good practices, procedures, guidelines or protocols** to facilitate the transfer of jurisdiction?

Yes

Please specify and provide the links to relevant documents whenever possible:

In 2015 the methodological recommendations/ guidelines "Aspects of actions of the Orphan's and Custody Court in cross-border family cases related to the evaluation of potential child carers in Latvia" were developed by the Ministry of Justice, the Ministry of Welfare and the State Inspectorate for the Protection of Children's Rights.

The guidelines also contain notion on transfer or jurisdiction, in fact, a few sample has been also added to the guidelines. Later, additional samples/ examples were developed and are sent to the competent authority upon request. Though the guidelines relates mostly to the EU Regulation, we are of the opinion that the same also applies to the 1996 Convention to some extent.

Furthermore, as mentioned above, on 14 December 2022, Latvian children protection authorities concluded that the guidelines shall be amended, wherewith it is anticipated that the guidelines will provide for more detailed assistance as regards cross-border family and children matter.

(The guidelines (and examples) are available only in Latvian at: <https://www.bti.gov.lv/lv/metodiskie-ieteikumi-barintiesas-ricibas-aspekti-parrobezu-gimenes-lietas-kas-saistitas-ar-potencialo-bernu-aprupetaju-latvija-izvertesanu>)

No

Please specify any reasons:

Please insert text here

#### 4. Special types of measures of protection

##### Urgent measures of protection (Art. 11)

10. Have competent authorities in your State experienced any challenges, or have questions arisen, with respect to the application of **Article 11** (e.g., the definition of "urgency"; scope, nature and duration of measures)?

No

Yes, in cases of international child abduction.

If possible, please provide more details about the experience of your State using Article 11 in cases of international child abduction:

Yes, in other situations.

Please describe in which other situations a competent authority in your jurisdiction has applied Article 11:

Please insert text here

**Provisional measures (Art. 12)**

11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 12** (e.g., definition as to what may constitute a "provisional character"; scope, nature and duration of measures)?

- No  
 Yes

Please describe:

Please insert text here

**5. Applicable law (Chap. III)**

12. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the applicable law rules provided by **Articles 15, 16 and 17** of the 1996 Convention?

- No  
 Yes

Please describe:

Please insert text here

**6. Recognition and enforcement**

13. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the **recognition of measures of protection**, from the perspective of the requested State?

- No  
 Yes

Please describe:

Previously rather domestic problems were encountered mostly with the local institutions responsible for example, for social benefits, registering the child etc, because of lack of knowledge on international regulation and the fact that there are different legal systems (mostly non-European, i.e. United Kingdom). Namely, on a few occasions there were some difficulties to determine the equivalent in Latvian legal framework that would correspond to the Order issued by a foreign Court. Nonetheless, through the raising of awareness performed by the Central Authority, problems had been resolved. In case of similar problems, the Central Authority gets involved, explaining the matter.

**Advance recognition (Art. 24)**

14. How often have competent authorities in your State experienced cases of requests for **advance recognition**?

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

If possible, please provide supplementary information:

Please insert text here

15. Have **judicial or administrative procedures, guidelines, or protocols** been adopted in your State to facilitate the application of Article 24?

- Yes, but there have been no changes since the last SC meeting
- Yes, with changes since the last SC meeting.  
Please specify:  
Please insert text here
- No

### Declaration of enforceability or registration for the purpose of enforcement (Arts 26, 27 and 28)

16. In relation to the *simple and rapid procedure* for declaring enforceable or registering for the purpose of enforcement of measures of protection taken in another Contracting Party (Art. 26), what is the practice in your State?

- a) Which authority declares enforceable or registers a measure of protection taken in another Contracting Party? Please specify:

An application for the recognition or recognition and enforcement of a ruling of a foreign court shall be submitted for examination to a district (city) court based on the place of enforcement of the ruling or also based on the declared place of residence of the defendant, but if none, place of residence or legal address of the defendant (According to Article 638(1) of the Civil Procedure Law).

- b) What time frames are applied to ensure that the procedure is rapid? Please explain:

A decision to recognise and enforce a ruling of a foreign court or a decision to refuse the application shall be taken by a judge sitting alone on the basis of the submitted application and the documents attached thereto within 10 days after initiation of the case without inviting the parties (Article 640 of the Civil Procedure Law).

- c) Is legal representation required? Please explain:

No.

17. Are you aware of any challenges, or have questions arisen, in applying **Articles 26, 27 and / or 28** in your State?

- No
- Yes  
Please describe:  
Please insert text here

## 7. Cooperation (Chap. V)

### Central Authority practice

18. Are you aware of any challenges, or have questions arisen, in applying **Article 30** in your State (e.g., in relation to the timeliness of responses to requests)?

- No
- Yes  
Please describe:

Indeed very often replies are not received in due times. Usually, it takes about 3 months to receive information. There have also been cases when reports had been received only after multiple reminders.

As requested State, the response are usually provided within a month or if the same due date would ne longer, according updates are being sent.

Confirmation of receipt also is not received on every case.

**Services available**

19. If your State answered the 2016 Questionnaire, please indicate whether since then there have been any changes in relation to the services provided by your Central Authority:

- No. Please proceed to question No 22
- Yes. Please continue answering the following questions

20. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, does your Central Authority provide assistance to **individuals habitually resident in your State** who request it in connection with the following matters? If so, please specify the nature of the assistance provided.

Matter	Service(s) provided
a) A request to organise or secure effective exercise of <b>rights of access</b> in another Contracting Party (requested State) <sup>4</sup>	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. 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"/> 7. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State <input type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 10. Provision of regular updates on the progress of the application <input type="checkbox"/> 11. Other, please specify: <a href="#">Please insert text here</a>
b) A request to secure the return to your State of a child subject to <b>international abduction</b> where the 1980 Convention is <u>not</u> applicable	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

<sup>4</sup> See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).

	<ul style="list-style-type: none"> <li><input type="checkbox"/> 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained</li> <li><input type="checkbox"/> 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child</li> <li><input type="checkbox"/> 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue</li> <li><input type="checkbox"/> 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</li> <li><input type="checkbox"/> 10. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input type="checkbox"/> 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</li> <li><input type="checkbox"/> 12. Assistance in obtaining private legal counsel or mediation services</li> <li><input type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance</li> <li><input type="checkbox"/> 14. Regular updates on the progress of the application</li> <li><input type="checkbox"/> 15. Other, please specify: <a href="#">Please insert text here</a></li> </ul>
<p>c) A request to secure the return to your State of a <b>runaway child</b> (see <b>Art. 31(c)</b>)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input type="checkbox"/> 4. 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</li> <li><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Assistance in discovering the whereabouts of a runaway child</li> <li><input type="checkbox"/> 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</li> <li><input type="checkbox"/> 8. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input type="checkbox"/> 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</li> <li><input type="checkbox"/> 10. Assistance in obtaining private legal counsel</li> <li><input type="checkbox"/> 11. Referral to other governmental and / or non-governmental organisations for assistance</li> <li><input type="checkbox"/> 12. Regular updates on the progress of the application</li> <li><input type="checkbox"/> 13. Other, please specify: <a href="#">Please insert text here</a></li> </ul>
<p>d) A request for a <b>report on the situation of a child</b> habitually resident in another Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see <b>Art. 32(a)</b>)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input type="checkbox"/> 4. 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</li> <li><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Other, please specify: <a href="#">Please insert text here</a></li> </ul>
<p>e) A request that the competent authorities of</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> </ul>



<p>another Contracting Party decide on the <b>recognition or non-recognition</b> of a measure taken in your State (see <b>Art. 24</b>)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input type="checkbox"/> 4. 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</li> <li><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</li> <li><input type="checkbox"/> 7. Regular updates on the progress of the request</li> <li><input type="checkbox"/> 8. Other, please specify: <a href="#">Please insert text here</a></li> </ul>
<p>f) A request that the competent authorities of another State Party <b>declare enforceable or register for the purpose of enforcement</b> measures taken in your State (see <b>Art. 26</b>)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input type="checkbox"/> 4. 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</li> <li><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</li> <li><input type="checkbox"/> 7. Regular updates on the progress of the request</li> <li><input type="checkbox"/> 8. Other, please specify: <a href="#">Please insert text here</a></li> </ul>

21. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, if your Central Authority were to receive a request of assistance from **another Central Authority** on behalf of an individual residing abroad, in connection with the following matters, please specify the nature of the assistance that your Central Authority provides or would provide if the situation were to arise.

Matter	Service(s) provided
<p>a) A request to organise or secure effective exercise <b>of rights of access</b> in another Contracting Party (requested State)<sup>5</sup></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1. None</li> <li><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</li> <li><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input type="checkbox"/> 4. 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</li> <li><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 6. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access</li> <li><input type="checkbox"/> 7. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input type="checkbox"/> 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State</li> <li><input type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance</li> <li><input type="checkbox"/> 10. Provision of regular updates on the progress of the application</li> <li><input type="checkbox"/> 11. Other, please specify:</li> </ul>

<sup>5</sup> See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).

<p>b) A request to secure the return to your State of a child subject to <b>international abduction</b> where the 1980 Convention is <u>not</u> applicable</p>	<p style="text-align: center;"><a href="#">Please insert text here</a></p> <p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained</p> <p><input type="checkbox"/> 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child</p> <p><input type="checkbox"/> 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue</p> <p><input type="checkbox"/> 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</p> <p><input type="checkbox"/> 10. Assistance in providing or facilitating the provision of legal aid and advice</p> <p><input type="checkbox"/> 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</p> <p><input type="checkbox"/> 12. Assistance in obtaining private legal counsel or mediation services</p> <p><input type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance</p> <p><input type="checkbox"/> 14. Regular updates on the progress of the application</p> <p><input type="checkbox"/> 15. Other, please specify:</p> <p style="text-align: center;"><a href="#">Please insert text here</a></p>
<p>c) A request to secure the return to your State of a <b>runaway child</b> (see <b>Art. 31(c)</b>)</p>	<p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in discovering the whereabouts of a runaway child</p> <p><input type="checkbox"/> 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</p> <p><input type="checkbox"/> 8. Assistance in providing or facilitating the provision of legal aid and advice</p> <p><input type="checkbox"/> 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</p> <p><input type="checkbox"/> 10. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 11. Referral to other governmental and / or non-governmental organisations for assistance</p> <p><input type="checkbox"/> 12. Regular updates on the progress of the application</p> <p><input type="checkbox"/> 13. Other, please specify:</p> <p style="text-align: center;"><a href="#">Please insert text here</a></p>
<p>d) A request for a <b>report on the situation of a child</b> habitually resident in another</p>	<p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p>

<p>Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see <b>Art. 32(a)</b>)</p>	<p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Other, please specify: Please insert text here</p>
<p>e) A request that the competent authorities of another Contracting Party decide on the <b>recognition or non-recognition</b> of a measure taken in your State (see <b>Art. 24</b>)</p>	<p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 7. Regular updates on the progress of the request</p> <p><input type="checkbox"/> 8. Other, please specify: Please insert text here</p>
<p>f) A request that the competent authorities of another Contracting Party <b>declare enforceable or register for the purpose of enforcement</b> measures taken in your State (see <b>Art. 26</b>)</p>	<p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 7. Regular updates on the progress of the request</p> <p><input type="checkbox"/> 8. Other, please specify: Please insert text here</p>

**Mediation, conciliation or similar methods (Art. 31(b))**

22. How does your Central Authority (either directly or through public authorities or other bodies) take appropriate steps under **Article 31(b)** to facilitate, by mediation, conciliation or similar means, agreed solutions for the protection of the person or property of the child in situations to which the 1996 Convention applies?

Please explain:

Pursuant Section 2 of the Latvian Mediation Law, its purpose is to lay down the judicial preconditions to promote the use of mediation as an alternative way for the settlement of disputes by facilitating harmonisation of social relationship. According to this provision, mediation may be used for the settlement of disputes in pre-trial proceedings as well as in judicial proceedings. Mediation Law contains provisions arising from Directive 2008/52/EC of the European Parliament and the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters but, as explained below, its scope is much larger, covering the main legal aspects regarding the use of mediation.

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/>

### Placement and provision of care abroad (Art. 33)

23. Have authorities in your State experienced any challenges, or have questions arisen, in relation to:

- a)  the **scope of application of Article 33** (e.g., in case of placement with relatives, migrant children)  
Please provide further details, if possible:  
As regards the EU regulation: if and to what extent "educational placements" falls under the scope of application
- b)  **time frames** of consultations under Article 33  
Please provide further details, if possible:  
Please see answer to question No. 18
- c)  the availability of **equivalent measures** of protection in the other Contracting Party or differences in the applicable domestic legislation  
Please provide further details, if possible:  
Please insert text here
- d)  **financial costs** involved in the placement / provision of care abroad  
Please provide further details, if possible:  
Please insert text here
- e)  other **practical issues** arising from the placement / provision of care abroad (e.g., documentation, immigration matters)  
Please provide further details, if possible:  
Please insert text here
- f)  other issues relating to Article 33.  
Please specify:  
Please insert text here

24. Have **judicial or administrative procedures, guidelines, or protocols** been adopted in your State to deal with the placement procedure under Article 33?

- No  
 Yes

Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:  
Please see answer to question 9.

25. After the placement of the child abroad to another Contracting Party, does your State seek **follow up information on the situation** of that child?

- No  
 Yes

Please describe:

The general procedure stipulates that the Orphan's and Custody court, which has made a placement decision, must ensure that the child's rights and legally protected interests are respected throughout the placement. This obligation also applies to situations where the child has relocated a foreign country. However, this obligation must be considered in connection with the jurisdiction provided for in Articles 5-10 of the 1996 Convention.

The authorities also use the cooperation tool (reports under the Article 30) to be updated on the protection of children rights abroad at least shortly after the relocation.

### Reports (Arts 32, 33 and 34)

26. Have authorities in your State experienced any challenges, or have questions arisen, in providing or obtaining reports or information under **Article 32, 33 or 34**?

- No  
 Yes

Please describe:

Sometimes provided reports do not fully correspond to raised issues. Very often the provided information is rather thin.

27. Do authorities in your State use a standard template when providing a report on the (situation of the) child under Article 32 or 33?

- No  
 Yes

Please attach the template to your response (preferably translated into English or French):

As regards cross-border issues with prospective outcome following the placement within Latvia (for example, by the other parent, relative, foster family etc.) ISS (<https://www.iss-ssi.org/index.php/en/>) Kinship Placement template is being used. Please see the Attachment No. 1.

In case foreign authority request to complete their own template/ formular, the same is appreciated and proceed accordingly.

### Assistance from the authorities of another Contracting Party

28. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 35**?

- No  
 Yes

Please describe:

Please insert text here

29. Have judges in your State used direct judicial communications in cases falling under the 1996 Convention?

- No  
 Yes

Please specify in relation to which specific matters (e.g., transfer of jurisdiction, placement of a child):  
Please insert text here

## 8. General provisions

### Article 40 Certificates

30. How often have competent authorities in your State issued **Article 40 certificates** indicating the capacity in which a person having parental responsibility or entrusted with the protection of the child's person or property is entitled to act and the powers conferred upon him or her?

- Do not know
- Never
- Rarely
- Sometimes
- Very often
- Always

31. Has your State experienced any challenges, or have questions arisen, in relation to **requests under Article 40**?

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

### Issues in relation to the property of the child (Arts 55 and 60)

32. How often have competent authorities in your State dealt with **measures for the protection of the property of the child by using the framework of the Convention**?

- Do not know
- Never
- Rarely
- Sometimes
- Very often
- Always

If possible, please provide supplementary information:

Sometimes when issued had overlapped with inheritance issues.

There have also been cases where information on banc account of a deceased parent's had been requested from foreign State.

On a few occasions it was necessary to inform the guardian of the child that the prospective inheritance matter was announced in a foreign country.

## 9. Special topics

### International family relocation

33. 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

34. Are you aware of any use being made of Article 24, which provides for advance recognition, in lieu of or in connection with international family relocation?

No

Yes

Please explain:

Please insert text here

35. Are you aware of any use being made of other provisions of the 1996 Convention in cases where a parent wishes to relocate with his or her child to another State?

No

Yes

Please explain:

Please insert text here

#### Children subject to international abduction

36. Have authorities in your State experienced any challenges, or have questions arisen, in relation to the application of the 1996 Convention (e.g., Art. 50) in cases of child abduction where the 1980 Convention was not applicable (see Questions 20(b) and 21(b) above)?

No

Yes

Please describe:

Please insert text here

37. In cases of child abduction where both the 1980 Convention and the 1996 Convention were applicable, have authorities in your State made use of provisions under the 1996 Convention (e.g., Art. 50) in addition to or instead of provisions of the 1980 Convention?

No

Yes

Please specify the provisions and explain:

Please insert text here

38. In cases of child abduction, whether or not the 1980 Convention is applicable, have authorities in your State used the cooperation provisions in Chapter V of the 1996 Convention to determine whether adequate measures of protection are available in the State of the habitual residence of the child (e.g., to facilitate the safe return of the child)?

No

Yes

Please explain:

Please insert text here

39. In cases of child abduction, have competent authorities in your State taken measures of protection under Article 11, as an alternative to measures of protection in the form of mirror orders or undertakings, to facilitate the safe return of the child?

- No  
 Yes  
 Please explain:  
 Please insert text here

### Unaccompanied and separated children<sup>6</sup> and emergency situations (Art. 6)

40. How often have competent authorities in your State dealt with **cases involving refugee children, internationally displaced children, or children whose habitual residence cannot be established** by using the framework of the 1996 Convention?

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

If possible, please provide supplementary information:

As regards refugee issue with Ukraine, as the Central Authority, the Ministry of Justice is involved only sometimes because the issue is coordinated mostly directly between the Ministry of Welfare, the State Inspectorate for the Protection of Children's Rights and the Latvian Orphan's and Custody Courts.

The Central Authority is addressed in situations where the minor refugee relocates to another State and no additional information has been provided, wherewith concerns as regards the protection of children rights are raised.

Please see also the Law on Assistance to Ukrainian Civilians available in English at: <https://likumi.lv/ta/en/en/id/330546-law-on-assistance-to-ukrainian-civilians>

41. Where the **habitual residence of a child present in your State could not be established**, have authorities in your State used any of the cooperation provisions of the 1996 Convention in determining the child's place of habitual residence?

- No  
 Yes  
 Please specify:  
 Please insert text here

42. Have competent authorities in your State had experience with providing assistance to **discover the whereabouts of children** that went missing due to disturbances occurring in their State of habitual residence by using the framework provided by the 1996 Convention?

- No  
 Yes  
 Please specify:

For example, on 28 November 2022 the letter was received from the Central Authority of Ukraine with the request to inform about all known cases involving the children from Ukraine, which were separated with their legal representatives from Ukraine, due to the different reasons, including the cases of placement of the children in the institutions because of separation with the accompanied person, etc.

<sup>6</sup> In relation to this section of the Questionnaire, see [Prel. Doc. No 7 of February 2020](#), "The application of the 1996 Child Protection Convention to unaccompanied and separated children".



Accordingly, on 13 January 2023 the Central Authority for Latvia, having consulted the Ministry of Welfare and the State Inspectorate for Protection of Children's Rights, provided information about Ukrainian children under the age of 18, for whom extraordinary guardianship has been established and an extraordinary guardian has been appointed in Latvia (data protected file, containing information on the children, was attached).

43. Have **procedures, guidelines, or protocols** been adopted in your State to deal with the protection of unaccompanied or separated children in the context of the 1996 Convention?

- No  
 Yes

Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:

Please insert text here

44. In emergency situations, such as a humanitarian crisis, have authorities in your State experienced any challenges, or have questions arisen, in regard to the **exchange of information** among authorities of the Contracting Parties, in particular taking into account Articles 36 and 37 of the 1996 Convention?

The authorities have experienced challenges in relation to the provision of protection of children fleeing the war in Ukraine. It has been challenging to establish the proper ways of communication with the Ukrainian authorities due to the fact that the country is currently in the state of war, the number of Ukrainian people fleeing the war is fluctuating very much, there is insufficient time to undergo all the regular procedures, to acquire the necessary legal documentation issued by Ukrainian authorities (this is difficult especially when there is a large group of international protection seekers entering the country). For example one of the questions that has arisen is related to the amount of information that Latvian competent authorities should provide to the Ukrainian authorities, what are the proper channels of communication and sharing of information (which is the Latvian competent authority, should the central authorities be involved, which Ukrainian authority is the addressee) etc.

45. Are you aware of whether **Preliminary Document No 7 of February 2020, “The application of the 1996 Child Protection Convention to unaccompanied and separated children”**, has been brought to the attention of the competent authorities in your State?

- No  
 Yes

Please specify:

Please insert text here

### International access / contact cases involving children

46. Should your State also be a Contracting Party to the 1980 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?<sup>7</sup>

- No  
 Yes

Please explain:

<sup>7</sup> The Explanatory Report (Lagarde) on the 1996 Convention notes that cooperation under Art. 35(1) between authorities of States Parties with respect to rights of access “serves in a certain way to complete and reinforce the co-operation, which is not always effective, provided for the same purpose between Central Authorities” under Art. 21 of the 1980 Convention. Explanatory Report, para. 146 (1997).

Please insert text here

### Practical Handbook

47. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

- No
- Yes

Please specify:

Please insert text here

### Agenda Items for the next SC meeting

48. Are there any **particular issues** that your State would like the SC meeting to discuss in relation to the 1996 Convention? Please specify and list in order of priority:

No

## PART II – FOR NON-CONTRACTING PARTIES

49. Is your State currently considering **signing and ratifying or acceding to the 1996 Child Protection Convention**?

- Yes  
If possible, please provide further information:  
[Please insert text here](#)
- No  
If possible, please provide further information:  
[Please insert text here](#)

50. In considering how your State would **implement the 1996 Child Protection Convention**, have you encountered any **issues of concern**?

- No
- Yes  
Please explain:  
[Please insert text here](#)

51. Are there any **particular issues** that your State would like the SC meeting to discuss in relation to the 1996 Child Protection Convention?

- No
- Yes  
Please specify and list in order of priority:  
[Please insert text here](#)

52. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

- No
- Yes  
Please specify:  
[Please insert text here](#)