

**QUESTIONNAIRE CONCERNING THE PRACTICAL OPERATION OF
THE 1980 CONVENTION**

Wherever your replies 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.

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| Name of State or territorial unit: ¹ | Latvia |
| <i>For follow-up purposes</i> | |
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PART I: RECENT DEVELOPMENTS²

1. Recent developments in your State

1.1 Since the 2011 / 2012 Special Commission, 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 in the legislation / rules, and, where possible, the results achieved in practice (e.g., reducing the time required to decide cases).

No

Yes, please specify:

Please see the answer of the European Union.

There have been two major developments in Latvia regarding the procedural rules in relation to international child protection.

First of all, on the 1st October, 2011 the relevant amendments were made to the Civil Procedure Law of the Republic of Latvia (hereinafter – the Civil Procedure Law), adding a chapter on enforcement procedures to ensure the return of the child to his or her habitual place of residence under the Hague 1980 Convention, namely, the chapter 74.3 “The Return of a Child to the State, which is His or Her Place of Residence”.

The amendments were made, considering an obstacles, those occurred in one specific case, with the enforcement of the decision of the competent court of Latvia, ordering the return of the child from Latvia. Therefore, new chapter was to provide a transparent and step by step procedure on how the relevant decisions shall be enforced.

The amendments also promotes the findings of ECHR in case *Shaw v. Hungary* (Application No 6457/09), stating that unless domestic courts and the national authorities provides adequate and effective measures for the enforcement of the return order, it can lead to the breach of the Article 8 of the European Convention on Human Rights.

The official and original text of the relevant chapter is available at: <http://likumi.lv/doc.php?id=50500>.

The English translation of the relevant chapter but without the translation of amendments since 2012 is available at: http://vvc.gov.lv/image/catalog/dokumenti/Civil_Procedure_Law.pdf.

Secondly, the relevant amendments had been made to the Civil Procedure Law, providing a concentration of jurisdiction since the 1st March, 2015, with a view to the specialization of judges, inter alia, specialization of the court, Riga City Ziemeļi District Court,

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 and international child protection which have occurred in your State since the Sixth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (1-10 June 2011 and 25-31 January 2012) (hereinafter “the 2011 / 2012 Special Commission”). However, if there are important matters which you consider should be raised from *prior to* the 2011 / 2012 Special Commission, please provide such information here.

as regards the applications under the Hague Convention of 25 October 1980 for return of the child from Latvia to his or her habitual place of residence.

The amendments were made to ensure the unification and harmonization of case law and, therefore, fulfilling the international obligations of Latvia in the best possible manner.

The official and original text of the relevant chapter (see Chapter 77.2 "Matters regarding the Unlawful Movement of Children across Borders to Latvia or Detention in Latvia") is available at: <http://likumi.lv/doc.php?id=50500>.

The English translation of the relevant chapter but without the translation of mentioned and other technical amendments is available at: http://vvc.gov.lv/image/catalog/dokumenti/Civil_Procedure_Law.pdf.

The one might also find useful the following in relation to legislation concerning the international child protection issues:

Chapter 77.1 of the Civil Procedure Law "Matters regarding the Unlawful Movement of Children across Borders to a Foreign State or Detention in a Foreign State" provides provisions on how cases regarding wrongful removal of a child across borders to a foreign state or detention in a foreign state if the place of residence of the child is in Latvia shall be examined in Riga City Ziemeļi District Court.

The official and original text of the relevant chapter is available at: <http://likumi.lv/doc.php?id=50500>.

The English translation but without the translation of technical amendments is available at: http://vvc.gov.lv/image/catalog/dokumenti/Civil_Procedure_Law.pdf.

An English translation of procedures according to which the Latvian Central Authority acts and cooperates with State and municipal authorities within the framework of the Hague 25th October, 1980 Convention on the Civil Aspects of International Child Abduction is now available at: http://vvc.gov.lv/image/catalog/dokumenti/Cab._Reg._No._322_-_Civil_Aspects_of_International_Child_Abduction.pdf

The official and original text of the procedures by which the Latvian central authority that has been determined in accordance with the Hague Convention on the Civil Aspects of International Child Abduction is available at: <http://www.likumi.lv/doc.php?id=157313>.

1.2 Please provide a brief summary of any significant decisions concerning the interpretation and application of the 1980 Convention rendered since the 2011 / 2012 Special Commission by the relevant authorities³ in your State including in the context of the 20 November 1989 United Nations Convention on the Rights of the Child and relevant regional instruments.

Please see answer of the European Union.

The Central Authority recalls one of such particular cases, in which the Latvian Court has interpreted that, while there was indeed a risk that the children might be exposed to psychological harm upon their return to requesting State, the Court has ruled, that this risk or harm was actually caused by the actions of the taking parent (abductor) herself, antagonizing the children against the left – behind father, wherewith, the provisions of the Article 13.(1)-(b) were not applicable in that particular case.

Calculation of the 12 month time limit referred to in Article 12(1): In one case Riga regional court held that the 12 month time limit referred to in Article 12(1) should be calculated from child removal or retention moment till moment, when the case is initiated and not till moment, when the court commence examining a case on the merits.

The hearing of child: In one case Riga regional court held that the hearing of child in proceedings is ensured by involving the Orphan's representative, as well as psychologist, who found out child point of view. Court taken into account child age (8 years old) and degree of maturity and decided that in the interests of the child there is no reason to summon him to the hearing and in person to find out his view.

Grave risk of harm (risk associated with the child's state of habitual residence): In one case Riga regional court held that there is a grave risk that the child would be subjected to

³ 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 States Parties such "authorities" will be courts (*i.e.*, judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

hostilities, if child will be returned to the Ukraine, where is an emergency situation and taken precautions.

Commencement of proceedings referred to in Article 12(2): In one case Riga regional court held that commencement of proceedings referred to in Article 12(2) is not a moment, when return petition is submitted to the Central authority of the requested state. Commencement of proceedings referred to in Article 12(2) is a date of initiation of civil case in the state in which the child has been wrongfully removed or retained.

Effect of court judgement about child's place of residence: In one case Riga regional court held that there is no wrongful retention of child, if the place of residence of child is determined by court judgement to the one parent and this parent retained the child in another state which is not habitual residence of child.

1.3 Please provide a brief summary of any other significant developments in your State since the 2011 / 2012 Special Commission relating to international child abduction.

Please insert text here

2. **Issues of compliance**

2.1 Are there any States Parties to the 1980 Convention with whom you are having particular challenges in achieving successful co-operation? Please specify the challenges you have encountered and, in particular, whether the problems appear to be systemic.

- No
 Yes, please specify:
 Please insert text here

2.2 Are you aware of situations / circumstances in which there has been avoidance / evasion of the 1980 Convention?

- No
 Yes, please specify:
 Please insert text here

PART II: THE PRACTICAL OPERATION OF THE 1980 CONVENTION

3. **The role and functions of Central Authorities designated under the 1980 Convention**⁴

In general

3.1 Have any challenges arisen in practice in achieving effective communication or co-operation with other Central Authorities?

- No
 Yes, please specify:
 Please insert text here

3.2 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 States Parties with whom you have co-operated?

- No
 Yes, please specify:
 Please insert text here

3.3 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:
 Please insert text here

Legal aid and representation

⁴ See also Section 5 below on "Ensuring the safe return of children" which involves the role and functions of Central Authorities.

3.4 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 you have dealt with?

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

3.5 Are you aware of any other challenges in your State, or, where cases originate in your State, in any of the requested States you have dealt with, regarding the obtaining of legal aid, advice and / or representation for either left-behind parents or taking parents?⁵

- No
 Yes, please specify:

[The Central Authority of Latvia has encountered some problems with obtaining the legal aid for the left-behind parents, requesting the return of the child to Latvia. Namely, Latvian left-behind parents very often find it very difficult to obtain the legal aid in the requested State as the relevant procedure is lengthy and requires additional expenses such as arranging the translation of documents required for the obtaining of legal aid \(translation on inquiries concerning financial situation etc.\) and even arranging a legal help with filling in the forms.](#)

Locating the child

3.6 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:

[On a few occasions the Central Authority of Latvia has encountered certain challenges with locating the child in a requested State. The Central Authority of Latvia has, therefore, arranged for the international search of a child via Latvian State Police Office.](#)

[Such challenges also arise due to the fact that not all of the member states have unified population register or equivalent.](#)

3.7 Has your Central Authority worked with any external agencies to discover the whereabouts of a child wrongfully removed to or retained within your State (e.g., the police, Interpol, private location services)?

- No
 Yes, please share any good practice on this matter:

[In case of a problem to locate the child in Latvia, the Central Authority of Latvia is checking the information with the Population Register of the Republic of Latvia in order to clarify possible whereabouts of the child, the abducting parent and sometimes even their relatives. Once a possible address is established, the Central Authority request the competent children protection institution in Latvia, namely, the Orphan's Court \(something like a mix of Social Services and Custodial Court\) to visit the address and if necessary discreetly to ascertain the whereabouts of missing child and his abductor.](#)

[If the case is originated in Latvia, and the child is, therefore, missing in requested State, the international search of a child is arranged via Latvian State Police Office.](#)

Information exchange, training and networking of Central Authorities

⁵ See paras 1.1.4 to 1.1.6 of the "Conclusions and Recommendations of the Fifth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the practical implementation of the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (30 October – 9 November 2006) (hereinafter referred to as the "[Conclusions and Recommendations of the 2006 Special Commission](#)") and paragraphs 32 to 34 of the "[Conclusions and Recommendations of the Special Commission to review the operation of the Hague Convention of 19 October 1980 on Jurisdiction, Applicable law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children \(1-10 June 2011 and 25-31 January 2012\)](#)" (hereinafter the "C&R of the 2011/2012 Special Commission") (available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Special Commission meetings").

3.8 Has your Central Authority shared its expertise with another Central Authority or benefited from another Central Authority sharing its expertise with your Central Authority, in accordance with the Guide to Good Practice – Part I on Central Authority Practice?⁶

No

Yes, please specify:

Yes, by sharing the good practice during bilateral meetings which might be arranged during the joint meeting of the Central Authorities.

3.9 Has your Central Authority organised or participated in any other networking initiatives between Central Authorities such as regional meetings via conference call or videoconference?

No

Yes, please specify:

Please insert text here

Statistics⁷

3.10 If your Central Authority does not submit statistics through the web-based INCASTAT database, please explain why.

Statistics for 2008 and incoming application in 2015 have been uploaded to the INCASTAT.

The Central Authority of Latvia also maintains its own database of cases.

Prompt handling of cases

3.11 Does your Central Authority have mechanisms in place to ensure the prompt handling of cases?

No

Yes, please specify:

The mechanism and actions of the Central Authority of Latvia are specified in Latvian national regulation, namely, Cabinet Regulation "Procedures by which the Latvian Central Authority in Conformity with the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction Shall Perform the Activities Referred to Therein and Co-operate with the Other State and Local Government Authorities".

The official and original text is available at: <https://likumi.lv/doc.php?id=157313>.

The English translation is available at: http://www.vvc.gov.lv/export/sites/default/docs/LRTA/MK_Noteikumi/Cab_Reg_No_322_-_Civil_Aspects_of_International_Child_Abduction.pdf.

The regulation, therefore also specifies the time-limits with dealing with both incoming and outgoing applications concerning the abduction, as well as international access rights. Moreover, the regulation foresees the procedure with incomplete applications etc.

3.12 If your Central Authority is experiencing delays in handling cases please specify the main reasons for these delays:

Not relevant.

4. Court proceedings & promptness

4.1 Has your State limited the number of judicial or administrative authorities who can hear return applications under the 1980 Convention (*i.e.*, concentration of jurisdiction)?⁸

Yes

No, please indicate if such arrangements are being contemplated:

Please insert text here

⁶ Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice". See, in particular, Chapter 6.5 on twinning arrangements.

⁷ See paras 1.1.16 to 1.1.21 of the Conclusions and Recommendations of the 2006 Special Commission (*supra*, note 5).

⁸ See, *The Judges' Newsletter* on International Child Protection – [Vol. XX / Summer-Autumn 2013](#) the special focus of which was "Concentration of jurisdiction under the *Hague Convention of 25 October 1980 on the civil aspects of International Child Abduction* and other international child protection instruments".

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

No

Yes, please explain:

The national regulation (The Civil Procedure Law of the Republic of Latvia) provides specific mechanism to handle return decision within six weeks. 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>.

The English translation of the relevant chapter but without the translation of amendments since 2012 is available at: http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Civil_Procedure_Law.pdf

Once the decision to return the child is delivered, the Court gives 30 day to comply with the order voluntarily, otherwise the enforcement procedure shall take place.

4.3 If your response to the previous question 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 explain:

Please insert text here

Yes, please explain:

Please insert text here

4.4 If your State is experiencing delays in handling return decisions please specify the main reasons for these delays:

Not relevant

4.5 Do your courts regularly order immediate protective measures when initiating the return procedure, so as to prevent a new removal and minimize the harm to the child (e.g., prohibit removal of the child from the jurisdiction, retain documentation, grant provisional access rights to the left-behind parent)?

No, please explain:

Such measures would not be effective within the EU memberstates due to freedom of movement.

Yes, please explain:

Please insert text here

4.6 Do your courts make use of direct judicial communications to ensure prompt proceedings?

Yes

No, please explain:

There are not so many child abduction cases in Latvia. In certain cases judges considered that there are no need to use direct judicial communications.

4.7 If your State has not designated a sitting judge to the International Hague Network of Judges does your State intend to do so in the near future?

Yes

No, please explain:

Please insert text here

4.8 Please comment upon any cases (whether your State was the requesting or 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?

In one case the judge of Ziemeļu district Court of Riga before determining an application for return taken a decision to request Irish Central Authority about adequate arrangements that have been made to secure the protection of the child after his return according to the article 11 (4) of the Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. Irish Central

Authority through Latvian Central Authority has provided a response that helped to resolve the case.

5. **Ensuring the safe return of children**⁹

*Methods for ensuring the safe return of children*¹⁰

5.1 What measures has your Central Authority taken to ensure that the recommendations of the 2006 and 2011 / 2012 Special Commission meetings¹¹ regarding the safe return of children are implemented?

See the First part of an answer to 1.1. question.

5.2 In particular, in a case where the safety of a child is in issue and where a return order has been made in your State, how does your Central Authority ensure that the appropriate child protection bodies in the *requesting* State are alerted so that they may act to protect the welfare of a child upon return (until the appropriate court in the requesting State has been effectively seised)?

Not relevant

5.3 Where there are concerns in the requested State regarding possible risks for a child following a return, what conditions or requirements can the relevant authority in your State put in place to minimise or eliminate those concerns?

Not relevant

Use of the 1996 Convention to ensure a safe return

5.4 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**), in providing for their recognition by operation of law (**Art. 23**), and in communicating information relevant to the protection of the child (**Art. 34**)?

No

Yes, please explain:
Please insert text here

Protection of primary carer

5.5 Are you aware of cases in your State where a primary carer taking parent, for reasons of personal security (e.g., domestic or family violence, intimidation, 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.

The Central Authority of Latvia is aware only of such cases where the taking parent refused to return with the child to the requesting State due to the fact that he/ she did not wish to stay /reside/ live in the requesting State because of personal reasons such as antipathy of the culture of the requesting State.

5.6 In particular, would your authorities consider putting in place measures to protect the primary carer upon return in the requesting State as a mean to secure the safe return of the child? Please explain and provide case examples where possible.

In cases where the taking parents inform the Central Authority of Latvia of safety issues upon the return in the requesting State, the Central Authority of Latvia, therefore,

⁹ See **Art. 7(2) h** of the 1980 Convention.

¹⁰ Where relevant, please make reference to the use of undertakings, mirror orders and safe harbour orders and other such measures in your State.

¹¹ See the [Conclusions and Recommendations](#) of the Special Commission of 2006 (*supra*. note 5) at paras 1.1.12 and 1.8.1 to 1.8.2 and 1.8.4 to 1.8.5 and the Appendix to the Conclusions and Recommendations and the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5).at paras 39-43.

communicates with the Central Authority of the requesting State accordingly to clarify possible safety arrangements. Most of such cases resulted with the taking parent and the child not coming back to the requesting State as the relevant agreement between the parents has been concluded.

Post-return information

5.7 In cases where measures are put in place in your State to ensure the safety of a child upon return, does your State (through the Central Authority, or otherwise) attempt to monitor the effectiveness of those measures upon the child's return? Would you support a recommendation that States Parties should co-operate to provide each other with follow-up information on such matters, insofar as is possible?

The Central Authority of Latvia would rather not support the recommendation to follow-up the post return situation as this would fall out of the aim of the Convention and duties of the Central Authorities.

5.8 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for requesting a report on the situation of the child upon return to the State of habitual residence (**Art. 32-(a)**)?

- No
 Yes, please explain:
 Please insert text here

6. Voluntary agreements and mediation

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

The Central Authority of Latvia promotes the voluntary return of the child by asking for the assistance of the competent children protection institution in Latvia, namely, the Orphan's Court (something like a mix of Social Services and Custodial Court) to discuss the matter with the taking parent and inviting him or her to consider the amicable resolution.

6.2 In what ways have you used the "Guide to Good Practice on Mediation"¹² for the purpose of implementing the 1980 Convention in your State? Please explain:

The relevant guidelines were and are used in the educating and training the mediators and other relevant specialists such as workers of Orphan's Courts.

The guidelines were also useful while proving explanations to parents and advising them to resolve the issue amicably.

6.3 Has your State considered or is it in the process of considering the establishment of a Central Contact Point for international family mediation to facilitate access to information on available mediation services and related issues for cross-border family disputes involving children, or has this task been entrusted to the Central Authority?¹³

- No, please explain:

While the establishment of a Central Contact Point for the international family mediation is not the current issue of the Central Authority of Latvia, the family mediation as such is one of the priorities of the Central Authority of Latvia and the Ministry of Justice of the Republic of Latvia in general.

Furthermore, considering that mediation is most welcomed form of resolving the family matter, the MoJ of the RL has, therefore, launched a pilot project for a year, providing

¹² Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

¹³ As it has been encouraged in the Guide to Good Practice on Mediation, Chapter 4, on "Access to Mediation". par. 114-117. See also Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 61.

the free of charge family mediation concerning children issues, which covers up to 5 consultations with the mediator.

- Yes, please explain:
Please insert text here

7. Preventive measures

7.1 Has your State taken steps to advance the development of a travel form under the auspices of the International Civil Aviation Organisation?¹⁴

- No
 Yes, please describe:

In order to guarantee civil aviation safety, requirements stipulated by the International Civil Aviation Organisation are taken into account in Latvia.

7.2 Regardless of whether the International Civil Aviation Organisation adds the development of a travel form to its work programme, would your State support the development of a non-mandatory model travel form under the auspices of the Hague Conference?

- Yes
 No, please explain:

It is difficult to give a definite answer. Although such development could prove appropriate, the issue requires a more detailed assessment.

8. The Guide to Good Practice under the 1980 Convention

8.1 In what ways have you used the Parts of the Guide to Good Practice¹⁵ to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State?

- a. Part I on Central Authority Practice. Please explain:

The guidelines and samples were used to create relevant application samples, reply samples etc. They were also used to promote the communication with the Central Authority of Latvia; to understand better the aims of the Convention and formal criteria which shall be evaluated while considering the application.

- b. Part II on Implementing Measures. Please explain:

The guidelines were considered while drafting the relevant national procedures and law. Please also see an answer to 4.2. question.

- c. Part III on Preventive Measures. Please explain:

The guidelines were used to create a national recommendations and guidelines to prevent abductions.

- d. Part IV on Enforcement. Please explain:

The guidelines were considered while drafting the relevant national procedures and law. Please also see an answer to 5.1. question.

8.2 How have you ensured that the relevant authorities in your State have been made aware of, and have had access to, the Guide to Good Practice?

A link to HCCH website, and to collection of good practice guidelines, in particular, is provided if relevant issue arise.

Hard copies were also disseminated between the Courts.

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

No

9. Publicity and debate concerning the 1980 Convention

¹⁴ See the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 92.

¹⁵ All Parts of the Guide to Good Practice under the 1980 Convention are available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

9.1 Has the 1980 Convention given rise to (a) any publicity (positive or negative) in your State, or (b) any debate or discussion in your national parliament or its equivalent?

No

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

A negative publicity was given to the Convention when on a few occasions taking parent had addressed the mass media in order to refuse the return of the child. Such cases usually arise when the taking parent fails either to understand or to comply with the aims of the Convention.

A negative publicity and mass media attention had also promoted a debate in the national parliament, contributing to the national regulation on enforcement procedures.

9.2 By what methods does your State disseminate information to the public about the 1980 Convention?

First of all, the information is available at the website of the Central Authority of Latvia. The text is available only in Latvian: <https://www.tm.gov.lv/lv/starptautiska-sadarbiba/bernu-prettiesiska-aizvesana>

Secondly, the information has been provided during training and education activities. It should be noted that in Latvia, each personal or worker (e.g. lawyers, judges, prosecutors, bailiffs, police officers, workers of Orphan's Courts), dealing with the children protection issues, shall have a certain certificate, proving it's knowledge of the children rights protection system and one the issues covers international child abduction.

The guidelines were also useful while proving explanations to parents and advising them to resolve the issue amicably prior the relocation with the child to another State.

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| PART IV: TRANSFRONTIER ACCESS / CONTACT AND INTERNATIONAL FAMILY RELOCATION |
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10. Transfrontier access / contact¹⁶

10.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding Central Authority practices, legislation, procedural rules or case law applicable in cases of transfrontier contact / access?

No

Yes, please explain:

There has a major development in Latvia regarding the procedural rules concerning the enforcement procedures in relation to access rights. Despite the fact that the regulation does not actually speaks about transfrontier situations, it does cover such issues, because if the Latvian Court would produce its decision providing the access arrangements of the child in Latvia and his left-behind parent, the relevant decision would be therefore be a subject of the same enforcement procedure.

The relevant amendments were made to the Civil Procedure Law, adding a chapter on enforcement procedures to ensure the access rights, namely, the chapter 74.5 "The Enforcement of Decisions in Cases Arising from the Access Rights".

The amendments entered into legal force on 3 December 2015.

The official and original text is available at: <https://likumi.lv/doc.php?id=50500>.

The English translation is not yet available.

10.2 Please indicate any important developments in your State, since the 2011 / 2012 Special Commission, in the interpretation of **Article 21** of the 1980 Convention.

On a few occasions the Central Authority of Latvia has encountered a situation when the Central Authority of the requested State at first had refused to accept the application of Latvian grandparent, requesting the access rights with the grandchild in the requested State. It was noted that under the national law of the requested State, only the parents and not the grandparents of the child may be granted a right of access by the courts, wherewith the abovementioned application does not meet the requirements of the Article 21 of the Convention.

¹⁶ See the [Conclusions and Recommendations](#) of the 2006 Special Commission (*supra*. note 5) at paras 1.7.1 to 1.7.3.

However, the Central Authority had drawn the attention of the Central Authority of the requested State that, according to the second part of the Article 1 of the Convention, the objects of the present Convention is to ensure that the rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

In the light of this, considering that according to the Latvian law, a child has the right to maintain personal relations and direct contact with grandparents if such conforms to the interests of the child, the Central Authority of Latvia has asked the Central Authority of the requested State to reconsider their position and proceed with the application.

The issue was resolved amicably. But the purpose of this example is to show that while interpreting Article 21, States shall consider that not only parents are eligible to request the access rights, but also grandparents, siblings and other persons with whom the child has strong emotional connection.

10.3 What problems have you experienced, if any, as regards co-operation with other States in respect of:

- a. the granting or maintaining of access rights;
Please insert text here
- b. the effective exercise of rights of access; and
Please insert text here
- c. the restriction or termination of access rights.
Please insert text here

Please provide case examples where possible.

The only problems concerning the international access rights are the length and difficulty of the process to obtain the legal aid for the Latvian left-behind parents to ensure their access rights with the child in requested State.

As well as the fact that sometimes it is impossible to locate the child in the requested State and there are no relevant mechanisms.

10.4 In what ways have you used the "General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children"¹⁷ to assist in transfrontier contact / access cases in your State? Can you suggest any further principles of good practice?

The relevant guidelines were and are used in the educating and training the relevant specialists, experts etc.

The guidelines were also useful while proving explanations to parents and advising them to resolve the issue amicably.

11. **International family relocation**¹⁸

11.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding the legislation, procedural rules or case law applicable to international family relocation? Where possible, please explain these developments in the legislation, procedural rules or case law:

According to Part 8 of Article 10 of Personal Identification Documents Law a personal identification document of a person who is under the age of 14 shall not be issued, if:

1) a submission of his or her legal representative has been received with a request not to issue a personal identification document - a month from the day of receipt of the submission;

¹⁷ Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

¹⁸ See the Conclusions and Recommendations of the 2006 Special Commission meeting at paras 1.7.4 to 1.7.5: "1.7.4 The Special Commission concludes that parents, before they move with their children from one country to another, should be encouraged not to take unilateral action by unlawfully removing a child but to make appropriate arrangements for access and contact preferably by agreement, particularly where one parent intends to remain behind after the move. 1.7.5 The Special Commission encourages all attempts to seek to resolve differences among the legal systems so as to arrive as far as possible at a common approach and common standards as regards relocation."

2) a document confirming that a request has been submitted to the court to take a decision, by which a prohibition to bring out the child from the state is imposed, has been received - until the day when a court decision to prohibit to bring out the child from the state or to refuse to impose such a prohibition enters into effect;

3) a court decision has been taken to prohibit the respective person to leave the state or leave the state until Court proceedings are terminated by the final adjudication in the case.

According to Part 1 of Article 244.10 of Civil Procedural Law upon request of a party, court may take decision prohibiting the removal of the child from the country.

Mentioned developments encourage indirectly not to take unilateral action by unlawfully removing a child.

Moreover, lot of information campaigns with aim to encourage parents to make appropriate arrangements has been made. People in Latvia are informed about risks of unlawfully removing a child, and it has contributed people interest on how to move with the child legally. Relevant information is available on Ministry of Justice official homepage as well.

PART V: NON-CONVENTION CASES AND NON-CONVENTION STATES

12. Non-Convention cases and non-Convention States

12.1 Are there any States that you would particularly like to see become a State 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 see answer of European Union.

At the moment all of Latvia's neighbor States and States, where the biggest Latvian diaspora resides, have signed or ratified the Convention. Up until March 2017 only Russian Federation was at issue as it is a neighbor country of Latvia, but at the moment Latvia has accepted the accession of Russian Federation.

There was only one case where the child was abducted by the father from Latvia to Malaysia, and the mother as a left-behind parent ran out of options even to contact the relevant authorities in Malaysia.

12.2 Are there any States which are not Parties to the 1980 Convention or not Members of the Hague Conference that you would like to see invited to the Special Commission meeting in 2017?

Please see the answer of the European Union.

*The "Malta Process"*¹⁹

12.2 In relation to the "Malta Process":

a. Do you have any comment to make on the "Principles for the Establishment of Mediation Structures in the context of the Malta Process" and the accompanying Explanatory Memorandum?²⁰

Please see the answer of the European Union.

b. Have any steps been taken towards the implementation of the Malta Principles in your State and the designation of a Central Contact Point, in order to better address cross-border family disputes over children involving States that are not a Party to the 1980 and 1996 Hague Conventions?

No

¹⁹ The "Malta Process" is a dialogue between certain States 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 Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

²⁰ The Principles and Explanatory Memorandum were circulated to all Hague Conference Member States and all States participating in the Malta Process in November 2010. They are available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

- Yes, please explain:
Please see the answer from the European Union.

- c. What is your view as to the future of the "Malta Process"?
Please see the answer of the European Union.

**PART VI: TRAINING AND EDUCATION AND
THE TOOLS, SERVICES AND SUPPORT PROVIDED
BY THE PERMANENT BUREAU**

13. Training and education

13.1 Can you give 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?

Considering that since 2015 Latvia has concentrated jurisdiction concerning the Convention cases, the Central Authority organizes seminar for the specialized Court once per year to inform of the relevant developments regarding procedural rules, case law etc.

As it was already noted in Latvia, each personal or worker (e.g. lawyers, judges, prosecutors, bailiffs, police officers, workers of Orphan's Courts), dealing with the children protection issues, shall have a certain certificate, proving their knowledge of the children rights protection system and one the issues covers international children protection, including international child abduction etc.

The training and conferences overall promotes better understanding of the aims of the Convention, the case law and, therefore, fulfilling the international obligations of Latvia in the best possible manner.

14. The tools, services and support provided by the Permanent Bureau

In general

14.1 Please comment or state your reflections on the specific tools, services and support provided by the Permanent Bureau to assist with the practical operation of the 1980 and 1996 Conventions, including:

- a. The Country Profile available under the Child Abduction Section.
The Central Authority of Latvia finds it quite useful because it provides specific information about certain countries, helps to understand the overall system.
- b. INCADAT (the international child abduction database, available at < www.incadat.com >).
Seems useful.
- c. *The Judges' Newsletter* on International Child Protection - the publication of the Hague Conference on Private International Law which is available online for free;²¹
Seems useful.
- d. The specialised "Child Abduction Section" of the Hague Conference website (< www.hcch.net >);
The Central Authority of Latvia finds it very useful because all necessary reservations, contact information, communication issues, website references etc. are provided in very clear manner. All assisting materials such as explanatory reports etc. are collected at one place and it very easy to access the same.

²¹ Available on the Hague Conference website at < www.hcch.net > 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.

- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);²²
[Seems useful.](#)
- f. Providing technical assistance and training to States Parties regarding the practical operation of the 1980 and 1996 Conventions.²³ Such technical assistance and training may involve persons visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;
[Very practically useful.](#)
- g. Encouraging wider ratification of, or accession to, the Convention(s), including educating those unfamiliar with the Convention(s);²⁴
[The Central Authority of Latvia fully supports such a position.](#)
- h. Supporting communications between Central Authorities, including maintaining their contact details updated on the HCCH website;
[The Central Authority of Latvia appreciates such assistance and position.](#)
- i. 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
[The Central Authority of Latvia fully supports and appreciates such assistance and position.](#)

Other

14.2 What other measures or mechanisms would you recommend:

- a. To improve the monitoring of the operation of the Conventions;
[Keep up with a good work and excellent assistance.](#)
- 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](#)

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| PART VII: PRIORITIES AND RECOMMENDATIONS FOR THE SPECIAL COMMISSION AND ANY OTHER MATTERS |
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15. Views on priorities and recommendations for the Special Commission

15.1 Which matters does your State think ought to be accorded particular priority on the agenda for the Special Commission? Please provide a brief explanation supporting your response.

[The Central Authority of Latvia would appreciate information on a new developments, possible future amendments etc. concerning international child abduction.](#)

15.2 States are invited to make proposals concerning any particular recommendations they think ought to be made by the Special Commission.

[No comments](#)

16. Any other matters

²² Further information is available via the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "INCASTAT".

²³ Such technical assistance may be provided to judges, Central Authority personnel and / or other professionals involved with the practical operation of the Convention(s).

²⁴ Which again may involve State delegates and others visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences.

16.1 States are invited to comment on any other matters which they may wish to raise concerning the practical operation of the 1980 Convention.

[No comments](#)